



Northern Ireland  
Assembly

**OFFICIAL REPORT**  
(Hansard)  
and  
**JOURNAL OF  
PROCEEDINGS**

**Volume 123**

(20 December 2016 to 27 January 2017)



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# Assembly Members

Agnew, Steven (North Down)  
Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Archibald, Ms Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Attwood, Alex (West Belfast)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Mrs Sinead (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flynn, Ms Orlaithí (West Belfast)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Ms Michelle (Fermanagh and South Tyrone)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
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Hanna, Ms Claire (South Belfast)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
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Kearney, Declan (South Antrim)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Little Pengelly, Mrs Emma (South Belfast)  
Lockhart, Ms Carla (Upper Bann)  
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Lunn, Trevor (Lagan Valley)  
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Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Eamonn (Foyle)  
McCann, Fra (West Belfast)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McCrossan, Daniel (West Tyrone)  
McElduff, Barry (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Mr Philip (North Antrim)  
McGuinness, Martin (Foyle)  
McIlveen, Miss Michelle (Strangford)  
McKee, Harold (South Down)  
McMullan, Oliver (East Antrim)  
McNulty, Justin (Newry & Armagh)  
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McQuillan, Adrian (East Londonderry)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (West Belfast)  
Middleton, Gary (Foyle)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Mullan, Gerry (East Londonderry)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (Speaker)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó Muilleoir, Máirtín (South Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Palmer, Mrs Jenny (Lagan Valley)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (South Down)  
Seeley, Ms Catherine (Upper Bann)  
Sheehan, Pat (West Belfast)  
Smith, Philip (Strangford)  
Stalford, Christopher (South Belfast)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)

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.....	Mr Patsy McGlone MLA
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Editor of Debates.....	Mr Simon Burrowes
Examiner of Statutory Rules.....	Ms Angela Kelly



# Ministerial Offices

## The Executive Committee

First Minister .....	Mrs Arlene Foster ( <i>until 9 January 2017</i> )
Deputy First Minister.....	Mr Martin McGuinness ( <i>until 9 January 2017</i> )
Minister for Communities.....	Mr Paul Givan
Minister for Infrastructure.....	Mr Chris Hazzard
Minister for the Economy.....	Mr Simon Hamilton
Minister of Agriculture, Environment and Rural Affairs .....	Miss Michelle McIlveen
Minister of Education .....	Mr Peter Weir
Minister of Finance .....	Mr Máirtín Ó Muilleoir
Minister of Health.....	Mrs Michelle O’Neill
Minister of Justice.....	Ms Claire Sugden

## Junior Ministers

The Executive Office .....	Ms Megan Fearon Mr Alastair Ross
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# Official Report (Hansard)



# Assembly Sitings



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# Northern Ireland Assembly

Monday 16 January 2017

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

*Members observed two minutes' silence.*

## Assembly Business

### Standing Order 20(1): Suspension

**Mr Agnew:** I beg to move

*That Standing Order 20(1) be suspended for 16 January 2017.*

**Mr Speaker:** Before we proceed to the Question, I must remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Order 20(1) be suspended for 16 January 2017.*

**Mr Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

**Ms Bradshaw:** On a point of order, Mr Speaker. Given the suspension of Standing Order 20(1), can you confirm whether the Finance and Health Ministers will attend Question Time today?

**Mr Speaker:** I have received no correspondence and therefore have no role in that matter.

### Appointment of a First Minister and deputy First Minister

**Mr Speaker:** The deputy First Minister's resignation took effect at 5.00 pm on Monday 9 January 2017. The First Minister also ceased to hold office at that time. If the vacancies are not filled by 5.00 pm today, in accordance with section 16B(8) of the Act, no person can take up office as First Minister or deputy First Minister and the Secretary of State must propose a date for the poll for the election of the next Assembly in accordance with section 32(3)(b) of the Act.

I will conduct the process of filling the offices in accordance with the procedures set out in section 16B(4) to (7) of the Northern Ireland Act 1998 and Standing Order 44(1). That means that the person nominated must affirm the terms of the Pledge of Office and take up the office within 15 minutes of the nomination unless the Assembly approves an extension.

I will begin by asking the nominating officer of the largest political party of the largest political designation to nominate a Member of the Assembly to be the First Minister. I will then ask the nominating officer of the largest political party of the second largest political designation to nominate a Member of the Assembly to be the deputy First Minister.

As the persons nominated to fill the vacancies shall not take up office until each of them has affirmed the terms of the Pledge of Office contained in schedule 4 to the Northern Ireland Act 1998, I will ask each of the persons nominated whether they accept the nomination and to affirm the terms of the Pledge of Office.

Before we proceed, Members may find it helpful if the Pledge of Office is read into the record:

*"To pledge:*

*(a) to discharge in good faith all the duties of office;*

*(b) commitment to non-violence and exclusively peaceful and democratic means;*

*(c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;*

*(ca) to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future;*

*(cb) to participate fully in the Executive Committee, the North-South Ministerial Council and the British-Irish Council;*

*(cc) to observe the joint nature of the offices of First Minister and deputy First Minister;*

*(cd) to uphold the rule of law based as it is on the fundamental principles of fairness, impartiality and democratic accountability, including support for policing and the courts as set out in paragraph 6 of the St Andrews Agreement;*

*(ce) to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;*

*(cf) to work collectively with the other members of the Executive Committee to achieve a society free of paramilitarism;*

*(cg) to challenge all paramilitary activity and associated criminality;*

*(ch) to call for, and to work together with the other members of the Executive Committee to achieve, the disbandment of all paramilitary organisations and their structures;*

*(ci) to challenge paramilitary attempts to control communities;*

*(cj) to support those who are determined to make the transition away from paramilitarism;*

*(ck) to accept no authority, direction or control on my political activities other than my democratic mandate alongside my own personal and party judgment;*

*(d) to participate with colleagues in the preparation of a programme for government;*

*(e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;*

*(f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;*

*(g) to comply with the Ministerial Code of Conduct.*

Paragraph 6 of the St Andrews Agreement says:

*"We believe that the essential elements of support for law and order include endorsing fully the Police Service of Northern Ireland and the criminal justice system, actively encouraging everyone in the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board."*

The Pledge of Office has been read into the record of proceedings and I will proceed with the nomination process.

In accordance with section 16C(1) of the Act, I have received notification from the nominating officer of the Democratic Unionist Party, advising me that Lord Morrow will serve as nominating officer for the party today. I call Lord Morrow to nominate a Member of the Assembly to be the First Minister.

**Lord Morrow:** Following the May election, which was just eight months ago, I had the honour and pleasure of nominating the DUP party leader, Arlene Foster. Everyone in this House will be acutely aware that the people spoke very clearly at that election in May. They said that they wanted Arlene Foster to be the leader, and in particular the leader of unionism. That was demonstrated very, very clearly. Not only was she elected, she was elected with the highest personal vote of any Member. That was not the decision of this House; it was the decision of the people of Fermanagh and South Tyrone. However, ever from that day, it seems that there has been an array of attempts to take Arlene Foster down, and they have not always come from nationalists and republicans.

Ulster Unionists have indulged in that also, and today they should be ashamed of themselves.

I am nominating Arlene Foster to be the First Minister. It is her rightful position, not alone because the DUP says it but because 202,000 people in the country say it. We as the Democratic Unionist Party will decide who the leader of our party is, not someone else sitting in the Chamber. We do not dictate to others who should be their leader, and no one is going to dictate to us today who will be the leader of our party, who it transpires is the leader of unionism in Northern Ireland. Mr Speaker, I very readily and with some degree of pleasure nominate Arlene Foster to be the First Minister.

**Some Members:** Hear, hear.

**Mr Speaker:** Mrs Foster, are you willing to take up the office of First Minister and to affirm the Pledge of Office?

**Mrs Foster:** I am.

**Mr Speaker:** In accordance with section 16C(1) of the Act, I have received a letter from the nominating officer of Sinn Féin advising me that Mrs Michelle O'Neill will serve as nominating officer for the party for this business. I call Mrs Michelle O'Neill to nominate a Member of the Assembly to be the deputy First Minister.

**Mrs O'Neill:** I start by paying tribute to my friend Martin McGuinness. For over 10 years as deputy First Minister, Martin McGuinness has worked tirelessly to make these institutions work and to make sure that they deliver for all our people: unionist, nationalist and everyone else in our society. He took a leadership role to promote equality, respect and reconciliation. His record, his commitment and the limitless energy that he brought to this process is beyond question. During that time, he has faced threats, a lack of respect and a failure by the DUP to reciprocate his Trojan efforts. He persevered because it was the right thing to do. The DUP has again treated these institutions and sections of the community with contempt and with arrogance. It has displayed disrespect towards women, the LGBT community, ethnic minorities, the Irish language and Irish identity. That has diminished the credibility of these institutions.

The renewable heat incentive (RHI) scandal was created by the former First Minister when she was in the Economy Department. Her refusal to step aside shows a total disregard for the concerns and outrage of the public. Martin McGuinness resigned as deputy First Minister because that was the right thing to do. We will not tolerate the arrogance of and disrespect from the DUP. Sinn Féin and the public will not tolerate financial scandal, incompetence or waste of public money. The institutions can function only with the support of the people and can



operate only on the basis of equality and respect. Sinn Féin will only be part of institutions that work and deliver for all in our community. There can be no return to the status quo. If something is broken, you stop and fix it. That is the Sinn Féin approach.

Today, Sinn Féin will not renominate for the position of deputy First Minister. Sinn Féin has honoured all agreements. We have striven to make these institutions work. Martin McGuinness has acted at all times with integrity, with dignity and with respect. He has taken personal and political risks to build a process of reconciliation. If we are to return to this Chamber, there must be real, meaningful change. There must be respect and equality for all sections of our society. The institutions must operate to the highest standard, with no place for arrogance or malpractice. It is now over to the people to have their say.

**Some Members:** Hear, hear.

**Mr Speaker:** The Northern Ireland Act requires that nominations be made by the nominating officers of both the largest political party from the largest political designation and the largest political party from the second largest designation and that the persons nominated shall not take up office until each of them has affirmed the terms of the Pledge of Office. Those requirements have not been satisfied today, and the offices of the First Minister and the deputy First Minister must remain vacant. Let us move on.

12.15 pm

## Executive Committee Business

### Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

**Mr Givan (The Minister for Communities):** I beg to move.

*That the draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 be approved.*

These draft regulations are needed to provide my Department with the powers to make payments to ensure that 34,000 households do not suffer financially when the social sector size criteria, otherwise known as the bedroom tax, is applied in Northern Ireland on 20 February. While it has not been possible to bring the draft regulations to either the Executive or the Committee for Communities in advance of bringing them to the Assembly today, it has been suggested by some MLAs that my Department already has the powers, under the Budget Act or section 59 of the Northern Ireland Act 1998, and there is no need for me to come to the Assembly to seek approval of the draft regulations.

Members of the House are well aware of the complexity of social security legislation. Indeed, in the past number of months, the House has voted on four separate sets of regulations to give my Department the necessary powers to protect those people who have been impacted by the changes to the welfare system. This reflects the long-established approach to social welfare, which is based on a solid foundation whereby legislation and regulations specify the terms and conditions on which social welfare payments are made and administered.

It strikes me as extraordinary that some MLAs are suggesting that we should try to operate a social security system and make mitigation payments on the basis of the general powers provided for under the Budget Act or section 59 of the Northern Ireland Act, rather than the legislative powers set down in the Welfare Reform (Northern Ireland) Order 2015, which was agreed by the Executive. Indeed, in recent days, my permanent secretary has provided me with detailed legal advice from the Attorney General, which clearly states that neither the Budget Act nor section 59 provide any legal basis for the type of scheme set out in the draft regulations. This advice clearly states that these only provide the Department with the power to spend money; they do not provide the legal framework for the application of that money. Members can see from the draft set of regulations that the general provisions in the Budget Act would not give my Department the powers necessary to make decisions in the different scenarios set out in the regulations.

That nails everything that the Finance Minister has been doing. Whilst he is engaged in a Twitter battle, the public can see who the twit is as he has gone along, making it up on social media, in respect of how this is being issued.

**Mr McElduff:** On a point of order, Mr Speaker. I ask the Speaker to rule on the use of inappropriate language like "twit", which the Member has just said. I ask him to rule on temperate language.

**Mr Speaker:** I ask that all Members moderate their language and that we show respect around the Chamber on any matter as we go through today.

**Mr Givan:** We all know too well what Sinn Féin's agenda is when it comes to respect. Equality: the Trojan Horse to break the unionists. They know what Gerry Adams said thereafter about the unionist population. Mr Speaker, we will not be lectured about respect by the Members opposite, and we will continue to maintain our positions that are principled and based on sound values. We will not allow the twisting of what equality really is all about. Unionists know exactly what Sinn Féin's agenda is when it comes to equality.

The regulations that I am bringing to the Assembly today are being brought in under article 137A of the Welfare Reform (Northern Ireland) Order 2015 and will make provision for welfare supplementary payment to ensure that claimants are not financially disadvantaged by the changes to housing benefit introduced under article 75 of the Order.

The social sector size criteria will change how housing benefit is calculated for working-age claimants who have a tenancy in a Housing Executive or housing association property. Pensioners will not be affected by this change. The change to housing benefit will bring restrictions to entitlement to housing benefit where a claimant is under-occupying a property. Accordingly, those claimants who occupy a property that is larger than their household size warrants will see a reduction in their housing benefit payment.

Data provided by the Northern Ireland Housing Executive suggests that, as at May 2015, these changes could affect up to 33,916 households in receipt of housing benefit. The regulations will give my Department the powers to make welfare supplementary payments to current and future housing benefit claimants who qualify for a payment over the life of the Fresh Start Agreement until March 2020. The Executive will review the operation of the mitigation scheme in 2018-19.

The Department will identify housing benefit claimants who are eligible for mitigation, and claimants will automatically receive their welfare supplementary payment. Claimants will not have to apply for a welfare supplementary payment. The welfare supplementary payment will be calculated to ensure the claimant does not incur any financial disadvantage as a result of the application of the size criteria to their housing benefit entitlement.

Welfare supplementary payments will cease where the claimant is no longer entitled to housing benefit or where the social sector size criteria no longer applies to them. If the claimant undergoes a change of circumstances that alters the application of the SSSC to their housing benefit entitlement, their welfare supplementary payment will increase or decrease to reflect the change. Welfare supplementary payments will also increase in accordance with rent increases in the social rented sector, and claimants will receive their welfare supplementary payment every four weeks in arrears throughout the mitigation period until March 2020.

If a claimant is receiving a welfare supplementary payment and they transfer to another property in the social rented sector in which they under-occupy at a lower level, they will continue to receive a welfare supplementary payment at that reduced level. If a claimant is receiving welfare

supplementary payment and they transfer to another property in the social rented sector where they continue to under-occupy to the same or a greater extent than in their previous property, they will no longer receive a welfare supplementary payment.

Claimants will retain their mitigation payment if they transfer to another property in the social rented sector under one of the management transfer scheme categories. This scheme makes a claimant a priority to be moved and includes claimants who need to move because of domestic violence or who need to move to an adapted home due to disability or long-term illness.

In the majority of situations, the supplementary payment will be made directly to the landlord. In situations where the claimant normally receives their housing benefit directly, they will also receive their welfare supplementary payment directly.

I can also confirm that these welfare supplementary payments will be disregarded when considering a person's entitlement to social security benefits or working tax credits and that they will not be taxable.

I appreciate that some Members may have concerns that the regulations provide for welfare supplementary payments to be stopped in cases where an individual decides to leave their current tenancy and move to a new house where they under-occupy at the same level or an increased level. As Minister with responsibility for housing as well as social welfare, I have to balance my responsibilities to manage the social housing stock whilst protecting individuals impacted upon by the new arrangements for housing benefit when they are making decisions on whether to move house. It is important that Members are aware that these provisions do not apply to tenants who have to move house because of domestic violence, intimidation or a range of other circumstances set out in the managed transfer list.

However, I am conscious of concerns of Members, and, in response to those concerns, I am, today, committing to publish, on a six-monthly basis, the number of households that may have their mitigations stopped as a consequence of provisions in regulation 2. If these numbers are considered to be excessive, I am also committing to go back to the Executive for them to consider a review of the regulations, if required. I hope that that commitment will allay Members' concerns and enable them to support the regulations to ensure that 34,000 householders will receive the financial support that they will require come February.

Let me be clear: whilst all of the debate has been going on because of the actions that Sinn Féin has taken, I have been very clear that the most vulnerable should not be used during this election campaign. That is why I have engaged, since the actions of Sinn Féin, to seek a resolution through the extraordinary measures that I am having to take today in the absence of an Executive.

Irrespective of the political campaign that will now take place during this election, we must not allow the most vulnerable in our society to pay the price because of the actions of Sinn Féin. It was not just Sinn Féin that wanted the election; People Before Profit said, "Let's have a riot at the ballot box". The consequences of that approach put 34,000 people at risk to the bedroom tax because 20 February is when the bedroom tax comes in in Northern Ireland. That date is in primary legislation;

it cannot be changed, but we have the ability through a mitigation process, which we in this party wanted, to protect people from the bedroom tax. Today, by voting for these regulations, not one person will be faced with the bedroom tax. That is the responsible thing for MLAs to do, given the crisis that these institutions now find themselves in on this the last day of sittings of this Assembly. I trust that there will be a return to these institutions after the negotiations that clearly will now need to take place because of the actions of Sinn Féin. At that point, MLAs will be able to revisit it.

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

**Mr Givan:** I will not give way. Let me be clear: we are taking this action today in these unprecedented circumstances in order to protect the most vulnerable. Sinn Féin, shamefully, wanted to use the most vulnerable as part of this process. Whilst I deal with the bedroom tax, there will be people, unfortunately, on waiting lists needing surgery and people in the voluntary and community sector for whom there will be consequences because of there not being a Budget because of the Finance Minister's failure —

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

**Mr Givan:** I have taken this action on the bedroom tax, but let us make no mistake about it —

**Mr Speaker:** Minister —

**Mr Givan:** — their actions mean that people will suffer.

**Mr Speaker:** Minister, I have received a point of order from Mr Andy Allen.

**Mr Allen:** I ask that the Minister comes back to the regulations before us and not proceed with party politicking in referring to other matters that have no direct relation to these regulations.

**Mr Speaker:** That is not a point of order, Mr Allen. Apologies to the Minister, but just before he continues, he referred to this being the last day of the Assembly. This is not the last day of the Assembly: business is scheduled for tomorrow.

**Mr Givan:** OK. I am sure that that detail will be well received. This is where we are today: we dealt with the bedroom tax as part of the mitigation measures brought forward by this Executive, which was a demonstration of how the Executive worked in achieving key issues for the people whom we represent. For two and a half years, Sinn Féin refused in respect of welfare reform. In two and a half years, Sinn Féin cost the public purse £174 million in penalties from the Treasury — money that was lost in public services in two and a half years. What did we do when those issues were raised? We worked through them, despite the reckless activities of Sinn Féin that cost £174 million. We worked through those difficulties. We came forward with a mitigation package, within which was the bedroom tax, of half a billion pounds to protect the most vulnerable. Is it not ironic that Sinn Féin brings —

**Mrs Long:** On a point of order, Mr Speaker.

**Mr Givan:** — the institutions down over the bedroom tax, which I am now seeking to deal with?

**Mrs Long:** I realise that the Minister mentioned that there is an election campaign, but he is speaking here as a Minister and not as a candidate. Would it be possible for him to return to the detail of the legislation rather than simply attacking his opponents?

**Mr Speaker:** I understand the point that the Member is making, but it is not a point of order.

**Mrs Long:** It is. It is straying from the —

**Mr Givan:** All the points that I make — every single point — relate entirely to the regulations on the bedroom tax. I understand why others do not now want the truth to be told because they are worried about the election. We will go out and fight the election and put our cause to the people.

Let me conclude, Mr Speaker. I am taking these actions, despite the politicking of Sinn Féin, to protect the most vulnerable. I appeal to Members: this is the only way that we can stop the bedroom tax being introduced, because of the reckless activity of Sinn Féin, to protect those 34,000 people. Let us move on to the political campaign, which has now clearly started. We will fight those issues on the doorsteps. The most vulnerable should not be used by Sinn Féin as part of its party political agenda.

**12.30 pm**

**Mr Allen:** Like many people, I watched with mixed emotions the events that brought us to the scenario in which a regulation has to be brought before the Assembly without having gone through the proper mechanisms: being brought before the Executive and scrutinised by the Committee. I realise that the Finance Minister and Minister for Communities would rather resort to party politicking and using some of the most vulnerable as an opportunity for one-upmanship. Whilst they were going on social media — Twitter — and 'The View', trying to get one up on each other, I was liaising and dealing with constituents who had major concerns and fears that they would have to choose between heating their home, feeding themselves or paying the bedroom tax.

It is also important to point out and contextualise why we need the bedroom tax. It is because successive DUP Ministers did not — I repeat, did not — build enough social housing to be able to meet the needs of those who wished to downsize. I deal daily with constituents who have attempted to downsize. The housing selection scheme makes no provision for them to do so. Yes, they will perhaps receive underoccupancy points, but they will not receive enough points to compete with waiting lists continually spiralling out of control. It is important to point out that, whilst the DUP tries continually to say that it is protecting the most vulnerable, it has done nothing: it has not built enough social housing over the years. That is fact — it is clear fact. The Minister came to the House and said that he would build 9,600 houses. We hope to see that.

The Ulster Unionist Party firmly supports the regulations because it believes that the most vulnerable should be protected. Whilst the Minister was, again, politicking on social media, we were liaising through other channels. We did not have to go out and politic: we were liaising with Westminster and the Housing Executive to ensure that the most vulnerable would not be impacted by the bedroom tax. We did not go out and politic —

**Mr Maskey:** I thank the Member for giving way. He is very eloquently talking about the need for a bedroom tax. Can he explain, then, why his party voted against the mitigation package, which included the bedroom tax subsidies?

**Mr Allen:** I thank the Member for his intervention. It is important to remember that we are in the here and now.

I am clearly stating that we support the regulations that are before us. We support the mitigation for the most vulnerable. No one needs to explain to me the impact that this will have because, as I outlined, I have liaised and dealt with many constituents who highlighted their concerns and fears. Whilst the rest of us have no fear of going to the electorate and putting ourselves forward, the DUP and Sinn Féin will, no doubt, continue politicking about some of the most vulnerable, and this is when Sinn Féin members cannot even make themselves available for a Committee meeting to scrutinise welfare reform and hear from individuals about the potential closure of jobs and benefits offices. We support the regulations.

**Ms Ní Chuilín:** It is quite obvious that a lot of defence tactics are going on, particularly from the Minister and his party. He is right — I will agree with him on this — that had Sinn Féin not stood firm to ensure that the most vulnerable were protected and protected properly, irrespective of legislation coming from Westminster, we would all, collectively, have been in a much different position. We stood by our convictions and, to the best of our ability, got a deal to protect the most vulnerable. In relation to fines, not one penny came out of the pockets of the claimants whom we all talk about. Yes, money came out of the block grant, but let us be clear about why: while people, when looking over one shoulder, were waxing lyrical about the need to ensure that the block grant was protected, they failed to look over their other shoulder. Then —

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

**Ms Ní Chuilín:** I will.

**Mr Hussey:** I accept what the Member is saying, and she is waxing lyrical herself. Perhaps she can explain why elected Sinn Féin Members of Parliament elected did not go to Westminster to fight the legislation there?

**Ms Ní Chuilín:** Our position on abstentionism from Westminster has always been out. When the elections are on, we have always put our case to the public, and on the basis of an abstentionist approach, the public have returned us. If you are questioning the public's ability to make a rational decision on a vote, you do that. At a time when you were making silly points, with respect, your party was hitching itself to the Tories to implement cuts here and right across, irrespective, with no mitigation packages and no protections — absolutely nothing. I am accepting what the Member is saying with a very, very small pinch of salt.

On protecting people, I am glad to see a review built into this legislation — these regulations that are coming forward — particularly on the change of circumstances. Without a review, it would have been perhaps ridiculous, because you would see the potential for people who were downsizing property and actually saving the public purse money to be penalised down the road. So that makes a lot of sense.

I am also happy that there will be processes, perhaps through social landlords, to ensure issues for other circumstances. The Minister outlined management transfers and all the issues relating to that. There are also people who fall between some of those categories through no fault of their own, and that needs to be taken into consideration.

I am quite proud — I will take no lectures from Paul Givan or any member of his party — of our stance on our protections for welfare reform.

**Mr F McCann:** Will the Member give way?

**Ms Ní Chuilín:** I will surely.

**Mr F McCann:** It was not that long ago, when the second element of welfare reform was coming in front of the House, that a DUP Minister at a meeting in Belfast stood up and said that he could not expect us to be treated any differently from the people in Manchester, London or Liverpool. He was talking about that in relation to the mitigation measures and the bedroom tax.

**Ms Ní Chuilín:** For me, that says it all, and that is why we wanted to ensure that we stood firm to make sure that these mitigation packages happened. We will not be taking any lectures on that. We will not be treating people with disrespect. We will not be treating them with arrogance either, and we want to make sure that all these regulations and any that come after, and particularly their implementation, are open and transparent. The thing is that people all have fears, and some of the straplines out there are saying that people who were on benefits are going to be impacted, but these regulations will now ensure that all the scaremongering out there will cease.

**Mrs Long:** Will the Member give way?

**Ms Ní Chuilín:** I will surely

**Mrs Long:** The Member just said that these regulations will ensure that people are protected. Is she conceding that what we were told via the media by her colleague Máirtín Ó Muilleoir that they were protected simply by dint of existing legislation is not correct?

**Ms Ní Chuilín:** No. To be honest Naomi, you are making a political point.

**Mrs Long:** It is a political Chamber.

**Ms Ní Chuilín:** OK, it is a political Chamber, and you are a politician and so am I, but the regulations are here, and unless we insisted — we insisted — that due diligence and the exercising of responsibilities for ministerial duties happened, we would not even be sitting here and we would have found a way to ensure people are not penalised. It is really easy for everybody to get on and dance to someone else's tune. I think we are all genuine about making sure that people who are in difficult circumstances financially are not further disadvantaged. I think that is where the Member is coming from.

**Mrs Long:** Will the Member give way?

**Ms Ní Chuilín:** Certainly.

**Mrs Long:** There is absolutely no question that that is where everyone in the Chamber is coming from, but this is a serious point. The Minister of Finance said there was no need for these regulations to be brought and that the flow of money would continue. That is an assurance that applies not only to these regulations but to a whole host of other moneys he has provided the same assurance about. Was he right or was he wrong?

**Ms Ní Chuilín:** No. He was not wrong, Naomi. The money is there at our insistence, with our due diligence in the Executive making sure it is there and with people at their desk doing their job. I am not getting into a whole back and forward, as much as we could do that all day. I am accepting that the Member is coming from a position where she wanted to ensure that the people who were listening to scaremongering on the radio were protected, and I believe they are today. I believe they are, with the



insistence of our party and the support of other people who eventually came to our position, so on that basis, I am happy to support these regulations.

**Ms Mallon:** We are here to debate regulations for which, in all honesty, there is lack of the detail and time that is deserved, given the importance of the issue. This has been handled shambolically. Listening to the tone of debate, it was clear that, very sadly, the Minister has opted to use his contribution more as a pre-election pitch than to deal with the issues in front of us. That I find deeply disappointing.

Let us be clear: we would not be in this position if, as the SDLP had argued, mitigation of the bedroom tax was not put into legislation. We feared that this mishandling might happen and that it might fall victim to party politicking, either in the Chamber or across the water. That is why we signed a petition of concern. We had hoped, and we were told at the time, that others were going to put forward a petition of concern for exactly the same reasons. That verbal commitment was never followed up by substantial action, and so we find ourselves in this position.

Fresh Start was heralded with much fanfare. In fact, the mitigation of the bedroom tax was specifically singled out as a shining example of how the Executive were delivering for some of our most vulnerable citizens. I have to say that I have listened to statements and watched incidences unfold over several weeks and months. The political brinkmanship that has been played with our most vulnerable over the mitigation of the bedroom tax is something that I find profoundly obscene, and I do not use that term lightly.

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

**Ms Mallon:** In a minute, Christopher. The Minister publicly stated that there was very little, to nothing, that he could do to bring forward the mitigation measures to protect our most vulnerable from the bedroom tax. He said that without knowing, categorically, that that was the truth. Why, in my humble opinion, do I believe he did that? It was because he wanted to put pressure on his partners in government to prevent them from calling an election. What his comments did was to terrify 34,000 vulnerable citizens in my constituency and in that of each and every Member across this Chamber. People could not sleep at night —

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

**Ms Mallon:** In a minute, Alex. People could not sleep at night because they were being told that they were facing the prospect of being slapped with the bedroom tax. That is what the Minister for Communities — the Minister responsible for protecting our most vulnerable — did. I give way to Mr Stalford and then to Mr Maskey.

**Mr Stalford:** I am grateful to the Member for giving way. The Member is absolutely right that, at the core of this issue, are 34,000 people who potentially face having the bedroom tax imposed upon them. Would she agree that, in that context, it was right that the Minister sought advice from the Attorney General, whilst the Sinn Féin Minister at the heart of this issue simply published a note that he received from his permanent secretary? In fact, it was the Minister for Communities who sought the definitive legal position before making it public.

**Ms Mallon:** Mr Stalford, what I believe should have happened is that, acting responsibly as Ministers, they should have sought legal advice; they should have come

to a considered and guaranteed position before they went to the airwaves to terrify the most vulnerable across our society. I find it deeply disappointing that both Ministers engaged in a battle over the airwaves when they should, despite the party politicking and electioneering that is going on, have stepped aside and, in private, had the conversations that were required of two Ministers to bring certainty to the people who needed it most.

**Mr Maskey:** Thank you, Ms Mallon, for giving way. Could the Member not reflect on, and perhaps explain to, the 30,000-odd people who, you rightly say, would be very worried at the prospect of having to pay the bedroom tax, how on earth she can say that when, at the same time, had her party had its way last year, the bedroom tax would not be mitigated? Your party voted against a £500 million mitigation package. Your party, and your party, Mr Nesbitt, voted against that £500 million package. So, square that one.

12.45 pm

**Ms Mallon:** I will square it clearly and succinctly: if it had not been put in the legislation, it would not have been happening.

Anyway, I will draw my remarks to a conclusion. Some things are too important to play party politics with. The lives of the vulnerable are one of those things, and, sadly, people have played politics, particularly in the past number of weeks. The 34,000 people who have been treated like this will be listening to the tone of this debate: is it any wonder that people do not have faith in politics here?

**Mr Eastwood:** I thank the Member for giving way. Does she agree that we are in a situation in which we are heading into an election, we do not know what will happen at the far end of that election and there is a real possibility that the powers could be back, as they rest with the Tory Government in London? We will have these regulations in primary legislation. As the Minister says, it is now in primary legislation for the bedroom tax, and that cannot be changed. Those are the Minister's words. Are people not concerned that, if we go into a situation of collapse and suspension, the Tory Government will bring in the bedroom tax or some other draconian form of legislation in Northern Ireland and it will not matter what we have done around mitigation, because it will be too late at that point?

**Ms Mallon:** I thank the Member for his intervention. Sadly, that is the very real case, but I look forward to hearing Members from other political parties provide the answer to Mr Eastwood's question.

**Mrs Long:** Before I make my remarks on the regulations before us, I want to make it clear that the only interest in our mind in coming to the issue is to ensure that, for those who are uncertain and are concerned by what they have seen in the media over the past number of days, with two Ministers who are in the same Government disputing each other's position on this and raising concerns in the minds of vulnerable people about their future, that is put to bed and they can go forward with some degree of certainty and reassurance. We see people in our constituency offices who are struggling to make ends meet. They come to us genuinely afraid for their future, because they know that they would not find suitable accommodation to live in, were the bedroom tax to be introduced, and, more than that, would not be able to pay the bills in the interim, were they not covered by the mitigation measures in legislation here. When you

see those people come to your office with those concerns, it is absolutely beyond me how you can continue to bluster around the issue, as though it is an issue only of party politics between two competing forces in here. It is scandalous.

I am still concerned, because we have not had an opportunity to scrutinise properly the regulations before us. The Committee has not had an opportunity to hear the Minister in detail, to hear the legal advice that he has received and to scrutinise that advice in a robust and proper way. That is due in part to the collapse of the institutions, but the Minister has been rather tardy in bringing the regulations forward. The deadline, regardless of the collapse of the institutions, is 20 February. We knew that this needed to be done from when we were elected last May. There was every opportunity for due process and scrutiny to take place, but it seems that everything in this place has to be subject to last-minute rush and back-of-the-envelope calculations. Perhaps we would not be where we are today if that culture were to end. It seems that the Minister has been too busy treating his Department as his personal fiefdom and running round finding lost cash down the back of magic sofas over recent days to be able to direct his attention to the business of his Department. There is a serious disconnect between the concerns that his Department has responsibility for and the interest that he has shown over the past eight months in those responsibilities. I think that the public will see that clearly in how late we are in coming to such a serious issue.

I am also concerned by what Carál Ní Chuilín said here today. It raises serious issues about what weight we can give to what the Finance Minister has said on the air waves and in personal reassurances to those of us who raised concerns about access to funding during this period.

It is our understanding that there is the power in the current regulations for civil servants to deal with an emergency Budget that is 75% of what it was last year. You can imagine the impact that that could have. What is not clear is whether accruing resources are subject to the same access. Those accruing resources cover issues like pensions, which are a matter for —

**Mr Speaker:** Can I ask the Member to come back to the regulations?

**Mrs Long:** Well, Mr Speaker, you would have more authority in doing so had you done the same with your party colleague Paul Givan when I pointed that he had wandered somewhat further from the matter under discussion than I have on this occasion.

I will point out, Mr Speaker, that my concern is about protecting the same vulnerable people whom we are here to protect — those in receipt of benefits and those who need those accruing resources in order to survive, many of whom will be on pensions and may find themselves in difficulties if it is not resolved. We have a situation now where there is no clarity on that issue and no trust and confidence, frankly, in the word being given by either Minister, because we have not been able to properly scrutinise this. I have to say that, for those living with this fear and without reassurance, this is a sorry state of affairs, involving people who are supposed to be responsible Ministers and will continue to draw their salary over the next number of weeks but who have behaved irresponsibly over the last week in ramping up tensions on these issues —

**Mr Ó Muilleoir:** Will the Member give way?

**Mrs Long:** No, I will not give way.

They have ramped up tensions on these issues over the last week on the air waves and have failed, in what they have said today, to create any more confidence.

We will support the regulations. We do so with significant reservations, having not been in a position to scrutinise them properly, but we believe that it is the only way that we as a party can do our utmost to ensure that no one can hold us accountable for this fiasco.

**Mr Stalford:** I support the regulations, obviously. One of the reasons I got involved in politics is —

**Mr Ó Muilleoir:** Will the Member give way before he gets into his flow, please?

**Mr Stalford:** No.

One of the reasons I got involved in politics is that I come from a working-class community. I was born in Annadale and reared at the bottom of the Ravenhill Road. I can see communities that are in need, and I want to make a difference to help them. It is wrong that people should be fearful for their future. It is wrong that 34,000 people in Northern Ireland should have been facing the real prospect of the implementation of this tax on them. Mitigations were first negotiated way back by Nelson McCausland, when he was at DSD. Working constructively with others, we managed to put those mitigations in place. That was the right thing to do. It was right that Northern Ireland should have a tailored solution that protected vulnerable people from the introduction of the bedroom tax.

I listened to Carál Ní Chuilín's contribution. In it, she made a defence of Sinn Féin's policy of abstentionism — abstaining from going to Westminster. We have now moved from abstaining from being in Westminster to abstaining from exercising any power or control in Northern Ireland, because —

**Ms Ní Chuilín:** To distance ourselves from arrogance, from alleged corruption, from disrespect.

**Mr Stalford:** Please do not heckle me from a sedentary position.

**Ms Ní Chuilín:** To distance ourselves from you, as far as possible.

**Mr Stalford:** I did not do that to you. Show some manners and decorum.

**Mr Speaker:** I ask the Member —

**Ms Ní Chuilín:** I have plenty of manners.

**Mr Speaker:** I ask the Member —

**Mr Stalford:** Well, then, exercise them.

The fact is that they do not go to Westminster, and now they have decided that they do not want to go to the Executive in Stormont. The power to protect the most vulnerable people in Northern Ireland will be undermined by not having a functioning Government here in order to put in place measures such as the mitigations of the bedroom tax. Devolution can be used for the benefit of the people, particularly vulnerable people. It is unfortunate, therefore, that others have decided that they want to abstain from using the power available to them. That is

their choice — we live in a democracy, and they are free to do so — but let us also not forget that, because of their posturing over welfare reform, £174 million in two years was lost to the people of Northern Ireland. That money could have been spent —

**Mr Agnew:** I thank the Member for giving way. Will he clarify his point? The money was not lost to the people of Northern Ireland; it was lost to our block grant but instead it was paid directly to the people of Northern Ireland.

**Mr Stalford:** Well, the block grant pays for the public services that are provided for the people of Northern Ireland, so there was less money to go on the essential public services that we are here to deliver. That happened because Sinn Féin, for its own reasons, decided that it would behave in the way that it did. For someone to stand up from its Benches and say that they are proud of that is remarkable. For someone representing Belfast North, one of the most deprived constituencies in Northern Ireland, to stand up and say they are proud of it simply defies belief.

I welcome the fact that the measures are being introduced, but I also want to address the point that was made by Mr Eastwood. It was an accurate point. Those of us who will be returned do not know what we will be elected to. We do not know what these elections will be. It is likely that we will not have devolution. It is likely that, at least for an extended period, we are being elected to some sort of talks process. Mr Eastwood was right: that means that the people of Northern Ireland will be at the mercy of a Tory Government and their direct rule Ministers. Anyone who thinks that it will simply be a case of collapsing the institutions and then, with the flick of a switch, getting them back up again is deluding themselves. That means that measures such as this — a Northern Ireland-tailored solution to protect our constituents — will not be put in place. We will be entirely at the whim of Home Counties Tories who do not give two figs about the budgetary implications of the cuts that they want to push through. If people are happy with that, that is up to them. They have made their decision, but let us not pretend that, by doing so, they are standing up for their constituents. They are leaving them at the mercy of a Tory Government.

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

**Mr Stalford:** I will give way, yes.

**Mr Allen:** Does the Member agree that, whilst it is welcome that the regulations safeguard some 34,000 people, it is imperative that, whatever institutions we come back to post election, a longer-term strategy is looked at with a view to building enough one, two and three-bedroom houses and exploring mitigation post 2020?

**Mr Stalford:** I absolutely agree with that: it is essential that we build more social houses. That is why I welcome the fact that, in the draft Programme for Government, there was a commitment to build more social houses than we have ever built. Of course, we will not have a Government, so whether that target will be achieved is up in the air, and whether a direct rule regime of people from the Home Counties and the south-east of England will be prepared to see that through and delivered is up in the air. I absolutely agree with the Member about the need to build more social homes.

I welcome the fact that the Minister has brought the measures forward, and I hope that all parties will support them. It is essential that we use devolution to protect the people of Northern Ireland and the most vulnerable in our

society. Those who have decided that they wish to cast devolution aside are leaving the most vulnerable in our society at the mercy of people who do not care about them.

**Mr Speaker:** I call Mike Nesbitt.

**Mr Nesbitt:** I am sorry, Mr Speaker; I did not hear you. It was not my intention to speak, but I want to say a few words, having listened carefully to the contributions to date. I know that we appear to be in our last days or maybe even the last day, according to the Minister, and so, with an election looming, I suppose that maintaining a tone that would be well received by the public is challenging.

**1.00 pm**

I want to say a few words about the Ulster Unionist position. We always hear — we have it thrown in our faces — about seven years of Conservative rule and austerity. We have had it today from the two outgoing parties of Stormont Castle. Where are they taking us with no Budget? Where are they taking the vulnerable of Northern Ireland, with no Budget and no Executive?

The Ulster Unionist Party absolutely had our position on welfare reform and tried to negotiate with the other parties around the table, not least at Stormont Castle/Stormont House. One thing we were sure about was that the bedroom tax was not a good tax in principle and was a bad tax for Northern Ireland. When Michael Copeland was our spokesman, he demonstrated huge empathy with the vulnerable, as his successor, Andy Allen, has done, and let us remember that Andy faces his own challenges in life.

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

**Mr Nesbitt:** Yes.

**Mr Maskey:** For the benefit of the House, would the Member like to recall that, when the Social Development Committee was considering many of these matters, I had to go to him as the leader on behalf of Michael Copeland? Michael Copeland was fighting the good fight in the Committee, but your party, under your leadership, did not support him. I had to go and ask you, on behalf of the Ulster Unionist Party, to give some support to Michael Copeland, who wanted to support people against the bedroom tax and other welfare cuts, but your party would not support him.

**Mr Nesbitt:** That is the point I was coming to. You were not asking about the bedroom tax in isolation; you were lumping it in with other proposals. As I have made clear in these opening remarks, we had disagreements on other aspects of welfare.

**Mr Maskey:** Other protections.

**Mr Nesbitt:** You call them “protections”. It is politics. We have disagreements, and we try to reach a position. When we cannot reach a unanimous position, the parties of government — the two parties in the castle — make the call, and God help the vulnerable.

There are people on benefits who should not be on benefits. I am not talking about fraud; I am talking about mental health and well-being. I have campaigned on this for four or five years. All the parties now say that they agree, but what have they done? What have they done? They have done nothing.

Here is our position on the bedroom tax: we do not have the housing stock to say to somebody in a multi-bedroom property, "You pay the penalty that is the bedroom tax, or you move". There is nowhere to move to because we do not have the stock. The reason why we think that it is a bad idea in principle is that, if you are building a new social housing unit, putting on a second bedroom is a marginal cost, and those units should be used by one, two, three or four families or one, two, three or four generations over that home's lifetime. For flexibility's sake, it makes sense to build multi-bedroom properties rather than having this huge focus, because somebody has said, politically, that it is a good idea, on single-bedroom properties.

We will support the regulations, which is consistent with our view on this specific element of welfare reform.

**Mr Robinson:** I welcome the regulations, as they ensure that the most vulnerable in society will have the protection that was promised to them. The welfare reform mitigation group did an excellent job of highlighting where greater help was required. That was especially so for housing benefit or, as it is popularly known, bedroom tax.

It is important that we all note that the party that has created the political instability today could have cost the people who require the greatest help this essential benefit, the total cost of which will be around £91 million. I also note that it is a DUP Minister who has ensured that the legislation is brought today so that no one is adversely impacted on by the bedroom tax.

My constituency has high deprivation. I am well aware of how devastating the changes to housing benefit would have been had Minister Givan not taken the action that he has taken to protect Northern Ireland and the most vulnerable. Many people will be relieved that the Minister has taken this brave step. I hope that all Members will support the Housing Benefit (Welfare Supplementary Payment) Regulations 2017, even those who have jeopardised their very existence.

**Mr Dickson:** I want to speak briefly as a former member of the Committee that dealt with a great deal of the work around the introduction of these mitigation measures. I welcome the fact that we have the opportunity to mitigate the bedroom tax. However, for me, as this institution perhaps draws to a close and moves into a very uncertain future, one of the abiding memories will be a plague on both your houses, because the reality is that neither the Minister nor his combative colleague in the Finance Ministry, who have been arguing over this matter on the airwaves, have covered themselves in glory. What they have done is cause a great deal of anxiety and concern among those who faced into having this tax applied to them, because of the disruption and, as others said, the inability of social housing to provide appropriate accommodation.

I very much welcome these mitigation regulations. I welcome them because they need to do what they are required to do, which is to ensure that some of the most vulnerable people in our community have the appropriate benefits and money to live on without any fear of or concern about where this is taking them. However, the regulations come to the House with a very large health warning. They come, yes, with the advice and guidance of civil servants, and I have a great deal of admiration for the work that they have done in bringing them forward. However, they also come with the substantial health

warning that they come to the House without the scrutiny of a Committee. As I understand it, and unless the Minister can tell us otherwise, they also come without the scrutiny of the Examiner of Statutory Rules. That is a very risky situation. However, it is also my understanding — this is why we will support the regulations — that, if anything goes awry, and I hope that it does not, with the regulations being brought into force, the responsibility for any fault lies solely and squarely with the Minister.

**Mr Agnew:** I have to say that I hate to see politicians using the most vulnerable for their own political ends. The sham fight that took place between the Finance Minister and the Communities Minister over the bedroom tax was nothing short of a disgrace. Thirty-four thousand people have seen them toy with their financial security for their own political ends, particularly after Christmas, when people are already struggling, facing debt and financial insecurity —

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

**Mr Agnew:** I will finish the point and then give way. To exacerbate that by playing out a fight about their incomes in the media reflects badly on us all.

**Mr Durkan:** I thank the Member for giving way. I certainly concur that the actions and words of both Ministers have heightened confusion and concern among many more people than the 34,000 who will, thankfully, now be protected. A lot of people out there, such as pensioners, are not included in that 34,000 because they are exempt, but they do not yet realise that they are exempt. The chaos and distress that this has caused have been understated. Does the Member agree with me — I think that I know the answer to this — that the best way to avoid the confusion and worry that this has caused would have been for the Assembly to remove clause 69 in its entirety from the Welfare Reform Bill? On both occasions that my party attempted to do so, 10 February 2016 and 24 February 2016, the only support was from the Member himself.

**Mr Agnew:** I thank the Member for his point, because it is a point I was going to come to. The Green Party is committed to doing what is right to protect the most vulnerable, which is why we have consistently opposed all legislation that proposed to introduce the bedroom tax in Northern Ireland. We are the only party, along with the SDLP, that consistently did so. We had the opportunity through this Assembly to bring forward bespoke legislation for Northern Ireland. We had the opportunity to say, "We will not legislate for the bedroom tax in Northern Ireland". Unfortunately, whilst others may wring their hands today and purport their opposition to the bedroom tax, when it came to opposing it in the House and preventing such legislation coming forward to the Northern Ireland Assembly, there were only two parties, the SDLP and the Green Party, that stood up to say no to the bedroom tax.

**Mrs Long:** I thank the Member for giving way, and I apologise to Carál Ní Chuilín for not giving way to her earlier, which I ought to have done. Will the Member not agree with me that one of the reasons we are in the fix we are in today is because the renewable heat incentive (RHI) scheme, which is worth a billion pounds over 20 years, broke parity with Westminster without being properly budgeted and therefore plunged us into the crisis we are in, with £20 million a year of costs? Had we done what you are suggesting, where one element of welfare, disability living allowance (DLA), on its own has exceeded a billion pounds



per year, and broken parity, we would have bankrupted Northern Ireland almost overnight. These mitigation measures were the best way of addressing the problem.

**Mr Agnew:** I thank the Member for her intervention, and I accept that she was not in the Assembly when we were debating the —

**Mrs Long:** That is right; I was at Westminster.

**Mr Agnew:** She was not here when we were debating welfare reform in the Northern Ireland Assembly. I brought forward 23 amendments to that legislation. I did not, at the outset, say no to all and any welfare reform. What I did do was seek, through reasonable amendments, to make things better in Northern Ireland. I did not do that through a system of copying and pasting the Tory regulations, which her party supported, and introducing them in Northern Ireland legislation; instead, I said, “Let’s have bespoke legislation for Northern Ireland”, because it is not right to put the legislation into place first and mitigate after. What is right is to get the legislation right first and not have to mitigate. It was not no to any legislation and no to any reform; it was about better legislation for Northern Ireland that was better for the people of Northern Ireland. In ceding power back to Westminster on this issue, we wasted the opportunity to provide a better deal here.

Whilst I welcome the mitigation measures, ultimately they provide security only for the next four years and leave many people unsure what will happen post 2020. It also means we arrive at a situation where we are having to effectively pass emergency legislation to ensure those people are protected, even in the short term.

**Mr F McCann:** Will the Member give way?

**Mr Agnew:** I will give way.

**Mr F McCann:** I accept that, through the whole debate on welfare reform, you, like our party, were to the fore in trying to push us through as quickly as possible to protect people. People constantly refer to these four years, but my understanding is that one Assembly cannot commit another Assembly to a package, and there was always a built-in review that allows you to pick it up so the thing could be continued. Do you accept that?

**Mr Agnew:** I accept the Member’s point that there is the possibility after four years of renewing mitigation measures. What there is not is the certainty, and that certainty would have been provided by not legislating for the bedroom tax.

**Mr Stalford:** I am grateful to the Member for giving way. Whilst Mr McCann is right to say that one Assembly cannot bind another, will the Member agree with me that one Assembly most certainly cannot bind a direct rule regime presided over by a Conservative Government?

**Mr Agnew:** I agree once again with the Member. I hope it does not come to that. It was regrettable that we ceded power back to Westminster on welfare reform. I suggest we should not cede any more power by failing the people of Northern Ireland by failing to find a political solution to our current impasse.

**1.15 pm**

My concern — it comes back to the point of what happens post-2020 — is that it was always the intention of the

DUP to phase in the bedroom tax. The DUP’s purported opposition came late in the day, and, as I said, it was prepared to pass the legislation in this House. Minister Mervyn Storey, at Consideration Stage of the Welfare Reform Bill, said that:

*“the Executive have agreed to create a separate fund... that will mitigate the impact of this measure”*

— referring to the bedroom tax —

*“by protecting existing and future tenants from any reduction in their housing benefit unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation.”*  
[Official Report (Hansard), Bound Volume 101, p489, col 2].

It was the intention of the then Minister still to apply the bedroom tax where people had a change in circumstances or they were offered alternative accommodation. It was not complete opposition; it was not a case of no bedroom tax ever. That is my concern: beyond 2020, the bedroom tax will be introduced to Northern Ireland, as was legislated for by Westminster. It was mitigated for four years, but there is uncertainty beyond that.

I welcome the legislation today to provide temporary protection for those who are vulnerable to the provisions of the bedroom tax. However, the question remains how long this will be mitigated and why we wasted the opportunity to pass bespoke Northern Ireland legislation that would have said no definitively to the bedroom tax. The Green Party continues to oppose welfare cuts and will continue to take every opportunity to do so.

**Mr E McCann:** Mr Agnew made a most salient point when he said that, after four years — he put it more strongly than anybody else — the bedroom tax will be alive and well and imposed on the people of the North. By that stage, of course, more than 34,000 people might be affected by it; how do we know? The one part where I disagreed with Mr Agnew was where he said that, after four years, we would have to legislate again. No, we will not, Steven. As things are — if there is no legislation to cover the period after 2020 — the bedroom tax will automatically be imposed. Let us be absolutely clear about that.

People say that we got rid of the bedroom tax. I am not terribly interested in the argument, increasingly heated, between the two biggest parties about who is responsible for getting rid, as they claim — wrongly — of the bedroom tax. I was roundly abused by a member of the DUP over the weekend because I would not give them full credit for having, as they put it, “got rid of the bedroom tax”. We have not got rid of the bedroom tax. The bedroom tax is here. The difference to the previous situation is that the Executive — the state — are paying the bedroom tax for the 34,000 people whom we mentioned. However, the bedroom tax is here. The difference will come after the year 2020. How will it be paid then and by whom? So, can we give over with this stuff about who got rid of the bedroom tax? None of you got rid of the bedroom tax. When I say all this —

**Mr Durkan:** I thank the Member for giving way and certainly concur with his verdict that the bedroom tax has not gone away, you know. He refers to the £500 million, and other parties bragged about the fact that they secured £500 million for these mitigations, but this £500 million is

not new. Does the Member concur with me that this money is coming from other public services?

**Mr E McCann:** Absolutely. That is not a matter of politics; it is matter of arithmetic. He is absolutely correct.

I draw attention to a point relating to the fact that these mitigations will apply in the interim, until we have to come back to the issue in 2019 or 2020.

At the top of page 2 of the regulations distributed yesterday, it states:

*“(2) But a person’s entitlement to a welfare supplementary payment ceases, even though the person continues to be entitled to housing benefit, if—*

*(a) the person moves to a dwelling the landlord of which is either the Housing Executive or a registered housing association, and*

*(b) the number of bedrooms in that dwelling exceeds the permitted number of bedrooms by at least the same number as the number of bedrooms in the dwelling from which the person moved exceeded the permitted number immediately before the move.”*

That is a wee bit tangled, as legal documents tend to be. A very small number of people will be affected. The types of people who will be affected by it, and the circumstances in which this will arise, are, for example —

**Mr Maskey:** I thank Mr McCann for giving way. He is in full flow, and it is important that he make the relevant points that he wants to make.

I go back to the origins of this. For the record, the Executive, for all the faults and failings that people, including us, have identified, made the political choice to make available from the block grant, because we could not get it out of the Tories in London, and spend over £500 million over a four-year period, after which there will be a full review of the efficacy of any of the supplementary payments. We made that £500 million-plus available over four years. We gave it over to an independent panel that was led by Professor Eileen Evason and included eminent members of the wider community, voluntary and professional sectors. Those people identified the best way of protecting the most vulnerable from that pool of money of over £500 million.

The Member talks about the 34,000 people. Other parties here have lamented the situation over the past number of weeks, but they voted against the money to pay for the mitigation measures. Whatever they argue, they voted against the £500 million-plus of benefits that we put forward to subsidise against British Tory cuts being imposed by London. When other parties in the House objected to and voted against the £500 million-plus package, not one of their Members offered, proposed or suggested an extra single pound to come out of any other part of the Budget to go towards further mitigations. We would have welcomed and supported that. At least acknowledge that the Executive paid for this out of the Budget. The civic sector and —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — all the political parties —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — could not force the British Government to backtrack, but —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — this party and the other party across the House, whether we liked it or not —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — made £500 million available for —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — welfare protection.

**Mr Speaker:** When the Member asks for and is granted an intervention, it should be short.

**Mr E McCann:** I am sorry, but I am not going to get involved in a complex and heated row between Alex’s party and others. I was not here when all of that happened —

**Mr Maskey:** At least acknowledge that the money was made available.

**Mr E McCann:** I have acknowledged that. It is on that basis that we will not oppose the measure. As you said, it provides some mitigation. My point is additional to that: it is about the circumstances. I was not able to take in very easily the provision that I read out, but that is the language in the document. The sorts of people whom it will apply to are, for example, a single mother with three children who, when the relationship breaks up, wants to move house to somewhere nearer her own family — maybe nearer to her mum. She will be vulnerable — to use the word that everybody else has used — to this.

**Mr Stalford:** I am grateful to the Member for giving way. He is being very generous with his time. Having been subjected to that little sermon from Mr Maskey about the mitigations that we put in, does the Member agree that it then defies belief that you would remove the one mechanism — namely the Northern Ireland Executive — whereby you were able to put in mitigations to protect people?

**Mr E McCann:** Again, that is an argument between the DUP and Sinn Féin. I will let a Member from Sinn Féin respond to that.

It is worth commenting that, if there is an intervention from Sinn Féin or the DUP, it is against the other major party. There has been finger-pointing and denunciation by one of the other. Harsh words have been spoken by each. Neither party can deny that that has been the tone of this discussion so far.

How distant seem the days when Arlene Foster and Martin McGuinness were co-authoring documents in the local press, telling us how wonderfully well everything was going and how destructive the people who suggested there were fundamental problems with this place were. And now, just three months since that article was released, we have the spectacle that we had this morning. People talk about the dysfunctionality. What they are referring to is the fact that we have two parties with different ideologies who basically hate one another and what one another stands for lashed together in an Executive. They are locked together in a loveless embrace from which they cannot escape. That is why we have had all this chaos over recent times; it has

not just been to do with the particular circumstances in which things broke down over the RHI scheme.

One of the solutions, which was mentioned before, although I forget by whom, that would provide proper mitigation and a real solution would be if we had a sufficient number of social houses in Northern Ireland. If we had a crash programme of building social housing, through direct state intervention in the economy and the housing market, we could solve the problem or at least move very quickly towards the solution to the problem. Where would we get the money for that? Why not get rid of the stupid idea of abolishing corporation tax, which will cost hundreds of millions of pounds with no guarantee whatsoever — no guarantee — that one job — one job — will be created as a result? Could we put that money into a crash programme for building social housing? I hesitate to mention the 490 million quid that has gone up in smoke, but that would have helped too, as would other moneys that are used for purposes the social relevance of which is far from clear to me.

If the state built houses like that, there would be a number of effects. It would reduce the housing benefit bill substantially, at a saving to the public purse. It would also have another effect. If you had that sort of programme of house building — I have made this point in the House before, but I will make it again because it is absolutely key to what we are talking about, including the cost of housing for ordinary people and how they can be helped to afford it — think about it for a minute, fellow Members. What do you need to build houses? You need land and bricks and so on, but you also need a lot of workers to put the houses together. You need bricklayers, you need carpenters, you need plumbers, you need painters, you need electricians, you need roofers, you need glaziers; you need a range of people with those old and traditional skills that we are losing. Putting them to work, bringing apprentices in and so forth would have a significant effect on the economic well-being of this area and of many citizens here.

**Ms Ní Chuilín:** I thank the Member for giving way. I completely agree with everything that he is saying, particularly around protections and public procurement programmes. I wonder why his party colleague stood outside Casement Park when £80 million of investment was going into the most deprived area, with all those protections for local people. Is it OK for us to build social houses but not dreams for people in the GAA?

**Mr E McCann:** Come on, Carál, that is a different issue, as you know, coming from the area.

**Ms Ní Chuilín:** What is it?

**Mr E McCann:** You know that the issue had to do with the acceptability of the proportions of the stadium and the way that it was proposed.

**Ms Ní Chuilín:** You are supporting it now.

**Mr E McCann:** I am certainly not supporting the scale it was when it was introduced, but I am not from there. You know an awful lot more about it than I do, and I suspect that Gerry Carroll knows as much as you, as do local people, so I will leave it to them in the interests of democracy. The positions that we take up in relation to the Casement refurbishment are not directly relevant to what we are saying today. People are not disqualified from taking one attitude or the other to the matter before

us today, depending on where they stood in relation to Casement Park.

This will be my final point. I was struck by the number of Members who have spoken about their concerns for the most vulnerable. We use the phrase, “this will affect the most vulnerable”, all the time. Of course, there is a certain kindness in that. It is difficult to object to the language, except in this sense. These people are referred to all the time as if they are helpless, as if they are people to whom we have to go and bail them out, take them by the hand and lead them towards the promised land. They are regarded as spectators at politics. “We have to help the most vulnerable and not hit them.” I do not see them as the most vulnerable. I see the people who you are referring to as the basis for challenging the divided nature of our politics and the divided nature of this House that has given rise to the present hiatus. I hope to be able to say more about this, before this day is out, in relation to two of the other items that are coming before us.

### 1.30 pm

Mainly what we mean when we say “vulnerable people” is people who are being oppressed by poverty. We are talking about people who do not have an adequate means of living. That is what it is. It is poverty that is the problem. It is lack of resources in individual families. That is what is going wrong when we consider that problem. I say to people in that position: yes, listen to the debates here; yes, read all the documents and so on. It is good to understand the detail on these things, but, if you want real change, organise yourselves to demand real change. The only time that we have had progressive change of any substantial nature in this country — in this part of the world — is when people got together and fought together and campaigned together for it.

**Mr Speaker:** Mr McCann, I have been very liberal. I understand that the debate is taking place today in particular political circumstances, but I ask Members, all Members, to return to the scope of the debate around the regulations.

**Mr E McCann:** I am nearly finished. I do think, Mr Speaker, that, on this issue and some of the other matters before us, it is impossible to understand the issues that arise in relation to these things without seeing them in the overall context of economic policy generally and the funds made available, whether from Westminster or from Stormont.

I will say this to end. There is an awful lot of agreement here as well as bickering and finger-pointing. Everybody agrees that we must support the most vulnerable, while there are arguments about how we reached the present situation with regard to the bedroom tax. Everybody seems agreed. I do not think that there is anybody who has failed to say that they want to look after the most vulnerable and even that they entered politics precisely for the reason of defending the least well off and so forth. We are all brothers and sisters. I sometimes got the impression that we all want to storm the citadels of capitalism even though there is some disagreement about who has the right to lead the charge. I say that the people who should lead the charge are the people most affected by it, and I call on people outside the House in this situation that we are moving into, however it is.

I will deal with one other thing before I finish. The regulations last for four years, and I think that it was Alex who said that that is all that we can do because that is the end of the mandate and so forth. That is my point exactly. I want everybody to understand this. Can we please have nobody else talking about us having got rid of the bedroom tax? We have not got rid of the bedroom tax. The bedroom tax is here. That is the fact of the matter, and we could have a more sensible and objective debate if everybody accepted that and moved on the basis of that. Let us try to do that, Mr Speaker. As I said, I direct my remarks mainly at people outside here. I direct my remarks to the people directly affected by these matters. As we move forward in the debate and in the circumstances that we all find ourselves, I am sure, Mr Speaker, that you will be happy to chair and inform. I hope that I have not attacked anybody personally or unfairly in political terms. We need to proceed like that on an understanding and an acceptance that the bedroom tax is already here.

**Mr Bell:** They say that a society can rightly be judged by how it looks after its most vulnerable members. I will not use any time allocated to me in the House to attack any fellow MLA. I think that there has been enough of that. I will attack the principle of those who would abuse social justice. Everyone in the House should, if we use the law of physics, realise that, in engineering terms, a chain is only as strong as its weakest link. We will then know that there are many people in our society, often through no fault of their own, who find themselves in a position of disadvantage and where they have families that they are responsible for and who have housing needs, which is one of the most basic of all human rights.

In earlier debates in the House, when we looked at the number of social houses being predicted by the Housing Executive and others of 8,800, we were right to say, "Let us try to do better". We did that and sought 9,600 social houses. Is that number adequate? There will always be an infinite demand on the public service to be met by a finite level of public resource. When we look at social justice, we have to look at the money that has been allocated to us and our stewardship of it.

Later today, we will look at one of the gravest financial scandals — the renewable heat incentive — which is proposed to cost the taxpayer £1.2 thousand million. We will turn to that issue. I have not spoken on it since I made one programme; I will speak to it again later today.

The regulations before us have to look at how we give merit to people to mitigate the disadvantage that they endure. We cannot spend the same pound twice. It is not the time for Alice-in-Wonderland politics and pretending that there is money out there that we do not have. All that does is to lead the most vulnerable people into a sense of false hope that something can be done, when everyone in the House knows that it cannot be done.

I pay tribute to Professor Eileen Evason and her team and those who had the vision to look at what devolution could do for Northern Ireland. Professor Evason is one of the foremost experts in the British Isles on welfare policy, and, on our behalf, she examined how we could help the most vulnerable in our society. We all wanted to do more but were determined never to make the perfect the enemy of the possible. Let me say that again: we were determined never to make the perfect the enemy of the possible. All of

us wanted to do more but were not going to let that want stop us from doing anything at all.

The regulations have been very carefully crafted. I have watched civil servants, some of whom are in the House today, in Committee and at other times, when I had the privilege of sitting in the Northern Ireland Executive, work through the detail of what could be done, long into the night and the early hours of the morning. That is why I welcome the regulations because they are the best possible answer from Northern Ireland to the people who are oppressed. That is a strong word but it is the right word: there are people out there who are oppressed by poverty.

Like Christopher Stalford, I grew up in working-class Belfast. We know what it was like in those days to be given a different colour dinner ticket than the next person. That is because society decided that there was a need to give help to families. With social housing and regulations that can help people, there is no alternative but to go with these regulations. In so doing, we will give the very best to the most oppressed people. It should hurt and anger all of us, as I believe it angers God, when people are socially oppressed by poverty, have difficulty finding a house for their families and dealing with the very basic need of shelter. I like the fact that the measures are merited and targeted. I like the fact that, in every way that I have looked at this, due to the expertise in our Civil Service, we will today, from all sides of the House, deliver for the most vulnerable people the best that we can in the circumstances.

I started by saying that we must always stand by the most vulnerable. I can see no better way to do that than to do what is now proposed.

**Mr Givan:** My sense is that, despite all that has gone on today — the content of the speeches — Members will support these regulations. I think that the public will appreciate that, despite all that has gone on, parties can set aside the party politicking that everyone has engaged in. People say that I engaged in party politics — of course I did as have Sinn Féin and every other party. Given the day that it is, that is not surprising. However, despite all that, we will pass regulations that will protect individuals from the financial reality of the consequences of the bedroom tax being introduced. I was very clear that I was not prepared to use the bedroom tax during any political campaign in the way in which it would have been had we not taken measures today. I spent night and day engaging with my officials on solutions to try to get round the fact that there is no Executive for me to bring regulations to.

I regret the fact that the Finance Minister engaged publicly on all this. On Thursday, when I had identified the way forward, I rang the Finance Minister. I spoke to him personally. I said that I had identified a way forward and that the regulations, the approach that we are taking today, would be the way forward. He indicated to me that he would take it to his Department and come back to me. His response? He published his permanent secretary's advice on social media. That is indicative of the way in which Sinn Féin has been handling these issues over the last week. The very clear agenda, which is much bigger than bedroom tax and much bigger than RHI, is its objective, which Barry McElduff summed up very well in his tweet about his "comrade" Martin and how he stands with him on his resignation, to achieve a united Ireland.



Unionists know what Sinn Féin is doing. Unionists know now exactly what the republican agenda is. I am not prepared to allow bedroom tax to be used during the campaign that will happen —

**Mr E McCann:** You have just used it.

**Mr Givan:** I can confirm what the Member for Foyle said earlier: the bedroom tax is coming into Northern Ireland. Sinn Féin agreed to it. Sinn Féin agreed to the introduction of the bedroom tax. Subsequently, we agreed to mitigate the consequences of the bedroom tax being introduced. As Alex Maskey outlined, it was an example of how this Executive were able to deal with issues that are important to our people. However, it is factually correct that the bedroom tax is being brought into Northern Ireland, and Sinn Féin agreed to it. We then agreed in the Executive to mitigate it. Other parties voted against that. That is the factual position.

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

**Mr Givan:** Let me make some progress, and I will then give way.

In respect of other comments that Members made, I share the concern that Naomi Long and Stewart Dickson raised about the lack of scrutiny of these regulations. I agree: there has not been the normal scrutiny that we, as an institution, should be giving these regulations, and there is an element of risk associated with that. I, as Minister, will not say that there is no element of risk. I engaged with the Office of Legislative Counsel to get the regulations drafted, but the points about scrutiny are well made. However, given the circumstances, I believe that it is right for me to lay the regulations and for MLAs to vote on them.

**Mrs Long:** I thank the Minister for giving way. On that point, does the Minister agree with me that, if and when the Assembly is re-established, it would be wise for the Communities Committee to examine properly these regulations retrospectively because, if there are any issues with them, that risk could be mitigated at the earliest possible point?

1.45 pm

**Mr Givan:** I agree to that. Should the Examiner of Statutory Rules, as has happened with regulations, identify that there could be issues, that is something that, obviously, the Assembly would need to deal with. People need to be honest in the debate. I need to be, I will be and I always am. The regulations are the best option in the circumstances we face, but they are by no means the most appropriate option in a normal functioning democracy for taking legislation through and giving it the scrutiny it requires.

Given the response made by Sinn Féin, I regret the way in which the Finance Minister engaged on this. Ultimately, I was right, and he was wrong. He was wrong in the advice he gave. Therefore, his credibility has been shot to pieces, as he has gone out repeatedly on a range of issues making promises. The approach that I am taking and that Members will vote on shoots his credibility through the floor. He has been wrong on a range of issues, and, rather than trying, as I have done in the unprecedented circumstances, to deal with bedroom tax — my Executive colleague Mr Hamilton is trying to deal with RHI, and we are bringing regulations forward — he should have been engaging in getting a Budget through as an emergency

procedure. But, again, more important to Sinn Féin is the republican agenda that goes to the core of what its tactics have been and what this election is all about.

**Mr Durkan:** I thank the Minister for giving way. We have gone a bit further than when I wanted to get in.

The Minister made a point — it is a point that has been made by his party colleagues and his estranged partners in government — about every other party in the Chamber voting against a £500 million mitigation fund. What parties voted against was the Fresh Start Agreement, which was foisted on the other Executive parties at the time, I have to say, 25 minutes or half an hour before an Executive meeting. This element of Fresh Start is very good — brilliant. Who would oppose mitigation of these draconian measures? However, we were not in a position to cherry-pick bits of it, and the other bits of it have well and truly unravelled. It is evident to everyone in here, everyone out there and everyone across the world that Fresh Start was a false dawn. Look where we are now.

**Mr Givan:** I will not repeat the points, because today will be an incredibly long day; I have no doubt about that. I have put on record the factual position about the bedroom tax, which is coming and will be here, and the mitigation that the Executive rightly brought in and that other parties voted against because they were opposed to the agreement that allowed the mitigation measures to flow from it. We have been working on a range of mitigation measures. One of them that has not been brought forward — again, the plan was to introduce it — is the working tax allowance, for example, for low-paid workers. Without an Assembly, we will not be able to introduce a scheme that would allow approximately £100 million that was proposed by Eileen Evason to be spent out of that half a billion pound block.

The stakes are incredibly high for these institutions, and I do not underestimate the challenges in dealing with those mitigation measures in the future. Let us be under no illusion: the stakes are high for the very future of this Assembly. I believe wholeheartedly in devolution. People said we were not able to make it work, and we did for the past 10 years. This party, by introducing a range of measures, was able to make this place work, but Sinn Féin, for other reasons, because it does not see its agenda being advanced, now believes it can use other issues to weaken unionism. I trust the people of Northern Ireland. I never fear going to the electorate, and I believe it knows exactly the agenda being pursued by Sinn Féin. This party wants this place to work. We want devolution to succeed. I do not want to have direct rule, but I am very clear that we are going into a period of negotiations. Sinn Féin wants weak unionists: I trust the people to elect the right unionists.

*Question put and agreed to.*

*Resolved:*

*That the draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 be approved.*

**Mr Speaker:** The next item of business in the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The sitting is suspended.

**Mr Stalford:** On a point of order, Mr Speaker. Has any indication been made to you or your office of the intention

of the Minister of Finance and the Minister of Health to attend Question Time to answer questions about their Departments?

**Mr Speaker:** I took a point of order on that from a Member first thing this morning. I have had no indication that the two Ministers will not attend. It is not actually a matter for the Speaker's Office in any case.

**Mr Swann:** Further to that point of order, Mr Speaker.

**Mr Speaker:** I am sorry: I took the point of order from Mr Stalford because it was right on the suspension. We are now suspended.

*The sitting was suspended at 1.51 pm.*

*The sitting resumed at 2.00 pm.*

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

## Oral Answers to Questions

### Finance

**Mr Deputy Speaker (Mr McGlone):** Anois, a Chomhaltai, tá sé in am againn do Cheisteanna don Aire Airgeadais. Tosnóimid leis na ceisteanna ar an liosta. It is now time for questions to the Minister of Finance. We will start with listed questions.

#### Health and Social Care: Budgets

1. **Ms Bradshaw** asked the Minister of Finance whether he plans to reconsider allowing for three-year budgets in the health and social care sector. (AQO 875/16-21)

**Mr Ó Muilleoir (The Minister of Finance):** Gabhaim buíochas fosta ar an Chomhalta as an cheist sin a chur orm. I believe that today the addresses move into matters political, so I look forward to seeing my colleague on the doorsteps of South Belfast shortly.

To return to the question: the health and social care budgets are controlled by the Department of Health, and its budget is subject to the same annual controls as other Departments. That approach reflects the controls placed on the Executive's Budget by the British Treasury. In that regard, it would not be possible to provide separate arrangements for the health and social care sector without considering what impact that might have on other public services.

**Ms Bradshaw:** The core grant funding of health and social care organisations, which your Department provides, was cut by 25% in this financial year. Given the fact that the innovation fund was not brought forward in this financial year, will that 25% be reinstated?

**Mr Ó Muilleoir:** I thank the Member for her supplementary question. It is my intention that, whatever plans and direction of travel we have, we continue in the time ahead. I know that there has been an interest among Members to revise entirely the way we approach matters financial and budgetary. We have certainly delayed that opportunity now. I pledge to the Member that having the best systems for funding the health service is my interest and desire as well. We are locked into a system where we have to have the same approach right across all our areas.

In relation to the specific area of concern, I am happy that you bring that forward and we can discuss it further. Contrary to speculation, my demise has been much exaggerated. I will be here for the next five weeks and, if there are particular issues in your constituency or issues of particular interest, I am happy to tackle those in the time ahead, despite the obvious disruption that we are all encountering.

**Mrs Dobson:** No matter what we say, nothing will be able to accurately reflect the level of outrage that should be expressed at the fact that waiting times are tragically causing patients to come to harm. Does the Minister agree that even the planned single-year Budget for 2017-18

would still cause immense uncertainty and unsustainability for the health service?

**Mr Ó Muilleoir:** I am tempted to take over the job of the Health Minister, but I will not at this stage. However, I will defend the concept of having a one-year Budget. It was the path that the Scottish Government went down as well, because of the many winds that blew against our sails before Christmas and, in particular, Mr Hammond's November statement. That said, as we move into the next period, it is very evident — I am sure that the Member shares this view; it is shared, I think, by every Member of the Assembly, regardless of political affiliation — that we need to have a system of health transformation here. We need to take the politics out of health and enter into a complete step change. It is unfortunate that we are now into a period where the institutions are coming down so that the public can have its say on matters wider than that. However, I think that the essential point you make is not really about the nature of the one-year or multi-year Budget, but the fact that we are all agreed that there needs to be a transformation of the health service.

I am going to stop now, because I am sounding a bit like the Health Minister.

**Mr Durkan:** Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Following Mrs Dobson's question, does the Minister agree that the chaos that has engulfed the Executive and Assembly means that there is no certainty for the healthcare sector, those providing care and those waiting for it? How does he envisage the double running of the healthcare system to ensure that the transformation of the healthcare system that we are all crying out for takes place?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt don Chomhalta as Doire as an cheist sin a chur, ach i gcionn leathuair a chloig nó mar sin beidh an tAire Sláinte anseo. I think the Health Minister will be here in around 40 minutes. I do not know whether the LeasCheann Comhairle will let me stray into matters political, never mind matters health. The broader point is that we are here today because of the steps that the DUP took. They took a series of actions and steps that undermined confidence in these institutions. The reason we are in a political impasse — the reason we cannot have the proper running of all our Departments and cannot implement the ambitious plans we have — is that triple whammy from the DUP of breathtaking arrogance, allegations of corruption surrounding many, many spheres of their influence, including Red Sky, NAMA and now RHI, and, of course, as the Member from Derry will understand, because he has asked many questions on issues around the north-west, the fact that our former partner in government has not committed to the power-sharing or equality agenda.

The Member, I suppose, had a choice, agus níl a fhios agam cad é an rogha a ghlacadh sé. We had a choice, immediately after the new year, to allow Arlene Foster to remain in post or to force her out of post so that the public could have their say on the disgraceful actions of the DUP. I am convinced that Martin McGuinness made the right choice and that, when Martin McGuinness said that he could not, any longer, stand behind these institutions that were drained of credibility because of the stance of the First Minister and her colleagues, that was the right decision. No one — the business sector or the third sector — never mind the politicians, likes the fact that we are entering into this period of uncertainty, but I am absolutely

clear where the blame lies. Having listened to discussions today, I can see that the lessons have not yet been learned, but the blame lies fairly and squarely with the arrogance, disrespect and commitment to inequality rather than equality of the DUP.

**Mr Deputy Speaker (Mr McGlone):** Before we move on to the next supplementary question, I remind the Minister of the two-minute rule.

**Mrs Little Pengelly:** The Minister will be aware that the Finance Committee met this morning in an emergency meeting to discuss the disgraceful situation facing Departments and public services at this time of having no Budget for 2017-18. The Minister is very good at running around and telling other Ministers and people what they should and should not be doing, but I put it to you that your number one duty as Finance Minister is to produce a Budget. We are facing a situation, due to the resignation of the deputy First Minister, where there will be no Budget. That will have a profound impact on the Department of Health, for example. What contingencies have you, as Minister, in place to prevent that detrimental impact on public services?

**Mr Ó Muilleoir:** I did not manage to catch the Finance Committee this morning. It is a great pity that my colleagues on the other side of the Chamber did not consider this before Christmas when they became subsumed in covering up RHI and refusing to allow the public to have the investigation they were entitled to. It is a great pity that the DUP did not consider the peril they had placed the institutions in by their persistent and provocative attacks on the Irish language and Irish identity. The events before Christmas, when I met all the DUP Ministers individually and discussed their budgets with them, and when we wanted to go back with a draft Budget to the DUP, were also a great pity. What happened before Christmas? It was not my party that had a former Minister on his knees in a TV studio praying to tell the truth. It was the DUP that became absolutely consumed with RHI, and, of course, discussions since then, unfortunately, have not resumed. So, the blame for where we are today, and the fact that credibility has been drained from these institutions, does not lie with any other party in the Assembly but my colleagues opposite who are represented on the Finance Committee by the Chair who spoke earlier.

## Cost of Division

2. **Ms Armstrong** asked the Minister of Finance how the Ulster University Economic Policy Centre report on the cost of division has been factored into the 2017-18 Executive Budget. (AQO 876/16-21)

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as a ceist. Since this is the last Question Time that I will be doing for some time, no doubt, it is appropriate that I thank all the Members who have tabled questions over the last seven or eight months. I also thank the wonderful staff we have in the Department of Finance who have been working hard to provide the materials that you need for your questions for written answer and helping me with these questions for oral answer.

The report on the cost of division, which the Member has highlighted before, outlined the significant complexity in the cost of the delivery of services here, which cannot be

merely attributed to the context of a divided society. The report found that, whilst the cost of public service provision is generally higher than in comparative regions, the costs typically fall within the range of costs identified in other regions, with the exception of policing. In any Executive, Ministers will be focused on reducing the cost of public services, especially where there are reducing budgets.

**Ms Armstrong:** The Minister has, in recent days, rightly raised concerns about the costs of RHI, which could reach £500 million over a 20-year contract period, but he seems less concerned that the cost of division is around £800 million a year. Will he outline how he intends to reduce that cost?

**Mr Ó Muilleoir:** Gabhaim buíochas arís leis an Chomhalta as an cheist. I think that we are all agreed, certainly those on this side of the Chamber, that there should be no division in our society. My record will show that I am as concerned about division and the cost of division as the Member. I have been forthright in commending those who have been building bridges rather than building walls. I have gone to many parts of this jurisdiction in the last few months, which represents reaching out to communities other than those from which I come. We do not in any way tolerate the costs of division, but there are costs of division, and, in response to your question, I said that that was particularly evident with the PSNI. Despite that, any costs of division are costs that, in my view, we should try to remove not by efficiency savings but by bringing our people together. Those of us who are concerned about the horrendous waste of public funds in the RHI mess, created by my colleagues on the other side of the Chamber, should not lose sight of all the other areas in which we should try to save money. We should do these things not only because they are right in terms of economics but because they are right in terms of building a shared and prosperous society.

**Ms S Bradley:** On the topic of division and looking at it in an economic context, will the Minister give an assessment of what he thinks the economic impact will be on Northern Ireland of the antics and the catastrophic mess provided by the DUP/Sinn Féin Government during the past mandate?

**Mr Ó Muilleoir:** There must be an election coming, and I hope and trust that all those who have spoken today do very well in that election. When we go to the doors, the people will, I think, ask one pertinent question. They will ask, "Did you stand for equality? Did you stand against the disrespect shown to our ethnic minorities? Did you stand against the disrespect shown to the LGBT community? Did you stand against the disrespect shown to the Irish language community? Did you stand up for tolerance, mutual respect and parity of esteem?". When those questions are asked, I am absolutely convinced that we will be able to answer — *[Interruption.]* — positively to the public, and the public will respond accordingly. When the public ask, "Did you stand up after many years of outreach, bridge-building and peacemaking? Did you call time on intolerance and bigotry and the lack of parity of esteem?" — *[Interruption.]* It is a very excitable and excited Chamber today, a LeasCheann Comhairle. I am confident that the people will give their response. I wish the Member well in the forthcoming election, but I have no doubt that those from my party who answer positively about standing up for equality, respect and the integrity of the institutions, which have absolutely been dragged through the gutter by the DUP, will get their response. I hope that she also does well in the election.

**Mr Deputy Speaker (Mr McGlone):** Before I call the next Member, I remind Members not to make remarks from a seated position while the Minister or any other Member has the Floor. Thank you.

## 2.15 pm

**Mr McCartney:** Gabhaim buíochas leis an Aire as na freagraí sin. I thank the Minister for his answers. We talked about the cost of division, but I ask him to talk about the reputational damage to the Assembly that has come about as a result of some disgraceful decisions that were blatantly discriminatory, sectarian in the truest sense of the word and partisan. What reputational damage have those decisions done to the Assembly?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhaltas as Doire as an cheist sin a chur. I know that the Speaker said earlier that this was not the last day of the Assembly, but I think that we know in our hearts that this is the last day. The language that we use today and the approach that we take will be important. It is disappointing that, on a day when the DUP could have repaired some of the damage that it has done to the credibility of the institutions, there was no humility shown. There was the barracking of opponents, and there was the arrogance that, in fact, has been the downfall of the DUP and of the institutions.

In my view, we can either stand here proud of the institutions, proud of the Assembly and proud of how we do our business, or we have to call time and say that it is closing time. We have responded because of the reputational damage and because of the fact that the DUP has been riding roughshod over the rights and expressions of the people and the rights of the Assembly. The DUP has repeatedly disrespected the people's right to enjoy the principles of parity of esteem enshrined in the Good Friday Agreement. It was right, at some point, to say that the reputation is shot and it is time now to start anew. In that regard, I know that the Member from Derry will agree that we cannot go back. We would be totally failing the people if we went back to the status quo.

**Mrs Overend:** Thank you, Mr Deputy Speaker, for the opportunity to ask the Minister a question. The paradoxically entitled Fresh Start Agreement included a commitment of £500 million of funding from the Treasury to be spent on shared housing and shared education projects. Will the Minister explain why, 18 months into a 10-year timescale, the Executive have spent only £500,000, which is 0.1% of the total amount?

**Mr Ó Muilleoir:** I would like to respond for the Executive Office, for the entire Executive and for the Minister for Communities and the Minister of Education, who are responsible for education and housing. Having responded for the Minister of Health earlier, I suppose that I might as well make it a hat-trick and respond for them as well.

Ms Armstrong spoke earlier, and she is very familiar with the work of Belfast Met. My position is that we should try to expeditiously use money for integrated and shared education and for shared housing. There is a need in that to acknowledge that there are those who have been setting down criteria for shared housing in particular that are almost unreachable. It was my intention to put forward plans for government developments that would have included an element of shared housing. I raised the issue with the Chief Secretary to the Treasury, David



Gauke, before Christmas. I said to him that we needed more flexibility, especially around education because, as the Member will understand, there are only so many integrated schools that we can build. We have a great record of building new integrated schools and will continue to do that, but there are only a certain number of integrated schools that we can build. In that regard, it seems to me that there should be an extension of the flexibility around that funding to embrace further education. I know that there are ambitious plans for a new further education college in Fermanagh. We know that we are close to having other further education colleges finished, and they, for me, seem to be the epitome of shared education, but, at present, the funding does not extend to those. It had been my hope that we could make rapid progress in that regard. An element of the Budget that I was to put forward was that we should try to set a target for shared housing in particular and make sure that it happened. The public are up for that. I can speak only for my constituency, Mrs Overend, but I have no doubt that, were we to create a shared housing model on the Ormeau Road, for example, it would prosper and succeed.

## Tax Justice

3. **Mr Milne** asked the Minister of Finance what steps his Department is taking to promote tax justice. (AQO 877/16-21)

**Mr Ó Muilleoir:** Gabhaim buíochas le mo chomrádaí as lár Uladh as a cheist faoi chothromas cánach. The tax system needs to be fair and one where everyone — regular workers, small companies and multinationals — plays by one set of rules. Fairness and equality must be at the absolute heart of all we do in government. This is an issue I spoke about at a tax justice event in Dublin late last year that brought together tax justice activists, academics, aid organisations and trade unionists from across Ireland.

Prior to recent developments, I asked my officials to lay the groundwork for establishing a ministerial advisory council of experts to advise me on tax justice issues and rates fairness. I have already brought forward proposals to spread the burden and use our rating system as a lever for social and economic development. Furthermore, my Department has taken steps to promote tax compliance in government contracts.

**Mr Milne:** Buíochas fosta don Aire as na freagraí a thug sé go dtí seo. Ba mhaith liom a rá fosta — b'fhéidir gurb é seo an Tráth na gCeist deireannach sa Tionól seo — go ndearna an tAire jab maith, agus sílim go mbeidh tú ar ais arís anseo. What steps has your Department taken to promote tax cut compliance in government contracts?

**Mr Ó Muilleoir:** Go raibh maith agat fosta as na beannachtaí. Tá súil agam go mbeimid beirt ar ais am éigin sa toadhcháí nuair a bhéas cothrom na Féinne ar fail anseo agus lá níos gile.

I think the greatest example of how tax justice and fairness was got wrong was the vulture funds. Of course, the NAMA vulture fund was the most egregious example of a fund that came in, exploited and bent the rules, milked and scammed the system and took people on. We ended up with Project Eagle, which is the subject of investigation in at least three jurisdictions. The upshot of that with tax fairness is that a headline in 'The Sunday Business Post' last week referred to vulture funds in Ireland preying on

the people and on the damage of the crash of 2008-09: their profits were €20 billion, and the tax bill they paid was €20,000.

It has been a priority of my Department to promote tax compliance in government contracts. With the help of officials, particularly our procurement officials, we have put in place additional measures to make sure that public contracts are tax avoidance and tax dodging-proofed. The Public Contracts Regulations 2015, which implement the 2014 EU procurement directive, provide a contracting authority with the power to exclude a supplier that has failed to meet its tax obligations.

Last year, I met Christian Aid, which is campaigning on this. When I left, they said, "Just remember one statistic, and quote it when you can: multinational companies that dodge their tax obligations cost the public purse \$160 billion a year". Of course, \$160 billion is equivalent to all the aid given by the Western World and more to the developing world. Therefore, I was pleased to be able to back the Christian Aid campaign to insist that in our supply chain we drive out any tax dodging and tax avoidance.

**Ms Hanna:** I thank the Minister for his answers so far. I welcome the initiative on tax compliance. I introduced a similar policy through Belfast City Council in 2015 with Christian Aid, and I hope that can act as a pilot for it.

Does the Minister believe that, in the context of the Executive not adequately investing in skills, education and infrastructure, thereby not creating all the conditions for jobs, his proposed corporation tax cut would represent tax justice on the principles he has laid out this afternoon?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt do Chomhalta eile as Deisceart Bhéal Feirste. The South Belfast field is getting very crowded this afternoon.

On tax fairness, I am amazed that my colleague did not bring up her colleagues tonight opposing rates fairness by organising a meeting in South Belfast partly to scaremonger but also to set their face against a fair rating system. One would have thought that the socialist part of the SDLP would have said that those who were better off pay a little more, that anyone who is asset-rich but cash-poor does not have to pay any increase in their rates and that anyone who is on benefits does not have to pay their rates. Instead, the approach of Alasdair McDonnell and Mr Boyle — Mr Boyle, of course, is in the newspapers every day for other reasons, and I have brought his name up previously — is to organise against rates fairness and try to scaremonger.

I suppose that the thing that surprises me is that the Member for South Belfast has been silent on that when we needed her to take a stand, as I have, and say, "Even though it is my constituency, everyone should pay their fair dues. It is wrong for people who are less well-off to subsidise the very rich". That has spoken volumes this week. I do not know how the SDLP's attempt tonight to organise votes against me in South Belfast and scaremonger will go, but I stand behind the principle of fairness in taxation and rates. I hope that, when those who have been active in this in Belfast City Council and other places go into the rooms and say what they have done, they will also say, "This is how I failed to stand up for fairness in the rating system".

**Mr Deputy Speaker (Mr McGlone):** I advise Members and the Minister that it would be helpful if we stuck to the item being asked about in the question.

## Rating Review

4. **Ms Bunting** asked the Minister of Finance, further to his statement on the review of the rating system, to outline any feedback he has received from the general public and small businesses, outwith the hospitality and retail sectors, to his proposals. (AQO 878/16-21)

7. **Mr Middleton** asked the Minister of Finance for an update on his Department's proposal to end the rates exemption for charity shops. (AQO 881/16-21)

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Dhéanfaidh mé do chomhairle. With your permission, I will take Mr Middleton's question with this. Before I start the answer, I want to thank Brian McClure of our rating policy division, who has been an enormous help to me over my seven months as Finance Minister.

My Department is consulting on all the Rates Rethink proposals announced to the Assembly on 22 November. Although some responses have already been received, it is not appropriate for me to summarise them in case it would prejudice the consultation process. Consultation closes on 16 February, after which my Department will prepare a factual report on the responses received.

**Ms Bunting:** The Minister has made great pronouncements today about the things and the people he has stood up for. One thing that he cannot claim to have stood up for is the business community. He knows full well the implications for and impact on the business community of plunging us into political instability, as Sinn Féin has done.

In the statement, the Minister proposed the removal of the rates cap. Does he understand the fear that he has generated amongst older homeowners who have worked all their days for what they have and who may be asset-rich but are now cash-flow poor and the implications that his proposals have for them?

**Mr Ó Muilleoir:** I thank the Member for her question. Of course, there are protections for those who are asset-rich and cash-poor, particularly older people. If the Member wants to speak to the aforementioned Mr McClure, she can get detail of those protections.

In fact, what we also did in the Rates Rethink was to give a proposed injection of £22 million to small business, in particular the hospitality, retail and tourism businesses. I was delighted, along with some of Ms Bunting's colleagues, to address Hospitality Ulster and NIIRTA on this very matter before Christmas and to receive the overwhelming endorsement — I do not want to call it "enthusiastic endorsement", but it was absolutely 100% endorsement — of the Rates Rethink plan from those represented by Hospitality Ulster and NIIRTA. I do not know whether the Member wants to declare an interest in this regard, but it may also be worthwhile saying that, when we assessed the small business rate relief programme, the message came back from our experts again and again that it had had no meaningful effect. Therefore, my proposal was to move to a better system that would deliver results for all our people but, in particular, create jobs and help those in the hospitality and tourism industry because, of course, that is an area of potential growth for our economy.

2.30 pm

**Mr Deputy Speaker (Mr McGlone):** We now move to topical questions to the Minister of Finance.

## RHI Debacle

T1. **Mr McNulty** asked the Minister of Finance to divulge, in relation to the RHI debacle, the information that he was privy to, when he became aware of the massive overspend and what he did about it. (AQT 636/16-21)

**Mr McNulty:** I applaud the Minister for standing by his officials and his Department. At least he recognises where the buck stops, unlike someone on the opposite Benches who wants to pin all her failings on her officials.

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt duit. There is getting to be a very crowded election feel today.

This was before the Member came into the Assembly, but you will find that what happened is that, when the Economy Committee became aware of the renewable heat incentive (RHI) scandal, we demanded action from the relevant Economy Ministers, and the matter was then reported to the Public Accounts Committee. It is a fact that, when those parties other than the DUP became aware of the brewing RHI scandal in January/February 2015, we all delivered on our commitments.

As well as that — speaking, if I may, a LeasCheann Comhairle — for Sinn Féin, we immediately started asking hard questions, but let me tell you what I did to bring the shameful RHI scandal to an end. On my appointment, it was quite clear to me that the threat from RHI — the hundreds of millions of pounds — was unsustainable. We immediately made sure that this was brought up repeatedly with the Department for the Economy. That Department did not need my officials to tell it that by May/June/July of 2016. There had been so many other warnings and so many other red flags that it should have been moving on the issue. Of course, in July 2016, there was not only a pivotal meeting with my officials at which they said, "Get this sorted", but that was the month when the Comptroller and Auditor General dropped his explosive report on the desk of the Economy Minister. That then led to the PAC inquiry. I am happy that the buck stops with the architect of the RHI scheme, and we know that that is Arlene Foster, by her own admission. The buck also stops with the DUP Minister who, for whatever reason, did not close down — perhaps only an investigation will get to the truth of this — the scheme in time. That has left the shameful situation in which, every day as we speak, £85,000 is lost to the public purse.

**Mr Deputy Speaker (Mr McGlone):** I remind the Minister again of the two-minute rule.

**Mr McNulty:** It is well-documented that your party, Minister, was well aware of the overspend a year ago. Why did it not act sooner, or is it simply a matter of being caught out?

**Mr Ó Muilleoir:** The Member was not here of course and was not on the Economy Committee, but all the other parties found out at the same time and took the correct steps at that time. Let me tell you what I have done additionally to bring people to book and, as far as possible, to bring about the closure of the RHI scheme. Since my appointment, I have insisted that the Department for the Economy come up with a solution. The pathetic, risible attempts by the SDLP to link Sinn Féin to the

corruption of the DUP and to the arrogance and ineptitude of the DUP in dealing with this are just that — absolutely pathetic. We have brought the DUP to book on the issue. We insisted that it come forward with a solution to the RHI debacle. When it dithered and foot-dragged, we went back and had another pivotal meeting. When the PricewaterhouseCoopers (PwC) report came out, we said, “These are the options. Bring them forward. Take some action”. Sadly, as I have said in the media, not until ‘Spotlight’ did we get the momentum that the public deserved. The ineptitude lies with the DUP. The cock-up lies with the DUP. The inability to act when it should have lies with the DUP. We will be told later today that we will get a temporary solution — the fault for that lies with the DUP. If it had taken action and listened to the warnings from me and others, we would not be in this position today.

### Relationship with Minister Givan

T2. **Mr E McCann** asked the Minister of Finance, in view of the lively exchanges across the House earlier, whether he can recall the recent day when he and Minister Givan walked together down the grand staircase outside, prompting journalists, visitors and others in the Great Hall to break into a spontaneous chorus of, “Here they are again, happy as can be, all good friends and jolly good company”; to state when the bromance ended and, given all that had happened before, to outline what it was that caused him suddenly to realise that Mr Givan was not the type of fellow he could work with. (AQT 637/16-21)

[Laughter.]

**Mr Ó Muilleoir:** This is Minister Givan in waiting. I think you mentioned Mr Givan first, but Minister Givan is certainly very pertinent to the discussion today.

Let me put one thing on record, because my colleague Ms Long was too exasperated to allow me to make a correction earlier: Minister Givan is absolutely wrong when he says that he did not and does not have the authority to make the mitigation payments for the bedroom tax and other welfare payments. My advice is 100% correct. He could have acted in that way. I am content that he has come forward with regulations, if that is his choice, but the situation is that I was absolutely right. As I said to Ms Long earlier, when you get a pledge from the Finance Minister, you can take it to the bank. You can be sure of that.

**Mrs Long:** [Interruption.]

**Mr Ó Muilleoir:** I did not get a chance — Mr Stalford would not take an intervention either — but what I said was absolutely 100% on the money, as they say. As for Mr McCann, why do we not let him get to his supplementary question?

**Mr E McCann:** I find it interesting that, when I ask the Minister of Finance about the shock deterioration in his relationship over the last week, he does not answer me at all. He answered the Minister for Communities, who is not even present. What am I to deduce from that? Even after they break up, they still cannot help thinking about one another. [Laughter.]

**Mr Ó Muilleoir:** I am now very happy to answer Mr McCann’s question, having got the other matters on the record. Eamonn, we entered into a Fresh Start with the DUP and did our level best. Martin McGuinness epitomised that effort in the weeks and months since

Fresh Start. We deliberately stretched out the hand of friendship. Mr Givan and I visited Portrush, where I was very keen to support an initiative that he was involved in around the forthcoming Open. That was our approach, and it was the correct one. The community wanted a fresh start. However, that fresh start was undermined by the repeated actions of the DUP and by the fact that there was no reciprocity. As you know, Mr Givan excelled himself: he went above and beyond in terms of the daily provocations from the DUP before Christmas when he moved into a class of one by his action on the Liofa bursary.

### Budget Delay

T3. **Mrs Hale** asked the Minister of Finance whether he accepts that the deputy First Minister’s resignation prior to the bringing forward of a Budget will significantly and detrimentally affect those most in need and to state what consideration he has given to the impact of the inability of the section 59 procedure to allocate the accrued expenditure of some £2.5 billion. (AQT 638/16-21)

**Mr Ó Muilleoir:** I suggest that the Member ask that question of her colleagues on the other side of the Chamber. This crisis was caused by your colleagues — by their total neglect and ignorance of the need to act in a manner that shows respect for their fellow Members and the public at all times. I am confident, since you asked the question, that moneys will continue to flow and that no moneys will be lost to our Budget. I followed that part of the Finance Committee this morning. You can be sure that, despite the political crisis which the DUP has caused by its response to and stance on RHI, its inability to accept the equality agenda and its breathtaking arrogance, moneys will continue to flow in the time ahead.

We face an election. I am not sure when that will be, Mrs Hale; maybe at the end of February or the start of March. In the period after that, I have confidence that, as needs be and as appropriate, moneys will continue to flow to front-line services.

If there is blame to be meted out in relation to the situation that we are now in, in my view, and in the view, I think, of the majority of the public, it lies with not me, this side of the Chamber or any other party in the Chamber but your colleagues in the DUP.

**Mrs Hale:** Minister, officials confirmed today the inability of section 59 to allocate the accrued expenditure of £2.5 billion, so I am going to ask you this again as my supplementary: what consideration did you — not others — give to the impact of this?

**Mr Ó Muilleoir:** Well, arís, thanks very much. We will repeat ourselves as need be. The DUP brought down these institutions by its arrogance, its commitment to opposing equality and its refusal to accord parity of esteem and respect to all sections of our community. I repeat what I have said: the moneys will continue to flow. I know that there will be some scaremongering about this, which is surprising since it is the DUP that put us in this position, but moneys will continue to flow to front-line services. I am convinced that that is the case. Afterwards, if we enter into a period of uncertainty, I am confident that the civil servants, particularly the permanent secretary of the Finance Department, will continue to ensure that moneys flow as appropriate to front-line services.

It is a bit rich for the DUP to show any concern about public finances when ye are the people who created the RHI debacle and scandal and that egregious waste of public funds. It would be much better for you, Mrs Hale, and your colleagues, when you come to address matters relating to the public purse, to ask what happened with RHI, whether the allegations of corruption and malfeasance are true and why we could not have had the investigation that people demanded. Will you now accept that there is a need for just a little touch of humility? Will you say to the public, "We got it wrong. We created the mess; we are the architects of the debacle. We will go after the wrongdoers, bring them to book and close this sorry chapter"? Instead of that, unfortunately, it is just excuse-making, pandering and trying to cover up the corruption of others.

## Budget Delay

T4. **Mr Nesbitt** asked the Minister of Finance, given that, when the Executive were formed, he promised a Budget for the mandate, then a Budget for 12 months and now a Budget for nothing — and before he becomes a quiz question to which the answer is Máirtín Ó Muilleoir, with the question being who could not produce a Budget — to confirm that, while we walked away to let him get on with it with the DUP, he is just walking away. (AQT 639/16-21)

**Mr Ó Muilleoir:** I used the word "pathetic" earlier. I do not want to repeat myself, but the reality is —

**Mr Nesbitt:** Do not be so hard on yourself.

**Mr Ó Muilleoir:** I think that you get a supplementary, Mr Nesbitt. If you want to ask it now, you can, or you can wait for your supplementary.

The reality is that the situation that we are in was caused by the DUP, but I am content that I did my work. We met all the DUP Ministers in relation to budgets. The budgets were ready to go. It was the DUP that became consumed by RHI, former Ministers kneeling in studios and the First Minister being taken to task for her role in the RHI debacle.

I stand over my record in this office. I stand over what we have done, the culture of change and the momentum that we brought to it, and the efforts that I made to stretch out the hand of friendship and go that extra mile in dealing with all my colleagues in the DUP and the independent Member over the last six or seven months. That commitment remains; our commitment is to a shared and prosperous society. If we cannot have that through these institutions, they are not worth the candle. We cannot go back to the status quo. We called time on intolerance and arrogance and on those who will not commit to respecting all our people.

2.45 pm

## Health

### Respite Care

1. **Mr K Buchanan** asked the Minister of Health what provision is made for emergency respite care for adults with severe learning difficulties and challenging behaviour. (AQO 889/16-21)

**Mrs O'Neill (The Minister of Health):** Respite care, now known as "short breaks", is a vital form of support,

particularly for those in our society who play an invaluable role in caring for people with a learning disability. Short breaks are available on a planned basis in all health and social care (HSC) trust areas as well as in emergency situations, and they are provided in a variety of forms, depending on the needs of those accessing them, which are often complex and varied.

With the introduction of other forms of support, however, such as crisis response teams, the demand for emergency respite is expected to reduce. Other sources of vital support for those caring for someone with a learning disability and challenging behaviour include community-based behavioural support services, which have been established in all five trust areas.

Funding for short breaks and respite provision is not separately identified in trusts' financial returns. However, the demand for short breaks is increasing, due in part to the continuing rise in the number of adults with a learning disability, especially older adults whose parents face increasing challenges in coping as they enter their later years, and the increase in the number of people with complex needs coming through from children's services.

In light of that and given the challenging times we find ourselves in financially, we need to make sure that we are getting the best value for the money we already spend. I am committed to working with everyone in the HSC and with the people who use these services to ensure that, where necessary, we make changes to how we do things so that resources are targeted where they are most needed. Clearly, while we have made progress on developing supports for carers and people with a learning disability — for example, through short breaks — there is still much to do. For my part, I am committed to doing all that I can to ensure that the services that we provide are effective in securing the best outcomes for people with learning disabilities.

As I have said before, where that requires us to change how we do things, we have to be prepared to do that if we are to move beyond short-term responses and crisis management. That applies as much to services for people with a learning disability as it does to other parts of the health and social care system.

**Mr K Buchanan:** I thank the Minister for her response. Will she clarify the position with Hollybank in Magherafelt? Normally, it is closed on 25 and 26 December, but, over this festive season, it was closed for five days, which caused stress, particularly for those requiring emergency care.

**Mrs O'Neill:** Obviously, the Northern Trust provides a variety of short breaks to over 500 adults with a learning disability, some of whom may have complex health needs or challenging behaviour. Those are provided at Ellis Court, which is a six-bedded residential unit in Carrickfergus, and Hollybank, which, as you said, is a five-bedded residential unit in Magherafelt. Those services are pre-booked so that families can have a planned break from caring. The trust also has contracted bed-based services from the independent sector — namely, two beds in a residential setting in Coleraine, which specialises in the management of service users with highly challenging behaviours. Those services are also pre-booked.

I will respond to the Member in writing on any potential issues with Hollybank, but, needless to say, it is important that we plan those services in conjunction with families



and carers because they know their needs and what they need from Health and Social Care. If there are any particular issues with Hollybank, I am happy to write to the Member, but, as I said, it is key that we listen to the views of families and carers and make sure that we design appropriate services. That is certainly how I conduct my business as Health Minister.

**Mrs Dobson:** Does the Minister recognise the immense pressure on private residential nursing homes? If even a small number closed, as has happened in my constituency of Upper Bann, the number of respite places available would be greatly reduced. I want to learn more about the actions that she is considering to reduce those pressures. Does she bear in mind the heartache that closures bring to elderly residents and their families?

**Mrs O'Neill:** I absolutely understand the heartache, and I have met many families and carers who have lived experience of supporting their loved ones and friends. As I said in a previous answer, it is so important that we listen to the views of those people and design services that meet their needs. Whilst providing residential care is one element of the type of support that you can provide to people, there are other ways in which you can support people. It is important that we tailor support to the needs of the individual as opposed to trying to impose a blanket approach. That is very much what we need to do. We need to invest more to make sure that support is in the communities and help people in their homes without them having to move if that is what their families want. It is important that we continue to provide services in conjunction with those people who use them.

It is also really important that we continue to support our carers, because they are absolutely stretched to the limit. They do such fantastic work to support family members or the friends whom they might care for. We need to continually drive home the message that carers are also entitled to be cared for. They need to have their carer's assessment, and we need to be able to meet the needs identified as a result of that. I absolutely believe that carers provide invaluable work that the health service could not provide, and we need to recognise that. I believe that I have done so through meeting carer representative groups and engaging with carers over the last seven months.

**Mr Milne:** Agus mo bhúochas leis an Aire fosta as a freagraí go dtí seo. Will the Minister update us on any progress made in learning disability services in the Western Trust?

**Mrs O'Neill:** I have repeatedly made clear my commitment to ensuring that the issue is resolved. Actions are being taken forward to facilitate that, and I have met the families involved. I have made arrangements for the appointment of an independent facilitator to work with the trust and the families to restore relationships so that a plan for further investment in adult community learning disability services in the area can be developed as a matter of priority. The terms of reference for that work have been finalised, going initially to the chief executive of the Western Trust in December. They require me to approve the appointment of a facilitator, which I will do following further engagement with representatives of the families in the area. I have also appointed a senior official from my Department to oversee progress and act as the point of contact for the families. Arrangements are being made to facilitate a meeting between the Health and Social Care Board and

the families to discuss the capitation formula, because this is a complex subject, and I know that the families are keen to understand and know more about it. I am happy to facilitate that.

**Mr Lyttle:** Why are only six adult learning disability respite care beds available in east Belfast and only 23 in the Belfast Health and Social Care Trust that are often displaced for emergency use? What is the Minister doing to address the unacceptably poor provision of much-needed respite for families living with learning disability?

**Mrs O'Neill:** I do not have the breakdown for east Belfast, so I cannot give you information on that, but I am happy to provide it for you in writing. As I said previously, we need to recognise that it is not just about the residential facility; we need to have in place a combination of measures and appropriate supports because everybody has different needs and requirements. We have more adults with a learning disability and more families under an awful lot of pressure as the people providing the care get older. Respite care, which is now more commonly known as "short breaks", is something that we need to continually keep under review. One of the things in the review of learning disability services in the Bamford evaluation is looking at where we should target supports. It very much points to the need to look towards more care in the community, making sure that we provide support close to people and, in an ideal situation, in their home, if that is possible. Short breaks or residential care, as you call it, are a crucial component of the continuum of comprehensive support services, but we need to make sure that we provide every possible opportunity for people to receive care in the manner in which they need it. I believe that, like everything else right across health and social care, it is about bringing care closer to people and closer to their home.

## Out of Hours Service: Armagh

2. **Mr Kennedy** asked the Minister of Health for her assessment of the pressures on the Armagh GP out of hours service. (AQO 890/16-21)

**Mrs O'Neill:** The out of hours base in Armagh city is open each weeknight and for three slots on both Saturday and Sunday. The Southern Health and Social Care Trust seeks to ensure that a safe and sustainable GP out of hours service is available across all five bases in the trust area, including Armagh. In 2015-16, the Southern Trust out of hours service received nearly 94,000 initial patient telephone calls. The service provided over 5,000 home visits and 52,000 GP, nurse or pharmacist telephone assessments, and 36,000 patients had appointments in the Southern Trust out of hours centres. Despite the increasing pressure facing the service, more than 85% of people contacting the trust's GPs out of hours were triaged within 20 minutes.

The Southern Trust has taken a number of actions to support the out of hours service, including the introduction of nurse practitioners and clinical pharmacists to support GPs in managing the service. Patient and staff safety is of the highest priority, and, in the event that there are insufficient clinical staff to cover all out of hours bases across the trust area, resources may be consolidated in fewer bases. Where this is the case, all patients calling out of hours services continue to receive telephone advice

and are offered an appointment at an alternative base or a home visit, as deemed clinically appropriate, following the initial telephone triage.

There has been significant investment in GP-led services over recent years. I set out in 'Health and Wellbeing 2026' the importance of primary care, and I have confirmed my intention to invest significantly in primary care.

The future model of primary care must be focused on keeping people healthy and well and must be based on multidisciplinary teams embedded in general practice. I have already announced plans to have named district nurses, health visitors and social workers for every GP practice to support the development of new roles such as physician associates and advanced nurse practitioners and to continue to invest in practice-based pharmacists. I also intend to invest in technology to help transform the way general practice works and informs the services to patients. To that end, I have confirmed the further roll-out of the askmyGP system.

I have also said I will bring forward a public consultation on the role of GP federations. Further detail on our approach to building multidisciplinary teams will follow over the next number of months on how we are going to do that and how we are going to secure what I have set out in 'Delivering Together'. Given my focus on supporting and investing in primary care, I have also announced an increase to 111 GP training places over the next two years. This year, 2016-17, saw the investment of up to £7 million in GP services following contract negotiations, building on investment of up to £5 million made last year.

**Mr Deputy Speaker (Mr McGlone):** Just before we move on, I advise the Minister about the two-minute rule.

**Mr Kennedy:** The early part of the Minister's response highlighted the need for the retention of GP services in Armagh and, indeed, in County Armagh. How will the Minister react and, more importantly, what will the Minister do to deal with the current wider GP crisis highlighted by the comments today by the chairman of the Northern Ireland General Practitioners Committee, Dr Tom Black, warning that Northern Ireland GPs will vote to leave the National Health Service because of the crisis in the political institutions?

**Mrs O'Neill:** I think my track record speaks for itself in what I have done, in the early days in office, on investing in primary care to make sure that we support our GPs. I have taken on board the whole review and the recommendations that were put forward under the GP-led review. I am as committed today as I was when I announced I would take on board all those suggestions and make sure that we implemented them.

The situation we are in today is not of my making. It is absolutely down to the arrogance of the DUP. It is down to the RHI scandal. Let us be very clear about where we are in relation to the current situation and why we are in the scenario that we are in.

I set out a vision for transforming health and social care that very clearly put it at its core that we need to invest heavily in primary care and bring care closer to people's homes. That is absolutely the vision I am wedded to and will continue to be wedded to until I leave office. I would much prefer to be driving forward with that transformation agenda, but there is a crisis of confidence in these institutions because of the actions of the DUP. As a result

of the actions of the DUP and because of its continued arrogance and disrespect towards the public, I believe that the public are rightly entitled to have their say on the future, and that will include GPs.

**Mr Deputy Speaker (Mr McGlone):** Members, please be advised that you should have a little respect for the Minister when she is responding and likewise for anyone else who has the Floor.

**Mr McNulty:** I thank the Minister for her answers thus far. The Minister responded to my questions for written answer on the matter confirming that 2,779 shifts in the out of hours service in the Southern Trust went unfilled in the last 18 months. She went on to confirm that the Armagh base was closed on 242 occasions over the same period. Will the Minister explain why her Department continues to close the Armagh base, given that her Department has also closed the minor injuries unit in the city?

**Mrs O'Neill:** From 20 December to 2 January, the Armagh base was open 18 out of 28 times, which is 64%. Although the Armagh base may be closed, the GP out of hours is a trust service, and patients in Armagh will be provided with a service. When it is closed, it affects only appointments, and patients will be offered an appointment in one of the other bases. Normally, the Armagh base has one GP; however, on six of the occasions that the Armagh base was open, it was staffed by two GPs, and on one occasion it was staffed by three GPs. The GP out of hours service is provided to all the Southern Health and Social Care Trust population and is delivered by GPs, triage nurses, nurse practitioners and pharmacists from bases throughout the trust.

### 3.00 pm

That is in relation to performance, but the issues faced by the Southern Trust in relation to out-of-hours services are pretty typical of issues with out-of-hours services across the piece. This points to the need to train more GPs, and I have already set out what I am going to do. It points to the need to look at other services that can be provided in the community and how else we can provide additional nurses. I have said that we need to enhance the role of advanced nurse practitioners, and we need to look at placing pharmacy at the centre of GP services. I have set out the direction that we need to take to fix a poor picture in relation to the stress and pressure that I have no doubt GPs are under. The situation in the Southern Trust is symptomatic of the wider issues and the need to transform health and social care.

**Ms Seeley:** I thank the Minister for her answers so far. The Minister has committed to investing in primary care. How does she feel that will alleviate pressure across our health system?

**Mrs O'Neill:** Investment in primary care is critical. The vision for transforming health and social care, 'Health and Wellbeing 2026: Delivering Together', set out clearly the importance of primary care. As part of that vision and direction of travel, I confirmed my intention to invest significantly in primary care. We have to change the future model of delivery. The future model of primary care must be focused on keeping people well and healthy; it must be based on multidisciplinary teams embedded in GP practices.

I have already announced plans to have named district nurses, health visitors and social workers for every GP practice; to support the development of new roles such as

physician associates and advanced nurse practitioners; and to continue to invest in practice-based pharmacists. I also intend to invest in technology to help to transform how general practice works and improve services to patients. To that end, I have confirmed the further roll-out of the askmyGP system. I have also said that I will bring forward a public consultation on the role of GP federations. Further detail on our approach to building multidisciplinary teams will follow over the next short period.

Given my focus on support and investment for primary care, I have also increased to 111 the number of GP training places over the next two years. This year, 2016-17, also saw investment of up to £7 million in GP services following contract negotiations, building on investment of up to £5 million made last year.

**Ms Armstrong:** Minister, 20% of attendance at out-of-hours surgeries is for routine, repeat prescriptions. No matter what we do to inform the public that the service should not be used for that, it is still happening. The main reason for that is that no one can get near a GP surgery for love nor money. I heard you talk about supporting GPs, but what are you going to do to make absolutely certain that the public can access GP services?

**Mrs O'Neill:** I think that I have clearly set out what needs to happen. I set out the transformation vision, Delivering Together, which is the road map; that is what we have to do to transform the picture. There is no doubt that our GPs are under significant pressure. We all recognise that; we all see it every day, and we all engage with people who are trying to get an appointment but cannot. GPs need our support, and that is what I said I wanted to do. It is about building a multidisciplinary approach and about making sure that when you go to your GP, you can, perhaps, be seen by an occupational therapist or physiotherapist or anyone you might need in a multidisciplinary team.

If we do not get to that place, our hospitals will be continually under significant pressure and our waiting lists will continue to grow. I am as committed today to the transformation and the work that needs to happen on it as I was when I announced it in the Chamber a number of months ago. We have to deliver transformation; otherwise the health service will continue to be in crisis and waiting lists will continue to grow. Transformation is the long-term answer. If we invest, I believe, wisely in primary care and in bringing care into the community — that includes domiciliary care workers and everyone who works at the coal face and supports individuals — we will arrest the picture, and we will be able to change things. However, in the absence of transformation, we cannot keep doing things the way we are and expect people to have different outcomes.

## January Monitoring Round

3. **Mr Smith** asked the Minister of Health whether she will make a bid for additional funds in the January monitoring round. (AQO 891/16-21)

**Mrs O'Neill:** As the Finance Minister said in the previous Question Time, as there is no Executive, due to the DUP's mishandling of the renewable heat incentive (RHI) scandal, there will be no January monitoring. We refused to tolerate the DUP's arrogance and the contempt that it continued to show towards power sharing and the principle of equality. That is regrettable, given that we are all aware that Health is facing significant and increasing

challenges in endeavouring to meet the ever-increasing demand from within constrained financial resources. There are a significant number of front-line service pressures right across health and social care, from the hospital sector through to community services and social care. Those pressures are being managed proactively, and will continue to be, in order to live within our resources, but let us be clear: public finances will continue to flow in the absence of a January monitoring round. We are all aware that Health is facing significant and increasing challenges, and, in endeavouring to meet the ever-increasing demand from within constrained financial resources, there are a significant number of front-line-service pressures right across the sector. As I said, those pressures are being proactively managed in order to live within resources. We will continue to engage with the Department of Finance to address the additional investment necessary to support the delivery of services.

I have consistently said that the transformation of the health and social care system will require significant funding, but it is important that, first, we build capacity in primary care by developing multidisciplinary teams, increase surgeries that do not require overnight stays and move towards elective care centres to focus on waiting lists, among many other things.

**Mr Smith:** I thank the Minister for her answer. I appreciate that the initial question has been taken over by events, but, now that we have no monitoring round capability and the first Bengoa action on waiting lists will fail, what does the Minister say to the 250,000 people on record waiting lists to explain why she has put party politics before effectively doing her job for all the people of Northern Ireland?

**Mrs O'Neill:** What do I say to the people on waiting lists? I say that it is not good enough, and I continue to say that. It is absolutely not good enough. I set out how we needed to transform health and social care in the short, medium and longer term. I set out a number of key actions that we need to deliver from the Bengoa report and the direction of travel for doing that. There are 18 points. We have actioned quite a number of those, and we are on target to deliver on the others. There was some confusion last week. I will publish an elective care plan. I will publish exactly what I intended to do with waiting lists, because that is important for trying to build public confidence.

We cannot let the waiting lists issue overshadow the real, meaningful transformation that we need to achieve. I have said it previously and will say it again: let us be very clear that the reason why we are in this scenario is because of the DUP. We are in this scenario because of the DUP's arrogance and the fact that it continues to ignore the public concern over the RHI scandal. Until seven months into this mandate, it failed to publish a plan for how it is going to stop the flow of money. Despite all the pleas and calls for the First Minister to stand aside, she ignored the public, and we now find ourselves in a scenario in which we have no option. Martin McGuinness took a very considered decision to place his resignation before the Assembly. It was absolutely the right thing to do. I only want to govern and be part of institutions that have equality at their core. Without that, there is no public confidence in them. The public need to be very sure that, when I or any other Minister who is part of an Executive takes a decision, it is done on the basis of the public interest and on the basis of equality, parity of esteem and mutual respect.

I do not think that the public will thank us or anybody else for being part of institutions that do not have equality at their core. It is now over to the public to have their say. I will send this message to the public: I believe that I have set out a vision for health and social care. I wanted to be at my desk continuing to deliver the transformation. I will stay at my desk until the eve of the election, when that ceases to be the case. I am as determined today to deliver on the principles of the health service as I was when I took up office and set out the transformation journey. This situation absolutely falls at the feet of the DUP and its arrogance.

**Mr Sheehan:** Will the Minister give us an update on funding for the community and voluntary sectors?

**Mrs O'Neill:** It is really important that I listen to the views of the groups out there on core grant funding, and I did so over the past number of months. One of the issues that they consistently raised with me is their belief that the loss of core grant funding will be detrimental and take away from their ability to provide advocacy services. Therefore, I would give some consideration to what was originally tabled for the way forward, where there would have been a reducing percentage of core grant funding going out and an innovation scheme coming into place. The more that I have considered that over recent months and the more that I have engaged with the community and voluntary sector, in place of the innovation scheme, the more that has led me to intend to establish a new core grant scheme that will be linked to the vision for health and social care and transformation. It will support the core functions of voluntary and community sector organisations and will be open to applications from any voluntary and community sector organisation that demonstrates that it meets the aims of the requirements of the new scheme

Whilst, as I have said, I was supportive of the innovative aims of the proposed innovation scheme, I was concerned that closure of the core grant scheme would leave a significant gap in relation to the strong advocacy role that is performed by the voluntary and community sector. Work on the design of the scheme has started, and I have asked officials to engage the sector in the design process. Organisations that are currently in receipt of core grant funding will continue to receive grants at current levels until the new core grant scheme is up and running and accepting applications. To be very clear: there will be no reduction in grants in 2017-18 as previously planned. All 65 voluntary and community organisations that are currently in receipt of core grant funding were informed of my decision by letter on 5 January.

**Mr McGrath:** My first question to the Health Minister in this mandate was about the Downe Hospital. It would appear that my last question to the Health Minister in this mandate will be about it, too. Does the Minister feel that monitoring round money offers an excellent opportunity for pilot projects which can help excellently located facilities such as the Downe Hospital to provide services locally and also help to ease pressures in the wider hospital network?

**Mrs O'Neill:** Obviously, there was a change in the approach to monitoring rounds. We were doing things differently. It is now a process of ongoing conversation with the Finance Minister, and I can assure you that I regularly knock on his door. I had an opportunity to go down and meet some of the staff of the Downe Hospital. I very much welcomed that opportunity. They are absolutely passionate about what they can do. They also see very clearly their

role in how health and social care will look in the future. The Downe Hospital absolutely has a key role to play. I am looking forward to working with the staff to ensure that we develop that and that the Downe Hospital plays a significant role in the future delivery of health and social care. I have always said that the future of delivery may look different, but there is no doubt about it: hospitals like the Downe Hospital should look at this as a real opportunity to be part of the new vision for health and social care.

**Ms Bradshaw:** I would like to go back one question, Minister, to core grant funding. It is welcome that there will be no reduction next year, but there has been a reduction of 25% this year. The rationale for that was that this innovation fund was coming forward. It was believed that that money was in the budget. Given the urgency with which we need these health and well-being projects to be delivered, would it not be prudent to reinstate that 25% for the current financial year?

**Mrs O'Neill:** I can assure the Member that I am actively looking at that area and issue and how best we can use the funding. I am glad that she welcomes the new scheme. It has certainly received positive feedback from the community and voluntary sector. Given how we have now aligned the new scheme, we need to look at that additional funding. I am committed to doing that. I am looking at potential ways in which we can support the community and voluntary sector, and I particularly want to look towards mental health. I think that there could be an opportunity for us to do something in relation to that. I will keep the Member informed as to how we will roll it out, but I am looking at the 25% and how best we can make sure that it does enter the community and voluntary sector arena and how best it can then be spent.

## Emergency Departments: Pressures

4. **Mr Durkan** asked the Minister of Health for her assessment of the pressures faced by emergency departments over the Christmas period. (AQO 892/16-21)

12. **Mr Girvan** asked the Minister of Health for an update on the measures taken to address emergency department waiting times. (AQO 900/16-21)

**Mrs O'Neill:** With your permission, a LeasCheann Comhairle, I will answer questions 4 and 12 together as they both relate to the pressures that are being faced by emergency departments and the action that is being taken to address them.

The period following Christmas and new year is always one of increased pressure for health services right across Europe. I wish to assure you that we plan for this on an annual basis. However, it is true that this year has been an exceptionally challenging period for trusts and the Ambulance Service across the region due to winter illnesses, including norovirus. The latest provisional information that has been provided by the Health and Social Care Board (HSCB) for the nine larger acute hospital type one emergency departments indicates that, from Saturday 24 December to Wednesday 4 January, there was an increase of 8% in the number of people who attended emergency departments compared with last year. In some hospitals, this figure was as high as 14%. There was an increase of 5% on the same period last year in the number of patients who were transported by ambulance to emergency departments.



As I have said, the trusts and the HSCB put detailed plans in place for this winter. The plans for each area include a comprehensive range of additional or enhanced measures to manage expected winter demand, as far as possible avoiding the need for patients to go to hospital or, where this is necessary, avoiding the need for admission through the usage of ambulatory pathways. Where patients do require hospital admission, the plans propose a range of additional enhanced measures to optimise patient flow on a seven-day basis, including timely discharge. However, the rise in demand was right at the upper end of the forecast, and this has been reflected in the impact on emergency departments.

HSC trusts are also continuing to work to recruit emergency medical doctors, but there is a recognised shortage of those staff. The Department is continuing to address the issue of medical workforce planning. A workforce planning review of emergency medicine has been carried out, covering the period from 2014 to 2022. A number of recommendations have been made, which are being considered by the Department.

### 3.15 pm

I want to pay tribute to all the health and social care staff; in particular, those staff who have had to face increased demand in emergency departments in all our hospitals over the last number of weeks and who continue to do their very best in extremely difficult circumstances.

**Mr Deputy Speaker (Mr McGlone):** That concludes the period for listed questions. We now move to topical questions.

### Daisy Hill Emergency Department

T1. **Mr McNulty** asked the Minister of Health, after commending the staff — nurses, porters, paramedics and doctors — of Daisy Hill Hospital for whom he has the utmost admiration in how they have handled the pressure that they are under, especially over the Christmas period, for an update on securing permanent senior consultant cover for the emergency department at Daisy Hill. (AQT 646/16-21)

**Mrs O'Neill:** I concur. The staff in the emergency departments have been under immense pressure. They have all come in when they are supposed to be off. They are coming in, covering shifts and doing absolutely everything. I absolutely put on record how fantastic they have been, and they continue to work really hard as we get through the winter period.

I can confirm it for you in writing, but I believe that we have been successful in the recruitment of at least one emergency consultant at Daisy Hill. We had advertised for two posts. I will confirm it in writing when contracts have been signed, but I believe that we were successful in attracting someone to the post.

**Mr McNulty:** I know of one instance over the Christmas period where an 85-year-old man was left on a trolley in an overflow room. Are there any contingency plans to bring consultants in from other areas, or how can this issue be appeased in this locality for those emergency situations when there is an overload?

**Mrs O'Neill:** Obviously, the priority has to be about making sure people are seen as quickly as possible. It is

regrettable to say that some people have had to wait the extreme length of time that they have had to do. I have outlined the challenges that our emergency departments face, but we are not alone in that. The same challenges are right across this island; they are in England, Scotland and Wales. Actually, they are as far as Europe where there is an issue about recruiting consultants. It is an issue that needs to be factored into the future workforce planning, because one of the things that I always said when I took up post was that I was really surprised that there was not an overarching workforce plan. There is a European-wide issue, perhaps even a global issue, about a shortage of people to work in these fields, and that is where the workforce strategy comes in.

Nobody should have to wait in corridors or side rooms, and our staff are doing everything that they possibly can. This year, we were in a better state of readiness in our preparations for winter than we ever have been. I made sure that I brought everybody in — all the heads of the trusts, the board and the Ambulance Service — to be assured that everything that could have been done in advance was being done. We did have particular, challenging issues this year, not least being the fact that more people attended our emergency departments, but also because we had outbreaks of viruses such as the norovirus, which obviously put additional pressure on hospitals.

### Adult Learning Disability Underspend: Western Trust

T2. **Mr McCrossan** asked the Minister of Health for an update on the actions that she has taken to investigate the underspend on adult learning disability services in the Western Trust area, which was discovered in 2013, with us now almost a year down the track since it was revealed following great work by families and the media. (AQT 647/16-21)

**Mrs O'Neill:** Maybe the Member was not in earlier; I did answer this question, but I am happy to do so again. I have repeatedly made clear my commitment to making sure that the issue is resolved. I have met the families and agreed a number of actions with them that we are going to take forward to facilitate their being able to achieve the information they asked for. I have made arrangements for the appointment of an independent facilitator to work with the trusts and the families to restore relationships, so that a plan for further investment in adult community learning disability services can be developed in the area as a matter of priority.

The terms of reference for this work have been finalised and were issued to the chief executive of the Western Trust in December. These require me to approve the appointment of a facilitator, which I will do following further engagement with representatives of the families in the area. I have also appointed a senior official from the Department to oversee progress and to act as a point of contact for the families. Arrangements are also being made to facilitate a meeting between the Health and Social Care Board and families to discuss the capitation formula. Obviously, it is a complex subject, and the families are very keen to know more and to understand it.

**Mr McCrossan:** Thank you, Minister, for answering the question. You did not answer it earlier, and I am not enthused by your answer, nor will be the many people

and families who are listening, sitting on the sidelines, disappointed and disgusted that we still have not got answers about this money.

First, where is the money, Minister? Secondly, do you not feel that the many promises that you have made are letting people down? You are about to walk out of office, as your party has done, collapsing with your love partners in the Executive. What do you say to those families, Minister? They are waiting on the sidelines with people on waiting lists for operations and everything else. You are politicking, and people are in crisis. It is time that this issue was taken seriously, and I do not think that your party is doing that.

**Mrs O'Neill:** You have a neck on you to tell anybody to take anything seriously. I have taken up this issue. From the very first day that I came into office, the issue was brought to my attention. I have done absolutely everything I can to work with the families.

**Mr McCrossan:** Was that to work?

**Mrs O'Neill:** You should not shout over me.

I have done everything that I can to work with the families. I agreed a number of actions with them. I told them exactly what I was going to do. I told them that I would appoint an independent facilitator and that it was time that we started to try to build a relationship. I thought that we could do that through the appointment of an independent facilitator. That is exactly what I have done. It is important that we support those families and that they feel that they are being listened to. I said that we would get to the bottom of the issue and get clarity on the £8 million that we talked about. It is more important to make sure that they start to build a relationship with the trust again and that the independent facilitator accommodates that to allow them to feel confident that their loved ones are being looked after and for trust to be built up again between the individuals and the trust. For me, making sure that that work is done is far more important than trying to make a headline for yourself in next week's local paper.

I want to be a Minister. I have shown my track record and what I could do when I came into office. Every decision that I took was based on equality and mutual respect, and my track record in transforming health and social care, listening to staff and patients, listening to —

**Mr McCrossan:** You are leaving office.

**Mrs O'Neill:** I have done absolutely everything I can. You are right: I am leaving office. Do you know why? Because I will not tolerate the arrogance of the DUP. That is exactly why I am leaving office. You can sit on the sidelines, but you are absolutely irrelevant. Let me tell you why: you could have brought all the motions you wanted to the House, but the only person who could hold Arlene Foster and the DUP to account was Sinn Féin and Martin McGuinness when he placed his resignation before the House. So do not talk —

**Mr McCrossan:** Failed government.

**Mrs O'Neill:** A LeasCheann Comhairle —

**Mr McCrossan:** Failed government.

**Mrs O'Neill:** Do not talk your nonsense with me. Do not try to muddy the waters. I am absolutely committed to making sure that I deliver every support to those people with a disability or a learning disability. I am absolutely committed

to making sure that we get to the bottom of the issue in the Western Trust and that those families can get on with caring for their loved ones. I do not think that you should use the issue to try to score petty political points. I am not interested.

**Mr Deputy Speaker (Mr McGlone):** Members, please. We have tried to conduct our business today with quiet respect, one for the other. I would seriously appreciate it if Members would not talk across one another or shout when another Member has the Floor, please.

The Member who placed question No 3 is not in position.

## DFM Resignation

**T4. Mrs Little Pengelly** asked the Minister of Health to outline the representations she made to the deputy First Minister to state that, rather than resign when he did, he should wait to allow a Budget to be laid in order that her Department and all those people who need health services can get the help and support that they need when they need it, given that she will be aware that the Finance Committee held an emergency meeting this morning to hear about the inadequacies of section 59, which, for example, does not allow the distribution of accrued funds of some £2.5 billion; the Finance Minister has not brought forward rates regulations, which means that rates bills cannot be sent out and that additional money brought in, which will cause a huge crisis in the Departments, including the Department of Health. (AQT 649/16-21)

**Mrs O'Neill:** The Finance Minister, Máirtín Ó Muilleoir, answered you earlier in relation to section 59. This is another example of the DUP trying to scaremonger and get cover. The reason we are in this situation is absolutely of the DUP's making; it is nobody else's. Had the DUP listened to the public outcry and been really serious about having integrity in government, it would have stood aside. We are in this position because of the actions of the DUP, not those of Martin McGuinness. Martin McGuinness did the right thing; he tendered his resignation because he was no longer prepared to lead his party in government with people who are not interested in equality or mutual respect. Our position is very, very clear. I want to be at my desk delivering for health and social care. I want to make sure that I drive forward the transformation piece, but I tell you this: I will not be part of a government in which the DUP is not interested in equality. We cannot be partners in government with people who care about certain sections of society only. It is not good enough.

**Mrs Little Pengelly:** Sadly, what we have heard here today is a Minister of Health reading off a Sinn Féin election cue card rather than caring about the many, many thousands of people who will be impacted by the lack of a budget. The Health Department will start this financial year without a budget or planning, and that will impact on those most at need. The responsibility lies with you as Minister of the Department. You cannot duck the responsibility to ensure that there is a budget in place and to make representations to your colleagues to that end. What contingencies have you put in place, Minister, to ensure that public services in health are not impacted detrimentally?

**Mrs O'Neill:** Again, we are back to the same point. The reason why we are in this situation is the DUP, its arrogance, its lack of integrity, the RHI scandal and

everything else that went before it. The DUP should have listened to the calls for Arlene Foster to stand aside, allowing a full investigation to disclose all of the information and have it in the public discourse. There is a crisis of confidence in the institutions — an absolute crisis of confidence. People do not trust the DUP, so I absolutely think that Martin McGuinness took the right decision. We know that he took the right decision. It is now over to the public to have their say. Our track record on delivery and on putting equality at the core of the Departments for which Sinn Féin has held the ministerial portfolio speaks for itself, and we will never be distracted from that. We will, however, only ever come back to these institutions and be in the Executive if equality is embedded at their core.

### Minister's Legacy

T5. **Mr Allister** asked the Minister of Health, after apologising for interrupting the lovers' tiff, whether she agrees that, with GPs threatening mass resignation, waiting lists again running out of control and budgets heading for the buffers, the public are entitled to judge her legacy as one of failure. (AQT 650/16-21)

**Mrs O'Neill:** We have made it very clear. Let the public decide; let the people decide. We have had DUP arrogance, failure to recognise the public mood, failure to listen to concerns and failure to do the right thing. The public will now have an opportunity to have their say, and I look forward to engaging on the doorsteps with everybody who wants to talk about it, but I am making it very clear: we will only come back and be part of an institution and Executive that have equality embedded at their core.

**Mr Allister:** I am tempted to say that those in Sinn Féin are the last people to set any standards of probity about anything. On the Minister's legacy, will she, before she leaves office, implement the call from international experts to ensure that the air ambulance is doctor-led from day one?

**Mrs O'Neill:** I am in office until the eve of the election, whenever it might be called, and I will continue, at my desk, doing my work every day. That includes taking decisions relating to the future of the air ambulance and how it will be staffed. I have always said that I will be guided by the Chief Medical Officer and his recommendation, and that continues to be the case.

### Ministerial Apology

T6. **Ms S Bradley** asked the Minister of Health to reflect on her time in office and all the empty promises that were made at the outset and to state whether she feels any duty to apologise to the people of Northern Ireland whom she has so severely let down by walking out of office, regardless of where she wants to point the finger of blame, which gives little comfort to those people who are waiting for operations, waiting for care and are waiting for instruction and governance that is absent. (AQT 651/16-21)

**Mrs O'Neill:** Do I apologise for prioritising mental health? No, I do not. Do I apologise for setting out a vision for transforming health and social care and delivering better health outcomes? No, I do not. Do I apologise for putting a focus on tackling health inequalities? No, I do not. Do I apologise for all the things that I have done in relation to engaging with staff and making sure that their voice is heard? No, I do not. The issue of waiting lists has been

unacceptable to me since the day and hour I took up office, and I have been working every day to deal with those issues.

Do not use your electioneering on me today, let me tell you. I am interested in delivering for the public. I am interested in doing absolutely everything I can. I will continue to do that until the day I cease to hold office.

**Mr Deputy Speaker (Mr McGlone):** That concludes topical questions. I ask Members to take their ease, please, while we change the top Table.

3.30 pm

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

## Executive Committee Business

### Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017

**Mr Givan (The Minister for Communities):** I beg to move

*That the draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 be approved.*

The regulations are being brought in under article 137 of the Welfare Reform (Northern Ireland) Order 2015 and will amend existing regulations for the payment of welfare supplementary payments introduced during 2016. The Executive considered and approved the draft regulations at their 29 September 2016 meeting, and they had been scheduled for scrutiny by the Communities Committee on 12 January this year. However, the Committee did not meet on that date.

The regulations have been developed following publication of the welfare reform mitigations working group proposals on how the Executive should help those who are financially disadvantaged as a consequence of the changes to the welfare system. I thank Professor Evason and her colleagues on the working group for bringing forward these recommendations, which were subsequently endorsed by the Executive on 21 January last year.

Members will recall that, last year, the following mitigation regulations were approved by the Assembly: the Welfare Supplementary Payments Regulations (Northern Ireland) 2016; the Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016; the Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016; and the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016. Those regulations gave my Department the powers to make payments to households adversely financially impacted by the benefit cap, those affected by time-limiting of contributory employment and support allowance (ESA) and those affected by the introduction of personal independence payment (PIP).

The regulations for debate today are further amendments to the existing welfare supplementary payment regulations and cover various circumstances that could arise and for which provision was not made in the original regulations. Members will be aware that officials were asked by the Executive to ensure that the mitigating measures were put in place when the Westminster Government reforms were introduced. The regulations give my Department powers to cover circumstances not addressed in the original regulations and will not make any substantive change to the administration of the existing scheme.

The amendment regulations make the following provisions: to require the reporting of a change in certain circumstances; to set the effective date for a change of circumstances; to continue, reduce or cease welfare supplementary payments in certain circumstances; to

deal with couples; to disregard sanctions; to allow welfare supplementary payments to be made to a landlord's agent or a person nominated to receive payments on a claimant's behalf; to allow information sharing with the Northern Ireland Housing Executive and Her Majesty's Revenue and Customs; to set a priority order for the payment of welfare supplementary payments for carers; to align welfare supplementary payments with housing benefit and to amend the definition of limited capability for work credit; and to effect the recovery of overpayments of welfare supplementary payments from future welfare supplementary payments by deduction from benefits, by deduction from earnings or via the courts. The regulations will help to ensure that mitigation payments are made under the appropriate legislation and that my Department makes regular and accurate mitigation payments to claimants impacted on by the changes to the welfare system.

**Ms Mallon:** I support the regulations, but the Minister will not be surprised that, because the regulations refer to the appeals process, I wish to take the opportunity to emphasise a point on which I have been in correspondence with his Department. It is about the fact that, to access a mitigation package, the necessary gateway is to go through the tribunals process and appeal a benefit decision. The Department has recognised that there will be a huge spike. I obtained figures from the Department that testify to the fact that the appeals forecast for this year is just under 12,000. That rises to almost 33,000 next year; in 2018-19, it rises to over 41,000; and it goes on. The Minister recognised that and increased investment in the physical infrastructure of tribunals, but there remains a gap around advice workers who are specifically trained to assist people through the tribunals process. In Belfast alone, 30,000 people will go through the appeals process this year, so I urge the Minister to look again at the issue and, if possible, bring forward ring-fenced funding to ensure that people who have specific training in the tribunals process are there to help to navigate our most vulnerable citizens through a very daunting and complex process.

**Mr Stalford:** This is the second example in the course of the day of the potential for devolution to be used in a positive and constructive way to aid those in most need. I welcome the fact that the Minister has brought the measures forward. I am glad to support them, and I urge all parties to do likewise. It is important, even in probably the last hour and a half of devolution, that we can use the institutions in this way. I am glad that the Minister has outlined the detail that he has to the House.

**Ms Ní Chuilín:** I, too, welcome the regulations. Like Nichola Mallon, particularly in relation to giving independent advice on benefits entitlement, I urge the Minister to follow Belfast City Council's example not just in respect of independent advice services for north Belfast but in respect of similar services across the North. When new regulations come in, it is incumbent on the Department to ensure that, where there are changes in circumstances, particularly to the way in which benefits are brought in, there is help and support. I also urge the Minister and his Department to make sure that there is a greater focus on error rather than just the primary focus on fraud.

I noted that the Minister said that this was in keeping with the regulations on personal independence payments.



Yet, PIPs were introduced, as will other benefits, without regulations. It goes back to the comment that he made earlier about my party colleague, Máirtín Ó Muilleoir.

Máirtín was right: those things were brought in without regulations. The Minister — I will not go as far as saying the Attorney General also — is tripping himself up. Maybe he could find 50 grand down the back of his sofa for the advice services. Maybe if they were provided in Orange halls, they would have a better opportunity of getting supported.

I want a better and greater focus on entitlement for people who are entitled to benefits. I want to make sure that he and his Department — I have absolutely no difficulty in saying this — place a greater emphasis on error in the Department, particularly when new transitional arrangements are being made and that claimants living in poverty are not penalised for inefficiencies as the regulations roll out.

I am glad to see the regulations, however, because if they help make it clearer for people how to get access to benefits, all the better. However, I urge the Minister to give additional support, particularly to the advice sector.

**Mr Dickson:** The Alliance Party is content to support the regulations, although with similar caveats to those that we attached in the previous debate on the bedroom tax. It is bitterly disappointing that two flawed parties in the same Government are presenting these regulations to us today: one, perhaps with the exception of the bedroom tax, that is more keen to back its Tory mates at Westminster; the other that is just dodging its responsibilities on welfare reform by not going to Westminster at all.

I want to concentrate on the situation that many advice services and charities will find themselves in over the next few months. Not only will they be incredibly burdened by the need to support some of the most vulnerable claimants through the torturous process of claim, appeal and tribunals but they themselves, as charities and organisations that support the vulnerable, will wonder where the next penny is coming from for them when it comes to the Budget for Northern Ireland and the failure of the two Government parties to provide a Budget.

That, in turn, will have the most severe of knock-on effects on those organisations that depend on our Budget and the arm's-length bodies and others that hand out resources to them. I think of organisations like Citizens Advice, Disability Action and many other voluntary and community organisations across the Province, which will be struggling and wondering where their resources are going to come from to deal with some of their most vulnerable clients when the regulations come into force. We support the regulations.

**Mr Deputy Speaker (Mr Kennedy):** This is Clare Bailey's first opportunity to speak as a private Member, so I remind the House that it is convention that a maiden speech be made without interruption. However, Ms Bailey, if you choose to express views that could provoke an interruption, you are likely to forfeit that protection.

**Ms Bailey:** Thank you, Mr Deputy Speaker. When I picked this date to deliver my maiden speech, I could not have predicted the circumstances under which it is being made and the political fiasco that is happening.

I was elected by the people of South Belfast to represent them. South Belfast should be held up as a model for the

rest of Northern Ireland, because it is the most diverse community that we have. That is represented in the six seats being held by five parties. Maybe the next election will bring a total balance of five from five. Who knows?

I am a long-time resident of south Belfast. When Lagan College, Northern Ireland's first integrated school, opened its doors in south Belfast, I am pleased to say that my sister and I were two of the first 28 pupils to attend the school. My children have been through that school. It is one of the most oversubscribed schools in Northern Ireland, yet it is still a bit disappointing to see that integrated schooling is not the norm or an opportunity that is available for the majority of children in Northern Ireland.

On the doorsteps during the last election campaign, I invited people to start to vote for something rather than against something. There is a long history of voters in Northern Ireland voting tactically. They tend to vote for something in order to keep something else out, and they then end up with something that they did not want in the first place. I was really honoured that, by going out with a message and giving something else as an alternative, I was returned in the fourth seat.

### 3.45 pm

I pledged to the people of South Belfast that I would work hard on equality issues and for human rights compliant legislation, particularly for women. Women in Northern Ireland suffer from a lack of legislative protections in many areas. We know fine well that we have a lack of women in public life in Northern Ireland and that the numbers have been seen to decrease since the institutions and the peace process began. In my previous job, I worked for an organisation that helps those who have been sexually abused or raped. Its figures show that a quarter of women and children in Northern Ireland should expect to be sexually abused at some stage in their lives. I have worked long and hard with Women's Aid in Northern Ireland. Its statistics show that a quarter of our population will suffer some form of domestic abuse at some stage in their life — usually in their own home, a place of safety for many.

When you put the statistics together, it starts to tell a story. Here in Northern Ireland, a woman is more likely to face a pregnancy as a result of rape than to ever face her abuser in a court of law. Through this House, we continue to afford her no reproductive rights or choice when she faces that situation. On the small legal application of reproductive rights and the right to choose a termination, we have Marie Stopes and the Family Planning Association, both situated in south Belfast. People trying to access those services constantly have to negotiate through protestors who continue a concerted campaign of hate and harassment, yet our laws seem unable to do much to stop it.

Despite all the other jurisdictions across the UK — Scotland, England and Wales — and of course Ireland making moves and introducing equal marriage, so many in this House still refuse to acknowledge that LGBT people here in Northern Ireland are still not seen as equals in the eyes of our laws. I was pleased to be given a place on the Justice Committee. I am very glad to see the Minister, the Department and the Committee making strident moves to try to tackle some of this inequality. We were working on stalking legislation. We were working on Northern Ireland's first ever laws to address domestic violence. I was also working on a private Member's Bill to try to bring

the campaign of intimidation outside reproductive health centres to an end. These are all wasted opportunities now, but I will stay and continue to keep my promises to the people of Northern Ireland to do all that I can for a community that I am very proud to represent.

South Belfast has an image of being a very affluent and leafy suburb, but we need to remember that south Belfast also has some of the most socially and economically deprived wards in Northern Ireland. It has a high percentage of people who are in receipt of state benefits due to unemployment, disability, caring responsibilities or simply our low-wage economy. We see from figures published recently that south Belfast claimants already suffer disproportionately from benefit sanctions. In response to this motion, I would like to say that, before the Executive give themselves powers to roll out these new welfare reforms and remove supports from our most vulnerable, they should perhaps take a look at themselves, put their own house in order and address some of their own financial fiascos.

**Mr E McCann:** It says here that no one here will be impacted by the benefit cap. This is not true. Fewer people will be impacted than otherwise would have been the case. Nevertheless, we should not make absolute statements when the facts do not justify them. One of the key facts about all this is that, as child benefit and child tax credit regulations are lifted from across the water, it will mean that people who have more than two children will be penalised. This is what 'The Guardian' has called the two-child policy. It will operate here. Remember, Northern Ireland is the area on these islands that has the highest proportion of families with three or more children. That particular cut and that particular provision will impact more on Northern Ireland than anywhere else.

Paragraph 7 or article 7 — whatever it is — of this document, under "Financial Implications", states:

*"Welfare Supplementary Payments in respect of Benefit Cap are based on providing protection for existing claimants for up to four years so that they do not experience financial disadvantage as a result of the Benefit Cap."*

I draw attention to the phrase "existing claimants". That very clearly makes this mitigation available to existing claimants. The fact that it does not simply say "claimants" leads me to believe that what we are entering here and the logic of the wording of this provision is that we will have a two-tier system that depends on whether you are claiming now before it comes in or whether you start claiming afterwards. That is socially divisive and illogical, and it should be removed. If we have time to do that in this mandate, we would set out to do it.

I want to underline a point that was made by Nichola Mallon and others to do with representation at tribunals and appeals. I do not know how many Members — probably lots of them — have been involved in this type of representation, whether it is industrial tribunals in relation to problems at work or appeals against assessments by private companies like Atos of whether you are fit to go to work. If you are alive at all and can breathe, Atos will sometimes tell you that you are fit to go to work as a coal miner or something else. There are a lot of appeals there and a lot of appeals in relation to matters that are more directly relevant to the issue that we are discussing at

the moment. Anybody who has been involved in that sort of representation or who has talked to people seeking representation, whether through the trade union movement or elsewhere — I have done loads of representations, more through the trade union movement than through my capacity as an MLA — will know that proper representation makes an absolutely enormous difference to people. In case after case after case, it makes the difference between winning an appeal and getting some sort of justice and not winning it at all and having to live with the outcome. Do you want to come in, Mark?

**Mr Durkan:** I thank the Member very much for giving way. The Member has eloquently and accurately pointed out that these mitigations, as welcome as they are, will not render everyone, every household and every family here in Northern Ireland immune to welfare cuts. Will the Member agree with me that this was made inevitable by the legislative consent motion that was passed in the Assembly and handed welfare powers to the Tories?

**Mr E McCann:** Anybody passing control of this area of public policy to the Tories was very naive if they did not regard it as inevitable coming from the Tories. Of course that is the case. This did not happen by accident. It did not happen without the cooperation or connivance of parties in the House. It does disadvantage new claimants here, and we should stop saying that these mitigations apply and that nobody will be impacted by the benefit cap. Not true. That has not been achieved, and the reason why it has not been achieved is that the issue did not have a sufficiently high political priority in the Assembly. It is a bit redundant now to say that this should be revisited and so forth, but I will say that the levels of social injustice indicated in this two-tier system of mitigation reflect the reality of our society over a whole range of policies and a whole range of ways of winning a living in our society.

The collapse of the Assembly because of RHI reflects something more fundamental. People keep talking about the dysfunctional nature of the Sinn Féin-DUP Government. It is more than that and deeper: it is the dysfunctional nature of a system that is based entirely on trying to reconcile orange and green politics. It is necessary under our political system that people identify themselves as either orange or green to have any real impact. We, the Green Party and the Alliance Party do not count in crucial votes; people registered as "other" are just dismissed. We literally do not count — we are not taken into account — when dealing with this issue and a whole range of others. If we want to make a real difference — if we think that there is any possibility of another Assembly mandate becoming a reality — people who define themselves as "other" should be given the same privileges as the orange and green sides. In other words, let us imagine that the Alliance Party, the Green Party and People Before Profit returned with 50% of the seats. How would the Assembly operate? How would petitions of concern operate? *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to return to the motion.

**Mr E McCann:** I do not think that I have strayed as far from the subject as some. Some did not touch on the subject at all. At least I mentioned it before going on to extrapolate from it. *[Laughter.]* Where was I? What is wrong with our politics on this matter and others is this: the agreement and the whole structure of the Assembly and Executive

require people to think in terms of orange and green. The whole nature of the agreement and the arrangements are designed to compartmentalise all of Northern Ireland society into green and orange camps and to privilege that. The whole basis of our politics is to try to get those two tribes and their representatives to work together. What we need is an increase in the non-tribal MLA element in the Assembly and elsewhere. That requires prioritising different issues and different matters. That is what People Before Profit will be doing. We base our politics on what is happening below — on the street, in factories, offices, schools and colleges. We will still prioritise that. We will be active, Assembly or no Assembly, in preaching the divine gospel of discontent in Northern Ireland. We believe that we will make advances and achieve more through the mobilisation of ordinary people to pursue their own interests, whether there is an Assembly at the end of the week or not.

**Mr Deputy Speaker (Mr Kennedy):** Thank you. That is the end of the first party election broadcast. *[Laughter.]*

**Mr Givan:** I will deal with some of the issues that have been raised. Just to pick up on where we left off, I do not think that anybody in the unionist community believes for one moment that People Before Profit is anything but green through and through. He can preach all he likes about orange and green. The history of People Before Profit is very clear: its politics are green to the core.

**Mr E McCann:** Will the Minister give way?

**Mr Givan:** I will.

**Mr E McCann:** I want to ask the Minister whether he is familiar with the song by Harry Chapin junior? It is about a little boy who goes to the art class in school. The teacher says to him:

*“Flowers are red young man  
Green leaves are green  
There’s no need to see flowers any other way  
Than the way they always have been seen.  
But the little boy said ...  
There are so many colours in the rainbow  
So many colours in the morning sun  
So many colours in the flower and I see every one.”*

What the Minister needs to do is to develop some sort of perspective, maybe through a form of 3D glasses or an adaptation of them, to see the world and Northern Ireland in terms other than orange and green.

**4.00 pm**

**Mr Deputy Speaker (Mr Kennedy):** Order. I have been reasonably tolerant in allowing Members to stray somewhat in their contributions, given the day that is in it, from the matters before us. I encourage all Members, including, now, the Minister, to address the regulations.

**Mr Givan:** That was a lovely song from Bernadette Devlin’s former election agent.

The regulations enable the Department to implement accurate and timely mitigation payments to assessed claimants impacted on by welfare reform. The measures mean that claimants will be given time to adjust to the impact of welfare reform by providing financial support for up to four years. The measures are unique to Northern Ireland and demonstrate our determination to protect the

most vulnerable, putting us ahead of the rest of the United Kingdom in our efforts to do so.

Members raised a range of issues, and I will do my best to address some of them. Nichola Mallon raised a point about her correspondence with me about Belfast Citywide. I have tasked my officials with exploring that issue. Some £2 million was made available for independent advice on welfare reform. An issue has arisen around Belfast Citywide, and I have asked my officials to see whether that can be looked into.

I move on to other issues that Members raised. Clare Bailey made her maiden speech eight months into the job. She outlined what some realise is on the ballot paper. I want to be very clear in dealing specifically with the points that Clare Bailey raised. When we talk about abortion, I will always protect life and act to defend life. When we talk about marriage, I am very clear that I will always stand with the definition of marriage as being between one man and one woman. That does not make me anti-anybody; it puts me squarely behind where I believe our values, as a society, should be. I will not change my position. Sinn Féin talks about LGBT rights as one of the reasons for what it is doing. There will be no compromise on my part when it comes to dealing with abortion and marriage. I will always protect life.

**Ms Bailey:** Will the Minister give way?

**Mr Givan:** No, I will not give way.

The Member also raised a point to do with those who are sexually abused. I agree that that is an appalling thing to happen to people. Only last week, I had a meeting with Survivors and Victims of Institutional Abuse (SAVIA) about the report that is due to be released. The pain that came through in their voices because of what is happening, with Sinn Féin walking away from the Executive, was palpable. Sinn Féin needs to be held to account for that, too. It has put party over people. That is what is happening.

Carál Ní Chuilín’s attack on me was just a continuation of the attempt to assassinate my character that has been led by Gerry Adams and taken on by Máirtín Ó Muilleoir, who made some outrageous comments on the radio about me as an individual. I will stand with my record for the public to decide on. I will not be pigeonholed by those sitting opposite me as to how I conduct myself on behalf of the people whom I represent. Let us remember that Carál Ní Chuilín stripped money from the musical instrument scheme — she stopped it. Did we collapse the institutions? No, we did not. Carál Ní Chuilín jumped on officials in her Department when it came to safety concerns at Casement Park. Officials came forward because they wanted to ensure that there was no repetition at Casement of the Hillsborough disaster. What was Sinn Féin’s response through Carál Ní Chuilín? It was to jump on those officials. I will not take lectures from Sinn Féin on these issues, particularly on sectarianism. What did Carál Ní Chuilín do when Sandy Row and other clubs came forward to speak about sectarianism and bigotry in the Irish boxing association? She denied it. This is a party that now has the temerity to accuse others on issues of respect, equality and sectarianism. I do not think so.

I refer Members to what happened to Mordecai and the plot that Haman went about to build the gallows to get Mordecai. We know the republican plot; you are building



the gallows. History shows what happened in that story. We are prepared; we will go to the country.

**Mr Deputy Speaker (Mr Kennedy):** Order. I have to say I did not expect Mordecai to feature.

*Question put and agreed to.*

*Resolved:*

*That the draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 be approved.*

## Assembly Business

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Kennedy):** I will take a point of order from you shortly, Mr Nesbitt, but I want to deal with notification to extend the business hours of the plenary first.

### Extension of Sitting

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

*Resolved:*

*That, in accordance with Standing Order 10(3A), the sitting on Monday 16 January 2017 be extended to no later than 1.00 am on Tuesday 17 January 2017. — [Mr Dickson.]*

**Mr Deputy Speaker (Mr Kennedy):** Mr Nesbitt, you have a point of order.

**Mr Nesbitt:** Thank you. Through you, I ask the Minister for the Economy to reflect whether today is the right and appropriate day to take to a vote the regulations that he is about to introduce. My reasons are as follows: as I understand it, the Examiner of Statutory Rules has yet to take a definitive position on them; the Committee for the Economy, which the Minister briefed this morning, is yet to take a definitive position; and as yet there is no business case. The regulations will not take effect for 74 days, until the start of the next financial year, and I believe a delay of seven days would allow the Minister to address those weaknesses and uncertainties. I have no doubt that, if the Secretary of State is made aware that the Minister wishes to bring the regulations to the Chamber next Monday, dissolution will follow that and not precede it.

**Mr Deputy Speaker (Mr Kennedy):** Order. I thank the Member for his point of order. It is not possible for the Chair to respond to it, but I therefore ask that the Minister address the issue when we come to the debate on the motion.

**Mr Allister:** On a point of order, Mr Deputy Speaker. Since the Chair has the duty and responsibility to protect the processes of the House, will you explain how the provisions of Standing Order 43 have been complied with in the tabling of the business we intend to embark on?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. Let me reflect on it.

**Dr Farry:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Kennedy):** I would prefer to deal with this point of order, Dr Farry.

I will deal with Mr Allister's point of order first. I have great sympathy with the view expressed, because this is a legislative Assembly. The scrutiny and passage of legislation — primary and secondary — is one of the most important aspects of our role.

You asked about Standing Order 43. Standing Order 43 provides, among other things:

*“(1) Every statutory rule or draft statutory rule which -  
(a) is laid before the Assembly; and*

*(b) is subject to Assembly proceedings,*

*shall stand referred to the appropriate committee for scrutiny."*

The Committees may delegate technical scrutiny to the Examiner of Statutory Rules, who is, of course, an officer of the Assembly. The Standing Order also provides that the appropriate Committee and/or the Examiner of Statutory Rules:

*"shall where practicable report on an instrument before any resolution or motion relating to that instrument is moved in the Assembly."*

The key phrase here, Mr Allister and Members, is "where practicable". In this instance, such scrutiny and reporting by the Committees and the Examiner has not been practicable, and I agree with the Member that that is far from ideal.

As debates on legislation, including subordinate legislation, are not timed, any Member wishing to speak will have an opportunity to do so without a time limit. Members may, of course, reflect their opinion on the time allowed by the Minister for the Assembly and its Committees to scrutinise this legislation in deciding whether or not to affirm it. I encourage Members to take the opportunity that this debate presents to put all their concerns on the record and to seek explanations and, where appropriate, assurances from the Minister in relation to these regulations. However unsatisfactory the circumstances may be, today is the only opportunity for scrutiny, and I encourage Members to make the most of it.

**Mr Allister:** On a further point of order, Mr Deputy Speaker. In the circumstances that we are in today, are the exhortation and expectations of Standing Order 43 not all the more acute? In paragraph 6, it specifically anticipates report to the House by the Committee where the statutory rule:

*"purports to have retrospective effect where the parent legislation confers no express authority so to provide".*

There could not be a more acute instance of why Standing Order 43 exists and why its defiance, which is what is happening here today, is so inappropriate.

**Mr Deputy Speaker (Mr Kennedy):** I indeed confirm, Mr Allister, that that indeed is a role carried out by the Examiner. I have said that we are in less-than-ideal circumstances, and I have also said that there is an opportunity for Members to pose these questions to the Minister for explanation and answer. Ultimately, at the conclusion of the debate, there will be an opportunity for a vote to be taken.

**Dr Farry:** On a point of order, Mr Deputy Speaker. Arising from your recent clarification to Mr Allister's point and, indeed, the content of Mr Allister's point of order itself, it is clear that debate on the Floor of the Assembly is not a substitute for the more detailed scrutiny that can lie in the Committee, in particular on receipt of any report from the Examiner of Statutory Rules. We are in this situation today because of the assumption that, in effect, we are right up against the clock with any potential passing of these regulations by the Assembly. However, it does seem likely, indeed probable, that there will be further sittings of the Assembly, whether this week or at the beginning of next week.

I want to ask clarification on two points from you, Mr Deputy Speaker. First, will you clarify that there will indeed be a meeting of the Business Committee tomorrow and that there is the potential for this business to be rescheduled for another point either this week or, indeed, next week if the Minister were to seek to take that opportunity? Secondly, will you provide clarification on, in the event that the Minister moves ahead to formally move the statutory rule in a few minutes' time and, upon reflection, hears the views from different corners of the House and decides that it would be better that the issue be deferred to another time, what mechanism exists for that to be done? Alternatively, is it the situation that, once the SR is formally moved, we are on track to having a vote on it this evening, which is a most unsatisfactory situation?

**4.15 pm**

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for the number of points of order that he has raised. The meeting of the Business Committee is, I think, still scheduled to take place tomorrow. The Member raised the issue of the speculation about a statement that may or may not be made later today by the Secretary of State for Northern Ireland on when the Assembly will be dissolved, if it fails to elect a First Minister and a deputy First Minister. The expiry of that is 5.00 pm, as the Member is aware. Clearly, Members will have to wait until after that time elapses to see what, if anything, the Secretary of State says on the matter. Another point that the Member raised was in part dealt with when Mr Nesbitt raised his point of order, while the points that he made to the Minister can be addressed only by the Minister when he is in a position to do so.

## Executive Committee Business

### Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

**Mr Hamilton (The Minister for the Economy):** I beg to move

*That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.*

This statutory rule is being made under powers contained in the Energy Act 2011, which prescribes that these regulations be laid in draft form for approval by affirmative resolution of the Assembly. I am introducing the draft regulations as the first stage of a comprehensive plan to address the fundamental flaws in the design of the non-domestic renewable heat incentive (RHI) scheme and to eliminate the abuse of the scheme, which has done so much financial and reputational damage.

I will start by thanking the Chairperson and members of the Business Committee for sitting at short notice at 5.30 pm on Friday to consider my request to have the draft regulations considered today. I also express my regret that the urgency of the situation did not permit me to provide the draft regulations to the Economy Committee for the normal scrutiny process. I am grateful to the Committee for accommodating a briefing session this morning.

This is perhaps an opportune moment to seek to address as best I can the points raised by Mr Nesbitt. He is asking for a delay for seven days. As I stand here, there is no certainty that the Assembly will be here in seven days. He suggested that, if I asked for it, the Secretary of State might do it. Oh, that I had such power. There therefore may not be the opportunity to bring in the much-needed cost controls that are inherent in the legislation. Even a delay runs the risk of not having in place the relevant administrative changes that are required and, indeed, the very important state-aid approval that will need to be in place for the commencement of this at the start of the next financial year.

I am not going to spend too long on the very regrettable history of the scheme, which is still being examined by the Public Accounts Committee and which should be examined fully by an independent inquiry.

**Mrs Long:** Will the Minister give way?

**Mr Hamilton:** No I will not give way.

Let me continue. As the Assembly knows, the renewable heat incentive scheme was introduced in November 2012 with the aim of increasing the uptake of renewable heat to 10% by 2020. The renewable energy directive 2009 sets out the following:

*“It will be incumbent upon Member States to make significant improvements in energy efficiency ... to achieve their targets for energy from renewable sources”.*

The scheme sought to compensate investors for the additional cost of renewable heat compared with traditional fossil fuel. Following extensive consultation and consideration of expert advice, a set of tariffs was

introduced with the aim of providing a subsidy to scheme participants that would appropriately compensate them for the additional costs of renewable heat compared with traditional fossil fuels.

However, as Members now know, the tariff that was set for what would become the most commonly used boilers — small to medium biomass boilers — was at a level higher than the market price of the relevant fuel, which is mainly wood pellets. There was also an absence of a tiered tariff that would have restricted the number of hours for which the higher tariff could be paid.

These serious mistakes combined to create a perverse incentive to overuse the scheme and left it far too open to abuse. This led to a significant budgetary pressure, and, then, when steps were taken to amend tariffs, a major spike in applications occurred, which left us with no option but to suspend the scheme completely, as approved by the Assembly in February of last year. As a result, even participants who were using the scheme legitimately found themselves being compensated for renewable energy usage to a level far beyond the original intentions of the scheme. Furthermore, it did not provide incentives for the beneficiaries to promote the efficient generation of heat, and much of that has been played out in the media recently, with much understandable public concern.

Although uptake for the scheme was initially low, application numbers increased rapidly from the start of 2015. This increase led to budgetary pressures and led to the introduction of tiered tariffs and a cap, in November 2015, through amending regulations. These tariffs apply to installations accredited after 18 November 2015, but, unfortunately, an upsurge in applications in the three months immediately preceding the introduction of the regulations meant that the annually managed expenditure budget for the scheme would be exceeded and the cost of future payments would become a burden on the Executive's departmental expenditure limit (DEL) budget. As a result, a second amendment to the regulations was made in February 2016. This, in effect, closed both the non-domestic and domestic schemes to new applicants.

In his report on my Department's resource accounts in June 2016, the Comptroller and Auditor General estimated the total 20-year costs of the scheme, if nothing is done, to be £1.15 billion. This is far in excess of the £660 million that should be available as the expected 3% Barnett share of the allocation for the GB scheme.

The proposals today are the first steps towards reducing the burden on the Northern Ireland Budget of an estimated £490 million. I am determined to take steps that will effectively reduce the overspend in future years to zero. This is not the occasion or place to rehearse or come to a conclusion on the whys and wherefores of what went wrong. That will be the work of the Public Accounts Committee (PAC) and an independent inquiry.

My immediate priority is to bear down on the costs of the scheme for the 2017-18 financial year. The costs for that year are projected to be around £50 million. Against these costs, an annually managed expenditure budget of around £22 million is projected to be available. If no action is taken, that will give rise to a shortfall of £28 million in 2017-18, which will have a significant impact on the affordability of other priorities. That would be simply unacceptable.

Under my direction, Department for the Economy officials have been working for some considerable time on a range of cost control options. Last week a business case was submitted to the Department of Finance, and I would like to thank the Minister, Máirtín Ó Muilleoir, for asking his officials to give priority to the scrutiny of that business case and for approaching the work with their usual professionalism and objectivity.

The draft regulations before the Assembly today are designed to give effect to the option which has been demonstrated, through that business-case process, to offer the best way ahead at this time. This will bring payments for small and medium biomass boilers accredited before 18 November 2015 into line with those accredited on or after that date. Future payments to the owners of small and medium biomass boilers accredited before 18 November 2015 will be based on the tiered tariffs set out in the draft regulations.

The tariff will be 6.5p per kilowatt-hour (kWh) for the first 1,314 hours each year, after which the tariff will drop to 1.5p. There will also be an annual cap on the number of hours eligible for payment of 400,000 kWh, which was adopted in the November 2015 regulations as the appropriate ceiling for any of the main business models supported by the scheme. This annual cap is also consistent with the November 2015 regulations for installations accredited since that date. As well as placing a limit on the high tariff, which was the main perverse incentive in the scheme, these changes will promote behavioural changes, as the tiering will encourage greater attention to the efficient use of heat. The business case makes a prudent projection of some cost savings from that effect.

While these changes will virtually eliminate the shortfall in the 2017-18 budget, they will not eliminate it totally. Our modelling shows that there will still be a comparatively small deficit of around £2 million. We anticipate that stronger enforcement will further reduce the cost of the RHI scheme to the Northern Ireland Budget. The new tariffs and cap will ensure that owners of small and medium biomass boilers will receive a rate of return on their original investment within the range agreed by the European Commission when the scheme secured state aid approval. That would move the scheme back towards its original policy intentions, as expressed publicly at the outset of the scheme.

The proposal today will tackle the perverse incentive to continue to produce heat beyond the amount truly needed simply in order to increase payments. From the outset, the original regulations made it ineligible to generate heat for the sake of securing payments. We can and will improve enforcement to address that abuse, but this measure will cut off immediately the most blatant, perverse incentive to use heat for financial gain.

I hope that Members will know that one of my first acts in office as Minister for the Economy was to commission an investigation of accusations of fraud and abuse in the scheme. That investigation and the continuing audit process carried out by Ofgem has already seen the suspension of payments to 33 installations from the scheme. The PwC report on this work was shared with the PAC in November.

PwC undertook a targeted programme of unannounced site inspections to address the allegations of abuse of the

scheme received in January 2016. Sites to be inspected were selected using some key potential risk factors. These included the value of the projected support payments, the date of application, the presence of multiple small boilers and high utilisation. There were clearly more concerns about the applications submitted before the introduction of tiered tariffs in November 2015 than those subject to the tiered tariff. PwC also looked for cases where there was evidence of significant increases in heat output generation or usage over and beyond what was expected.

In phase 2 of the work, the sample targeted the top 20 sites by projected payments, non-poultry farms with projected payments of over £1 million, and three sites chosen based on particular observations drawn from a review of application data. Given this targeted selection of sites for inspection, it is not valid to extrapolate the findings to the total range of installations under RHI. Fully eligible small and efficient installations will be under-represented.

It is important that we do not rush to a judgement or tar all RHI installations with the same brush. Many are valid and wholly legitimate and are delivering the original intention behind the policy. However, the PwC report confirmed the very serious weaknesses in the scheme and identified the weaknesses in the design, implementation and oversight of the scheme. It is of great concern that most of the anonymous allegations were confirmed as true.

Since receipt of the report, the Department for the Economy and Ofgem have been working to ensure improved monitoring and enforcement, reflecting the very significant insight and analysis presented in the PwC report.

The change in tariffs under these regulations will be accompanied by new action on inspection, audit and enforcement. It is absolutely imperative that we continue to crack down on any abuse of the scheme. Work by my officials is advancing on going to tender for 100% site inspections. This major project will take a little time to procure as it will have a value above the threshold where EU-wide tendering is required. However, once in place, we will have a new and much stronger process that will challenge abuse and take enforcement action against any fraud that is identified, including clawback of any payments that can be proven to have been illegitimate.

I am also well aware of concerns about potential fraud and abuse in respect of other aspects of renewable energy in Northern Ireland. While initial investigations have not revealed any problems, I know that people inside and outside the Assembly will want to have confidence that the problems that occurred with the RHI scheme are not present in other renewable energy schemes. To that end, I have tasked Department for the Economy officials to produce a risk assessment and audit plan to ensure that all potential vulnerabilities are identified and that proportionate action is planned and executed urgently to ensure that public confidence in the system can be restored. In the meantime, the Department for the Economy is working with Ofgem to ensure that the existing arrangements for inspection, fraud prevention and enforcement are applied as rigorously as possible.

I also wish to signal my intention to begin work immediately on establishing a new strategic energy team in the Department for the Economy. This will bring together experts from across the public and private sectors to seriously strengthen the quality of the strategic energy



advice that the Minister receives, as well as assisting to progress the overall departmental energy agenda.

The changes in the draft regulations before the House today are subject to notification to the European Commission under the state aid regulations. Subject to the approval of the Assembly, I will initiate the process of notification as soon as possible, and my officials will work with the Commission to help progress the necessary approval process. The commencement clause in the draft regulations acknowledges that that process is a necessary step.

#### 4.30 pm

I referred earlier to the introduction of the draft regulations being the first step of a process to restore the original policy objectives of the scheme and bring costs under control. Members will note that the draft regulations contain a sunset clause and that they will cease to have effect on 31 March 2018. That is to enable further detailed consideration to be given to future options for the operation of the scheme to ensure that the best available permanent way forward is secured. It is intended that such options will be subject to the normal legislative process, with public consultation and scrutiny by the Committee for the Economy. Precise process will depend on the policy approach adopted when fuller analysis has been completed. At a minimum, businesses benefiting from the RHI and other affected parties will be consulted, but, clearly, the more significant the change, the greater the case for fuller consultation. A significant advantage of taking the first step is to limit the flow of funds so that we secure time for that fuller consideration of the issues and to develop a longer-term solution. It will be necessary to complete the process in time for further revised regulations to be adopted well before 1 April 2018.

Before I conclude, I want to address some obvious questions that Members will have about the legalities of the approach that I am introducing today. Legislation has the power to give rights to individuals or, where it is reasonable, to restrict those rights. It is our responsibility as legislators to behave reasonably and respect the rights and legitimate expectations of the beneficiaries of the scheme. We recognise that the regulations may be subject to challenge on two main possible grounds. First, it could be argued that the scheme gave recipients a legitimate expectation that the original tariff would be kept in place. However, the proposed approach gives beneficiaries of the scheme payments for the next financial year that align with the levels that they were led to expect at the outset of the scheme. I do not see how it can be reasonably argued that anyone has a legitimate expectation of rates of return that are far in excess of the returns announced in 2012. As we are making a change with effect for only one year, we can and will make any necessary reasonable corrections when a long-term solution is developed for implementation from 1 April 2018. We will consult and listen to the views of boiler owners and other affected parties as we do so.

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

**Mr Hamilton:** I will not.

Secondly, there could be a challenge based on the right to property. The European Convention on Human Rights protects the right to property as set out in article 1 of protocol 1 to the convention. The protocol makes it clear that the right must be balanced against the public interest.

It is manifestly clear that action to reduce the loss of funds whilst still providing the expected level of return to beneficiaries is a much better balance between public and private interests than allowing the excess flow of funds to continue unchecked. The issue here also concerns future income, not established property. I am advised that the courts will show less concern for the possible right to future income. In short, having taken and considered the very clear legal advice available to me, I believe that there is a very robust defence against anyone who wants to assert that the very generous original tariff and the accompanying risks of abuse and overspend should be continued.

While the original policy intentions of the scheme may have been laudable, it has been blighted by significant failings in its design, oversight and control. There have been many allegations of potential abuse, which casts a shadow over legitimate users of renewable heat installations. I recognise that some legitimate users will see a substantial reduction in their payments, but that reflects the fact that the scheme was much more generous than it was originally intended to be. I can assure the Assembly that allegations of abuse will be thoroughly and vigorously investigated. Where abuse is proven, payments will be stopped and steps will be taken to claw back payments already made. These are, however, steps that will continue to be taken forward alongside the immediate priority of bringing costs for 2017-18 under control. I commend the regulations to the House.

**Mr Aiken:** I rise to respond to the Minister for the Economy's proposed statutory rule. First, I would like to state that today, with me acting as Chairman, the Committee for the Economy looked at the regulations but decided to note them because of the lack of information that had been presented to it. However, I welcome the attendance of the Minister and the permanent secretary at the meeting this morning.

The legislation is aimed at reducing the considerable burden created by the ex-First Minister and the Minister's Department on the Northern Ireland taxpayer. Just to reiterate, that burden has cost £85,000 a day today and every day since its institution. It is also noteworthy that, despite the ex-First Minister being made aware of the failings of the scheme in 2014 and the Departments that she had held responsibility for having singularly failed to taper, cap or in any way amend this potential £0.6 billion maladministration, only now, in this last available afternoon — "Stand fast" any opportunity to examine this into next week — has any serious attempt been made to extricate us all from this debacle, a debacle for which responsibility lies wholly with her and her party.

The question of proper accountability and responsibility lies wholly with the properly constituted, time-bounded public inquiry under the Inquiries Act. That is not today's subject. Rather, we are discussing the fast-track — I hate to use the word, but it is appropriate — sticking plaster SR that the Minister has brought to the Assembly this afternoon.

Regardless of the views that might be expressed today, it is clear that an attempt must be made to resolve the financial and reputational implications of the RHI scheme, but only — I mean "only" — if the scheme proposed has any chance of success. The Minister has set forth his proposals, but, as we are all, unfortunately, aware, he, his Department and the ex-First Minister have demonstrated time and time



again that the Departments are not fit for purpose when it comes to the overspend on the social investment fund (SIF) or RHI, never mind the detail or the jot and tittle. The ability of Ministers and SPAds to budget or even to read a balance sheet would be of considerable use.

At this point, I ask the Minister to make a categorical apology to the previous Chair of the Enterprise, Trade and Investment Committee, Patsy McGlone, and to the members of that Committee who have been very unfairly maligned by him, the ex-First Minister and members of his party who implied that the previous Committee did not effectively scrutinise the original Bill. Some Members and Ministers may consider that a party political point, but I categorically assure him that it is not. It is about the effective scrutiny of legislation, a scrutiny that we cannot carry out if we have insufficient information. The Minister talks of lessons learned, but, in reality, we should talk about lessons identified because, clearly, nothing has been learned.

Returning to the specifics, I say, as Acting Chair of the Economy Committee, that, after the Sinn Féin representatives disgracefully absented themselves from the proper holding of Ministers to account, we are in a position today in which we need to be able to discuss the significant issues. No matter how belatedly, I was able to discuss some of the RHI issues with the Minister on Saturday, for which I thank him. Along with the permanent secretary, I was also able to talk to Mr Michael Doran, who represents RHANI. As we have heard from the Minister, it would be useful for Members to listen to some of the opposing views, as represented by Mr Doran.

RHANI strongly opposes the proposed legislation and believes that an effective audit followed by rigorous implementation of the rules would be a better approach. It clearly believes, on the basis of precedent and senior legal counsel's opinion, that it has a strong case in law and, on implementation of the regulations, will seek an urgent judicial review. RHANI is grateful to the Minister and the Department that, after it threatened an injunction against the Department, the Department decided on Friday not to publish the names of the recipients. Looking forward, RHANI believes that preventing the construction of two planned 800-megawatt CHP plants, which look to somewhere over £160 million in potential payments, would make a considerable difference to the overall bill.

RHANI also believes that the economic impact on small and medium businesses, especially those in the agribusiness sector, will be that they face bankruptcy, having, in many cases, taken out loans averaging around £0.5 million without adequate compensation, especially as those companies sought the loans from banks at the behest of Departments, which emphasised time and again Arlene Foster's commitment to the scheme in letters that she had written to the banks. Today, as Acting Chair, I also informed the Economy Committee that, if we had had sufficient time, I would have liked to call Michael Doran to the Committee so that we could have some more information.

In Committee today, it was clear that the Minister had no clearly agreed business plan. I was going to call for the Finance Minister to outline today his views on the business plan going forward, and maybe he will give us some of his perspectives later in the debate. I do not believe that we have an agreed business plan, and that is a considerable concern.

Unfortunately, and again without any detail from the Minister for the Economy, we have no baseline information. I know he made considerable reference to facts and figures recently that obviously may have come from the draft PwC report. We have not been able to see the draft PwC report, so we cannot see any effective baseline or make any judgement on some of the decisions he is going to make today.

In normal circumstances, some leeway would be given to an effective Minister and Department. However, I think we all agree that, clearly, neither the Department nor the Minister have proved to be fit for purpose, and the laggardly way in which they have acted throughout this mandate, with freedom of information requests unanswered, 120-odd days to answer questions and the almost dearth of any papers, information or discussion with the Department or Minister, means that, through the Minister's action, there is only a very limited amount of goodwill or confidence in his statements.

That said, in the midst of the crisis, the Minister and the permanent secretary appeared before the Committee today. For that, despite all that has gone before, we are grateful. It was interesting that, when pressed, the Minister made clear, as did the permanent secretary, that he was confident of having a business plan approved and they were both confident in their legal advice.

I then asked, and I will now ask again, bearing in mind the considerable public anger at their collective failure, whether they would take full responsibility for this SR and whether, if it was successfully legally challenged and the impact would lead to even more loss to the public purse and our reputation, they would both, forthwith, stand down from public office. The response in the Committee is widely available on social media and in Hansard, but again I say to the Minister that, having given the Assembly and the people of Northern Ireland his assurance that the scheme is fiscally and legally sound, in the event of a successful legal challenge, he should tender his resignation from public office immediately. I think any further obfuscation will tell all the people of Northern Ireland just how much confidence the Minister has in his own decision-making process.

Other notes of interest during the Committee meeting today were the several points that are worthy of wider dissemination before the facts around the RHI scheme are submerged under the combined DUP disinformation campaign and further exacerbated by the propaganda of Sinn Féin. We welcome an assurance from the Minister that an independent audit of the Northern Ireland renewable schemes will be carried out, and we think, quite rightly, that this is supposed to be clean energy scheme — a scheme that is clean not only in the sense of renewable energy but clean from corruption, malfeasance and incompetence. We look forward to an early statement and an early independent audit of the state of the Northern Ireland renewables industry because I think all of us will require some confidence going forward that this is, in fact, fit for purpose.

The Minister also stated — I thank you for restating it today — that the scheme was badly flawed from the beginning. Whilst during the Committee meeting he was at pains to defend the ex-First Minister, it is clear that the intent of the scheme was to provide an incentive of around 12% for biomass boilers. Instead, the scheme claimants made

returns of 20%, 30%, 50% or even more. That was allowed to go on despite whistle-blowers and so-called supervision from his Department. I note he has made comments about the reduction in the level of subsidy we are going to see going forward. It would be useful to see what percentage figure his Department is looking at and whether it is, in fact, 12% or more.

The Minister also indicated clearly —

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

**Mr Aiken:** Certainly.

**Mr Allister:** Just on that point, the Minister today sought to make the excuse that the scheme was more generous than originally intended. Would the Member agree that that is an unsustainable argument, since the tariff that was set was the top-line tariff with no secondary tariff and, therefore, was obviously intended to reap whatever benefits the top tariff reaped? Is it not, therefore, disingenuous to suggest that it did not actually operate as intended? It patently did, and that was why the tiering was taken out.

**Mr Aiken:** Thank you very much indeed. Yes, indeed. That is one of the most fundamental questions we need to ask. Why was a scheme that had been set up in Great Britain, the renewable heat initiative scheme, when it was brought here doctored in such a way? That was indeed the case.

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

**Mr Aiken:** Why did we set the conditions —. Sorry. I will give way.

#### 4.45 pm

**Mr Swann:** Will the Member refer to example 2 in the Comptroller and Auditor General's report? It is based on a 99-kilowatt biomass boiler running 24 hours a day, seven days a week, and achieving a 93% efficiency. The Northern Ireland system allows an 82% annual rate of return, whereas the GB system, on the same scale, allows 7.4%.

**Mr Aiken:** I thank the honourable Member for that. The figures are startling: 82% and 7.4%. One would have to ask very clearly, "What was going on?"

I will move on. The Minister also clearly indicated that there is evidence of possible fraud. He said it in Committee today, despite what he has just said in the House. Under questioning, however, he admitted that those cases had not yet been referred to the PSNI. Members should be rightly concerned about that information. I, like all properly minded people, hope to see an early report from the PSNI on the matter.

Linked to that, we also had the information from the permanent secretary who stated that the mistake in the original scheme was a policy mistake. Bearing in mind that the policy very much sits in the purview of Ministers and of the Minister of the time, and that the Minister was advised by her special adviser (SpAd) to deliberately move the GB cost controls for the non-domestic RHI scheme in Northern Ireland, and that with the Minister being clear that there is potential fraud, there is no doubt that the accountability and responsibility for this issue points clearly in one direction. While the Minister and the DUP may argue against the causality, the Northern Ireland public and the media will not.

The scheme itself is obviously not a no-cost option. However, in the figures presented today, we should, subject to no immediate legal challenge, see by 1 April a potential reduction in cost from the disgraceful £30 million this year. I emphasise that none of us has seen the business case and, obviously, the Finance Minister is not in agreement with it, but we could possibly see opportunities for that figure to be reduced dramatically. That is to be welcomed, if it is achievable.

We are also uncertain of the examination of the statutory rule, as has been pointed out today, and the Committee agreed today only to note the statutory rule. We are uncertain of the legality of the process. Again, we are reliant wholly on the Minister and the permanent secretary's assertion. Members will draw their own inference from the Minister refusing to contemplate resignation if there is a successful legal challenge. What we need for our health service, universities, schools and for the reputation of our country is to stem the wholly avoidable haemorrhage of £85,000 a day, every day.

As a party, we will listen carefully to the remaining arguments expressed today before we make a decision. Be in no doubt of this: since July of last year, as a party, we have been tirelessly holding, or attempting to hold, our Government to account. If at any stage our Fresh Start SF/DUP "shamocracy" had concentrated on good governance rather than on spin, we would not be in the position we are in now. Again, be in no doubt: this crisis has been mishandled from the beginning. It has destroyed the reputation of an entire system of government, and from a financial corruption issue, the actions of ex-First Minister Arlene Foster and her DUP Government have created an existential threat to the very fabric of Northern Ireland. The RHI scheme has become, in more ways than one, a veritable bonfire of DUP vanities.

**Mr T Buchanan:** I support the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017. I have no doubt that, throughout the debate and before it draws to a close, there will be much finger pointing around the Chamber. I have no doubt about that. The debate has only started, and we have already seen the finger pointing. I commend the Minister and his Department for the work that they have done since the Minister took up his position, especially over the Christmas period.

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

**Mr T Buchanan:** No. You will have your opportunity. I commend them for the work that they have done in bringing forward measures to mitigate the costs associated with this scheme.

As the Minister outlined today, all the measures before the House are the first step to reducing the projected overspend. Of course, the Minister had a meeting with the Committee this morning, and, while we all agree that that is not the way in which we wish to see information coming to the Committee, given the fashion in which it was rushed through, the situation was not of our doing. The Committee, as the Deputy Chair said, would have liked much more time to look at the regulations, but that opportunity was not there for us. As I said, that was not a situation of our making. It happened because Sinn Féin walked away from the institutions. It is not prepared to face up to the difficulties, to debate them and to see a resolution found to the difficulties that lie there.

No one denies the controversy caused throughout Northern Ireland by the RHI scheme and the concern and anger that there is amongst the people. However, the anger from the people is directed not at the scheme but at those who are abusing the scheme by not using it as it was intended to be used. Therefore, it is important that those people be tracked down and that enforcement action be taken against them. The difficulty, and the problem, lies with the ones who are abusing the scheme and not using it in the appropriate way.

**Mrs Long:** Will the Member give way?

**Mr T Buchanan:** No.

The people do not want an election.

**Mrs Long:** Sorry for interrupting your reading.

**Mr T Buchanan:** They do not want that party to walk away. What they want is the matter to be dealt with. They want us to sit down, discuss it and find a resolution to it. I spoke to many people over the Christmas period, and right up to now, and their message is quite simple: let the politicians do what they are elected to do, which is work through the difficult situations and not walk away from them. That is the message from the people out there. Lo and behold, we have a party that is not able to do that. It looks like we have quite a number of Members around the Chamber who are not able to do that but who are seeking to walk away from the situation. Of course, this has all been hyped up by the media to their own advantage. As a result of that, we have seen deplorable, downright disgraceful and outrageous attacks on the First Minister, our party leader. We have to condemn those. I would like to hear Members speaking in this debate today condemn the attacks launched on our party leader, the First Minister. Irrespective of what people think about how the scheme was drawn up or whatever, no one —

**Ms Mallon:** Will the Member give way?

**Mr T Buchanan:** — should have that level of abuse hurled at them.

**Ms Mallon:** Will the Member give way?

**Mr T Buchanan:** Now we have the regulations before the House today —

**Mr Deputy Speaker (Mr Kennedy):** Order. It is clear that the Member does not wish to give way.

**Mr T Buchanan:** There will be plenty of time for everyone in the Chamber to stand up and say whatever they have to say.

**Mrs Long:** It is meant to be a debate.

**Mr Lyons:** That was nasty, Naomi.

**Mr T Buchanan:** Now we have the regulations before the House today —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask all Members to allow proper respect to the Member for him to be heard.

**Mr T Buchanan:** Thank you, Mr Deputy Speaker. The regulations before the House today, as laid out by the Minister, will mitigate the costs and return the scheme to its original policy intention by introducing a two-tier tariff, an annual payment cap and other mitigating measures. Despite the other party walking away and bringing down the institutions, I ask Members, at this late hour, to do the

right thing. Let us support the SR before the House today and ensure that mitigating measures are put in place to stop the overspend on the scheme.

**Mr Ó Muilleoir:** I speak as an MLA rather than as the Finance Minister. I am precluded from speaking as the Finance Minister, but I beg your indulgence, Mr Deputy Speaker, to thank the staff at the Finance Department who worked over the weekend and who continue to give advice and work hard to try to assess the proposals that have been brought forward by the Minister for the Economy. Anyone who deals with constituency issues rises on this issue with more sadness than anger, because the reality is that we all deal with people every day for whom £85,000 would absolutely transform the projects in which they are involved.

Earlier today, sadly, we saw that, in trying to defend the indefensible, the DUP went low. As the woman said, when they go low, we go high. I want to go high today by referring to the disrespect which was shown to the public, the lack of respect for the public purse, the dereliction of duty and the shameful way in which this entire debacle has been handled.

I want first to make some quick points. First, the names of the beneficiaries should be published and published now. It is way past the time for excuses or foot-dragging. There are major questions hanging over this scheme in relation to malfeasance and corruption and in relation to people milking and scamming the system. If we want to build confidence in a solution, we should, without prejudice, agree to publish the names of the beneficiaries.

It is also with sadness that I have to note that we do not have a full and comprehensive plan today which would stop the bleeding and staunch the haemorrhaging from the public purse. We could have had that plan if the warnings and the red flags and the advice that had been given since December 2014 and February 2015 from a whole range of bodies, including the Ulster Farmers' Union, had been heeded. In particular, when I met the officials in the Department of Finance when I came into post, they outlined all the efforts that they had made to seek urgent remedy to this debacle. Unfortunately, because actions were not taken when they could have been taken, we are now coming forward with a partial stopgap solution rather than the full and comprehensive plan that people deserve.

There have been a number of missteps here. Arlene Foster should not have come out and said that this would be a solution to the RHI situation. She should not have said that this would be a zero-cost solution. That compounds the disrespect. I do not speak as a member of Sinn Féin, because that is the business that we are in; we are in the business of trading political blows. I speak for the public and for those who are losing money because of the RHI scandal. We added to and compounded the disrespect by claiming that there would be a magic solution. In fact, what we have today is a partial, interim, stopgap plan which kicks the can down the road for one more year, after which we face into 18 years of potential losses in the hope and expectation that there may be a way through. It is not a full and comprehensive plan, and it is not a zero-cost plan.

The lack of honesty in dealing with the public has also been disrespectful and shameful. The public should know that, every day from now until 1 April, the RHI debacle will continue to cost us £85,000 a day.

**Ms Mallon:** Will the Member give way?

**Mr Ó Muilleoir:** I am going to take the same approach that Naomi Long took earlier. I am not going to take any points of information, nor will I give way. Later on, perhaps, people will have an opportunity to have their say.

Between now and 1 April, this interim solution will cost the public purse £6 million. After that, the cost to the public purse will be, we estimate, £5 million — £2 million-plus for a new inspection regime which is absolutely essential to drive out those who have been abusing the scheme. It will also have a cost overrun, even under the plan that is being proposed. Why does that dismay us? We know that, when we go out into our constituencies, people feel that they have been duped and treated in a way which undermines their confidence in the Assembly and in any honest ability to deal with the problems.

Last Friday, I sat in Carryduff GAC in south Belfast with the chief executive and the heads of Lisburn and Castlereagh City Council, and the Carryduff GAC representatives were talking about a dramatic plan to build a community and sports campus in outer south Belfast. Eighty-five thousand pounds would absolutely transform the potential to draw up that master plan. Ten days of that would build the 3G pitch that they desire; it would certainly be a contribution towards it.

I spoke last week to the Somme Association. In a quirk of departmental responsibilities, the Department of Finance is responsible for the Ulster Tower at Thiepval, at the Somme. Their entire budget for the year is usually £85,000 — £50,000 for caretakers and £25,000 for expenses, around that sort of money. They could institute an entire programme of cross-community peace-building with one day's money from RHI. I visited the Nerve Centre, in Derry. Again, one day's money would enable the Nerve Centre to carry out a cross-community programme with young people to build confidence and creativity and to exploit the potential that our young people have. I visited the Markets Sure Start nursery school that opened earlier this year. I sat down afterwards with those who run the Sure Start initiative right across working-class areas of Belfast. Again, £85,000 would employ two teachers for a year in Sure Start.

#### 5.00 pm

The people were let down. They were disrespected and treated in a shameful manner. The reality is that that came from one quarter and one quarter only. Arlene Foster concedes that she was the architect of the RHI scheme. She was the Minister in charge when the tariffs were stripped out. She was the Minister in charge when she refused to heed warnings that this would be an excessive spend, a waste, a blot on our budgets and a hole in our financial projections. That was ignored. It was ignored because the public were disrespected and the public purse was disrespected, and it was done in a shameful fashion.

When the opportunity came to close down the scheme, again a DUP Minister — at that time, Mr Bell — did not act in the swift and expeditious fashion that he should have. He has alleged that that was because of political interference. The reality is that, because of the disrespectful way the public purse was treated and because of the arrogance in dealing with protecting the public purse, a spike was allowed to occur. The Comptroller and Auditor General says that there were as many applications in seven weeks as there were in the preceding 34 months from the opening of the scheme. The cost of the spike is £24 million a year for 20 years.

Shameful, shameful treatment of the public purse and the public.

The election will be a referendum on RHI and how it was handled. I hope that, when the people give their verdict, they remember those who insisted that we should treat the public purse and the public with respect, those who came to the defence of the public purse, those who insisted that this be remedied, those who said that they would not accept any type of cover-up and those who insisted that we treat the public with respect. There has been talk in here today of treating each other with respect, but, when you do not treat the public with respect, then indeed you are certainly doomed.

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

**Mr Ó Muilleoir:** Gabh mo leithscéal, Patsy, níl mé ag glacadh le hionchuir.

The key issue, of course, where the disrespect reached stratospheric levels, was the refusal then of the DUP to have an investigation, while acknowledging, as the outgoing First Minister — the former First Minister — did, that she was the architect of the mess. When the opportunity came to build confidence by having an investigation — a no-hiding-place investigation to get to the truth, to deal with people honestly and to tell them what had happened — she set her face against that. One of the DUP spokespersons was insisting that, really, this was a storm in a teacup and it would all be settled. They took the public for granted. They presumed that people would continue to put up with behaviour that was shameful and disrespectful. That is why we arrive at this juncture with an interim solution. When the Comptroller and Auditor General reported in July and PwC reported in October, we really could have taken the steps then so that at this juncture we had the full and comprehensive solution. That did not happen.

I will read into the record some of the efforts made to get a solution on RHI since I was appointed, but I want to mention one other point. There have been many lows here over recent days and months because of the behaviour of certain people who do not respect the public. Earlier today, the Survivors and Victims of Institutional Abuse (SAVIA) organisation and those who suffered abuse in institutions — mainly but not only Church institutions — when they were in the care of the state and the Churches were contracted to provide that care were used to score political points. I have seen disrespect and shameful discussions in the Chamber, but people need to be careful today about where we drag what is left of the credibility of this institution. I have spent the last three to four years working with the victims of historical institutional abuse, SAVIA, Mags McGuckin and others. I met them around the Lord Mayor's table at City Hall. I was the first Lord Mayor to bring the victims and survivors of institutional abuse into the chamber there. I sat and listened to harrowing accounts of rape, abuse and torture, and I gave a commitment that we would get justice and then compensation for those who were affected by that. I remember in particular one well-known young man — when I say “young”, he was young in his time — a great pillar of the SAVIA organisation, recounting that, at the age of eight, when he was in the care of the De La Salle brothers, he wet the bed, and they brought him downstairs naked, put him in an industrial dryer and said, “The next time you wet the bed, we will turn that on”. So, let us not go low. This is not a day for going low;



this is a day for going high. Let us leave for another day the abuse, horror and indignity that the victims of institutional abuse suffered. Let us all make the commitment that I made at a public forum here. It is my belief that this Government, if they come back, or whatever government structure follows must fulfil our obligations to the victims of historical institutional abuse.

I want to put this on record because, sadly, as we go low, the SDLP has tried to pretend that Sinn Féin is somehow complicit in the RHI debacle, even though Arlene Foster has acknowledged that she was the architect and it was DUP Finance Ministers and a DUP Economy Minister who have been in control since then. Here is some of the context that should go on record. In June, the Finance Department contacted the Economy Department asking for a solution to RHI. At a stocktaking meeting in July, it again asked for a solution. At that point, the overspend looked like £32 million. In July, there was a key meeting at which a demand was made for a business case to close this down. With the Comptroller and Auditor General's report being out, it was thought then that moves would be made. That was July 2016. At the Budget meeting between the two Departments on 23 August, RHI was again discussed and pledges were made about resolution, but there was no action. On 4 October, another memo was sent from Finance to Economy asking for action on RHI. On 17 October, there was another meeting asking for action on RHI. That was the point at which my officials reported to me that PwC's report was out, the Department had taken a new response to this and we would get action. The record speaks for itself.

You have been very indulgent, Mr Deputy Speaker, and I appreciate that. I say this with respect because we are moving into a turbulent period for our community over the next five to six weeks. It is my hope that, when and if we come back — I have said that we cannot come back to the status quo — respect for the public purse and respect for ordinary people will be paramount.

I will finish with this: the proposal in front of us slows the runaway train that is RHI, but it does not stop the RHI debacle.

**Ms Hanna:** At the core of this issue and of the governance omnishambles — that is the word that is best applied — is the loss to the public purse, and, of course, we are very keen to hear a coherent plan for how that flow will be stemmed. We all still have a job here in that we have to scrutinise the proposals and assess all the potential outworkings to make sure that this is a plan that will save money and not just a plan to save face, which many people will feel that it is, on the basis of the detail that we have had.

It must be pointed out how disingenuous people find the urgency being projected by the party across the Chamber in coming up with a solution to this problem now and, indeed, the outrage being projected by the party to my right, given that it is very clear that it has known about the problem for a very long time. It appears now to be working primarily to cover its tracks and to come up with lines that will answer the queries on the doorsteps, and there will be queries.

I appreciate that the Finance Minister has made some efforts. People come to us with problems, including, for example, a broken street lamp. If we said, "I emailed and they never came back to me" or, "I phoned them last month and they did not come back to me", people would rightly tell us that we

were not doing our job. That is over a broken street lamp; this is over hundreds of millions of pounds of public money, and "I asked a few questions" is not good enough.

**Ms Mallon:** I thank the Member for giving way. Unfortunately, the Member who spoke previously did not. I noted that Mr Ó Muilleoir, in his contribution, said that he was speaking on behalf of the public, and he kindly provided all of us with multiple examples of what the £85,000 that is being squandered every single day could be spent on. I am sure that each and every one of us could provide a litany of projects. I certainly could in my constituency of North Belfast. Does the Member agree that the truth is that, under this Executive, the scandal has cost the public over £20 million? Mr Ó Muilleoir highlighted memos that he had sent and meetings, as you referred to, but the key question that he has yet to answer is this: why does his party continue to be the only party that does not support a public inquiry that could get to the truth and get to the bottom of the fallacy and the duping of the public that he so eloquently and passionately said he was vociferously opposed to and horrified by?

**Ms Hanna:** I thank the Member for her points. People are taking a position on this issue a little bit too late, unfortunately. For the record, I want to nail one of the lines that is being pushed out. The post-truth parties are spinning that the Opposition parties voting to keep the scheme open in February was the problem. They do not say whether that makes us entirely culpable or whether some of that blame was shared. For the record, we did vote for the amended scheme. We voted for the scheme that we should have had in the first place, which was about environmental protection. That point is clearly lost on or completely irrelevant to the party opposite, which rigged the scheme in the way that it did here. That damage was being covered up at the time. In fact, the scheme was being sold as just too successful and a victim of its own success. For those who —

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

**Ms Hanna:** I am happy to give way.

**Mr Beggs:** Will the Member agree with me that the Minister of Enterprise, Trade and Investment, the Finance Minister and, no doubt, the First Minister and deputy First Minister will have known of the scale of this problem for over a year? It is very disappointing that it is only today, in what we expect to be the very final hours of this Assembly, that a proposal comes forth. Why has it taken so long to come up with an alternative proposal?

**Ms Hanna:** That is a very fundamental point, and, as I said, in the online information wars of people trying to cover up and spread the blame, it is very clear. Anybody who has been told that the issue was the Opposition voting for that scheme should read the Hansard report of Monday 15 February. Read the transcript of that debate, and it will become very clear who knew what and when, and it will be very clear why parties are writhing and twisting over a full inquiry into this. They fear the question: what did you know and when? This side of the House does not fear that question.

#### 5.15 pm

Despite the problem being in their domain for so long, these very limited proposals have come forward. Understandably, there is a pressure of time, but there is no scrutiny being applied. We are given to understand,



by the evidence given in the Economy Committee today, that, in the form it is in now, 99% of this plan was circulated on Monday last week. Why is it that it was sent to the Examiner of Statutory Rules only after 5.00 pm on Friday, when that person, who is the anchor of good legislation, would then necessarily not have access to the legal opinion and costing support required? Why is that the case? We are having to park all sorts of scrutiny here, but that fundamental point will lead some to believe that people do not want this to be scrutinised.

**Mr McGlone:** I thank the Member for giving way. At this point, to summarise, what is being presented before us today is legislation that has not got the approval of the Executive, has not, as the Minister Máirtín Ó Muilleoir, who has gone, outlined, got the sign-off from the Department of Finance, has not passed through the clear scrutiny of the Committee and has not been approved by the Examiner of Statutory Rules. Is there anything it does have by way of proper procedural legislative scrutiny by this Assembly?

**Ms Hanna:** I think that is a fundamental problem. We are trying to fix a dreadful governance problem with even worse governance here. I think it is exactly the lack of good governance —

**Mrs Palmer:** I thank the Member for giving way. Do you agree that, because this is partly funded by Europe, the European Union will have a veto on, or a say in, the regulations before us today?

**Ms Hanna:** That is one of very many questions I and other Members will have, even if sticking plasters are put over some of the problems we are storing up for further down the line. I think the issue is characteristic of the lack of good governance and transparency in this Executive. The exclusion of other voices led to this being a two-party Executive because other people were not in the loop. While I have no doubt it is the party across the Chamber that designed the scheme and probably had most of the information, it is fair to say that it was not effectively held to account by its government partners, as would appear to be the case with NAMA, the social investment fund and the suppression of information on Brexit.

**Mr O'Dowd:** Will the Member give way?

**Ms Hanna:** Yes, I will.

**Mr O'Dowd:** The Member listed a group of people who she claims should have been holding the DUP Minister to account. Does she include the Chair of the then ETI Committee on that list?

**Ms Hanna:** If I am including the Chair, do I include your three party colleagues who were also on the Committee and who did not do that? I think the fundamental point is that very little information came out of the Executive at the time. Clearly, the evidence trail will show — this is why we are not scared of a public inquiry — that the information was within the Executive, or the two main parties of the Executive, from February and that now it is all about throwing shapes.

Eight weeks ago today, the Fresh Start anniversary puff piece was published in the daily newspapers. It reads:

*"We made promises to voters that we will keep — taking on the heavy responsibilities that come with elected office, governing in their best interests, tackling head-on the tough decisions."*

There is a lot more to read in that, but I will leave that to Members if they need some light relief later. Either those parties were spinning the public a line eight weeks ago when they wrote that or they are doing it now, because both cannot be true. The party that designed this disastrous scheme has, we are led to believe, designed a good mitigation, but it looks like it is on the back of the envelope to everybody else. It leaves us with the choice between an £85,000 per day bleed indefinitely, if this place falls and we do not have another opportunity to fix it, and the potential cost of legal challenges, as well as all the cost of the very belated investigations.

In this scenario, I think you will understand that people are a bit reluctant to trust those who designed the flawed scheme to design the fix. People may put faith in the views of Dr David Capper, for example, in the School of Law at Queen's, who specialises in contract law and who expressed scepticism — that is putting it very mildly — at the view that the proposals can be implemented in a way that is zero cost. He also, you may be aware, expressed the opinion on Radio Ulster at the weekend, after studying the regulations, that regulation 33(p), which provides that subsidies should not be used to:

*"generate heat for the predominant purpose of increasing ... periodic support payments"*

may be a route for tackling abuse of the scheme. I hope the Minister will comment on both aspects of Dr Capper's contribution in his winding-up speech.

I have a few more questions. Will the Minister clarify what impact, if any, the proposals have on the Treasury spend? When the scheme was being designed, it seemed to be, "Sure it's London's money; fill your boots". Is this just recouping block grant money, or does the Treasury expect to get any money back as well? It is all public money that somebody has earned and paid as tax. Will he further clarify if and when the names of those benefiting from the scheme will be published, and, if not, if and when he will publish the legal advice that he has received on that?

Members, we have a very difficult choice. It is more regrettable because it is being hotheaded; we are being asked to make the choice very quickly without, as my colleague outlined, any of the normal transparency and scrutiny. It is up to Members to convince the public that this is more than a ploy to restore, in some way, any reputation that the DUP ever had for competence — that is a lost cause, but, hopefully, we can at least recoup some public money.

**Dr Farry:** The situation that the Assembly finds itself in today is completely unacceptable. We have the much wider context of the collapse of the Executive and a question mark over whether we will see another Executive in the future. To be much more specific, the process that we are dealing with in relation to this statutory rule today is completely unacceptable. It is the culmination of a flawed process over the past number of months, building on what has been a complete fiasco in terms of the overall non-domestic renewable heat initiative.

We are being asked to make an extremely important decision today, potentially right up against the clock in terms of the dissolution of the Assembly. On reflection, we may have a little bit more time, so it may be wise for us to reflect on how that time could be most appropriately used. As has been stated, this statutory rule has not

been subject to anything close to proper scrutiny. While I welcome the fact that a meeting of the Committee was organised for this morning — I thank those involved for doing that — which the Minister and the permanent secretary attended — again, I pass on my thanks to them — we should be under no illusion: that does not pass muster in any scrutiny process or tick any box whatsoever. The Assembly is being asked to fly blind today by potentially approving this, with so many questions still outstanding and not being properly answered. That would be an extremely bad state of affairs even over something fairly non-controversial, but this is perhaps the most controversial and toxic item to face our political institutions for many years, which makes the situation even more concerning.

**Mrs Long:** I thank the Member for giving way. Clearly, there is an issue with the RHI scheme, how it was constructed, and the cost to the public purse. Does the Member agree that the manner in which it has been handled has been more detrimental to public confidence than the original mistake?

**Dr Farry:** Indeed. The politics played around this over the past number of weeks has been extremely concerning. There has even been spin in relation to this intervention in terms of the statutory rule and the potential scope for mitigation. We have had announcements made, briefings and interviews in the press about what was to be taken forward before MLAs, or even the Examiner of Statutory Rules, were given access to what was being contemplated. In particular, we had the claim that we can reduce the cost to zero. That is not the case. I will come to that in a bit more detail.

This comes in the context of an Assembly where, since June, we have seen standards of openness, accountability, transparency and accessibility reach new lows. If this was an aberration and we had had the highest standards of good governance from the Executive — if people had said, “Look, we’re in a situation of grave difficulty. The timescales are against us. You know we have striven to uphold the highest standards, so can you give us a bit of a bye-ball in this regard because this is very much in the public interest?” — I think that the Minister would have been given a fair hearing. However, this comes in the context of the opposite being the case across a whole range of issues, and that has led to accusations of cronyism and, indeed, corruption of the process and some of the outcomes by the Executive.

The performance of the Minister and the Department, alongside the low standards across the board, have been particularly worrying. Examples include the responses to freedom of information (FOI) requests, the turnaround time in getting answers to questions, cooperation with the Committee through the timely release of information, the absolute absence of any financial information being provided to the Committee and the absence of any process of engagement with the Committee over the past seven months to try to frame a way in which to mitigate the effects of the renewable heat incentive scheme alongside the PAC’s inquiry into what happened prior to that point.

It is important that we bear in mind that the Northern Ireland Act puts Committees here on a different level to those in Westminster. They are here to help and advise Ministers and Departments on policy. That opportunity has not been taken in this instance.

I put on record my disappointment that the Minister did not take interventions. In the context that we find ourselves in today, I thought that he would be falling over himself to give as many answers and as much clarity to Members as possible. It may be his intention to ram this through today, hope for the best and move on, but there is merit in the Minister reflecting on what he has heard to date and on what may be said in due course and considering whether more time can be given to this over the course of what is likely to be a week.

If we shortly hear confirmation from the Secretary of State of the growing speculation that the election date will be 2 March, that implies that we will continue as an Assembly for at least another week. That would give ample time for another meeting, or another two meetings, of the Committee to be held. It would also allow us to scrutinise and hear contrary points of view from the sector and other important stakeholders so that we can take a balanced view on the risks in what we are being asked to vote on today. It would also provide time for the Assembly to return and have a proper debate on the issues before us. I therefore encourage the Minister, if he is genuine about having proper accountability and buy-in from the House for his measures, to consider that approach.

Bearing in mind that there is a degree of scepticism and cynicism that today’s action is very much about kicking the can down the road to the far side of an election and buying time rather than being a genuine solution to the problem, it is important that we are able to scrutinise the regulations properly and have confidence that this is a genuine patch-and-mend approach that buys time for a more sustainable solution as opposed to being a political patch-and-mend that allows people to escape as much embarrassment as may be coming their way over the next number of weeks.

Obviously, there will be discussions and points made on the wider issue of how we have got into this situation, and I appreciate that today is not the occasion on which to go into that in much detail. I want to put on record our party’s support for a full, judge-led public inquiry based on the Inquiries Act 2005. Nothing less than that is going to provide the public with full confidence in the processes and procedures of the Assembly and the Department. The failure in getting that to happen to date is causing concern. If we see a situation in which we have something less than that, there will always be the suspicion that something has been held back, and people will not be fully satisfied that there has been proper accountability.

Alongside that, we need to have full publication of the list of recipients of support from the scheme. I add that we need to see the Secretary of State taking action to ensure that we have full transparency on political donations. The arguments that have been used against that in recent years around security have always been exaggerated, but today it is more clear-cut, because full transparency is very much where the public interest lies. Of course, people will naturally want to read those two lists in conjunction and see where that exploration takes them.

### 5.30 pm

I also want to make a couple of comments around the process, and I do so from the perspective of a former Minister. The account that we have heard to date of the political interventions around the scheme and the excuses or explanations for inaction gives the impression of people

who are extremely passive in their role as a Minister. I am not sure whether that is the genuine approach that was adopted or whether it is intended to throw the scent off other potential issues to do with how things have been taken forward. It is important that we recognise that the role of a Minister is not simply to receive advice from civil servants and sign it off. If that were the approach, it would raise the question of why we needed devolved government at all and why we did not just continue direct rule and let the Civil Service take decisions. Civil servants are extremely important and professional individuals who provide proper advice, but it is the first role of the Minister to scrutinise what has been brought before them and to bring their perspective to that situation.

Secondly, when situations come to light from whistle-blowers and there is information about the potential flaws in the implementation of schemes, it is not sufficient to hide behind the maxim that Ministers decide the policy and civil servants are there to do the implementation. The divide between policy and implementation is never an absolute one, but, in any event, everything that happens in the Department is subject to the authority of the Minister, and Ministers are ultimately accountable to the Assembly and the wider public. If that were not the case, there would not be the questions etc on operational matters that are asked on an ongoing and regular basis. Those are some of the issues that I hope will be aired in a much greater sense in the inquiries in due course.

On the statutory rule that we have before us today, from my party's perspective there are essentially three benchmarks that we want to use to assess the validity of the way forward. The first is "Is what is proposed legal?". The second is "Does it address the financial overspend, and does it create a financially sustainable way forward?". The third is "Does it allow for continued investment in renewables, and, if that is not feasible, does it at the very least allow us to continue to invest in the green economy and means to address climate change?".

I will look first at the issue of legality. Clearly, there is a major risk of a judicial review, and it has been highlighted by a number of individuals that they may well take that line. Obviously, there is a risk that this will be challenged, but it may well be that the advice that the Department and the Minister have received is correct and that any judicial review will be successfully defended. Obviously, we wish that well. However, the Minister has not sufficiently to date assured us that that will indeed be the case. I appreciate that he has taken advice from eminent individuals and organisations such as the Departmental Solicitor's Office and the Attorney General, but, eminent as the Attorney General is, he does not always get it right, as we have noted from a number of recent court rulings. There are some particular issues in that regard that need to be somewhat more fleshed out. One includes the basis on which this can be taken forward in the absence of a decision by the Executive. Clearly, under the ministerial code, something that is significant or controversial outside the context of the Programme for Government needs to be referred to the Executive for a decision. I appreciate that the Minister does not currently have an Executive, but we had one for most of the previous seven months.

*(Mr Speaker in the Chair)*

There is also the issue of potential discrimination in the scheme, where we have what is in effect a very blunt instrument in defining the cap in relation to 400,000 kWh of usage. That may take into account some situations where people are indeed overspending, but it may prevent people who are using this for a legitimate purpose from continuing their legitimate acts. Equally, there may well be people who continue to abuse the system or get excessive profits who maybe operate on a smaller basis but fall below that threshold. No distinction is made between those categories. That then lends itself to the issue of the definition of what is useful heat and what is not. The approach of a blunt instrument such as the cap is not making that clear distinction. I note that, in addition to clearing the test of a potential judicial review, the permanent secretary confirmed this morning that the SR before us has to get clearance from the European Commission. It may well be that, given that this is a one-year patch, that bar may be lower, but we are far from guaranteed that we are not going to see a turnaround in a matter of weeks with the European Commission saying that this may not be a viable way forward. Again, we have been down that road with the Department over the past number of months on another item. There are issues of legality, and, in essence, we are being asked to take a risk and to take a bit of a punt, potentially to see a situation where, not only with a successful JR or at a cost to the public sector, we end up not closing off the seepage of resource of £85,000 per day out of our block grant because we have not actually put forward a viable system.

The second issue overlaps to an extent with the first point around legalities in terms of the reason why the cap of 400,000 kilowatt hours has been adopted and the point about the definition of useful heat and why that has not been addressed. Again, I echo the point that we are not going to see a situation where we have complete and utter removal of any potential overspend on the scheme; in particular, we have no certainties on what the situation will be beyond March 2018. We may see a dip based on this patch for one financial year, but those costs could rise in the future.

The third thing that we need to be mindful of is the implications for ongoing investment in renewables. We have heard comments from the sector about the potential additional risks to future investment from government, in essence changing the nature of the debate and the terms of the support that can be provided to the renewable sector. In that context, it is something that the Committee would, ideally, like to further explore. Are we actually disincentivising people in the future from investing, whether in this type of approach or, indeed, others, through the fact that we have had a flawed scheme designed by government that has had to be amended mid-course and has created such bad faith around the investment narrative not just for renewables but elsewhere in Northern Ireland? That is an important issue.

The final point I want to make is to stress that what we are being asked to do today is, in some respects, the simplest of the potential options open to the Department. There may well have been more complex approaches. We have heard options around potential windfall taxes and we have had potential recalibration of what is useful heat and what is not, but, in essence, we have had a retrospective application of what was done in November 2015. Given

that that is the case, it raises the question of why this was not done sooner in the current financial year. It seems that we have missed the boat over recent months for having this type of approach put forward, properly scrutinised and implemented. I am concerned about why that has been the case.

Finally, I am just learning from my colleagues that it has been confirmed that dissolution will not take place until 25 January, so, clearly, we will meet next week as an Assembly. In that context, the point that I made about the Minister not pressing this to a vote today and the matter returning to the Committee to provide for further scrutiny and coming back to the Assembly next week would be a much more viable approach — indeed, a more genuine approach — that would allow for the public to have a stronger degree of confidence that what we are being asked to do is very much in the public interest. Given the very rushed manner in which this has been done today, while it may eventually go through, I dare say that there will be a question mark hanging over not just the motivation behind this but how effective it will be in practice.

**Mr Nesbitt:** On a point of order, Mr Speaker. As Mr Farry said, the Secretary of State has called the election for 2 March, with dissolution not occurring until Thursday 26 January — that is, next week. On that basis, under Standing Order 16, I move that we adjourn the debate on this motion until next Monday, 23 January, and ask the Minister to come back with certainty about the opinion of the Examiner of Statutory Rules. The Committee for the Economy will have time to move off its position of simply noting the regulations, and we can not only see a robust business case but get confirmation that the European compliance unit is happy with the regulations.

**Mr Speaker:** Members, a motion has been proposed by Mr Mike Nesbitt that the Assembly adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 for seven days.

**Mr O'Dowd:** On a point of order, Mr Speaker.

**Mr Speaker:** Let me finish. I am content that the motion is in order, and I propose to allow up to 30 minutes for a debate. Members will have a maximum of three minutes in which to make their comments and should indicate their desire to speak by informing the Table. The mover of the motion will have three minutes to propose and three minutes to make a winding-up speech. If the House divides, it will be by simple majority.

Mr O'Dowd had a point of order.

**Mr O'Dowd:** Sorry, Mr Speaker, you have just given your ruling. My point of order was to ask for further details.

**Mr Speaker:** OK. I propose to suspend the sitting for 10 minutes to allow Members to make arrangements for speaking in the debate. The Assembly is, by leave, suspended.

*The sitting was suspended at 5.42 pm.*

*The sitting resumed at 5.58 pm.*

## **Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017: Motion to Delay**

**Mr Speaker:** The sitting is resumed. The next item of business is a motion to delay the debate on the draft renewable heat incentive regulations.

**Mr Nesbitt:** I beg to move

*That this Assembly, in accordance with Standing Order 16, adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 until Monday 23 January 2017.*

It hardly needs to be said that this is an incredibly serious issue, given what it has done to us collectively over the last number of weeks and what came to pass almost exactly one hour ago. Let me emphasise that this is not party political; this is about the integrity — Members may snigger, but this is about the integrity — of these institutions.

It is about starting the process — it would be only a very small step on a long journey — of restoring public confidence in devolution.

### **6.00 pm**

I will use language that I have thought through carefully. The renewable heat incentive scheme is a debacle. That is not my word but the First Minister's. What the public probably think of these institutions, and of us collectively because of RHI, is probably not fit for parliamentary language. Why delay? Very simple: it is at no cost to the public purse. The £85,000 a day that we are burning off because of the overspend continues, even if these regulations are agreed today or next week, until at least 1 April. That is over £6 million. However, there will be no cost to the public purse if we wait for one week. In waiting for one week, the Minister has opportunities. Specifically, there is an opportunity for the Examiner of Statutory Rules to give a definitive view on what is being proposed. We do not have a definitive view from the Examiner. Reference was made to Standing Order 43. The proper way to do business — the good way and the best-practice way — is to get the view of the Examiner.

The Committee for the Economy would also have the opportunity to consider and scrutinise the legislation. The Minister and permanent secretary were before that Committee this morning. All that the Committee could do was to note the legislation, not approve it. There is no business case for it, and the Minister made clear that he has been working on it for a long time. Another seven days gives him the opportunity to complete it.

Finally, the European unit can give a view on whether it is compliant with European legislation. Let us remember that the regulations make clear that they will take effect from 1 April or when the European Union says that it is happy that they do not contravene state-aid rules.

There are four very solid reasons for why we should delay for a week at no cost to the taxpayer. Given that this is about good governance, the argument is made. Let us adjourn until Monday 23 January.



**Mr Lyons:** The whole House will be aware of the public concern over, interest in and anger about the renewable heat initiative. I certainly support the Minister bringing the regulations before the House, because, along with an independent inquiry, one of the things that the public want to see is cost controls. They want to see the cost of this brought under control. The regulations brought by the Minister will help to do that.

We met as a Committee this morning, and the timings for all of this have not been ideal. We would like to have had more time for the Examiner of Statutory Rules and the Committee to have a look at the legislation so that we can give it some of the extra scrutiny that it needs. That is not always possible, however. When we began our debate this afternoon, we were not aware of how long we had left in this Assembly. That has now been clarified, and we now know that the Assembly will not be dissolved this week but that we will have an opportunity to meet next week. Doing nothing on this is not an option. However, to delay for one week is a reasonable request, and I believe that it will give us time for some of that extra scrutiny that the Member who spoke previously mentioned.

Therefore, we are content to support the adjournment. We want to see the regulations go through and believe that it is right that they should. The Secretary of State has afforded us an extra week, so we believe that we have more room in which to do that. It is important that the regulations be brought back to the Chamber next Monday so that Members can have their say and a vote can take place.

I want to bring up something that was said during the debate by the Member for South Belfast Mr Ó Muilleoir. He talked about other parties' dereliction of duty. I look around the Chamber, just as I sat in Committee, and it seems to me that there is only one party that has abdicated its responsibility, and that is Sinn Féin. It has not been prepared to come to Committee and do the work and scrutiny that should be done on this.

I certainly hope that they will change their mind and play a role in the Assembly. The public are not interested in some of the party political back and forth that has been going on. They want to see a solution to this.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Lyons:** They want to see costs controlled. I believe that we can do that through these regulations, so let us use the next week to scrutinise that further.

**Ms S Bradley:** As the SDLP's economy spokesperson, I welcome the opportunity of the extension. I doubt very much if any Member drove to work today in the hope that we could genuinely plug the hole in what is an £85,000 per day haemorrhage to the public purse. Sadly, even though I arrived here with an open mind and a positive outlook, I watched the day unravel. I listened to the Minister, who presented to us a case. He expressed his regret that there had not been time to get the agreed business case and that we would not be able to follow normal scrutiny process, and he put it to us that the decision would have to be made in the absence of good legal practice. Members of my party, including me, were very uncomfortable with that, weighing up the balance of the loss to the public purse with the request that was put in front of us to carry out a piece of work that would be highly irregular, face legal challenge, no doubt, and maybe cost the public purse beyond anything we could begin to calculate or anticipate.

Things have moved quickly here today, as you will appreciate. I listened then to the Finance Minister give a very moving speech, although I am rather cynical that it was on the sniff of an election, about how he has great concerns about the public purse, as do I. He has great concerns, and he used the opportunity to list things that were of precious importance to him — things that did not appear in the draft Programme for Government. He made clear to the House that he believed the right and proper thing to have done would have been to stop the loss of that money to the public purse. Herein, we are agreed. We all agree that the further haemorrhaging of this money from public finances should be stopped in any way possible. I therefore put it back to the Finance Minister: be true to your word. Show the House that you were genuine in your words. Along with the Economy Minister, show your constituents and the people of Northern Ireland that you are genuinely minded to save the public purse the money that is being lost. Anybody who was genuine in their position would use this week wisely. They would put public interest before any party political interests that are already evident in the House.

**Dr Farry:** I will be relatively brief, as I made a number of points in relation to this potential direction of travel in my remarks in the main debate. We are operating in the dark, essentially, in relation to the viability of this approach being the best way forward. A delay of a week provides the opportunity — I stress that it is no more than an opportunity — to cast at least a little light on a range of important issues. I welcome the fact that DUP Members are willing to go along with a week's delay. In the context of deep public concern and lack of confidence, that is at least a very small gesture in the right direction, but welcome nonetheless in that process. It is incumbent, however, that the week is used effectively. I am sure all Members of the Economy Committee will be very keen to make themselves available to engage with the relevant stakeholders and again, once more, with the Department. I certainly hope that the Minister and his senior officials will make themselves available to engage further with the Committee, if we have the opportunity of that further week. The week should be used extremely wisely.

**Mr Aiken:** Speaking as the Deputy Chair of the Economy Committee, in the continued absence of Sinn Féin, I welcome the opportunity for the Economy Committee to provide more detailed scrutiny of this statutory rule. It would give us great opportunity to get the Minister and the permanent secretary back, to take the detail of the business plan, which we have not had a look at yet, and to have the draft PwC report presented to us so that we are able to provide some detailed scrutiny. We may be able to call directly on key stakeholders like RHA NI, the Ulster Farmers' Union and other groups. It will also allow very clearly, as my party leader pointed out, for the Examiner of Statutory Rules to take the opportunity to report to us, having had appropriate time to be able to consider the rule.

I suspect that we will also consider the issues around the economic impact, take views on the understanding of what the European dimension is and what it is likely to be, and apply, even at this short final stage, more effective scrutiny for the Assembly and, more importantly, for the people of Northern Ireland. I support the motion.

**Mr Agnew:** As things stand, the Green Party is unable to support the proposals brought forward by the Minister



for the Economy, so we welcome the opportunity of an adjournment so that we can glean more information on them. The Minister has asked us to gamble on his proposal — gamble that it will save us more money in money not lost to the RHI scheme and save us more money than it will cost in potential legal cases, and I think that that potential is great. I have to say that, right now, the Green Party is not minded to gamble on a DUP Minister's assurances at this time.

The Minister appears to be trying to dig the DUP out of a hole of its own making. He has stated clearly that these proposals would have to face the scrutiny of the EU, and I think that he does so knowing that they will not pass muster. I think he does so in the hope that he will be seen to put forward a proposal to deal with this debacle that the DUP has created and that the EU will shoot it down, because he knows that it is unworkable. He has record on this; he previously sought to blame the EU for his failed attempt to woo United Airlines with public money to get it to stay in Northern Ireland. He said that the EU blocked it, but United Airlines came out and said that, in fact, it chose to leave.

The Green Party proposes instead a windfall tax and asks the Minister to take the extended time that he has been given to explore the option of 100% tax on excessive profits as a result of RHI. Under our proposals, claimants would only receive a maximum of the cost of wood pellets, thereby removing the incentive to heat empty sheds and burn heat needlessly and to ensure that there was no cash for ash. It would be fair, legal and protect public money. I support the motion to adjourn today's debate so that such a proposal can be considered.

**Mr Allister:** There is nothing to be lost and potentially something to be gained by an adjournment. This matter has been bounced upon the Assembly with incredible speed and without any of the routine or attempted scrutiny that would normally be expected by our Standing Orders and by due process. There never was a need to rush it, because the Minister has known since the day he came into office that there was a major issue here, as did his predecessors for months before that. Yet if there had not been the BBC 'Spotlight' programme, and if we were not facing into an election, I suspect that we would not have this proposal at all, because there was a laissez-faire attitude of, "Let's brush it under the carpet" until it became uncontrollable in consequence of the 'Spotlight' programme.

What we were to debate today should have been tackled months ago but now it is rushed at the very last minute. It is right and appropriate that, if there is another week, it is taken so that some semblance of scrutiny can be given to it and we can address it on a more proper footing than hitherto. I support the motion.

#### 6.15 pm

**Mr Bell:** Given that this incurs no cost to the public purse and allows us to see whether what is occurring is legal — there are, rightly, many concerns around Northern Ireland — it is only right that we take the time to get this right rather than rush it.

Many people have asked me why, in 20 years of elected politics, I spoke for the first time in the fashion that I did. I would like it read into the record of the House that I spoke for the first time in the fashion that I did because journalists were able to conclusively prove to me that they had

contacted the Democratic Unionist Party's press office day after day after day and were being fed back misinformation that Jonathan Bell was unavailable.

I also want a very major concern read into the record of the House that an instruction went out from DUP special advisers John Robinson, currently special adviser to the Economy Minister, and Andrew Crawford, the current special adviser to Michelle McIlveen, to try not to get Arlene called to the Public Accounts Committee, but:

*"under no circumstances allow Jonathan Bell to be called".*

These matters need to be deeply investigated —

**Mr Speaker:** Mr Bell, we are moving outside the scope of the renewable heat incentive.

**Mr Bell:** With an adjournment of a week, I am saying that these matters can be investigated in this week alongside the very first piece of information given to me in a ministerial office by the DUP party officer who was appointed as a special adviser, Timothy Cairns, which was that I would not be allowed to reduce the tariff on the scheme because Timothy Johnston, the special adviser to the then First Minister, and John Robinson, at that time the DUP director of communications and now the special adviser to the Economy Minister, had such extensive interests in the poultry industry that it was not allowed to be on my ministerial agenda. I have the information, Mr Speaker, and I have kept the records in many formats. This party has suspended me for telling the truth while I gave the First Minister, the deputy leader and the chairman of the party all the information —

**Mr Speaker:** Mr Bell, we are way outside the scope of the motion.

**Mr Bell:** — about people who are sitting beside them and behind them and much more serious offences.

**Mr Nesbitt:** Mr Speaker, will you just confirm that Sinn Féin is not speaking on the motion?

**Mr Speaker:** There is no indication from Sinn Féin that it wishes to speak on the motion.

**Mr Nesbitt:** It would have been useful to hear from Sinn Féin. I also note the absence of the Economy Minister. I thank Mr Lyons, Ms Bradley, Mr Farry, Mr Aiken —

**Ms Ni Chuilín:** Will the Member give way? I just want to clarify the situation. We have been very consistent on accountability and transparency and on stopping the flow of public money into this scheme. People have been very patient. You have asked for a tactic in order to look at further scrutiny. That is our position. I thought, even going by some of your own comments earlier, that we were speaking ad nauseam so, hopefully, that has clarified it again.

**Mr Nesbitt:** Thank you very much.

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

**Mr Nesbitt:** Right. I thank Mr Lyons, Ms Bradley, Mr Farry, Mr Aiken, Mr Agnew, Mr Allister and Mr Bell for their comments, and I thank Sinn Féin for the clarification.

If we had done it today, we would have had 74 days until we could bring in these cost controls. It goes down to 67 days although, again, I stress that that is dependent on the

European authorities saying that it is compliant with state aid; that must remain an open question.

Finally, once again, over the next seven days, we can hear from the Examiner of Statutory Rules, and the Committee can look again and, as Mr Aiken says, take on board the PwC report. We can have a business case from Mr Hamilton, and we can hear from the EU unit on its presumably preliminary discussions with the European Commission.

If we were an irresponsible Opposition, we would not have tabled this motion. We would have said, "Let the Executive play fast and loose with the public purse. Who cares about £85,000 a day?" If we had been an irresponsible Opposition, we would have wanted to hear a lot more than the two minutes and 32 seconds that we have just heard from Jonathan Bell MLA — he has whetted my appetite for the debate when it resumes next Monday — but no. On this day, as the Executive parties bring the mandate crashing to its knees four and a half years early, you have a responsible Opposition holding the Executive to account.

*Question put and agreed to.*

*Resolved:*

*That this Assembly, in accordance with Standing Order 16 adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 until Monday 23 January 2017.*

**Mr Speaker:** I ask Members to take their ease for a moment.

*The House took its ease from 6.21 pm to 6.25 pm.*

## Assembly Business

**Mr Speaker:** Members, owing to the nature of the next item of business, I will not be chairing the debate. I have been advised that the three Deputy Speakers will also be unable to do so. Standing Order 9A(1) provides for these circumstances by requiring the sitting to be chaired by a temporary Speaker. The temporary Speaker is defined as:

*"the member, present at the sitting, who has served the Assembly the longest number of days, and in the case of a tie, the oldest of [these]."*

In accordance with Standing Order 9A(1), I therefore ask Lord Morrow to take the Chair. I invite Members to take their ease while we make a change at the top Table.

*The Temporary Speaker (Lord Morrow) in the Chair.*

## Private Members' Business

### Speaker: Motion of No Confidence

**The Temporary Speaker (Lord Morrow):** The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

I inform Members that I have been advised by officials that a valid petition of concern has been presented today in relation to the motion of no confidence in the Speaker. Under Standing Order 28, the vote cannot take place until at least one day past. The vote will therefore be taken at the beginning of business tomorrow morning, Tuesday 17 January. I remind Members that the vote will be on a cross-community basis. I ask the Clerk to read the motion.

*The following motion stood in the Order Paper:*

*That this Assembly has no confidence in the Speaker of the Assembly; believes that his position is untenable as he has compromised the independence and integrity of the office of Speaker; and calls for his immediate resignation.*

**Mr Beggs:** On a point of order, Mr acting Speaker. Would the acting Speaker confirm that, irrespective of whether or not there is a petition of concern, the Speaker will have the confidence of the Assembly if the Members indicate that they have it or he will not have it if the Members indicate that he does not have it?

**The Temporary Speaker (Lord Morrow):** I ask Mr Beggs to repeat his question. We are not clear what you mean.

**Mr Beggs:** Would the acting Speaker confirm that, whether or not there is a valid petition of concern, that will not determine whether or not the Speaker has the confidence of the Members of the Assembly and no petition of concern will change that outcome? It will be done by the votes of the Members of the Assembly.

**The Temporary Speaker (Lord Morrow):** I remind Mr Beggs and the House that that will be a decision for the Speaker to make and not me. I call Mr Conor Murphy to move the motion.

### 6.30 pm

**Mr Murphy:** Thank you, Mr acting Speaker. I read carefully the letter that the Speaker sent to all MLAs recently explaining his course of action and decision-making in relation to the pre-Christmas sitting. It is quite clear. I accept that the Assembly was recalled on the basis of instruction from the First Minister and the deputy First Minister and that, similarly, he required both Ministers to instruct not to recall the Assembly. I do not think that anyone has an issue with the fact that the Speaker did not have the authority to countermand the order to recall the Assembly. However, it was made very clear to him publicly and privately to the Speaker's Office that the statement

that was to be made and the purpose of the recall of the Assembly was not, in fact, then being made on behalf of the Executive Office, because the deputy First Minister had withdrawn his authority for that statement to be made. That meant that the statement that the then First Minister came forward with was clearly a personal statement on her own behalf and not for the purpose for which the House had been recalled. Bear it in mind that other business had been tabled for that day and it was not the sole purpose for which the House had been recalled. Clearly, the original intended purpose was gone. The Speaker should not have allowed the First Minister to make a statement claiming it to be on behalf of the Executive Office when, clearly, it was not and she did not have the authority of that office to do so.

Following that decision, it was clear — the actions on the day reaffirmed it — not only that the Speaker was challenged very vigorously on the Standing Orders on which he was conducting his business — most of us were bemused by some of his explanations — but also that he had, with the exception of his party colleagues, lost the confidence of virtually every MLA in the House. I suggest that he still does not have the confidence, with the exception of his party Members, of virtually every MLA in the House.

We come today to debate confidence in the Speaker, which is a normal motion, given the circumstances that we found ourselves in in that sitting before Christmas and the behaviour that led to the First Minister making a statement on behalf of that office when she clearly did not have the authority to do so, yet we find ourselves hamstrung by a petition of concern. The DUP has deployed petitions of concern over 80 times in the Assembly — 82 of those as a party on its own. The irony is that the petition of concern was built into the Good Friday Agreement to protect the rights of minorities and to protect citizens from larger parties trampling over their rights and entitlements, yet the DUP, as the largest party in the Assembly, has used it 82 times without support from any other MLA. On a number of those occasions, it has used it to protect its Members from censure in the Assembly. It does so again on this occasion. *[Interruption.]* Mr Weir might find that amusing, but the DUP has yet to learn that there is public outcry not just about this scheme and the Speaker's handling of some of the issues but about the DUP's absolute refusal to recognise the damage that it is doing to public confidence in the institutions. It continued to do that to this very moment when it deployed the petition of concern. The use of petitions of concern to protect the interests of its Members is a corruption of what the petition of concern was intended to do.

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

**Mr Murphy:** No, I will finish what I have to say. Thank you very much.

The use of the petition of concern is a corruption of the institutions, and corruption is something that the DUP would do well to look to see how they deal with it. As a consequence, we are now to have a debate in this institution about an important matter — confidence in the Speaker — with the outcome already decided. The outcome has been frustrated, regardless of the vote of every other MLA, with the exception of DUP Members, to express their lack of confidence in the Speaker. That outcome will be overturned by the use of a petition of concern, which was put in the Good Friday Agreement to

protect minorities but has been used in a corrupt fashion by the DUP to protect their own.

On those grounds, I will not move the motion. I do not believe that there is any purpose in keeping people here for a debate when the outcome is predetermined, and I think that the corruption of this institution in the eyes of the public has to stop. I hope that the DUP reflects on this in the run-up to the election and that we get a different DUP returning here on the other side of the election.

*Motion not moved.*

**The Temporary Speaker (Lord Morrow):** I ask the House to take its ease for a moment because that brings into question whether the amendment can be moved, as the motion has not been moved. We will return to that in a moment or two.

**Dr Farry:** On a point of order —

**The Temporary Speaker (Lord Morrow):** I have asked the House to take its ease. I will come to you in a moment or two.

Order, Members. The substantive motion was not moved. Therefore, the amendment cannot be moved.

**Dr Farry:** On a point of order —

**The Temporary Speaker (Lord Morrow):** I will take your point of order in a second. I want Members to understand that, since we do not have a motion before us, we do not have an amendment.

**Dr Farry:** On a point of order, Mr Acting Speaker, the convention in the House, particularly on motions such as this, is that the proposer of the motion does not necessarily say, "I move". Given that Mr Murphy started speaking and, indeed, was allowed to make his speech, by implication he moved the motion. Therefore, the only grounds on which the business cannot proceed is through a request by leave of the House that the motion be withdrawn. Mr Murphy made a number of points on his view on the issue, and those have been read into the record. He took that opportunity and perhaps abused the procedure of the House in doing so. No other Members are to be afforded the opportunity to give their perspective or to counter the points made by Mr Murphy. I maintain that, by the fact that Mr Murphy started speaking rather than by saying, "I move" or "I do not move the motion" at the start of his speech, he moved the motion by implication. As such, the debate in the House should continue. It should proceed to the amendment and then other Members should be called.

**The Temporary Speaker (Lord Morrow):** I may have some sympathy with what you are saying, Mr Farry. However, Mr Murphy made it quite clear that he was not moving the motion.

**Some Members:** At the end.

**The Temporary Speaker (Lord Morrow):** Whether at the end or the beginning, he made himself quite clear. I do not have a motion before the House today. That is the position.

**Mr Dickson:** On a point of order, Mr Acting Speaker. Further to my colleague Dr Farry's comments, this, again, goes back to correct wording and the somewhat lax language in the Chamber. When Members or Ministers, as we have seen or heard in the past, withdraw various things for technical reasons, it is done "by leave of the House". No leave was

sought from the House; Mr Murphy made those comments well into the middle of his speech, judging by the time I spotted on the clock. I do not believe that he has the authority to withdraw it. We have an absolute right to the debate.

**The Temporary Speaker (Lord Morrow):** Mr Dickson, I am long enough about the House — I suspect that others are also — to know that there was a similar motion here in, I think, 2001, and there was a debate, but the motion was not moved. If it had been done in that way, there would be more validity in what you are saying. Again, I am not unsympathetic to what you are saying, but I have to make a ruling on it as the acting Speaker. That is my ruling.

**Mr Allister:** On a point of order —

**The Temporary Speaker (Lord Morrow):** Members, it is my intention not to take any more points of order on this particular matter — *[Interruption.]* Hold on. Mr Allister, I am asking you to sit down. Thank you.

I am not taking any more points of order on this particular matter. If Members want to come to this issue at another time, that is entirely a matter for them. I ask the House to take its ease.

*(The Temporary Speaker [Lord Morrow] left the Chair at 6.41 pm)*

The House took its ease.

*(Mr Deputy Speaker [Mr McGlone] in the Chair at 6.46 pm)*

**Mr Deputy Speaker (Mr McGlone):** I have been in consultation with the Speaker's Office and some of the senior clerks. I am going to suspend the Assembly because of the absolute mess we have arrived at to take some advice on the best way forward. There are a lot of issues and questions to be dealt with in a serious manner without the tomfoolery that has been happening here.

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

**Mr Deputy Speaker (Mr McGlone):** I cannot take any points of order, Mr Allister. Please bear with me. You will know that I am saying that with the best possible wish; I am not seeking to in any way curtail debate. I have been asked within the last two or three minutes to take this position, and I want to make sure that the advice that is given is appropriate and in the best interests of the Assembly. So, by your leave, I am asking for a suspension of the Assembly until such times as we get back in here and have worked our way around this.

**Some Members:** How long?

**Mr Deputy Speaker (Mr McGlone):** Until 7.30 pm.

**Dr Farry:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr McGlone):** Dr Farry, I have already advised Mr Allister behind you that I am not taking any points of order.

**Dr Farry:** This would be helpful.

**Mr Allister:** So would mine. *[Laughter.]*

**Mr Deputy Speaker (Mr McGlone):** The presumed advice is that we should suspend until 7.30 pm. If you want to have a chat with me afterwards, that is grand.

*The sitting was suspended at 6.48 pm.*



*The sitting resumed at 7.45 pm.*

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

**Mr Deputy Speaker (Mr Kennedy):** Order, Members. I have taken the opportunity to consider the recording of Mr Murphy's contribution in the debate, and it is clear that it was only at a very late stage that he indicated that he would not move the motion. Speaker's ruling 4.2g. makes it clear that, by convention, when a Member no longer wishes to put a motion before the Assembly, he should say "not moved", giving a short explanation to the House. It is very regrettable that Mr Murphy did not observe the substance of that convention this evening when he was called to move the motion. However, the temporary Speaker ruled that the motion was not moved. He has made his ruling, and it is not in order to challenge it. Standing Order 1(2) states:

*"The Speaker's ruling shall be final on all questions of procedure and order."*

**Mr Ford:** On a point of order, Mr Deputy Speaker. Whilst accepting the ruling that you have just given, the very fact that you had to give the ruling in the way that you gave it is a clear indication of an inadequacy in the Standing Orders of this House or, indeed, in the observation of conventions, whether or not they are covered by Standing Orders. Will you please agree to raise it with the Speaker in the hope that this matter may be referred to officials, who can give us some better advice should this House be reconvened after 2 March?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. I have listened and noted it carefully. It may well be that a future, or the next, Assembly will consider these procedural matters in some detail. I will also undertake to draw it to the attention of the Speaker, but that is somewhat invidious given that the motion before the House was a motion of confidence about the Speaker.

**Mrs Long:** On a point of order, Mr Deputy Speaker. Thank you for your ruling. I understand the rationale behind it. I believe that the Speaker at the time cited precedent from the first Assembly. However, it is clear that poor precedent should never outweigh what is seen as good practice. So, would it be possible to compare the poor precedent from what I believe was the first Assembly, which met in this Chamber, with the intention of the ruling under 'Erskine May', which is that no one should be able to make a statement to the House without other Members having the opportunity to respond to it?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for her point of order. However, the Member well knows that, as I have indicated, Standing Order 1(2) states:

*"The Speaker's ruling shall be final on all questions of procedure and order."*

It is on that restriction that I make the judgement that I make. The Member has put on the record suggestions that may or may not be considered by this Assembly or, indeed, any future Assembly.

**Dr Farry:** On a point of order, Mr Deputy Speaker. Your ruling is very clear, and I thank you for it. However, in essence, what you have set out is that an error was made in the initial ruling. Also at that stage, a number of Members sought to make points of order because of their

concern about the potential that that ruling would have for the debate at that time. Can I therefore seek reassurance that, given that a ruling was made by an acting Speaker — so we have a difficult context — in no way will that ruling therefore become a precedent for future business of this House, given, as my colleague said, the wider guidance as provided by 'Erskine May' in such circumstances?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. I have been very clear in expressing my regret that Mr Murphy did not observe the substance of the conventions of the House this evening, but I am bound by Standing Order 1(2), which states that the Speaker's ruling shall be final. That includes Speaker, Deputy Speaker and temporary Speaker.

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker. You are very clear in quoting Standing Order 1(2) and the impact that it has, in that we cannot challenge the decision. For the avoidance of doubt, can you point to the Standing Order under which the acting Speaker made his decision?

**Mr Deputy Speaker (Mr Kennedy):** I thank you for your point of order, Mr Nesbitt. It is clear to officials and to me that the ruling of a temporary Speaker carries the full weight and authority of the Speaker's Chair.

**Mr Nesbitt:** Further to that point of order, Mr Deputy Speaker, to be clear, while I am not challenging Standing Order 1(2), you are not pointing to any Standing Order under which the acting Speaker made his decision. Is that correct?

**Mr Deputy Speaker (Mr Kennedy):** Thank you for that point of order, Mr Nesbitt. Unhappily, perhaps unlike you, I was not in the Chamber at the time. It is clear, however, that Standing Order 1(2) covers the actions and gives the full weight of authority to the Speaker, Deputy Speakers and temporary Speakers.

**Mr E McCann:** On a point of order, Mr Deputy Speaker. You have said just now that whatever the Speaker's, Deputy Speaker's or acting Speaker's decision is, it is final. Reason cries out against that idea. It cannot be true. It cannot be the situation, because the implication of that is that, no matter what the Speaker, Deputy Speaker or acting Speaker does, we simply must accept it. The reason that, sir, you did not answer the question on the Standing Order under which you are making this determination is simple: there is no such Standing Order. What we have had here is someone simply pulling the plug on the debate. Whether that was because it suited him personally or his party, I do not know, but it was absolutely improper. The situation that we are now in is the result of a petition of concern from the DUP and the fact that there was a walkout by Sinn Féin. Put the two together and what that means is that the minimal powers of scrutiny of the matter that we might have had are taken away from us. This is not just a matter of procedure —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** — but a matter of the credibility of people who have got —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** Hundreds of millions of quid are going up in smoke, and we are saying that —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask Mr McCann to resume his seat.



**Mr E McCann:** — somebody can sit in that Chair and simply say — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Resume your seat.

**Mr E McCann:** I will resume my seat in a minute, but I will tell you what: you are wrong, Maurice was wrong and what we ought to do is get on with the business of discussing the renewable heat initiative.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** Disgraceful. It makes a mockery of the House. What is the point of our being here? *[Interruption.]* What is the point of being here if we cannot discuss a matter —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat.

**Mr E McCann:** — that is being talked about in every home, pub and street, North and South? *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat. I say to the Member that no amount of drama or hysterics will lend any credence to his argument, because —

**Mr E McCann:** Then answer it.

**Mr Deputy Speaker (Mr Kennedy):** Order. The simple fact is that Standing Orders, I accept, are silent on certain matters, but where they are clear, Mr McCann, is that Standing Order 1(2) states:

*“The Speaker’s ruling shall be final on all questions of procedure and order.”*

On that basis, the ruling applies to the Speaker, the Principal Deputy Speaker, the Deputy Speakers and any temporary Speaker. You may not like that rule, and there may be opportunities in the future for the House to review that rule, but those are the rules as they are currently constructed.

**Mr Clarke:** On a point of order, Mr Deputy Speaker. Can we clarify whether the implication has been made that the acting Speaker was working in his own guise? Can we get clarification of whether he was working on advice from officials?

**Mr Deputy Speaker (Mr Kennedy):** That is not a matter on which I can comment. I think that the Member well knows that. I am not in a position to comment on that or even to speculate on it. I am not sure that it is terribly helpful that the Member does so.

Mr Weir has been patient.

**Mr Weir:** On a point of order, Mr Deputy Speaker. I appreciate that you cannot speculate on that, but is it in order for a Member to question the integrity of the Chair on the motivation behind a decision, as the Member who spoke before the previous one did?

**Mr Deputy Speaker (Mr Kennedy):** Further to that point of order, I am in the happy position that I did not hear everything that the Member said, and sometimes that is an advantage. It is an advantage as a Minister, it is an advantage as a Member, and it is certainly an advantage when you are Deputy Speaker.

**Mr Weir:** Further to that point of order, that was not actually the issue that I raised. Mr McCann questioned the

integrity of the decision made by the Chair — that it might be personally motivated. I seek clarification of whether it is appropriate for a Member to challenge the integrity of the Chair’s motivation in making a decision.

**Mr Deputy Speaker (Mr Kennedy):** In my view, it will be a matter for the accused Members to address. It is not a matter that I can give attention to in the heat of the debate at present.

**Mr Lyons:** On a point of order, Mr Deputy Speaker. Standing Order 65 is very clear about order in the Assembly. In the previous debate, which Lord Morrow was chairing, Mr McCann was very clear, and he said, “I am directly challenging your authority.” He has also, I believe, acted now in a way that has brought the Assembly into disrepute by the way in which he has conducted himself. He has shown complete disregard for the Chair —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Lyons:** — and I do not think that it is appropriate.

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat. I strongly advise the Member to leave the chairing of proceedings to those who are appointed to do it. I am not sure that your advice is any more helpful or useful than some of the other contributions. You have had the opportunity to put your comments on the record.

**Mr Stalford:** On a point of order, Mr Deputy Speaker. Can you confirm that the reason why the situation has developed is that a Member from Sinn Féin rose to his feet, gave a speech and then indicated at the end that he was not moving the motion and that the direction issued by the acting Chair, Lord Morrow, would have been the same regardless of who occupied the Chair?

**Mr Deputy Speaker (Mr Kennedy):** The Member largely makes a political observation. I have clearly set out my ruling on the issue, and that is clear to all Members present in the Chamber. We must move on.

**Mr Allister:** On a point of order, Mr Deputy Speaker. If Mr Murphy did not speak in a debate, does he have the privilege of the House?

**Mr Deputy Speaker (Mr Kennedy):** That matter will need further due consideration. I am not sure that I am in a position to answer that this evening. What is abundantly clear and what I have made absolutely clear is that it is regrettable that Mr Murphy did not observe the conventions of the House when he was called to move the motion. Whether or not that affords protection is a more legal matter than I am able to answer at this point.

## Alcohol-related Crime

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

**Mr Easton:** I beg to move

*That this Assembly recognises the proven link between crime and the overconsumption of alcohol; and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a targeted outcome of significantly reducing alcohol-related crime.*

Everybody knows and accepts that there is a proven link between crime and the overconsumption of alcohol. I hope that the House will today maybe put aside any differences — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask Members to leave the Chamber quietly and show some respect to the remaining debate and the speakers.

**Mr Easton:** I hope that the House will today maybe put aside any differences and unite to address what is quite a serious issue that affects our society, our health service, our justice system, our economy and many people's lives. Nobody can say for sure how much money is spent by government, either at Westminster or in Northern Ireland, trying to tackle the health problems and, indeed, the problems we have in tackling crime due to the overconsumption of alcohol.

However, figures for England and Wales from the Institute of Economic Affairs indicate that alcohol-related crime costs government nearly £1 billion a year, while other such drinking offences adds another £627 million, making the total cost to the police and criminal justice system in England and Wales £1.6 billion. The Institute of Economic Affairs has also calculated that drink-related health problems cost the NHS in England and Wales another £1.9 billion. That includes £984 million in hospital admissions and £530 million in alcohol-related treatments, such as attendance at accident and emergency.

### 8.00 pm

In Northern Ireland, the figures that we have been able to research suggest that the cost of alcohol abuse to the criminal justice system is around £320 million to £340 million, although I would be happy to be corrected, if there are any up-to-date figures on that. Some £150 million is incurred by health treatments and the estimated cost to the Northern Ireland economy is around £900 million.

Startling facts and figures for Northern Ireland include that 44% of all the arrests made by the PSNI in a single year were as a result of the alcohol factor. Sadly, 300 deaths were caused by drink in 2012. Two thirds of violence between strangers involved alcohol, and one third of domestic violence occurred after drinking. Some 13% of threats to kill involved alcohol.

As reported by Graeme Hetherington, research carried out by a professor at Teeside University showed that three quarters of the people in the criminal justice system have a problem with alcohol. Figures are wide and varied on the

issue of the link between crime and the overconsumption of alcohol. However, we know that it is a factor, and we need to look at what can be done to help deal with this huge problem in society.

Let us look at what strategies we currently have from the Department of Justice and the Department of Health. Since 2005, the Department of Health has led the development of a cross-sectoral strategy that has sought to reduce the harm related to both alcohol and drug misuse in Northern Ireland. That was launched in 2006 and was entitled the new strategic direction for alcohol and drugs (NSD). It was to be a five-year plan, aimed at changing culture and behaviour. It was agreed that, rather than undertake a full, new strategy development process, the existing new strategic direction for alcohol and drugs plan would be revised and extended until 2016.

Under the NSD, four advisory groups provide advice and give policy guidance, including on children, young people and families; treatment and support; binge drinking; and law and criminal justice. The function of the groups is to feed back to the NSD. The health service has also established a liaison group, with input from the Public Health Agency, and that meets to monitor overall progress against the NSD's targets and outcomes. We see from the figures from the new strategic direction for alcohol and drugs — phase 2 that there appears to be some limited success in tackling alcohol and drug abuse, but there are also worrying trends that have increased. For example, adult drinking patterns have stayed the same since 2005. Problem drinking has increased slightly since 2005. Lifetime use of illegal drugs has increased from 20% in 2002 to 28%. The number of people in treatment for alcohol misuse has risen from 3,074 in 2005 to 3,891 in 2014. This is really worrying.

On the Justice side, the previous Minister published the 'Building Safer, Shared and Confident Communities' document. We see in it a section on alcohol-related crime and the new strategic direction for alcohol and drugs. We see explained in the document the costs to the Northern Ireland economy and the impact on our society, from the crime in local neighbourhoods to the corruption and effects of organised crime, and the health risks to the individual, families, friends and communities and society as a whole — all are affected. This has led to the outworkings of this, with the aims of support for young people and families dealing with alcohol misuse; increased public confidence and the impact on local communities; supporting offenders with targeted services; and ensuring that effective powers are available.

These are all well and good, with good aims, but are they working in reality? In my opinion, they are, at best, keeping the situation at a similar level but not making huge differences.

In conclusion, while there is cooperation between the Department of Health and the Department of Justice, with reports, strategies and documents and well-meaning sound bites, the fact remains that we are not getting on top of the problems related to alcohol consumption and its effects. The problem is costing Northern Ireland £900 million a year. It is affecting our health service, our justice system, our economy and the lives of our people. We need to find a better way to reduce these costs and to deal with the health effects. We also need to find a way to reduce the crime caused by alcohol. That is why I am asking

the House to back our motion which asks the House to recognise the link between crime and the overconsumption of alcohol, and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a better targeted outcome of significantly reducing alcohol-related crimes.

We need a new strategy between the two Departments that —

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

**Mr Easton:** No. We need a new strategy between those two Departments that will give annual reports, actual actions and clear results. We owe that to our people to make their lives and society better for all.

**Mr Beattie:** I welcome the motion and support it. It is good to see that the Justice Minister is here to listen to the debate. I saw the Education Minister, but he is probably just about to shoot off. I believe that he also has a part to play in this, although not named in the motion.

The motion states the obvious. I do not mean that in a detrimental way. I mean that we have a societal problem with alcohol, which is well known and well documented. That is why I say that it states the obvious. Tackling it needs a joined-up approach. In general terms, it is pretty obvious what we need to do. Where do we start? Do we start with the availability of alcohol, the low cost of alcohol and what you can buy in your local supermarket incredibly cheaply? That is certainly an issue for society. Do we have a look at the effects on the individual of alcohol abuse that drives them towards crime, such as trying to get hold of alcohol on a day-to-day basis? It is pretty much like what they would do with drugs. Do we look at the cost to the public purse of alcohol-related issues? That cost has already been given, so I will not go through it. Do we look at the statistics on alcohol-related crime? Some 76% of those arrested have taken alcohol, 20% of all crime is alcohol-related, which rises to 47% for crimes of violent offences against the person. They are huge statistics that society should be ashamed of.

If you do not mind, I would like to look at this from a victim's point of view, because there is an anger out there when we do not look at the victim. Let us look at Enda Dolan: he was 18 years of age; a first-year student at Queen's University; killed by a hit-and-run driver on the Malone Road in October 2014; and left lying at the side of the road like a bag of rubbish. It was a shocking crime and a shocking waste of life. The man who was convicted for his murder was convicted of death by dangerous driving and awarded seven years, with three and a half years on licence. I think that we all know that that was increased by 12 months. Why was that death by dangerous driving? What was it not murder? Why was it not at least manslaughter, because that driver took 13 drinks before he got into that van? He knew what he was doing. When he climbed into that van, he turned it into a weapon, just as much as if he had been carrying a gun or a knife. We have to look at that, because people are angry. If somebody deliberately drinks and drives, there is a chance that there will be a fatality.

Over Christmas, 380 people were arrested for drink-driving: that is 380 potential fatalities. I mention that because we have a problem with alcohol abuse. I know that I have narrowed it down to drink-driving, but we could talk about other aspects. We have alcohol-related crime. I have said that it is a societal issue. It is not just for the Justice Minister

and the Health Minister. It is for the Executive, whatever shape or form they will take in the coming months — dare I say it, years — to tackle this problem.

We have to target schools and schoolchildren. We have to target the workplace and communities. Let us tackle how alcohol can grab an individual and destroy their life. Let us tackle the fact that drinking alcohol, alcohol abuse and binge drinking are, for some people, a lifestyle choice. They do it deliberately, and they fund it through crime. It is important that we look at those aspects as well.

**Ms Bradshaw:** I support the motion. I am not exactly sure that it is the right proposal going forward, but I think that the sentiment behind it is to be applauded, so I thank the Members for tabling it.

I represent the South Belfast constituency. I am sure that others in the Chamber will also say this this evening, but I think that my constituency has a particular problem with alcohol-related crime, because it covers part of the city centre and a lot of the points on arterial routes, where there is a concentration of licensed premises and leisure locations. Unfortunately, for us as a constituency, whilst the problem is concentrated there, a lot of the people who are involved in alcohol-related crime do not necessarily reside there. That has a detrimental effect on the residents whom I represent, the workers and, in some cases, even the healthcare provision in the local hospitals, for example.

The reality of it is that, as drunk individuals and crowds move throughout the South Belfast constituency, they disturb the settled communities. Members will know the geography of South Belfast — it includes the Markets, the lower Ormeau, Sandy Row and Donegall Road. A lot of the people who live in the houses there are frail and elderly or have young children and are particularly susceptible to being frightened when they hear a bottle smashing in their front garden, a wing mirror being knocked off their car or any other damage being done to their property. In short, they are the ones who bear the brunt of the disturbances that drunk individuals and their friends bring to the constituency.

Then we have the extreme cases of alcohol-related crime — I am talking about things like actual bodily harm — when individuals or groups get involved in fights outside bars, and somebody inevitably needs hospital care. What then happens is that an ambulance crew has to come to take the injured individual, whether they are an innocent victim or not, to an emergency department, and the staff who are already under pressure — the doctors, nurses and front-line workers — have to direct their attention to that individual and away from people who may be more in need.

At this point, I would like to put on record a commendation of the PSNI's One Punch campaign. Members will know that it is a video campaign that the PSNI takes to youth clubs, schools and community groups. It is really about getting the message across that just one punch can be fatal.

I also commend the likes of Queen's University and the University of Ulster, which, despite some issues around disturbances in the Holylands, have proven that they care about the pastoral needs of their students. They try to guide them by encouraging more responsible alcohol consumption. I will also mention the likes of Drinkaware, some retailers and the Public Health Agency, which are trying to play their part in what seems like a disjointed process.

As I say, I believe that alcohol-related crimes place a burden on the health service. I think that, further down the line, the Justice Department and its associated agencies also have to deal with the fallout from alcohol-induced incidents. I am talking about the Youth Justice Agency, the Probation Board and, in more serious cases, the Prison Service. It is highly regrettable that scant resources from our Budget have to be spent on dealing with needless crimes.

I came to the Assembly in May last year, having spent 19 years working in grass-roots projects. I believe that we will see a reduction in alcohol-related crimes only when the strategy is developed and fed up through the grass roots. To that end, I think that, unlike what is proposed here this evening — leaving it to the Department of Justice in collaboration with the Health Department — the policing and community safety partnerships, which are facilitated in the 11 councils, should be the structures through which any such strategy flows. I mean that in the sense that the strategy for Enniskillen would possibly be very different from the one for South Belfast, and I think the people around the table, such as the Prison Service, the Probation Board and social services —

#### 8.15 pm

**Mr Ford:** I appreciate the Member giving way. Does she agree with me that, whilst there is clearly a cost to Health and Justice, there are very significant issues such as those highlighted by Mr Beattie about education, for example, there is clearly a role for the Department for Communities and it is not simply a matter of solely two Departments dealing with it?

**Mr Deputy Speaker (Mr Kennedy):** The Member has an extra minute, thanks to the experience of her former party leader.

**Ms Bradshaw:** I had not noticed the time; thank you. I totally agree, and that is my point. A lot of statutory agencies are already doing this work, and they are to be applauded on and supported in that.

The other reason why I have a wee bit of a reservation about this is that, in the eight months I have been in the Assembly, particularly as my party's health spokesperson, I have heard of so many strategies that are at various stages of development and implementation with little or no funding to deliver on them. Without fear of contradiction, I would say that there are many people out there in the community sector who have very little faith that if another strategy was produced by this Assembly it would necessarily have the desired effects and outcomes.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to draw her remarks to a conclusion.

**Ms Bradshaw:** I support the motion; however, I think it needs a wee bit more work.

**Mrs Dobson:** I also welcome the opportunity to speak tonight as the Ulster Unionist Party health spokesperson. I also welcome that this enables us, as elected politicians, to focus on the issues that directly affect society in Northern Ireland and to put the practical before the political, which is, after all, what we are elected to do.

*“Alcohol remains our favourite drug and its continued misuse has a real and lasting negative impact on*

*individuals, on families, on children, on communities, on our health system, on the criminal justice system, on the economy, and on our society as a whole.”*

Those are not my words, but those of former Health Minister Edwin Poots when, in 2014, he penned the foreword to 'Every Contact Counts: Improving Access to Treatment for Alcohol Misuse in Northern Ireland'. To significantly reduce alcohol-related crime, as the motion states, we need to know the starting point. This document, albeit that it is from three years ago, contains a number of startling and frightening revelations about the burdens alcohol places on our health service and the justice system.

The PSNI confirmed through the Northern Ireland crime survey 2012 that alcohol played a part in 19% of all recorded crime, and my colleague, Doug Beattie, mentioned that. That is almost a fifth. I understand from the most recent statistics that that has changed little in the years since. The figures also show that 11% of antisocial behaviour in Northern Ireland was alcohol related. Alcohol was also involved in a startling 59% of all domestic violence when an injury occurred. That should be enough to send a shiver down the spine.

I have spoken at length in the House on previous occasions about domestic violence and the devastating impact it has on families, ripping them apart and affecting young people at the very beginning of their lives. In looking at this issue, it would be useful to receive more up-to-date figures from the Justice Minister. However, the point I am making here is that this information has been known for some years. The link between the overconsumption of alcohol and crime does not need to be proven or recognised; it is a clear fact — ask any of our constituents who contact us, often at the end of their tether, because of problems they and their families are experiencing. Incidents often start as a nuisance, but the problems escalate to more dangerous and potentially life-threatening levels as time passes.

I have been assisting communities through the Housing Executive, which has seen instances of alcohol abuse and related crime increase. I pay particular tribute to the assistance the PSNI has provided in those instances.

A visible presence is extremely important for community confidence and reassurance. However, we need to be conscious that this deflects resources from other areas and uses, all because some individuals choose to abuse alcohol, and it often does not stop there.

Looking at the overall impact of alcohol-related harm on the health service, I have seen estimates that the cost is up to £900 million every year, roughly one tenth of the block grant. The annual cost of alcohol misuse to the health and social care sector alone is estimated to be £250 million, which means that alcohol abuse costs every person in Northern Ireland £500 a year. With extreme healthcare costs, this could continue to rise by approximately 9% a year.

All this is in the document that I referred to, which was forwarded by the then Health Minister in 2014.

Given the facts that we have known for some years, it is for others to answer why this issue has not been tackled head on and why the draft Programme for Government contains only one reference to tackling poverty and disadvantage,



and reducing the negative impacts of alcohol and drugs use, with no specific reference to alcohol-related crime.

Looking in on this debate from the outside, I think that the public would be surprised if the Ministers of Health and Justice were not already working together on this issue —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude her remarks.

**Mrs Dobson:** — or perhaps not.

**Mr Deputy Speaker (Mr Kennedy):** I call the Minister of Justice, Ms Claire Sugden, to respond to the debate. Minister, you will have up to 15 minutes.

**Ms Sugden (The Minister of Justice):** I am sure that the Assembly readily recognises the proven link between crimes and the over-consumption of alcohol. If it is the last thing we do on this dreadful day for Northern Ireland, it is that we debate an issue that affects people's lives, because goodness knows when we will have an opportunity again to represent the concerns that matter to the people of Northern Ireland.

While I appreciate the sentiments of Mr Easton and Mr Douglas to highlight an issue that none of us in this Chamber — if all were here — could disagree with, it is clear, judging by the events of the day and the emptiness of the Chamber, that practical issues, as Mrs Dobson rightly said, are of no concern to those who wish to play politics.

I welcome the opportunity to demonstrate what my Department is doing to tackle alcohol misuse. It is already working with the Department of Health. I agree with Mr Beattie that that should be extended not just in those two Departments but to Education and across the Executive, which, regrettably, no longer exists. To tackle the complex issues that arise when excessive alcohol is consumed will require support funding, but dissolution of the Assembly will make access to that funding across all Departments more problematic.

I am happy to tell the House that a joint strategy with the Minister of Health is already in place. A strategic direction was established to address many of the concerns raised in the motion on a cross-departmental basis with the Department of Health. However, it feels fruitless standing in an empty Chamber with the prospect of an election around the corner, and we cannot fulfil the aims that we promised when we came into office less than a year ago.

Although the new strategic direction is led by the Department of Health, my Department and others in the criminal justice system, including the PSNI, the Northern Ireland Prison Service, the Probation Board, and the Youth Justice Agency, provide major contributions to the strategy and its implementation.

The latest statistics produced for the annual report include feedback on analysis that showed that 46% of persons arrested and brought to police custody suites declared that they had recently consumed alcohol. The statistics show that between 10.00 pm and 6.00 am on Friday, Saturday, Sunday and Monday that rose to 77%. In over half of arrests for offences where assaults were a factor, alcohol had been consumed.

Ms Bradshaw alluded to the recent PSNI One Punch campaign. This is an issue that affects people on a very real basis; it ruins lives day to day. That is something that we cannot become complacent about. Mr Beattie

mentioned the Dolan family. I want to put on record my sincere sympathies to the Dolan family for what they have been put through. Indeed, had I been able to serve for a longer time in this office, I would have looked at addressing that concern, particularly around sentences and how we look at their unduly lenient nature, and at what we as an Assembly have the power to change. I hate to reiterate the point, but those opportunities are being lost by what has been played out in this Building and these institutions today.

In addition, to help monitor the position and in support of its work with health partners to address the problem, the PSNI has been maintaining a statistical record of certain crimes and offences in which alcohol and drugs intake is seen as a contributory factor. Those figures, although modest, show welcome improvements in such links. In 2014-15, alcohol was a contributing factor in 19% of all crimes recorded and in 43% of offences of violence against the person. In replying to the motion, I am focusing today on the work of the Department of Justice to tackle alcohol-related crime. However, tackling alcohol misuse generally is an issue for the Northern Ireland Executive, not just my Department, and that is why the new strategic direction is led by the Department of Health. It has many initiatives under way, including looking at pricing and promotions, as I mentioned earlier, access and availability, education work and understanding the hidden harms caused by alcohol misuse.

Members may be aware that the fourth annual report of the progress towards achieving the aims of the strategy was published in August of last year. As part of the new strategic direction strategy, key links have been made between phase 2 of the new strategic direction, the community safety strategy, the strategic framework for reducing offending and alcohol licensing. At a local level, through the strategy, we continue to promote joined-up work between drug and alcohol coordination teams, policing and community safety partnerships and local councils. Officials in my Department and the partner bodies that I listed have been looking closely at the range of concerns linked to the abuse and misuse of alcohol, and indeed drugs, with the intention of reducing the public health and societal impacts that behaviours such as overconsumption of alcohol can lead to.

Members may find it helpful to be reminded that the new strategic direction looks not only to reduce crime in which alcohol or drugs play a part but to prevent and intervene early in matters relating to alcohol, as well as both prescription drugs misuse and the use of illegal substances. In addition, the strategy looks to enable alcohol and drug users to have access to appropriate and effective treatment and support services, backed up by measures designed to reduce harm and supported by research and monitoring of trends and developments. The work in that area, led by the Department of Health, is producing results. I am pleased to acknowledge the part that my Department plays in supporting the work to address the range of problems.

The approach that I have encouraged since taking up post last year is built on problem-solving justice, which is a person-centred approach to tackling offending. If only my Executive colleagues would take the same attitude. For me, problem-solving justice is at the heart of our new draft Programme for Government, if it ever sees the light



of day. It is an approach that would drive our reforms over the next five years. It is so unfortunate that we are to be distracted from this imaginative attempt at addressing the problems being discussed today, because there was a real opportunity to start changing people's lives. I think, too, that the effort that I expended on the draft Programme for Government, which includes plans to have a safe community, in which we respect the law and each other, will be seen by those suffering from the effects of alcohol-related crime as a wasted opportunity to tackle some of the issues that affect people from day to day.

My vision for the justice system in Northern Ireland was one of transformative change, because I believe that it is much more effective to address the underlying causes of offending when they arise, whether those are alcohol-related or due to misuse or abuse of other substances, than to seek to treat the problems later. I am so disappointed not to be able to develop the transformative changes throughout the current mandate. By diverting individuals, where appropriate, to the relevant community support and services in a timely manner so that they can receive targeted support and therapeutic intervention, we would deliver positive incomes for vulnerable individuals, for communities and for the criminal justice system as a whole, as well as reduce the number of victims. I hope that that kind of thinking can be sustained to ensure that the right help is made available to the right people.

The Programme for Government creates the platform for such a change, and problem-solving justice provides the delivery mechanism. As part of the problem-solving approach to justice, we were developing a portfolio of initiatives, some of which might have impacted directly on alcohol-related crime, including multi-agency support hubs to support individuals and their families and the development of a substance misuse court and a family, drugs and alcohol court.

### 8.30 pm

With regard to the link between alcohol and crime, I think that we all accept that the relationship between consumption, particularly overconsumption, of alcohol and drugs and some criminal activity is well established. In the latest new strategic direction update report, research appears to suggest that the consumption of alcohol and drugs is a contributing factor in a large proportion of all crime. I know that the Police Service of Northern Ireland is also acutely aware of these problems.

Within my Department, local community safety partnerships have identified where the misuse of alcohol has been reported as playing a part in behaviour and criminal activities in their areas. In trying to address this, they, too, expend money, time and effort to draw attention to the local concerns and work with their communities to identify, create and implement community programmes designed to help engender more responsible behaviour. Many of the local programmes are targeted at providing advice to students and young people through engagement programmes in schools, awareness seminars and targeted interventions to challenge, for example, on-street drinking. PCSPs work alongside local partners to coordinate, support and lead the delivery of localised responses that are designed to effectively support tackling alcohol- and drugs-related offending, and I fear that much of this good work may also be affected by the dissolution of the

Assembly next week and the continuing absence of a Budget which would give greater clarity and assurances to those trying to work in this area.

I have another few pages to talk about, but I feel that my standing in front of the Assembly is, to an extent, fruitless. The work that we have looked at over the past eight months will be lost in what we need to do to take Northern Ireland forward. I appreciate the opportunity to speak on this motion on an issue that affects people's day-to-day lives and I think that, on this really sad day for Northern Ireland, it is important that we put that message out there, because that perhaps demonstrates a little bit of hope for our country. I appreciate all the contributions to the debate.

**Mr Frew:** I rise to support my colleague Alex Easton for bringing forward this motion tonight. It is a motion of real substance and real politics for real people. I stand here tonight heartbroken, and I am prepared to say that I back the Justice Minister 100% in everything that she said. Having worked with the Justice Minister over these past few months, I know that she was doing a good job and making real progress in that Department that would have benefited some of our most vulnerable people.

I know that we do not always get filled Chambers for debates of this nature, but I can look round the Chamber tonight and see genuine people who are here to do the best for their people — the people of Northern Ireland. Every single person in the Chamber feels the way I do and feels that they want to make a difference to their society. They have been deprived and robbed of the chance to make our people's lives better. This is just one of the issues that we should have been debating today.

Whilst we all know that this is a bear pit of a Chamber. I like the rough and tumble, I must admit. I like the debates that we have had here over the last number of months. We were able to debate and be harsh if we needed to be and say our truths if we had to, but we were able to get something done or at least speak about what needs to be done. Now we have been deprived of even that by the actions of one party. Whilst most parties disagreed with my party on this issue and on these issues, they were prepared to say their piece, put down their authority where it was, tell it as they believed it was and see it out, yet one party has now walked away and failed the people of Northern Ireland. We are elected to this House to represent people, not to walk away and resign.

Alcohol-related crime is a massive issue in our society. We can talk about drugs, the harshness of drugs and why we should not take drugs and most people will get that, but alcohol is mainstream and so we have to treat it differently and do something else. That is the reason it costs so much: it is mainstream. We can all look back over our life, and — you have to really concentrate — see how alcohol has affected us growing up through the things that we have seen. We have all been in a place where we have seen somebody a wee bit the worse for wear. That is how we say it. We try our best to get that person home and to make sure that they are safe. There will be a few jokes or gibes and one thing and another. We find that acceptable at times. Hopefully the person will sleep it off and be right as rain the next day. However, that brings risks.

I remember, when I was growing up, running about with young friends from a neighbour's house. I just knew by the way things were talked about in the household and in

the neighbour's household that there were issues there at night. You heard it through the walls. It was drink induced. It is not only the person who takes the drink that we should be looking at; it is the family circle. It is the young people who see that on a nightly basis. It is scary. I have been in houses when I was young, maybe staying over, and one of the parents came home drunk. It is quite intimidating. You have never really seen them in that light before. You wonder if everything is going to be OK. So, drink, whilst it is mainstream, is a massive issue for us as a society. Figures have been bandied about, and, of course, we can all recognise them.

I understand that it is a societal problem, so the whole Executive should tackle it. However, where does the burden really hit? It hits Justice and Health more than anywhere. Those Ministers should lead any strategy going forward, and I would support that. We look at the work that we are trying to do. Look at the work that the Justice Minister has been doing on domestic violence, a lot of which is drink induced. Now this Justice Minister will not be able to move forward with her plans and her legislation on this very issue. Is that not a shame? It is a shame for the people of Northern Ireland who need our help — for the people who have a drink problem, the people who have a problem with drink, which is different, and the family members and people in society out there who suffer because of drink.

Think of the assaults on police officers, firefighters and ambulance workers because of drink. Think of people out doing a duty — a day or a night's work — and the way that they are treated because people take too much to drink and do not make the right decisions. I have a private Member's Bill sitting ready to go. I launched the consultation today on bringing accident and emergency workers into line with those services to make sentencing for assaulting them tougher. The amount of abuse that our accident and emergency staff take and the number of assaults in our accident and emergency rooms because people have too much to drink is woeful. It is a disgrace to our society. It is a tarnish to our name. We need to do something about that, and now we cannot. It is an absolute shame that here tonight we are talking and we do not really have any power — none of us. We can say what we like, but we cannot have any effect. We cannot cause something to become better. Our chances are gone.

To sum up: Doug Beattie raised a lot of issues. He rightly focused on the spectre of drink-driving — it is something that I have not mentioned yet — and how people think that it is acceptable to jump into a car intoxicated and drive somewhere, when they are not able to make an informed decision in that regard. That is completely unbelievable. He is right. Every time that happens there is a risk of one death or more. That is something that we should be looking at seriously. I do press release after press release about speed on our roads, a bad bend, driver behaviour and how roads are dangerous. Roads are not really dangerous; it is the people on the roads and how they drive. That is something that we need to get through. We need to get education and awareness into the very hearts and souls of our people and tell them that, whilst this is mainstream, this is how much it is costing.

It is not just pounds and pence; it is lives.

I was struck by something in Doug Beattie's contribution. He was a soldier in a former life. He, like me, will know the

practices in our armed forces with regard to drink: all the lads go out when they can get R & R and everything else. It is an issue not only in the army but across society. We have to tackle that. We have to educate people, and we have to be responsible about it.

**Ms Lockhart:** I thank the Member for giving way. Will he join me in commending the PSNI for its excellent campaign at Christmas? One night, I was stopped and breathalysed on two occasions. Thankfully, the breathalyser returned readings of zero. I do not know who would have been more shocked had it demonstrated anything different. That highlights that that type of enforcement works. The PSNI needs to be commended for its hard work and expertise this Christmas.

**Mr Frew:** I thank the Member for making that contribution. I hope that it was not anything to do with her driving as opposed to the campaign. It was a very good campaign; she is absolutely right to raise that. It made a difference — people were talking about it. Although I did not get breathalysed, I was stopped at a checkpoint. You are absolutely right.

Paula Bradshaw mentioned the One Punch campaign. I have a friend who has had health issues for the last 20 years because he was the victim of a one-punch attack. The violent conduct on that night was drink-induced.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to draw his remarks to a close.

**Mr Frew:** I echo everything that the Minister and Alex Easton, who moved the motion, said. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the proven link between crime and the overconsumption of alcohol; and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a targeted outcome of significantly reducing alcohol-related crime.*

*Adjourned at 8.42 pm.*

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# Northern Ireland Assembly

Tuesday 17 January 2017

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Kennedy] in the Chair).*

*Members observed two minutes' silence.*

## Opposition Business

### Renewable Heat Incentive Scheme: Public Inquiry

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

**Ms Hanna:** I beg to move

*That this Assembly recognises the mounting public concern relating to the renewable heat incentive (RHI) scheme and the serious allegations of incompetence, corruption and abuse; further recognises the damage caused to public confidence in these devolved democratic institutions; calls for the establishment of a public inquiry under the Inquiries Act 2005, to be chaired by a judicial figure proposed by the Lord Chief Justice; believes that the First Minister should stand aside pending publication of the final inquiry report; further believes that the terms of reference should include the development and operation of the scheme, any matter in relation to policy, financial, operation and compliance, the role and conduct of relevant persons and organisations, assess if there were breaches of any relevant code, public standards or employment contract, the response to and treatment of persons who raised concerns, if any person with a potential conflict of interest acted to their own benefit or the benefit of others, assess all RHI applications and report on any actions to be taken in respect of suspected fraud, the suspension and recovery of payments and the future operation of the scheme, make such recommendations as the inquiry believes necessary, including in relation to any issue of potential malfeasance in public office or of suspected criminal activity identified; believes that the inquiry should issue a final report within six months of its commencement, with the provision for interim reports at least on a two monthly basis; further calls for all inquiry reports to be published in full upon completion without requiring the agreement of any Executive Minister, the Executive or the Secretary of State, with copies of any report lodged in the Assembly Library; calls for any case of suspected fraud identified to be referred to the PSNI; and further calls on the Minister of Finance and the Minister for the Economy to bring forward a plan to arrest the liability to the public purse.*

Members, yesterday, we gathered to discuss some of the proposals for cost recovery in the renewable heat incentive scheme, and, today, this motion attempts to put in place, finally, a public inquiry to establish who has been responsible for this governance disaster, what lessons can be learned and implemented, and to do so in public, free from political interference or cover-up or the perception of cover-up. If these institutions are falling over this issue, at least in part, and people, we are being told, are to have their say, it is our duty to give them the information to have their say as much as possible. Not the spin, just the facts. Who decided to amend the scheme from Britain? Why were warnings ignored? If warnings were made, what were they? What opportunities were and were not taken to fix the problem? Who benefited from it?

I hear Sinn Féin in the media branding this a meaningless discussion today. That party abstained on the topic of a public inquiry earlier this month in Belfast City Hall, and it looks as if it will here as well. Sinn Féin can brand accountability meaningless, but many will interpret it as another way of avoiding the question: what did you know, when did you know it and what did you do about it? Presumably, their voting to water down an investigation into the National Asset Management Agency (NAMA) a few months ago was meaningless as well and not just the character of their opposition to accountability that, to them, is just about sound bites and distraction.

Accountability is, of course, a very important principle in public life; it is the norm in politics around the world — everywhere except here. It seems that a Minister will take responsibility for a disaster in his or her Department. As a minimum, this motion required the First Minister to stand aside for the duration for an inquiry, although I accept that that is now a moot point as we are all being stood aside next week for our sins.

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

**Ms Hanna:** I am happy to.

**Mr Agnew:** Is it not a shame that we have the same outcome, with Arlene Foster no longer the First Minister, but we do not have a public inquiry? What we do now have is unstable institutions. Surely she should have done the right thing and stepped aside.

**Ms Hanna:** I could not agree more. A lot of this could have been avoided by showing humility and by living up to the principle of accountability in public life.

I think that the motion is a fairly comprehensive overview of what we are proposing, but I want to speak to a few specific aspects and address some of the criticisms and

concerns that people have stated. Another red herring has been raised, particularly by the party that usually sits to my right but which is absent today. Part of their 12 days of Christmas positions on a public inquiry in the last few weeks was that they said that they did not want a public inquiry, and they brought up criticism by the SDLP, by other parties and by human rights groups, of the 2005 Inquiries Act. That criticism is based on the issue of using national security as a blocker to get to truth, which is a convenient mutual veto that the party beside me benefits from as well. If Sinn Féin could explain what aspect of the renewable heat incentive scheme they think will be used to invoke a national security clause in this inquiry, their protestations would have some weight.

Other deflection tactics were used that this could cost millions and take years, as previous inquiries certainly have, but they do not have to take for ever, and many do not. Some of the first inquiries conducted under similar legislation in the Republic were quick, effective and good value for money. I am thinking in particular of the first Haughey inquiry and of the 1999 deposit interest retention tax (DIRT) inquiry into allegations of tax evasion in the banking sector. That concluded after 26 days, on budget and led to prosecutions; it was a triumph for transparency and public accountability. Yes, some of the corruption scandals have dragged on over the years, primarily due to challenges based on the time that had elapsed, the challenges of compelling private individuals and of getting access to private information. That is also a red herring, as this is a relatively fresh scandal, and almost all those involved, be they elected Members or special advisers or civil servants, are still in post or, at the very least, are still in the neighbourhood and can be invited to come along. All the relevant papers will be — or should be — a matter of record in the Department, so we should not see the same legal battles to compel papers.

Our proposals also suggest that the judge to lead the inquiry be appointed by the Lord Chief Justice. We reject entirely the suggestion that it would be appointed by the Attorney General, who is himself a political appointee of this Executive. It is fair to say that that would not have the arm's-length remove that an inquiry would need. The format for the inquiry, as outlined, will facilitate cost recovery from those claims that are found to be fraudulent and can provide the basis for prosecution if malfeasance in public office is demonstrated or if other wilful fraudulent exploitation of the scheme is found. The inquiry should take no more than six months, which we think is entirely plausible, with updates at two monthly intervals. It should not require approval from any Ministers — hopefully, Ministers in the Assembly, or, potentially, direct rule Ministers. One way or the other, the outcome of this inquiry will not be able to be kicked into the long grass, and the outcomes cannot be suppressed.

**Mr Ford:** I appreciate the Member giving way. What she has actually said in all the points that she has highlighted so far is that the terms of reference under which an inquiry is set up could entirely deal with all the bogus objections that have been raised to it. Also, very specifically, in an inquiry under the Inquiries Act, it would not be for Ministers to withhold information; the information would be released by the judge who chairs the inquiry.

**Ms Hanna:** The Member is entirely correct, and that is what is regrettable. We are now on 17 January, and

these proposals have been in existence. We have been discussing these particular proposals for going on a month now, and the mechanisms that we need are in legislation. It was always a fallacy that we would create new legislation. The fact that this House is not going to be here after next week makes very clear that we would not have been able to create new legislation. You are absolutely right that we are ready to proceed on this.

**Ms Mallon:** Will the Member give way?

**Ms Hanna:** Yes.

**Ms Mallon:** Does the Member also agree that, considering we could have been several weeks into a public inquiry to establish the truth, with every day that has gone by, £85,000 of the public's money has been squandered? Does she think that that is an absolute shame?

**Ms Hanna:** I do. I agree that the loss of public money is a great shame, and also the fact that people are being pushed into an election to have their say on accountability and corruption without actually being given all of the facts. In this society, we have become used to not getting answers, unfortunately, whether that refers to legacy issues of the past or glossing over the alphabet soup of scandals of this Executive around NAMA, SIF, the renewable heat incentive and many others. We need to change that culture, we need to start getting answers and we need people to understand that this Assembly is more than a racket and a farce.

We regret that an election has been forced before we have had the answers on the issue, but, unless parties choose to stand in the way of this motion, it should lead to an inquiry about who knew what and when and what they did about it. Those who do not fear being asked those questions should have no problem in supporting this motion, supporting the inquiry and restoring some accountability.

**Mrs Little Pengelly:** I rise to speak on the motion and outline my full support for an independent judge-led inquiry. Inquiries can take many forms — statutory, judicial or under the Inquiries Act. However, the forum must include full independence, public confidence and sufficient robustness to get to the truth. This must happen as soon as possible.

There have been many allegations and much politicking on this issue across all parties. First, I want to put it clearly on the record that I welcome the acknowledgement of regret by Arlene Foster, by senior officials in their evidence to the Committee and just yesterday, by the Economy Minister. Make no mistake, I clearly understand — we all clearly understand — the significant concern of the public on this issue. As Chairperson of the Finance Committee, my role is in high-quality and prudent guardianship of public funds. That did not happen in this case; mistakes were made. Good policy development and design is critical to ensuring government policies deliver on their intended outcomes. Likewise, we need effective scrutiny to ensure that, if and when mistakes are made in the design, these are picked up and addressed. We all need to step back on this issue and look at it objectively. Yes, there was a failure in policy design but also a failure of scrutiny. The safeguards that we put in place did not deliver. The original scheme got Executive approval, Committee scrutiny and agreement and Assembly scrutiny and agreement, and all of that



failed to pick up this flaw in the initial design stage. We need to know why.

**10.45 am**

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

**Mrs Little Pengelly:** I am sorry; I have only five minutes, unfortunately. If we are to move — *[Interruption.]* Everybody will get an opportunity.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mrs Little Pengelly:** If we are to move to a truly normalised political landscape here, and I believe that is very much what the people of Northern Ireland want, it will require political maturity. The era of throwing tantrums and the toys out of the pram must be left in the past. Mistakes will happen. Our processes are made up of people, and people are fallible, but we need to work collectively — that is our responsibility — not only to prevent mistakes but to find solutions when mistakes happen. We needed calm heads and clear thoughts. The Assembly became fixated on the stepping-aside issue, and we, in my view, should have focused on two things. First, how did this happen? Secondly, how can it be fixed? That is our duty, and it is a duty on all of us.

There have been very many nasty allegations thrown around the Chamber over the last number of weeks and months. Let me say this very clearly: I am not corrupt, and I am not arrogant. I honestly believe that my colleagues and the colleagues who serve in the Chamber are not arrogant or corrupt either. I got involved in politics to serve the people, to do my utmost to use all and any ability I have to do what is right, to be an advocate and to deliver for the people of South Belfast and Northern Ireland. I am saddened that the hunt of one person and stepping aside have been used in a way that is now threatening the very institutions. I do not think that is justified, and, in fact, it will serve only to delay the very necessary inquiry even further. I remain, as I know my colleagues in the DUP remain, fully committed to building a better and shared future for all in Northern Ireland.

**Mr Swann:** I speak as Chair of the Public Accounts Committee. It is not usual for the Chair to speak about an inquiry before the Committee has concluded its evidence and reported on its findings and recommendations. In respect of this precedent, I will not comment in any great detail on the Committee's deliberations beyond what has been discussed in evidence sessions and is a matter of public record. However, I felt the need to speak today to highlight the substantial amount of work undertaken already by the Public Accounts Committee in conducting its inquiry to demand answers on what went so badly wrong in the RHI scheme, how it happened and how it should be fixed.

Although I have been Chair of the Public Accounts Committee for only a short time, I am proud to have held the office for eight months and am proud of the Committee's work in that time. I am grateful not only for the support of the members of the Committee in bringing the RHI issue to the fore in what has been a very challenging time but for making my job as Chairperson easier. Sometimes the experience I have had of being a father of two small children has also helped in the Committee.

I also thank the Committee Clerk and staff for their support, but I pay special tribute to the Comptroller and Auditor General and his team who initially brought the issue to the fore. As Chair of the Public Accounts Committee, I commend the enormous amount of work the Committee has carried out over the last six months in its inquiry into the renewable heat incentive scheme. Over six evidence sessions, some very serious issues on the design, administration and governance of the scheme have arisen.

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

**Mr Swann:** Certainly.

**Mr Beggs:** Will the Member agree with me that it is very strange that the Ministers responsible did not bring this issue forward to the Assembly but that it was left to the Auditor General to uncover it?

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

**Mr Swann:** I thank the Member for causing me to have an extra minute, but, as I said, I will not be commenting outside that at this stage.

The Committee was briefed by the Comptroller and Auditor General on 22 June on the scale of the problem, which resulted in him qualifying his audited opinion for the 2015-16 financial accounts for the Department of Enterprise, Trade and Investment on RHI. That was because a substantial part of the expenditure was not approved by DFP, and he was not satisfied that the systems being operated by DETI were adequate to prevent or detect the abuse of the scheme. Members were shocked by the magnitude of the cost of the scheme, which could cost the public purse £1.18 billion over 20 years.

Key issues that the C&AG reported included that the scheme had exceeded the maximum amount that Her Majesty's Treasury was prepared to fund, that the excess funding would now have to be met from the Northern Ireland block grant and that that significant cost would continue until 2036.

The Committee heard from the Department about how it failed to obtain the required approval from DFP for the £11.9 million of expenditure during a seven-month period between 2015 and 2016. In addition to that, the design of the scheme crucially did not introduce tiering of payments as operated in Great Britain, where a reduced rate was applied after the equipment had been operating for 15% of the hours in a year. The Comptroller and Auditor General's report made it clear that tiering, had it been introduced, would have helped to prevent the potential abuse of the scheme and what has become known as the cash for ash scandal, and we possibly would not be here today.

The Committee heard how there had been allegations of abuse by an anonymous whistle-blower, which, while still under investigation, appeared to point to the lack of controls in the scheme that could have prevented the alleged abuses. The Committee also learned how the administration of the scheme was largely left to Ofgem and that the rate of inspection was very low; actually 0.86% of applications — less than 1% of all applications. Recent inspections by Ofgem of areas of high risk appear to confirm that there are indeed serious compliance issues.



The Committee shared its concerns about the design of the non-domestic RHI scheme and the manner in which the Department had operated and monitored it, which had made it completely vulnerable to abuse. The high level of applications received around the time of the spike and concerns raised by the whistle-blower compounded these concerns and still remain unanswered. It was therefore not surprising that the Committee prioritised RHI to the degree that it has. All other priorities have been pushed to one side to get to the bottom of what has gone so badly wrong with the scheme. Members have worked tirelessly to get answers from all the main players in this sorry saga, from the former DETI accounting officer, who has been before the Committee three times; Ofgem; Cambridge Economic Policy Associates, who were the consultants on the scheme; and another former DETI accounting officer/ accounting officer for the Department of Finance.

The key issues raised by the Comptroller and Auditor General have been explored in great detail by the PAC, including the role of Ofgem on the quality and lack of inspections, the poor design of the scheme and the many errors associated with it, which are well-documented in Hansard as part of the proceedings of the Public Accounts Committee's inquiry. The Committee has pursued the inquiry as a top priority and continues to put pressure on the Department to provide answers as a matter of urgency in the interests of transparency, good governance and accountability.

While, in some quarters, the media seem to be taking all the credit for bringing the issue to the fore, it has been the sheer diligence, dogged determination and commitment of the Public Accounts Committee that have spearheaded action to address the main failings of the scheme. During its inquiry, the Public Accounts Committee has put pressure on the Department to take action urgently and address the problem of cost controls. It has pushed for 100% inspection, demanded —

**Mr Deputy Speaker (Mr Kennedy):** The Member must draw his remarks to a close.

**Mr Swann:** — transparency regarding the list of applicants and seeks answers to the alleged abuses of the scheme.

**Dr Farry:** I rise obviously to speak in favour of the motion and, just picking up from the last speaker, to recognise the ongoing role of the Public Accounts Committee in working on behalf of the House to provide accountability on this matter.

For some people, this seems to be evolving into a blame game between the DUP and Sinn Féin before an election on who walked out of the Executive first, how much RHI was responsible for it or whether it was the default on various equality agendas. The bottom line here is that this will be about whether people can have good government in Northern Ireland. Around the world, people expect and, indeed, deserve to have good government. What this means is that there are strong policy outcomes, people are working to deliver on society's needs and there is proper accountability and transparency in government.

Instead, we have a litany of failures by the current Executive on the use of resources, accountability and transparency. There are numerous examples of that. Obviously, with RHI, the costs are enormous. At the same time, we have issues around things like the cost of division, where there is an ongoing cost to the public purse of many hundreds of millions of pounds every year and, if we

are using the word “corrupt”, the social investment fund, which is a corruption in public policymaking and the use of resources.

RHI has struck a chord with people because they understand the waste of resources. It really relates to their daily lives and struggles and how people are seen to be taking advantage of what has been an overly generous scheme. They can understand what can be described, at best, as being clear incompetence in government. Of course, there may be, and there are suspicions that it is, more than that.

Obviously, there are two parallel discussions that we have to have: one is about mitigation and the other is about accountability. Both need to be addressed. Anyone who says, “Let's park the accountability, we are focusing on mitigation” or people who say, “Let's do the accountability and not address the mitigation” are not doing their job. The two are parallel tracks that go hand in hand.

There are three main questions about accountability that we have to address: the first is the design of the scheme; the second is the way in which whistle-blowers were handled; and the third is the speed — or the lack of speed, I should stress — with which remedial action was taken over the past 12 to 18 months — indeed, even going back further — to ensure that an overly generous scheme is shut down.

There are suspicions that the attitude from government was that, given that this was being paid for by AME money — or so people thought — we did not really have to bother with all of this. But it is taxpayers' money as well, just as much as the block grant is taxpayers' money. In that regard, I am disappointed with the passive approach that has been taken by the UK Treasury and the Secretary of State in their seeing this as purely a matter for the Northern Ireland Assembly. It is a matter for every single taxpayer in the United Kingdom.

It is important to stress that the request for Arlene Foster to step aside was only one part of this, but it is not an unreasonable request. In any other walk of life, someone who comes under a sustained range of allegations — I stress the word “allegations” — would be expected to go off on what we often call “gardening leave”.

Clearly, we are moving more towards a consensus on a public inquiry. The DUP has now come to that late, and anyone who suggests that the DUP has always been in favour of a public inquiry has not been following what has been said. Indeed, we are getting into a slightly Orwellian post-truth politics, where people are making this up as they go along, but the record clearly shows where they have been on this. Even in the past few days, we have seen the DUP leader stressing that a public inquiry will be announced imminently. The clock is ticking, and we have still not heard anything in that regard. I am not entirely sure, though, how a Back-Bench Member of the Assembly dictates to Ministers.

There are a few other concerns that we need to recognise. One of them is the potential politicisation of the Civil Service. I say that with a degree of reservation, but I am slightly concerned whenever we see civil servants' names being quoted as part of political debates and documents being selectively briefed to the media, including references to civil servants, to back up political points. It is something that may come back to haunt us, and it is important across

these islands that we preserve the impartiality of the Civil Service irrespective of who is in charge.

Also, the nature of how government is operated is not something that I or my colleague David Ford would recognise as how we did things, with special advisers playing games behind the scenes —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Dr Farry:** — and, indeed, special advisers being named. Everything a special adviser does is in the name of a Minister. It is important that that is fully understood and that we have proper collaboration, as we practised in government, between a Minister's advisers and civil servants.

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

**Mr Dunne:** I rise to speak on this item of business that has been brought before the House as an MLA and also a member of the PAC. The Public Accounts Committee has had a rigorous programme of work, and we have gone through a number of months of concentrating on that work and have engaged with a number of those involved in the scheme. All members — I stress all members — of the various parties fully participated in discussion at PAC.

Before the renewable heat incentive scheme was introduced, there were many calls to move away from an over-reliance on imported fossil fuels. There is no doubt that mistakes and errors have been made within the RHI scheme, and that has been acknowledged by Arlene Foster our former First Minister time and time again — she reiterated that in the House on 19 December 2016 — and by our Economy Minister, Simon Hamilton, on a number of occasions. Indeed, Arlene Foster has indicated that she is happy to attend the Public Accounts Committee. She is fully supportive of any inquiry or investigation and happy to appear before it.

Our focus has rightly been on resolving the RHI issue and getting to the bottom of what really happened.

Yesterday, the Minister for the Economy brought his mitigation plans to the Economy Committee and the House. I believe that those plans will be a crucial first step in reducing the burden on our Budget and improving the level of control in the RHI scheme. The lack of control measures and the flaws in its design have been acknowledged, and, indeed, I know, as a member of the Public Accounts Committee, that at a recent meeting we heard from the permanent secretary, who stated:

*“The intention was good, but the execution and design were seriously wrong.”*

As has already been mentioned, the consultants whom DETI engaged to design the scheme admitted at the Committee that degeneration, which would have controlled payments on demand, was missed. They freely admitted that at the Committee.

**11.00 am**

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

**Mr Dunne:** No, thanks. There were clear risks from the start in having two bodies involved in managing the scheme. DETI was responsible for the policy framework, and Ofgem was responsible for managing the applications

and installations, including compliance. Ofgem, which was working on the ground, did not even have a representative based in Northern Ireland. The other major discrepancy was that there was no pre-approval for applications to the scheme. Audits on the ground were very poor. Only a small sample was carried out, and they were not risk-based. There was poor communication and follow-up on the issues raised during the audits. The scheme presented a clear risk by way of ownership and responsibility. Departmental officials admitted poor management of the scheme, and there was no proper management in place. Project management, which would have involved a process of authorisation, qualification and review were all not adequately in place.

**Mrs Palmer:** Will the Member give way?

**Mr Dunne:** No, thanks. There was no evidence of a management review by DETI. There was no clear establishment of a risk register that would have identified the major financial risk of overspend in the project. The business case, which was referred to the Department of Finance on 9 March 2012, stated that Ofgem would provide regular management reports that would enable the uptake to be carefully monitored and forecast expenditure to DETI. Again, there is no evidence of that ever taking place in the Department.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Dunne:** It is important that we get to the bottom of the problem and that corrective actions are put in place to stop a recurrence. The lessons learned from the project should be applied to all Departments.

**Mr Lyons:** I welcome the opportunity to take part in the debate and to speak to the motion. All Members are aware of the serious public interest, concern and, indeed, anger that have come to the fore over the issue. People are deeply troubled by what is going on, and they want to see action taken.

There are two things that, I believe, the public want to see, and they are addressed in the motion. The first and most pressing is that people want to make sure that the costs that we could incur in Northern Ireland are brought under control. That is, first and foremost, the most important thing that the public want. They have been angered by this — not by the fact that there is a scheme in place but, most of all, by the fraud or allegations of fraud, abuse and waste. That is very troubling for many people. It is important that those costs are brought under control. The motion calls on the Minister of Finance and the Minister for the Economy to bring forward a plan to arrest the liability to the public purse. We, obviously, had that debate yesterday.

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

**Mr Lyons:** Yes, I will give way to the Member.

**Mr Beggs:** The Member has indicated his concern about potential fraud in the scheme, and that has been his focus. Does he share my concern that the Auditor General has highlighted that, legally, individuals who burned the wood pellets for 24 hours a day could make a return of 82% or 83% per annum, which is a ridiculous amount of profit? Does he share my concern that the scheme was set up with the potential to make that sort of profit?

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

**Mr Lyons:** Thank you, Mr Deputy Speaker. That is exactly the point that I was making: there is public concern out there over the fact that people were getting so much money not because they were generating heat for legitimate purposes but because they were burning in order to make money. That is the whole point; that is where the public anger is coming from. It is important that we see —

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

**Mr Lyons:** I will not give way at this moment. That is why it is important that we have the cost controls in place. We will get that done first.

The other issue that we need to address is how this happened in the first place and how we got to this point. How could it have been prevented? What measures could have been put in place sooner? Who knew what, when and why? We have no problem bringing all of that to the fore and making sure that that information is in the public domain so that the people can see the process for themselves and we can learn lessons from it. That is very important. If those two steps are taken, it will go a long way towards restoring some of the public confidence that has been damaged.

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

**Mr Lyons:** Very briefly, yes.

**Mr Stalford:** Does the Member appreciate that there is a bit of irony in the fact that the only party now saying that they do not want an inquiry under the Inquiries Act is the party that supposedly left the Government over this issue?

**Mr Lyons:** Absolutely. The Member must have very good eyesight; maybe he was reading my notes. That is exactly the point that I was coming to.

If these are the issues that the people want to see addressed — cost controls and investigation or inquiry into these matters — then we have been very forthright in saying that we want to see them happen. Indeed, at the Executive meeting on 14 December, it was agreed with Sinn Féin that all the facts would be brought to the fore and that cost-cutting controls would be agreed, but they have walked away from all of that. I think that everybody in the Chamber now knows that Sinn Féin has not taken the action that it has taken over the last number of weeks because of some concerns over a public inquiry or over cost control measures relating to RHI; they have taken the action that they have taken because they want to bring down Stormont, because they are getting so much grief and such a hard time from their heartlands — perhaps, I should call them their “former heartlands”. The grief that is coming to them is the reason why they have taken the action. Let us be honest — everybody in here knows this, and everybody watching must know this — if they really were concerned about the issues, they would have been here yesterday and would have been here today to look at these matters. That is the truth of the matter.

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

**Mr Lyons:** Of course I will give way to Mr Dickson. Quickly, so that I can get Robin in.

**Mr Dickson:** I will be quick; thank you very much. It appears from Mr Lyons's comments that all of the blame

lies with Sinn Féin. Does he accept that there is any blame to be apportioned to his party and the actions of his ministerial colleagues and friends, who have failed to answer the questions that the public want answered, have refused to stand aside and have refused to give any answers? I am not an apologist for Sinn Féin, but is it any wonder that they and the rest of us are totally sceptical of what you are —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Lyons:** I thank the Member for his intervention. I am not blaming Sinn Féin; I am saying that they are the ones walking away. This is not about RHI any more; they have walked away for other reasons. That is the point that I make. I want to have the public inquiry so that the people can see for themselves, but, of course, —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Lyons:** It is difficult for us to support the motion when it calls for the First Minister to step aside. That is not what should have happened.

**Mr Stalford:** Thank you, Mr Deputy Speaker *[Interruption.]* and thank you, pantomime crowd, for that introduction. This is an extremely serious issue, the seriousness of which should not be underestimated or wished away.

It is our responsibility as elected representatives to ensure the best outcomes for the people who send us here.

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

**Mr Stalford:** Yes.

**Dr Farry:** The Member just said that is something that people must not underestimate. Does he accept that his party has underestimated the public anger about it over the past month? The frustration today is that the parties here are calling for and endorsing a public inquiry. If his party had acted much sooner, at the beginning of December, acknowledged and recognised the problems and, at that stage, put a public inquiry in place, we would not be in this mess.

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

**Mr Stalford:** Thank you, Mr Deputy Speaker.

I take your point. I do not underestimate the seriousness of the situation at all. I do not underestimate the anger that is out there about the issue at all, because I speak to my constituents, and I know that people are very angry and want answers.

There have been various reactions to the situation as it has developed, as my friend Gordon Lyons from East Antrim referenced. The other partner in Government, Sinn Féin, asked for an inquiry, and we acceded to that because we wanted the truth to be established. I still want the truth to be established, and I still want there to be a full, open public inquiry into all these matters, because it does no good to any of us for the reputation of politics to be maligned. Sinn Féin offered us terms for an inquiry — those were agreed. It asked for a public inquiry — that was agreed. The sole sticking point, from Sinn Féin's perspective, is that it demanded on a plate the head of the First Minister. From our perspective, that was unacceptable not only because the people of Northern Ireland, not seven months ago, elected her to the office but because, in the

run-in to the debate on 19 December, it had become very apparent that those making the call for the First Minister to step aside were not doing so from a position of impartiality or from of a position of saying, "Oh, it is just like in the Civil Service when you are sent on gardening leave"; it is quite clear that those demanding that the First Minister step aside were doing so because —

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

**Mr Stalford:** Briefly, Andy, but let me finish my point.

They were doing so largely because they were motivated by a desire to score a political point and claim a political scalp.

I am happy to give way to Mr Allen.

**Mr Allen:** Does the Member share the concerns of his party colleague Mr Dunne, who raised DETI and Ofgem's dual responsibility for the RHI policy? Does he share my concerns that, if the policy had been right in the first place, it is likely that we would not be in this scenario?

**Mr Stalford:** I absolutely agree that the management and oversight of the scheme were fundamentally flawed. It is important that, in a public inquiry, we establish the facts around that.

I agree with what Dr Farry said about the need for a two-pillar approach going forward. One is mitigation: it is essential that the money that has been staked on the scheme be clawed back as much as possible. It is absolutely essential for that to happen, because it is committed expenditure that could be spent on other more valuable, more useful things.

It ill behoves a party that cannot even bring itself to be in the Chamber — it defends its abstentionist policy at Westminster and now abstains from Stormont as well — and which, through its behaviour over welfare reform, cost the people of Northern Ireland £174 million in real money over a period of two years — not committed expenditure, but real money — to lecture any of the others.

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

**Mr Stalford:** I have only a minute and a half left.

One of the issues raised by others about the package that has been outlined by the Minister relates to the breaking of contracts. This has been portrayed as a contract being broken.

That is, potentially, a simplistic assessment. What we are dealing with here is the granting of aid under a statutory scheme, which is not the same thing as a contract. I am hopeful that those issues can be overcome.

**11.15 am**

As for accountability, it is absolutely vital that all the information — every email, every letter, every exchange — is brought into the public domain for everyone to see and to make a balanced assessment about who was responsible for what and how we got to this juncture. Thus far, that has not been the case, and we have had a drip feed of information from various sources. That is not conducive to the public good, nor is it conducive to informing people of what is and was actually going on.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Stalford:** Thank you, Mr Deputy Speaker. From my perspective, I want all this to be brought into the public domain and sorted, because it is in none of our interests —

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

**Mr Stalford:** — that the reputation of politics should be blackened.

**Ms S Bradley:** Speaking on behalf of the SDLP, I want to make it clear that the motion represents the clarity of thinking that has been missing from the DUP/Sinn Féin Executive to date. Nobody doubts that major mistakes have happened, and there are even suggestions of fraudulent activity, which were discussed at yesterday's meeting of the Economy Committee. Access to information has been deliberately denied to people in the House and to the general public; in fact, I submitted a question to the Minister some weeks ago asking for a breakdown of RHI recipients by district electoral area. I did so because I recognised that there were many legitimate applicants to the scheme who are in receipt of money in a very legitimate way. We need to be sensitive to those people, and we are not hanging anybody out to dry. Likewise, we were not after a head on a plate.

**Mr Swann:** I thank the Member for giving way. *[Interruption.]* Obviously, the DUP is scared of what I was going to say. With regard specifically to legitimate applicants and legitimate users, what has not been mentioned, especially on this side of the House, is one of the major concerns that have been brought forward: the 886 applications that were made in a six-week period in October and November. That is an average of 147 installations a week. What was different about this scheme was that the burners had to be in place before an application could be made.

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

**Ms S Bradley:** Thank you. I fully agree and accept that point.

Information has been deliberately withheld from us and others in the House. I have to find things out via the media. It is certainly not the case that the Opposition have not been asking the questions; we have done so at every opportunity.

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

**Ms S Bradley:** I will not give way because my time is limited.

We have been asking the questions, and the answers have not been forthcoming. Why is that? What was there to hide?

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

**Ms S Bradley:** No. I have no intention of giving way for the remainder of my speech.

There is little point in me speaking today on the dysfunction of the outgoing DUP/Sinn Féin Executive. Clearly, that is now a matter of public record, and the public are very wise to that. It is a legacy of their own making. My only regret is the damage that it has done to the institutions in Northern Ireland whilst they were having their choreographed love-in. Conveniently, then, when the time suited them, others left the Chamber, calling for an election and beating their chests before they ever thought it important to stop the haemorrhaging of public finances



or to lay bare to the public the facts about the scheme. Why have they done that? That is a serious question, and there is nobody here today to answer it.

I regret that that is the space that we have all landed ourselves in. Basically, anybody at the outset of this Government may well have asked this question: how long can this Government survive without a moderate voice or without some clear thinking from the moderate parties? Now we have our answer.

Today, however, the SDLP continue to step up where others have failed. We present to you a motion that is in the public interest. It talks to what should happen: proper governance. This is how it looks. This is what should have happened when others had the gift. While it is laudable that you say, "Yes, we wanted an inquiry; yes, we are up for an inquiry", you had the gift of creating such an inquiry, and you did not do it. You had your partners in government, and the relationship was so cosy. I could quote many things that would be cringeworthy at this stage. What is the point? Let us look at the public interest here.

**Mrs Palmer:** Will the Member give way?

**Ms S Bradley:** I am sorry; I will finish on this because I am conscious of time.

The motion speaks to the public interest. It is not about politicking or playing one off against the other; it is about taking a responsible action that has been missing. I call on every politician in Northern Ireland who has a right to do so to put the public interest before their party interests and present themselves in the Lobby in support of the motion if they are genuine in their calls to see this fiasco brought to a swift end and the money directed to our hospitals, education and other places where it is so badly needed.

Words are hollow when an opportunity is presented to you and you do not take it. If you suggest you want to re-present yourself to be a Member of this House, you must search your soul now and ask, "What am I doing? What am I doing before I walk out those doors to make sure the public interest is being served?". There are many doing absolutely nothing, only electioneering, spinning and trying to create something of an illusion that they are fit for government, but the political Febreze — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Ms S Bradley:** — that has been spread throughout the Building has somehow blurred people's vision of what has actually happened.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude her remarks.

**Ms S Bradley:** I will indeed. I repeat my call and ask all responsible politicians to make their way through the Lobbies and put their vote where their comments have been to date.

**Mr Frew:** I rise to talk about this issue, as we have done on many occasions over the last number of months. I have watched this with quite a lot of interest. Something I am passionate about is energy policy — throughout the world, not just here in Northern Ireland — so I have watched with intrigue and interest. I have also been distraught at the white noise, sensationalism and bloodletting that have been created because all of that has ensured that we will not get this resolved in a timely fashion.

What has been going on since it was discovered that there was an issue with RHI? There have been independent inspections. Up to now, there have been about 300, I think. The Ministers have had a detailed assessment of legal advice on what they can do to fix it. We have also had an ongoing Public Accounts Committee investigation, which the Chair has eloquently spoken about — not about the investigation but about his understanding of the issue. We had the Audit Office report before that, so it is unfair and untrue to suggest that politicians or Ministers were not doing something about the issue. If some Members realised it only in late autumn, that says more about them than anyone else. It is vital that we put in place measures to manage the unintended pressure that the scheme is creating and will continue to create, if it is not fixed.

Many who legitimately entered the scheme in good faith may well now be caught up in a media storm. Businesses that rely on their good name, good faith, reputation and credibility could now be caught up in a sensationalist media storm over the head of this and all the hyperbole that has been created. Let us try to get something done in a timely fashion. That is what the Minister brought forward yesterday.

**Mr McGlone:** I thank the Member for giving way. I take his point entirely. I am sure that he will not dispute that people who are conducting their business legitimately have absolutely nothing to fear from a public inquiry.

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

**Mr Frew:** I thank the Member for his contribution, but it is not —

**Mr Stalford:** I am grateful to the Member for giving way. The Member is right that people have nothing to fear from a legitimate public inquiry, but legitimate businesses conducting themselves in a legitimate way have plenty to fear when their name is being dragged across the airwaves.

**Mr Frew:** That is the point that I was going to make; thank you for making it. It is not the public inquiry that anyone fears. It is the sensationalism of some sections of our media on this issue that can be very damaging. We have already had one good business, which happens to sell a trademark car, dragged through the mud unfairly. That will continue in a drip-feed fashion.

There has to be responsibility in the House for mistakes that are made, but look at what has happened —

**Mrs Palmer:** Will the Member give way?

**Mr Frew:** No, I am going to run out of time. I am really sorry. I would have if I had more time.

Look at what has happened over the last couple of months. There has been a drip feed of sensationalism by our media, and some of our politicians in this very House have been caught up in a blood fest and a feeding frenzy, wanting someone's head on a platter. We are here —

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

**Mr Frew:** No, I cannot; I am sorry.

We are here to serve our people and, when mistakes happen, to fix them. Members called on Arlene Foster to come to the Chamber to explain. She came to the Chamber to explain, and you walked out. You walked



out, and you hurt the credibility of this place even further. You called for Arlene to go to the PAC. Unprecedentedly, Arlene Foster agreed, but the goalposts were moved yet again. Sinn Féin was receiving pressure from its nationalist competitors. It got itself on a hook and could not get itself off the hook. Sinn Féin is very mindful. It comes in here very confident, but it is going through something of a crisis. There is a bit of a meltdown, and it goes right into the very heartlands. It is scared because, for the first time, it has a socialist left flank, and it does not know how to deal with it. It is looking at a new SDLP leader, and it does not really know how to deal with it. Let us face it and say it as it is.

Sinn Féin's actions have created the inability of the House to finish a Public Accounts Committee inquiry. It cannot be finished, because of the Sinn Féin resignation. Let me just say at the end that we must put this in context. This is a projected spend of £480 million over 20 years; a projected spend that could be fixed. What about all the politicking on welfare reform last year that cost our people £173 million? It was the SDLP and Sinn Féin that created that. What about the very fact that, when you resign —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Frew:** — you cannot have a Budget? In July, that will cost this country £600 million in one year — £600 million in one year.

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

**Mr Bell:** The gravity of the situation that Northern Ireland faces today cannot be overestimated. Terminally ill children are being sent home from hospital or offered a hospital far away from their homes. We have a ward in the Ulster Hospital where nurses were ill and there was no money to pay for bank nurses, with the outcome that the ward was closed. At the same time, as we know, serious and grave offence has been caused by the renewable heat incentive scheme. We are called to the House to be servants of the people. The people are not our servants. The truth of what has happened in this scheme is the priority above all.

### 11.30 am

As I said yesterday, I spoke out after 20 years in elected office only when journalists were able to prove to me that requests were made for me to speak but misinformation was being given out that I was unavailable and there was an instruction to make sure I was not called before the Public Accounts Committee. People and the media have asked when I will say again what I said in the House yesterday. Let me make it clear when I will say again what I said in the House yesterday: I will say it to the judge-led public inquiry. I will say it exactly as I said it to the House because it is honest and truthful, and I will say it to the judge under oath.

There were serious concerns with this scheme, and there is evidence available that shows that special advisers interfered to stop the scheme. The reduction in the tariff, when we moved to do that, could have solved so many of the problems under my watch. I came into office and had this scheme closed within 10 months as Minister, but during that time, there was an opportunity to reduce the tariff. We have seen what happened when the tariff was reduced. The massive cost to the public was not there, but there was interference from special advisers, as has been

confirmed to me by our Civil Service, and there is evidence — I kept records of it — to show that. That is a serious concern and has to be for everyone in Northern Ireland.

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

**Mr Bell:** Yes.

**Mr Swann:** Is the Member alluding to the special advisers being involved in driving up the spike that happened in October and November?

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

**Mr Bell:** Thank you very much.

What I am saying is that, when the opportunity came before me to reduce the tariff, which was the advice I was being given then, special advisers interfered to delay the reduction in the tariff. That is confirmed to me by the top people in the Civil Service and confirmed to me by the evidence I have. I have told the truth. I have been suspended from a party I have given decades of service to while much more serious things have occurred.

**Dr Farry:** I am grateful to the Member for giving way. Does he recognise, as a former Minister, that special advisers have no authority within the government system? They act solely on the direction of their Ministers, and, if they are acting independently without that authority, the Minister is still nevertheless accountable for those actions.

**Mr Bell:** I take full accountability for my actions, but I did not appoint my special adviser. My special adviser was appointed by the party, and, when other special advisers interfered to stop the reduction in the tariff, the advice given to me by the Civil Service and by my permanent secretary — it is on record — was that, because of that, I could not go ahead and reduce the tariff as I wished to do. I have told the truth. The evidence —

**Mrs Palmer:** Will the Member give way?

**Mr Bell:** I have one and half minutes left.

I have told the truth, and I have put it before the public. There is a way through out of all this. It is a fact. Not only that but, within half an hour of me closing the scheme, my ministerial instruction was countermanded by Stormont Castle. There is a case of justice that lies at the heart of this. The public interest deserves to know who benefited. I will not go into the speculation of which special adviser has a boiler and which one does not or which one could have up to eight and which one does not. That is for a judge to decide, but make no mistake about this: what I told the BBC on one occasion and what I said in the House yesterday, I will tell a judge under oath the exact same information.

We serve the public. Well over 1,000 people have sent cards to me, letters to me and emails to me. I have had four people opposing me: two by calls, one by text and one by email, to the best of my knowledge as I stand. The public, I think, by a ratio of 50,000:1 of those who have contacted me, are overwhelmingly telling me, "Tell the truth". I have no doubt today, too — I will finish with this — that having told the truth, if Dr Paisley was here today, he would not leave me sitting on my own; he would be sitting beside me.

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

**Mr Bell:** My time is up, sorry.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Dickson:** From the Alliance Party's perspective, it is important that we get to the bottom of the RHI scandal. This debacle has completely and utterly removed public confidence in the institutions of government at Stormont and, in my view, undermined the credibility of the two political parties that have formed the Government. It is vital that we get to the end point of the discussion. It is vital, as Mr Bell says, that we get a public inquiry, that it is all there and that, in the terms of the motion, no impediment holds back the results of the inquiry.

I welcome some of the words that have been spoken this morning by some DUP Members. Mr Stalford certainly recognised the need to end the drip-feed. He also said that RHI should be brought into the public domain. I welcome that. It is just sad that, on reflection, it has taken his party so long and that, perhaps, some of his colleagues still wish to resist some elements of this and have not managed to bring themselves to that point. I recognise that there are some who feel the weight of responsibility of the situation that their party has placed them in. Perhaps we are beginning to see that some DUP Members are beginning to recognise the challenge that this has brought to democracy, openness and probity in Northern Ireland and that, just because it can no longer be party before all else, the public have to come first. The public have a right to know and to see, and we have a right and a privilege to deliver, open and transparent government in Northern Ireland.

**Mrs Palmer:** I thank the Member for giving way. Does he agree that in the interest of good governance it is important to ascertain who made the determinations not to open the risk registers in DETI and in DFP? Was it because Westminster was picking up the tab? Does he also agree with the concerns raised today that the permanent secretary did not move to mitigate?

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

**Mr Dickson:** Thank you, and I thank Mrs Palmer for her comments. I agree that many questions need to be answered and that they can only be answered in one place, which is in an impartial, appropriately set inquiry into these matters. I know that Mr Agnew wanted to come in, and I am happy to give way to him as well.

**Mr Agnew:** I thank Mr Dickson for giving way. I come back to his point about the DUP's new-found support for a public inquiry. That was its position while still in the Government and, indeed, while Sinn Féin was still taking a role in the Government. The DUP could then, through one of its Ministers, have proposed a public inquiry at the Executive and forced Sinn Féin's hand. Sinn Féin would have been forced to agree or disagree to that. The DUP chose not to do it, so its claims are disingenuous.

**Mr Dickson:** I do not disagree.

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

**Mr Dickson:** Yes.

**Mr Stalford:** Would the Member agree that, had a DUP Minister done so, Mr Agnew and others would have led the charge against it and said that such an inquiry was corrupted because a DUP Minister was doing it? You

would not have been happy with anything that we would have said.

**Mr Dickson:** That is certainly not my stance. Any Minister is free and able to bring an appropriate inquiry — a free, open public inquiry — under the Inquiries Act to the Chamber. They will not find us wanting when it comes to delivering that inquiry. I do not mind which Minister brings it, whether it is one of the ex-Ministers of Sinn Féin, who are not even here this morning, or one of yours. Of course, you will receive criticism, but the right thing to do is to have that inquiry. It is still not too late. You can call it today. Your Ministers can set up that inquiry today; you do not require the consent of your partners in Government.

**Mr Stalford:** Briefly, is that a commitment that, if a DUP Minister were to do that, you would support it?

**Mr Dickson:** Of course the Alliance Party will support a public inquiry in accordance with the motion today. That is why I expect you to vote for it.

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

**Mr Dickson:** I will.

**Mr Swann:** Does the Member also agree that the Justice Minister could do the inquiry as well at any time if she so desired?

**Mr Dickson:** The technical nature or the nuts and bolts of an inquiry are a very interesting debate. However, what the public want to know today is when a judge-led, open, public inquiry will commence in Northern Ireland. They do not really mind who brings it; they want it to be brought on so that people like Mr Bell and others can go to that inquiry and give their answers and the public can finally get their truth. That is what they are looking for. That is what they deserve. That is what Northern Ireland wants today.

**Mr Deputy Speaker (Mr Kennedy):** I congratulate Mr Dickson on achieving a record number of interventions.

**Mr Smith:** I appreciate that this is a long and complex motion. I will focus on a couple of key clauses. The motion highlights "mounting public concern" and "damage caused to public confidence". Those words do not do justice to the anger and frustration that people genuinely feel about this scandal. It is a scandal, as we have heard from Mr Bell. It has brought down these institutions. It has led to an unnecessary and expensive election that is unwanted by the public. It has damaged the reputation of Northern Ireland nationally and internationally. It could and should have been avoided. Even as recently as Christmas, the then First Minister could have avoided the current crisis by not taking an arrogant and high-handed approach to this scandal and instead taking her share of responsibility for this failure.

I believe that the Department's permanent secretary, Andrew McCormick, said at the Economy Committee yesterday that the mistake in the original scheme was a policy mistake. Who makes policy? Ministers make policy. He was very clear about where the responsibility lies.

**Ms Armstrong:** Will the Member give way?

**Mr Smith:** Yes.

**Ms Armstrong:** Thank you very much. I take us back to a comment that was made earlier by Mr Dunne, who said that there was no proper management in place and no

management review by DETI. The Minister at that time in DETI was Arlene Foster.

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

**Mr Smith:** I thank the Member for the intervention. I totally agree. The changes that were proposed by the Economy Minister yesterday basically put in the tiering and controls that were, inexplicably, removed under Arlene Foster's watch as ETI Minister, as you rightly said. If, as Mr McCormick suggests — he should know — it was a policy mistake, it reinforces Mrs Foster's responsibility.

**Mrs Little Pengelly:** Will the Member give way?

**Mr Smith:** Yes.

**Mrs Little Pengelly:** Does the Member also accept that, in the evidence from the officials to the Committee, they clearly indicated that their recommendation to Minister Foster at that time was that the safeguards were not in place? It was not that Minister Foster, when she was economy Minister, removed them; it was the recommendation from officials that they were absent.

**Mr Smith:** I take that point on board, but the bottom line is that, if we had taken on the GB policy, we would not be in the mess that we are in today. The question is this: how do the Assembly and the public get answers? As Mr Dickson asked, where is the public inquiry that we were promised by Arlene Foster last Wednesday? There has been nothing again. Accountability seems to have been punted down the road, at best until after an election. How very convenient.

*(Mr Speaker in the Chair)*

I will move on to the cost of this scandal. The motion calls on:

*“the Minister of Finance and the Minister of the Economy to bring forward a plan to arrest the liability to the public purse.”*

On 4 January this year, Mrs Foster said in the 'Belfast Telegraph':

*“A lot has been made about the potential overspend. I want to make sure that doesn't happen. We plan to bring that potential cost down to zero. There will be no overspend.”*

I hope that the Economy Minister will continue to stand over that commitment. To give some context to the cost, I refer to a tweet that Sam McBride issued last week. This is not about a media storm. I pay tribute to the role that the media have played in this process; they have exposed the scandal in all its detail. He said in his tweet that RHI has cost taxpayers £3 million since the BBC 'Spotlight' programme, £20.5 million under this Executive and £32.4 million since the whistle-blower warned OFMDFM in January 2016. Of course, it will cost a further £6.5 million at least until the regulations come into effect on 1 April. There are also other costs that the Department is liable for. So much for zero cost.

Why have we had to wait until now for action? Is the thought of facing the electorate focusing minds? The Government have known about this for at least a year, if not longer. The Northern Ireland Audit Office report was published in July 2016. Why oh why were proposals brought only at the last minute? It is all, I believe, to try to avoid awkward questions on the doorsteps. However, we

will certainly welcome anything that plugs the £85,000 daily cost of this scandal and protects Northern Ireland's taxpayers.

**11.45 am**

We proposed the adjournment of yesterday's debate so that we would have more time to scrutinise the Minister's proposals effectively. I hope that we will see a proper business case, have time to allow the Examiner of Statutory Rules to look in detail at the proposals and ensure that there is a sound legal foundation for the legislation. The last thing that we want is a legal challenge, although it appears that that is already in waiting. As my colleague Steve Aiken said yesterday, I hope that the Minister will stake his position on the legal validity of his proposals.

I suppose that we should be grateful that the arrogant response to the scandal has started to wane. The penny appears finally to have dropped that the public anger in response to the scandal is genuine and widely held and that the usual tactics to distract attention will not work. The last-minute action brought yesterday appears to be designed to be a short-term fix ahead of an election campaign. While we hope that public money can be saved, that does not get the DUP off the hook. We must have a public inquiry.

Finally, the whole mess is summed up by the recent fire in Fermanagh, where eight boilers in a shed overheated. It is a scandal — incompetence at best. Northern Ireland deserves so much better. At least people will now have the opportunity to pass their judgement on the scandal.

**Mr Poots:** I appreciate the opportunity to speak on the issue. There are a lot of people who have culpability: two ETI Ministers; the officials who drafted the scheme; the specialist consultants who were brought in; Ofgem; and the Assembly Committee that oversaw it. Everybody — everybody — has culpability in this. We owe the public an apology for devising a scheme that was not fit for purpose. An important message that needs to be got out there is this: we devised a scheme that was not fit for purpose, we regret that and we need to fix it. That should be the focus of the Assembly and everyone in it. We need to rectify the mistake and move on.

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

**Mr Poots:** Yes, Mr Beggs.

**Mr Beggs:** The Member has given a list of those who had some direct involvement. Would he add those who occupied the position of Finance Minister during that period, because they would have been alerted to the difficulties and could have taken action to correct, and the Office of the First Minister and deputy First Minister, which should have been coordinating our Executive?

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

**Mr Poots:** Yes, I would, and the entire Executive for that matter and the SpAds who were involved. Everybody has culpability in this. However, this is what I am coming to: the motion targets one individual — the First Minister, who was Arlene Foster. Arlene Foster did not devise the scheme. She was presented with it. She did not ask for it to be changed by civil servants so that it was different from the UK one. She was presented with a scheme and told, "This is the best way forward for Northern Ireland". She accepted the advice of the energy division, which devised it after

input from all the specialist consultants and Ofgem. Here we have a fixation with a hate campaign against Arlene Foster. I say clearly that Arlene Foster brought in tens of thousands of jobs, in conjunction with Invest NI, to Northern Ireland during her period as ETI Minister. Northern Ireland had the second-highest success rate in bringing in inward investment in the United Kingdom. The only place beating us was the south-east of England. Every other region in the United Kingdom was trailing in the wake of Northern Ireland when Arlene Foster was ETI Minister and was out there bringing jobs back to Northern Ireland, yet Members are fixated with a hate campaign against her.

**Mr Frew:** I thank the Member for giving way. There was one question posed by Sinéad Bradley and Robin Swann, neither of whom is in the Chamber. They have had to go out; maybe they are as busy as me — I do not know. The question that they asked was this: “What about the 880 applications created during the run in the autumn?”, as if there were some sort of sinister plot. It could have been something as simple as Amber Rudd closing the renewables obligation certificates (ROCs) scheme a year early creating a run on the RHI scheme, because people were concerned that it too would close early. Of course, the Minister at that time was Jonathan Bell, and he knows all about the ROC issue at that time.

**Mr Poots:** It is absolutely true that Amber Rudd moved early and that that created all sorts of issues and problems. There were issues about wind energy as well that we had to close early. Had that not been the case — I know that Mr Frew worked hard to ensure that it was not the case, as indeed did Mr McGlone — we would have been in a worse position.

**Ms Armstrong:** I thank the Member very much for giving way. He talks about the good work that Mrs Foster has done as First Minister. I would expect no less of her than doing her job, however, if she had done her job as Minister for Enterprise, Trade and Investment, she should have seen the difference between the GB scheme and the Northern Ireland scheme. If you are over the jot and tittle, that is exactly what happens. That does not seem to have been the case. Does the Member accept that?

**Mr Poots:** The Member gets back to this “Get rid of Arlene” campaign. Ofgem did not see it, the officials did not see it, the specialist consultants did not see it and the Committee, which had Alliance members, did not see it. Nobody saw it, but Arlene Foster has to take the hit on it all. Arlene Foster brought in tens of thousands of jobs as ETI Minister. She was a hugely successful ETI Minister and has been a hugely successful First Minister. The hate campaign brought about by all of the other Members here needs to stop. They need to stop the hate campaign against Arlene Foster.

**Mr Dickson:** On a point of order, Mr Speaker. Mr Poots might like to reflect on his comment that the Alliance Party had a member on the Committee for Enterprise, Trade and Investment: for the record, the Alliance Party did not have a member on the Committee for Enterprise, Trade and Investment.

**Mr Poots:** I am happy to have that clarification. That is not an issue.

We are happy for a public inquiry to take place because, with all of this “He said, she said” —

**Mr Allister:** You are the man who said, “No public inquiry”.

**Mr Poots:** I do not want a public inquiry of the nature of Chilcot or of the nature of Saville, and I explained that in the last speech that I made on the issue. We are happy for a full public investigation to be led by a judge. We want it done quickly, and I would love to have the information out before an election and stop all of this “He said, she said” trial by media and the hate campaign being imposed on us by the other politicians against Arlene Foster because she is much too successful a politician for their liking. She is far too popular with the public, so let us damn Arlene Foster and get rid of her because she is much too great a politician for you to contend with.

**Ms Mallon:** For the record, Mr Poots, I do not hate Arlene Foster; I do not hate anyone.

The timeline of the introduction of the scheme and the deliberate intervention to alter the scheme and to remove the cost controls, signed off by the Minister Arlene Foster, is well documented. The number of warnings personally given to Arlene Foster and to the Department in question is well documented. The DUP talks about understanding public anger. They talk about sharing public anger, but what they have refused to do is to take responsibility for the part that they have played in it. What they have done is engage in a blame game: it was the whistle-blower’s fault; it was the civil servants’ fault; it was the consultants’ fault; it was the media’s fault, and it still is when we listen to the contributions that have been made thus far; or it is the Opposition’s fault, and, when we raised valid questions about who knew what and when and about what they did and who was responsible and should be held accountable, we were accused of misogyny. Mr Frew accuses us today of wanting to engage in a bloodfest. On top of that, we have Mr Bell’s account of events versus Mrs Foster’s account of events. Wherever the truth lies — a public inquiry will determine where the truth lies — the unquestionable truth is that this is a DUP-created mess of epic proportions.

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

**Ms Mallon:** In one second.

As Mr Smith has outlined and as Sam McBride tweeted, this DUP scandal has cost the taxpayer £3 million since ‘Spotlight’ was broadcast. It has cost the taxpayer over £32 million since the whistle-blower warned the Office of the First Minister and deputy First Minister in January 2016, and it continues to cost the taxpayer £85,000 every day.

A second unquestionable truth in all of this is that the situation has been fuelled and pushed to this brink because of the arrogance of the DUP in their response and their defiance when being held to account.

As other Members have said, the DUP has finally begun to realise and wake up to this fact, hence the shift in tone, the move to being more contrite and the U-turn articulated so blatantly today by Mr Poots that it is now in favour of a public inquiry.

The third unquestionable truth, and then I will let Members in, is that under this Executive, the scandal has cost the taxpayer over £20 million. The DUP created this mess but is a partner in government with Sinn Féin. There is joint authority and joint responsibility. The Executive parties knew about this scandal for well over a year — some of us



could argue, much longer than that — and yet they said nothing.

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

**Ms Mallon:** One second. They said nothing, but they became very vocal and frantic when the 'Spotlight' programme threw this into the public domain. Sinn Féin, in particular, became vocal only when it could see the public backlash. Up to that point, it tried to keep it from the public. That is the truth. I will let Mr Nesbitt in.

**Mr Nesbitt:** I thank Ms Mallon for letting me in. She will have heard Mr Poots twice enumerate a long list of those who allegedly missed the flaw in the renewable heat incentive scheme, but, on neither occasion, did he include special advisers.

**Mr Stalford:** He did.

**Mr Nesbitt:** I did not hear him say special advisers. Does the Member agree that that raises the question of whether they missed it or exploited it?

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

**Ms Mallon:** All Departments need to be put under scrutiny, as do all Ministers and all special advisers. That is why the SDLP has consistently called for a public inquiry. We have nothing to fear from the questions of who knew what, when they knew it and what they did about it. Sinn Féin, a joint partner in government, knew about this for a year and said nothing until the public started to get very angry about it. On the airwaves today, a member of Sinn Féin derided this debate on such a critical issue, describing it as a "meaningless" discussion. That sums it up, and it tells the public who is genuinely exercised and outraged by all of this. It is very clear that we will see attempt after attempt to distract from all of this, because we could have been several weeks into a public inquiry and saved the public £85,000 every day. People need to face up to the fact that when you are in power, the buck stops with you. You are responsible, which is why you get the big money, and you should be held to account.

**Mr Mullan:** I welcome the opportunity to participate in today's debate concerning very hastily brought forward regulations that attempt to mitigate spend on the botched renewable heat incentive scheme. I do not need to remind anyone that the unregulated and uncapped RHI cash for ash scheme is indeed the biggest scandal ever to hit this country. It is the biggest scandal ever in the history of devolution, and it has left a monumental black hole in the Stormont finances to the tune of £500 million. The scandal has driven these institutions and our Government to collapse.

Make no mistake about it: the ousted First Minister, Arlene Foster, implemented the scheme under the concept of ministerial responsibility, so she is culpable. There was a flawed tariff in place, no cost controls or progress reviews, limited inspections and very little regulation. Finally, as far back as 2013, there was a complete failure to act on a whistle-blower's warning. Four years later, it is the DUP that brings these proposals to us in what I regard as merely a simple exercise in face-saving.

How many millions of pounds of taxpayers' money has been wasted since the scheme was introduced? We know that £30 million has been squandered this financial year so far, but the RHI scandal goes much further. Some very serious allegations have been made around corruption

at the heart of the Executive. It is my belief that by no means do we have all the information concerning the RHI scheme out in the open. Departmental documents have been hidden from view, even from the Public Accounts Committee's (PAC) investigation. We do not know who the recipients of the scheme are, who benefited, and whether supporters of a certain political party reaped heavy rewards from the RHI scheme. It is ironic that the Economy Minister, Mr Hamilton, seemed very content —

**12.00 noon**

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

**Mr Mullan:** I am sorry; I will not take any interventions because you have had long enough to say and do the right thing. You have not done so up to this point and you will certainly not take advantage of me to make any political points.

It is ironic that the Economy Minister, Mr Hamilton, seemed very content yesterday to remove regulations, which are open to legal challenge, and he will not publish the details of the recipients of the scheme due to the prospect of the same legal challenge. What has the DUP got to hide?

These are all very serious questions that have gone unanswered so far and the public deserve that they be answered immediately. That is why, from day one, the SDLP called for the First Minister to step aside during a public inquiry into this botched energy scheme that would be devoid of any political influence or conflict of interest. After all, the scheme will cost the taxpayer £85,000 per day or £600,000 a week. What could the money do for our failing hospitals and for our GPs? We heard only this morning of the closure of a GP surgery. I think that it was in County Down, but I am not sure. What could that money not have done to help in those situations?

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

**Mr Mullan:** Very quickly. *[Interruption.]*

**Mr McGlone:** If Members would just hold off on the far side, they will respect the point that I am going to make. While supporting entirely that the First Minister should step aside during a public inquiry, likewise, I am sure that the Member will support the view that any other Minister giving evidence about his or her Department should step aside while they give evidence to that public inquiry?

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

**Mr Mullan:** Thank you, Mr Speaker. I thank the Member for his comments and I agree totally. I was asking what the money could possibly have been used for had it not been squandered to the extent that it was. Hospitals and our GPs are facing crisis point and our roads are in a dilapidated condition. In my area, work was recently done on the railway line, which caused the roads around my area to be churned into quagmires. That has yet to be resolved, sorted and fixed. Money like this could be better spent and used for local projects and issues.

Sinn Féin is no martyr either in all of this. The party talks about equality, a bill of rights and dealing with the past —

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Mullan:** — yet it agreed to a Programme for Government. Mr Speaker, as I am making a winding-up speech, I thought that I had 10 minutes — *[Interruption.]* —



I am not making a winding-up speech. OK. I will conclude and say that —

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

**Mr Agnew:** We have two possible scenarios. Scenario 1 is that Arlene Foster steps aside as First Minister for a temporary period, and scenario 2 is that she refuses but the result is that she is forced out of her position as First Minister, as has transpired.

In scenario 1, we could have had an agreed inquiry into the RHI scandal. We could have had an agreed proposal to protect public money. We could have had stable government.

**Mr Stalford:** Will the Member take a brief intervention?

**Mr Agnew:** I will give way in a moment.

What we have is scenario 2, where, as I say, Arlene Foster is still not the First Minister. Whether that will be temporary or permanent, we will see. We have a proposal from Simon Hamilton on protecting public money that I would argue is dodgy at best. We have no inquiry, and although I think that it is increasingly unlikely, we do still have Ministers and still have that opportunity. We have institutions that are on the brink of collapse. I have to ask the question: given that, in both these scenarios, Arlene Foster is, at least temporarily, no longer the First Minister, what has her intransigence achieved? Why are we facing political crisis? I will give way to Mr Stalford.

**Mr Stalford:** I am grateful to the Member for giving way. I fear that he is engaging in a rewriting of history, because when this was debated, the SDLP motion that was brought forward to exclude the First Minister from office, a device that hinged on a measure that was created for when people's proxies were suspected of engaging in paramilitary behaviour, that was prejudging any inquiry. The Member knows that. Now, post-19 December, the Member and others are pretending that they were engaging in fairness when the truth of the matter is that — if not necessarily in his case, certainly in others' — the intent was not fair: it was malicious.

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

**Mr Agnew:** I thank the Member for his intervention. I would argue, and have argued, that Arlene Foster could have taken the lead. She could have done as her predecessor, Peter Robinson, did and actually say, "I will step aside. I will take that decision". I do not agree with the method of inquiry in the Peter Robinson case, but it is a sad scenario when I am saying, "Remember the good old days when we had Peter Robinson? There was an honourable guy". *[Laughter.]* It is a worrying time.

**Mr Allister:** They are not saying that. *[Laughter.]*

**Mr Agnew:** I think that it is a worrying time. I ask the question: what has been achieved? What did this insistence on saying no and refusing to step aside achieve? All that was being asked was that Arlene Foster do what would be expected of any employee who was under suspicion. All that was being asked was indeed what Mr Bell was expected to accept by his party; suspension without prejudice pending investigation. But Arlene Foster is no ordinary employee: she is the leader of unionism. Some leadership. This is what it has led to: the Assembly and institutions, which have taken hard work to get up and running and on which Northern Ireland's future depends,

on the brink of collapse; no Budget; no Programme for Government; and no solution to RHI. That is what her leadership has achieved. That is where we are.

I have sought to be positive and constructive in my contributions since I was elected to the House. Today, I have sought to do that. Following yesterday's debate on Simon Hamilton's proposals, which I have been clear that my party cannot accept, I have written to the Finance Minister and asked him to investigate the possibility of a windfall tax. The Green Party proposes that there be a 100% tax on any payment that is owed to RHI recipients over and above the cost of wood pellets. That would ensure that there would be no incentive to produce heat without use and no cash for ash. The proposal, in my view and in the advice that I have been given, would be legal because it would not retrospectively change the contracts of recipients but would do what any Government are entitled to do; introduce a tax on windfall payments that have been received.

I believe that the proposal is fair, I believe that it is legal and I believe that it is a long-term solution, unlike the one-year proposal that we had from the Economy Minister yesterday. We still have time, albeit very limited time, to protect public money. I call on the Finance Minister —

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Agnew:** — to work with his colleagues to achieve that.

**Mr Carroll:** I do not need to remind the House how deeply angry and frustrated the public are that £600 million of public money has been wasted on a scheme that was designed from the start to fund private companies to get cash for ash. When we put it into context, in the wake of Red Sky, NAMA and the scandal around the social investment fund, it is clear that corruption is at the very heart of Stormont.

In the last few weeks, I have been knocking on doors and speaking to people in my constituency. People are well aware of the corruption that exists in this place, and they are absolutely fed up with it. They are fed up being told that there is nothing that can be done about waiting lists in our hospitals. People have to wait two, three or four years to get even the most basic operations.

They are fed up being forced to go out on strike for a respectable wage, be they teachers, nurses or public-sector workers; fed up when their benefits are placed on the chopping block and not knowing whether the bedroom tax is going to affect them this year, next year or whenever; fed up that, at the same time as the DUP was squandering up to £600 million, the rest of us were being told to tighten our belts; and fed up that, just months after thousands of people marched through Belfast city centre and other cities against the cuts detailed in the Stormont House Agreement, Sinn Féin and the DUP began implementing exactly those cuts.

The DUP and Sinn Féin Executive have been committed to a programme of austerity and cuts. The RHI scheme is only the latest example of how the Executive put the interests of the wealthy before the interests of the vast majority here. Their proposed corporation tax cut on top of RHI will only give another handout to big companies and the rich. The corporation tax cut will lose around £300 million a year from the block grant. When added to the £600 million loss to RHI, on top of the £700 million agreed by the Executive

to make 20,000 public-sector workers redundant in the Fresh Start Agreement, you get £1.5 billion. In one way or another, it is £1.5 billion redirected away from people who need it most. The £1.5 billion could have been spent on waiting lists, jobs, mental health services, topping up benefits and protecting vulnerable people.

Instead, we see cuts, cuts and warm Ferraris. What we need to see now is the former First Minister Arlene Foster and everyone else responsible for the burn to earn scandal held to account. We need a public inquiry to establish exactly who those people are. On top of that, we need a full list of the beneficiaries of the RHI scheme, and that should be published. All the contracts awarded through RHI, such as that to the Charles Hurst Ferrari dealership, to collect money for the next 18 years should be rescinded and ended immediately.

We need to see the money wrongly paid out through RHI being paid back into the public purse and put into public services. Anything short of those measures will not deliver the kind of accountability that the public want and deserve. We need to see accountability. As we now know, despite warning after warning about the cost of the scheme, Arlene Foster refused to listen to those calls. When she wrote to the banks outlining that tariffs for companies would be protected, she urged banks to:

*“look favourably on approaches from businesses”.*

This is what is at the heart of the scandal: designing policies that are in the interests of corporations, in the belief that increasing benefits for corporations and reducing their taxes will lead to a trickle-down of wealth. We have decades of evidence that trickle-down economics does not work. It only makes the rich richer.

We found out yesterday the scandalous news that six billionaires own more wealth than the poorest 50% of the world's population. What a disgusting state of affairs.

What a disgraceful state of affairs we have right here, in our own backyard. We should ask ourselves what kind of society the Executive are creating, where people are dying on the streets while Ferraris are heated almost free of charge.

**12.15 pm**

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Carroll:** The RHI scandal may be heralded as the straw that broke the camel's back, but there were deaths on our streets long before this scandal —

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

**Mr Carroll:** — and no one threatened to bring down the House. What kind of status quo are we being asked to return to by the big parties?

**Mr Allister:** The case for a public inquiry under the Inquiries Act 2005 is unanswerable. The question is this: why have we not already got one? The answer, in large measure, is because the parties hitherto of government have, to this point, blocked such an inquiry. Indeed, with considerable vehemence, we were told by Mr Poots, just four weeks ago:

*“Get the message ... there will not be a public inquiry”.*— [Official Report (Hansard), Bound Volume 122, p115, col 1].

There is nothing like a looming election to focus minds and to try to get on the right side of public opinion. Now we are told that the DUP supports a public inquiry. Good. In fact, we were told, this day last week, by Mrs Foster that one would be announced within 24 hours. Where is it? Was that just another sound bite to get through another day?

The case for a public inquiry is overwhelming. There are some things that are —

**Mr Poots:** I thank the Member for giving way. As I indicated in the speech I made four weeks ago, the Saville-type or Chilcot-type inquiry is not in anybody's interest. If you go back to how I dealt with pseudomonas, for example, you will see that we had an inquiry done and dusted in a matter of months, whereas the hyponatraemia inquiry, which the Member rightly asked a question about, has cost £15 million and, seven years later, has not delivered the answers. That is not the way forward. We want the truth.

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

**Mr Allister:** There never was a need for a protracted inquiry, because there are —

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

**Mr Allister:** Not just yet.

There are very net issues to be addressed. This is not a Saville or anything else; this is something that can be done in a few months at most. It is a very focused issue; indeed, there are some issues for which, it is abundantly clear, there are already answers. There are issues for which answers are definitely needed, but, for example, there is no dispute that it was Arlene Foster and Arlene Foster alone who signed off the scheme and decided, as a policy, to take out of the GB scheme the tiering in the tariff, with disastrous consequences. That is indisputable. She alone decided that. Yes, there are areas to be explored; some of them go to the heart of the matter and the heart of the potential corruption. Why was the date of 1 October 2015 — the end date of the old scheme and the start date of the amended scheme with tariffs — changed? Who changed it? At whose behest? At whose direction? For whose benefit? Those are the questions that go to the heart of the matter.

Mr Bell has shed some light on that by indicating that compulsion was applied; indeed, he said this morning that, within half an hour of him deciding to close the scheme, his instruction was countermanded by Stormont Castle. If that relates to 1 October, that goes to the heart of the matter. Why would there be such a countermanding?

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

**Mr Allister:** Yes, indeed.

**Mr Bell:** That related to the closure of the scheme, not the reduction in the tariff.

**Mr Allister:** Fine. I am glad of the clarification.

It seems that there was a vested interest somewhere about the closure of the scheme, and, going by what Mr Bell suggests, that vested interest rested in Stormont Castle. Is that not exactly the sort of thing that we need to have ventilated and exposed to the glare of a public inquiry? Maybe that is why, until this moment, there has been great reluctance from the primary party of government to have a public inquiry. If there are countermanding instructions emanating from Stormont Castle —

**Mr Speaker:** The Member will conclude his remarks.

**Mr Allister:** — that might well be a reason, but it is not a reason to deny the public the truth, and that is what must be obtained.

**Mr Speaker:** Before I call Mr Eamonn McCann, I remind him that he has only four minutes. If he takes an intervention, he will not get an extra minute.

**Mr E McCann:** Mr Speaker, I take that as a warning to everybody else not to ask me to give way; in light of what the Speaker has said, I will not.

There were “mistakes” and “flaws”; we have heard those words here over and over again. Nobody spotted the flaw in the scheme. The regulator did not spot it and departmental officials did not spot it, the implication being, “How could you expect a poor, simple politician to spot it when all those other people missed it?”. There might be an explanation for that. When we think of a flaw, we usually think of something that has deteriorated, something that was missed and so on. The reason why nobody spotted the flaw is that there was no flaw in the system. There was no flaw at all. This was deliberate, and it was conscious. Apparently, we cannot accuse people of criminality, fraud and all the rest of it. I do not accuse any individual of being a criminal or a fraudster; what I say is this: it is a flat fact that there was criminality and fraud. The task is to get to the bottom of that and to hold those responsible to account.

The scandal that has emerged does not have to do with just the RHI scheme. We will not go into all of the other things, which are relevant, going back to Red Sky and the rest of it. We will hear a bit more about all of those things. Remember this: when NAMA comes down the road in a few months and the scandalous facts of that come out into the open, we will have another crisis. Had we got over this crisis, the NAMA crisis would have come along before the end of this year and put us in the same position.

We will go away, stand in an election and come back. We are told over and over again by commentators — sharp, acerbic commentators — that there is no real point in having the election because everybody will come back in the same numbers — at least, the DUP and Sinn Féin will come back in the same numbers, so nothing will have been solved. The DUP seems to think that. The DUP takes its voters for fools and treats its electorate like fools. It uses them as voting fodder and operates on the assumption that, no matter what it does, come election day, it will be able to rally people to the flag. Well, we shall see. It is possible to reach a tipping point on these things, you know.

People Before Profit invites any ordinary Protestant person who has voted DUP in the past to look at the representation that they have been given. Look at who has been represented by the DUP. Is it them? We are talking about who is responsible for these hundreds of thousands and millions of pounds and so forth. Meanwhile, back in the real world, people are named and shamed in front of their neighbours because, allegedly, they have conned a thousand quid from the public purse by doing the double or something like that. We have government websites asking people to phone and tell them and the police who is defrauding them and asking people to tout on their neighbours in relation to social security and the rest of it. Meanwhile, major crime goes on.

We have learned a few other things in all this. We have certainly learned about Mrs Foster, Sinn Féin and the rest of the DUP. Let us remember, when we look back at all this, that when the scandal first emerged both the DUP and Sinn Féin were adamantly against a public inquiry. Sinn Féin was against it. Then it put out a statement saying that it was in favour of it. Then it withdrew that statement and said, “Oh, that was a typographical error”. Do Sinn Féin and the DUP take us all for fools? They do in a sense because they believe that all they have to do is —

**Mr Speaker:** Will the Member conclude his remarks?

**Mr E McCann:** — play to the expectations of their own community, and it does not matter what else they do.

**Mr Aiken:** I am sorry, Gerry. Apologies for that, but let us crack on.

Before I summarise all the contributions to the debate, I thank everybody who has been involved in it, particularly for the vigour and clear direction that they have put into the discussion and for raising some of the key areas that have come out of this. Before I add my clear support for the motion, I will make a few pertinent remarks about helping to restore confidence in the institutions and, above all, get to the truth. Many of the Members who spoke talked to these points.

First, given Simon Hamilton’s push for the statutory rule yesterday and for the need to expedite the haemorrhaging of funding of £85,000 a day from our very constrained Budget, he has, as Mr Dickson clearly pointed out, the opportunity, even at this late stage, to call for a public inquiry. I would like him to do that at this late stage; set it up and get it moving. He can do the right thing. Do the right thing now.

We also talked about the First Minister standing aside without prejudice and about how that could have not only helped us to get to the bottom of the RHI scandal but, probably more importantly, restored confidence in this institution and in the Government of Northern Ireland. We have turned what was a financial crisis into an existential threat to the whole of the institutions and what is happening in Northern Ireland. We need to move on from this. There was an opportunity for leadership and direction and that has, very sadly for everybody here, been missed.

I will go on to some of the comments. First, thanks very much indeed to Claire for her excellent and eloquent introduction. It is the first time that I have heard the 12 days of Christmas approach. It is vital that the judge be appointed by the Lord Chief Justice; it cannot be by the Attorney General. All of us at this end of the Assembly very clearly say that as well.

Thank you very much indeed, Emma Little Pengelly, for your contribution, but we were unsure what you were saying about a public inquiry. Do you want a public inquiry? Please say. Yes?

Thank you very much indeed, Robin Swann, for your contribution. I know the constraints that you are under as the Chair of the PAC, but I think everybody at this end of the House very clearly gives thanks to you for your chairmanship and to the PAC for its hard work and for what it has done to bring the issues to the fore.

Like Stephen Farry, I, too, am particularly surprised that HM Treasury is not interested in what is going on, because the issue here is not just the potential £0.6 billion but the

£1-18 billion cost to the UK taxpayer — and, ladies and gentlemen, we are all UK taxpayers, so I am surprised that this is not of interest going forward.

I fully support and agree with Gordon Dunne's comments about what is going on. The lack of business process, risk management and even basic project management smacks of something as bad as the Ministry of Defence used to do. It is like something that would have happened 20 years ago. There is a definite failure in our mechanisms of government. I know that we have all called for the political side of it to be addressed, but something desperately has to be done about the state and functioning of our Civil Service, because, quite clearly, at least in the Department for the Economy, formerly DETI, it is not fit for purpose going forward.

**12.30 pm**

Thank you very much indeed, Gordon Lyons, for your contribution. I was also interested in my honourable friend Mr Beggs's intervention. We were talking about the returns that we were looking at. Whereas in Northern Ireland we were getting returns from the RHI initiative of somewhere in the region of 84%, the returns in GB were around 7.4%. There is obviously something to be looked at.

Thank you very much indeed, Christopher Stalford. We missed you. We enjoy your contributions. It was good to hear from you again. Thank you, and we will miss you. *[Laughter.]* We do; we enjoy your contributions.

**Mr Stalford:** The Member is very welcome, and I hope that the good people of Belfast South will — *[Interruption.]*

*[Laughter.]*

**Mr Aiken:** I will move on to more serious issues. Sinéad, you are quite right. Sinéad Bradley pointed out the fact that there is a complete lack of clarity of thinking and that there is fraudulent activity, or suspected fraudulent activity, but there is something in this that needs to be investigated, and I will return to that later on.

Paul Frew made a contribution; thank you very much indeed. *[Laughter.]* Then we moved on to Mr Bell.

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

**Mr Aiken:** Certainly.

**Mr Mullan:** Does the Member agree that the fishing analogy that Mr Frew used in his contribution was somewhat unwise when he referred to the feeding frenzy and to members of my party being caught on the hook? Does he agree that the only frenzy that I am aware of — I am sure he is aware of it too — is the frenzy of people who tried to sign up to this botched scheme in the spike when hundreds of people availed themselves of it?

**Mr Aiken:** Thank you very much indeed, and yes, I would agree with that.

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

**Mr Aiken:** I will.

**Mr Frew:** That is a very important point. It is reckless for the message to go out here today that there was some sort of frenzy by people trying to get onto this scheme for any reason other than that they wanted to be part of the incentive scheme. These are reputable businesses that decided to go forward with the scheme because they were

maybe advised to do so by suppliers or other businesses or accountants. It is very dangerous and reckless to say here today that those people tied up in that spike were doing anything other than carrying on their business.

**Mr Aiken:** I thank Mr Frew. Thank you very much for leading me in, because I was about to talk about the contribution from Mr Bell and, particularly, the concerns about the roles of SpAds. If ever we needed an indication of why we need a public inquiry, what was going on? Who was running the Government at the time? Was it the SpAds or was it the Ministers? Was it being properly and accountably looked at? These are really serious questions that need to be answered.

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

**Mr Aiken:** Yes.

**Dr Farry:** Just briefly on that point, does the Member recognise that there is no such concept as a rogue SpAd? Even if a SpAd is acting unilaterally, by definition they owe their appointment solely to the Minister and the Minister is fully accountable for everything the SpAd does.

**Mr Aiken:** Thank you for that intervention. Yes, that is the normal course, custom and practice of the role of special advisers. However, for some strange reason, here in Northern Ireland in our Sinn Féin/DUP SpAdocracy, we seem to have completely missed that point.

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

**Mr Aiken:** No, I want to continue on.

Philip Smith's contribution was very clear and concise and brought out some of the most important and key issues going forward. I was interested in Mr Poots's comments about culpability. You are quite right; we need to look at the whole chain. One of the things we looked at considerably in the military was the chain of command, all the way from the top to the bottom. All of it needs to be looked at.

Thank you very much, Nichola, for your contribution. Indeed, there are unquestionable truths. What we need to do and be very clear about is to deal with these unquestionable truths and that can only be led by a public inquiry.

Thank you very much, Steven, for supporting our plan for moving towards a windfall tax. We should also explore the issue of the rating scheme to reduce that as well. We have not had the chance to look at any of these issues in sufficient detail, and we need to do that as well.

Thank you very much, Gerry and Eamonn, but there is definitely a clear issue of accountability here and where it lies. Everybody in Northern Ireland is asking for the answers to this, and these are key questions. These are things that we need to talk about as well.

Jim Allister's contribution was eloquent but very clear on the reasons why we definitely need a public inquiry.

The question again to be asked, while the Minister is still here, is this: why does he not call for a public inquiry now?

With my final comments, I will talk to a serious matter that the Economy Minister raised yesterday and that has been alluded to during the debate, and it is the question of potential fraud. It would be no surprise that matters involving many millions of pounds—

**Mr Speaker:** I ask the Member to conclude his remarks.



**Mr Aiken:** — would, in normal circumstances, and definitely in Great Britain, require the attention of the Serious Fraud Office. Today, as a party, we have written to the PSNI to ask what actions it is taking to investigate this scandal —

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

**Mr Aiken:** — now that the Minister has clearly stated his suspicions of fraud. I ask that we support the motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the mounting public concern relating to the renewable heat incentive (RHI) scheme and the serious allegations of incompetence, corruption and abuse; further recognises the damage caused to public confidence in these devolved democratic institutions; calls for the establishment of a public inquiry under the Inquiries Act 2005, to be chaired by a judicial figure proposed by the Lord Chief Justice; believes that the First Minister should stand aside pending publication of the final inquiry report; further believes that the terms of reference should include the development and operation of the scheme, any matter in relation to policy, financial, operation and compliance, the role and conduct of relevant persons and organisations, assess if there were breaches of any relevant code, public standards or employment contract, the response to and treatment of persons who raised concerns, if any person with a potential conflict of interest acted to their own benefit or the benefit of others, assess all RHI applications and report on any actions to be taken in respect of suspected fraud, the suspension and recovery of payments and the future operation of the scheme, make such recommendations as the inquiry believes necessary, including in relation to any issue of potential malfeasance in public office or of suspected criminal activity identified; believes that the inquiry should issue a final report within six months of its commencement, with the provision for interim reports at least on a two monthly basis; further calls for all inquiry reports to be published in full upon completion without requiring the agreement of any Executive Minister, the Executive or the Secretary of State, with copies of any report lodged in the Assembly Library; calls for any case of suspected fraud identified to be referred to the PSNI; and further calls on the Minister of Finance and the Minister for the Economy to bring forward a plan to arrest the liability to the public purse.*

## Failure of the Executive

**Mr Speaker:** The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr Nesbitt:** I beg to move

*That this Assembly recognises the grave consequences for the people of Northern Ireland of the failure of the Executive to agree a Budget and Estimates for the financial year 2017-18, the failure of the Executive to endorse a Programme for Government and the continuing failure of the Executive to safeguard the interests of the people of Northern Ireland following the result of the EU referendum.*

Once upon a time, there was a young boy who was put into an institutional home, not because he had done anything wrong but because his mother was not married, and in those days that was deemed a problem. His problem was that, in this institution, those who had been charged to nurture, love and care for him abused him physically, mentally and psychologically. As he looked around him, he saw that there were other boys and girls being abused. As he grew older, he realised there were many other institutional homes in which this was happening.

Successive Governments ignored him. Then an Executive came along that said, "We understand. I tell you what we'll do for you. We will find a judge and ask him to conduct an inquiry". That judge is Sir Anthony Hart, and in three days' time — on Friday — he will tell those victims what he thinks and what he is recommending.

The report rests in the Executive Office, however, and, to all intents and purposes, the Executive Office is shut. The people who populate Stormont Castle and run our Executive, who say that they stand up for the vulnerable and the needy, have put their own interests first, because nobody can action whatever it is that Sir Anthony Hart has recommended and will tell the victims and survivors of historical institutional abuse when he meets them in south Belfast on Friday.

Another scenario: an 18-year-old finishes her first week at work, lifts the little brown envelope that is her pay packet and meets her friend for a drink. Unfortunately, she chooses the same bar as an IRA bomber. As a consequence, her friend is killed and she spends the rest of her life in a wheelchair, unable to work, unable to earn, unable to save and unable contribute to National Insurance for her pension. Against all odds, she lives to a pensionable age. Now, she, like a couple of hundred others, is asking, "Can I have a special pension, because I have been injured and denied life opportunities through no fault of my own?" The answer from this Executive has been, "No, you may not have a special pension because, if you are having a pension, we want one for the bomber." The next time that that bomber went out to plan a bomb, it went off prematurely, and he got injured, so, perversely, they argue, "He is the same as you".



Again, it is these two big parties that say that they stand up strongly for the vulnerable and the needy in our society.

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

**Mr Nesbitt:** Your colleagues would not give when I asked for an intervention in the last debate, Mr Stalford, so do not expect to take during this debate.

**Mr Stalford:** Suit yourself.

**Mr Nesbitt:** No, reap what you sow. Mr Stalford must reap what he and his colleagues sow.

Last Monday, as the implosion began and the deputy First Minister resigned, we saw final proof that, after 10 long years, the DUP and Sinn Féin are incapable of sharing power in Stormont Castle. On that very day, what was the Prime Minister doing? Mrs May was announcing her determination to tackle mental health and well-being issues in England and Wales. That is what we need. Per head of population, our mental health and well-being issues are possibly the worst in the world, partly because that is a legacy issue to some extent. I have campaigned on it since the day and hour that I got this position. Maybe we have raised the profile and have something near to agreement that it is a problem that we have to tackle, but have we tackled it? No, we have not. Thousands of our citizens woke up this morning denied a sense of purpose in life, not because they do not want it or because they do not want to work but because we are not helping them. It lies at the feet of the parties of the Executive. It lies at Stormont Castle, where, for 10 years, those two parties have failed to find a way to do business together.

What would the victims of institutional abuse do with the £85,000 a day that is being wasted? What would the victims of the Troubles do with that money? How could that help those suffering from poor mental health and well-being? It is not an orange issue. It is not a green issue. It is an issue of right and wrong, of competence and incompetence. Yet, when you raise that issue in the Chamber and suggest that there is such a concept as ministerial responsibility, some parties now make that synonymous with hate crime and misogyny. How desperate? How embarrassing for the integrity of these institutions?

As we go into an election, Mrs May is preparing to trigger article 50. Northern Ireland remains the most affected region of the United Kingdom by our impending withdrawal from the European Union, and we remain the least prepared.

Here is the Executive's plan for Brexit — it is a blank sheet. There are no thoughts and no actions. There has been no identification of the policy options, no determination of what our priorities are and no determination of whether our priorities complement or conflict with the UK Government's. Where they conflict — they will conflict on occasions — we have a huge problem. The parties of the Executive have failed the people.

#### 12.45 pm

It came to a head again yesterday, Mr Speaker, when you had to vacate the Chair because you were the subject of a debate, and, of course, the DUP deployed a petition of concern. That kind of sums up how Sinn Féin and the DUP have run government for the last 10 years: protect the individuals, protect the parties and never mind the country. There have been 10 years of failure, scandals, debacles

and disappointments. I hope that the people have had enough. I hope that, on 2 March, the people say, "We will look to parties that want to put the country first, ahead of the party and ahead of the individuals within that party". The Ulster Unionist Party stands ready to do that. We stand ready for change. Let us come back after 2 March and put the country and the people first. Let us forget the rhetoric about standing strong for the vulnerable and the weak. Today, the victims of the Troubles and of historical institutional abuse are not so much vulnerable as angry, just as the people of this country are justifiably angry at the incompetence and the failure of the DUP —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Nesbitt:** — and Sinn Féin over 10 long, useless years in Stormont Castle.

**Dr Farry:** I beg to move the following amendment:

*Insert after "2017-18,"*

*"the failure of the Executive to set a regional rate for 2017-18,"*

I support the motion. I will come to the specifics of the amendment shortly. Hopefully, it adds a specific and very pertinent example to the broad thrust of the motion.

The motion is about the failure of the Executive. In exploring that, first, we have to look back. However, in doing so, we must recognise that power-sharing and devolution are important concepts for Northern Ireland and that we should value and cherish them. They are, first, about providing a forum in which we can have reconciliation and bring the different traditions in Northern Ireland together in government. That is a very particular aspect of our situation in Northern Ireland. More generally, if we look across at what is happening in Scotland and Wales, we see that devolution is the norm within these islands, and Northern Ireland should be no different in that regard.

Power-sharing and devolution can work, but we have to recognise that, so far, it has not been working, particularly under the stewardship of the DUP and Sinn Féin. Ultimately, for power-sharing to work, it is about more than simply the right institutional design. We can, for sure, make improvements in that regard, but, ultimately, it has to be based upon trust, partnership and mutual respect. Very clearly, we do not have that in any sense whatsoever. Instead, we have had dysfunction, which has been characterised by bickering and political instability, and it has led to the situation today in which the institutions are seriously imperilled. There have been missed opportunities and things that we could have been doing to improve people's lives; there has been deadlock on a whole host of key issues, as manifested in mutual vetoes and the use of the petition of concern; and, particularly over the past number of months, increased problems around accountability, lack of transparency and, indeed, corruption and cronyism. You almost have the impression at times that devolution, under the current model, is about carve-up and spoils for particular communities rather than about working in a coherent, cohesive way on behalf of the community as a whole.

Today, however, we meet in the context of what will now be missed opportunities to put Northern Ireland forward. An opportunity delayed may well be an opportunity missed. At a strategic level, we will not now have for quite some time a Programme for Government, an economic strategy,

a social strategy, an investment strategy or a Budget — five key strategic documents that you would expect any meaningful Government to have. That is before you think through each of the individual Departments and all the various strategies and initiatives that will now go on hold. While Ministers will remain in office until the election, there seems to be a slight misunderstanding about their position, particularly the Health Minister, who said that she will make announcements and will be at her desk right through to the election. That may well be the case, but there are rules, under the purdah arrangements, as to what can and cannot be done during an election campaign. I am not sure that the penny has dropped.

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

**Dr Farry:** Yes.

**Mr Beggs:** Does he agree that the Health Minister's comments are pretty pointless in that no Budget has been set for next year? That is the fundamental job of any Government and both the DUP and Sinn Féin have failed to do it.

**Dr Farry:** Indeed. I will come to that in a moment. The implications across public services of not having a Budget will be most acute in the area of health where we were expecting the most significant amount of change if things had been done correctly.

Mr Nesbitt made the point in relation to Brexit, and I will not labour it. There is an irony that we are meeting today, in the dog days of the Assembly, in the context where we have had a major speech from the UK Prime Minister and where, as stated, we have no meaningful plan from our Executive. It is worth noting that our counterparts in Scotland and Wales are meeting today to discuss the Prime Minister's statement and advance their plans to mitigate the impact on their respective jurisdictions.

There is an even more immediate issue that we have to look to, beyond what we could be doing to realise the opportunities, and it is the issue of keeping the lights on. Elections are normally planned. We move into them in a reasonably organised way; there is an orderly winding-down of business. Let us throw our minds back some months, when we were conscious that there would be a break in the Assembly. We were rushing through a whole host of legislation, because we did not want to lose a lot of the work that had been built up in Departments. It may be that it could have been done in a more organised way than it was; nevertheless, people recognised that there was a need to get these things over the line. We had to make sure, for example, that the Budget was passed and that Budget legislation was moved through the Assembly accordingly. In the political crisis that is now before us, we are essentially pushing governance over a cliff edge. That would be bad in any context, but it is particularly bad in the context of where we are in the Budget cycle.

I have to say that there is a lot of complacency coming across from those who were formally in charge and, indeed, from the UK Government about how we can make do over the next number of weeks. Reference has been made to the fact that there is the potential under section 59 of the Northern Ireland Act for the permanent secretary to strike a Budget three days before the end of the financial year. So, we will all be saved magically. Departments will have a wee bit of cash, and things can roll on until we get our act together. Let us work on the assumption that

Departments will function essentially from a standing start. That is not how things work in the real world. In reality, there has to be a lead-in process. Normally, we would be setting our Budget and the Executive would agree a Budget statement setting out the full amounts during the course of the full financial year. Indeed, some people would argue that there should be a three-year Budget rather than a one-year Budget so that we can have some proper strategic planning. Instead, we have nothing.

Flowing from that are the first Budget Bill and then the second Budget Bill, which give Departments legislative authority to spend money in that regard. Most Departments have information about their budget for the incoming financial year months in advance. They then make their own internal allocations. They think carefully about how to make the best use of their resources before indicating to arm's-length bodies and, in particular, the community and voluntary sector what budgets they will have. In this way, things can be done as efficiently and effectively as possible. In the context of a declining Budget, it is incumbent on all of us to make sure that every penny is used to best advantage.

Instead, we will have a situation where people will be placed on protective notice, particularly when organisations do not have certainty over their budgets and there is no existing contractual relationship with government. Cuts will have to be made because accounting officers will be very loath to make any new discretionary spending commitments without certainty as to what their budget will be in the context of the position in July, whether it is a 100% or 95% budget. Even if we strike a 100% Budget some time in July, the next financial year will still be a train wreck because we have not taken a strategic approach to the Budget. Things will go missing in that regard. Important decision-making that should be happening at this point in time, around, for example, the health service, is not going to be taken forward. My colleague Paula Bradshaw will focus on that in particular detail. There are many other examples across government as well.

We have proposed the amendment around the regional rate because it is important that we focus on a particular aspect of how the legislation is framed. We have a situation where the ability of the permanent secretary of DOF to set a Budget relates to only the consolidated fund — the block grant. It does not relate to what are termed in legislation as accruing resources, which is other income that comes in to government coffers. There may be some ambiguity around some aspects of that, but aspects such as the regional rate do not count as part of what is in the purview of the permanent secretary of DOF. People are saying, "Well, we can defer the raising of the rates until as far as June or July. Let's not worry about that; sure we can catch up on ourselves and everything will be fine". However, we will have a situation where district councils are uncertain of exactly what is going to be coming their way. We will see a situation where there will be additional administrative costs in terms of Land and Property Services trying to implement this. We will also see a situation where we have greater levels of default in people's rates payments. That default could amount to many tens of millions, if not more. We are not talking about something on the margins or something that we can gently finesse; these are all things that have major financial consequences for Northern Ireland. They are not numbers on a piece of paper; they are a reference to resources

that make a difference to people's lives. They allow us to improve the social and economic well-being of this society and to improve the stock of all our people.

There are consequences of us seeing government being driven over a cliff edge by Sinn Féin and the DUP. Let us not argue about who exactly is to blame; the fact is that government is going over a cliff edge because of the collective failure of those in positions of authority. We are going to see real pain for the people of Northern Ireland over the coming months.

**Mr Speaker:** The Business Committee has agreed to meet at 1.00 pm today. 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 sitting is, by leave, suspended.

*The debate stood suspended.*

*The sitting was suspended at 12.57 pm.*

**2.00 pm**

*On resuming —*

## Oral Answers to Questions

### Infrastructure

#### Translink: Passenger Delays

1. **Mr Robinson** asked the Minister for Infrastructure whether he will review the strategy that Translink has in place to minimise passenger delays in the event of a breakdown of, or delays with, Northern Ireland Railways services. (AQO 903/16-21)

**Mr Hazzard (The Minister for Infrastructure):** The performance of bus and rail services provided by Translink, including NI Railways (NIR), is independently monitored, and results are published twice a year. The results of the spring 2016 monitor were published on 22 September 2016 and showed that NIR exceeded the charter targets for punctuality and, overall, achieved a perfect score of 100% for reliability, which is a very creditable performance.

Detailed analysis of punctuality data is compiled per services and reviewed on a daily, weekly, monthly, 26-week and annual basis by NIR. Poorly performing services are then monitored, and action plans are developed to enhance performance. When disruption occurs, NIR acts immediately to minimise delays and return services to the planned timetable. My Department monitors performance on an ongoing basis as part of the conditions of the service agreement that it entered into with Translink in October 2015.

I am aware of a number of delays on the Derry to Coleraine line that arose in early December 2016 following the activation of new signalling. It is clear that the performance issues at that time were not satisfactory, but Translink has worked hard with the contractor to address the issues during the bedding-in period. I am also aware that, following the recent refurbishment project, the Belfast to Dublin Enterprise service experienced a series of service delays.

In response to my concerns, a joint service improvement team has been established, representing NI Railways and Irish Rail, with the objective of addressing performance issues associated with the Enterprise service. I expect to see improvements in those services.

**Mr Robinson:** I thank the Minister for his reply. Having experienced a lengthy delay on the railway and having observed at first hand the disruption to passengers and staff, I urge the Minister to have an urgent conversation with Translink about replacing the current strategy, because it is not fit for purpose.

**Mr Hazzard:** I regularly have conversations with Translink. We have discussed the recent delays on the Derry to Coleraine line, which the Member alluded to. The delays are down to barriers at Bellarena and a faulty track circuit at Castlerock. You go too far by suggesting that we need an entirely different approach and saying that the standard is not what it should be. I go back to my original answer: the 2016 results showed a perfect score of 100% for

reliability. That is a fantastic score, and fair play to all those who achieved it.

**Mrs Palmer:** What action is the Minister taking, in conjunction with the PSNI and the Justice Minister, to address the constant delays on the North/South corridor at Lurgan due to security alerts?

**Mr Hazzard:** I thank the Member for her question. As I said, in response to my concerns, a joint service improvement team has been put in place to look at all the different aspects of how we improve the line. The team will not be looking at security issues alone, but I have no doubt that that may be something that it looks at.

**Mr McNulty:** Minister, in recent days, you have been spreading fake news, making statements about Newry rail services and Narrow Water bridge. How can that work when your colleague the Finance Minister has not even brought forward a Budget? Are you not ashamed of making empty promises to the good people of Newry and Armagh, whom I am proud to represent, filling them full of hope about improved rail services and developments that may never happen? Are you not ashamed of yourself? You are putting out fake news.

**Mr Hazzard:** The only person who should be ashamed is the Member. The people of Newry will experience improved rail services as a result of me making these decisions. I am not sure whether the Member has been aware, or been awake, in recent weeks, but I will remain the Minister for Infrastructure over the next number of weeks. I have had conversations with Translink, and we have talked about the enhancements that are needed in Newry.

That is why they are now going to review the situation with services in Newry and enhance them where necessary.

That is the situation. This is not fake news. I do not get into the realm of fake news. As I said, the people who I have been talking to in Newry over the past few days are, obviously, different from the people who the Member for Newry and Armagh has been talking to over the last few days. Local people are excited by the fact that they are going to see improved rail services —

**Mr McNulty:** When?

**Mr Hazzard:** This year. I have also announced, as you have seen, a joint initiative between ourselves and Dublin about improving the service line. This is not fake news.

**Mr Speaker:** Before I call Mr Sydney Anderson, I should inform Members that question 7 and question 13 have been withdrawn.

## Winter Flooding

2. **Mr Anderson** asked the Minister for Infrastructure for his assessment of the Strong report on the 'Review of Winter Flooding (Northern Ireland) 2015-2016'. (AQO 904/16-21)

**Mr Hazzard:** The report was an evidence-based study, which sought to obtain facts from a wide range of stakeholders, covering farming, engineering, environment and governance. It is clearly well informed, wide-ranging and challenging, and I am very impressed by the extensive nature of the engagement carried out. I believe that the considerable time taken to listen to those impacted by last winter's floods was time well spent. The findings

in the report are set out using the theme of resilience throughout, and it focuses on a number of sectors such as farmers, staff and land use. Importantly, the report highlights that flooding is not something that can be solved but is a reality that we must learn to live with and manage. My Department is currently preparing an action plan to allocate responsibility for progressing the recommendations in the report through the flood strategy steering group, as this includes representation from other Departments.

**Mr Anderson:** I thank the Minister for that response. Minister, you will be well aware of the damage that was caused to land, property and businesses in upper Bann. I am referring to the area along the lough shore at Kinnego, and at the Birches and Maghera areas of Portadown. In light of your answer, what assurances can you give to those people? Those people are living in fear at times that they will get this again. They can certainly not go through that. What assurances can you give that the recommendations of this report will be fully carried out and that any criteria will be looked at to ensure that rural dwellers are looked at in a manner to suit their needs? Each one is specific, and I do not know that compensation will help those rural dwellers.

**Mr Hazzard:** The Member is correct to talk about the resilience in the rural community, and Mr Strong points to this. There were five commendations in the report. The first was for distinct leadership by the then Agriculture and Rural Development Minister, Michelle O'Neill, and the chief executive of Rivers Agency, David Porter, during the period. The second was for the notable support and guidance from the Ulster Farmers' Union, and the third one was for the strong resilience shown by many in the rural community. This goes wider than just flooding. We know that in periods of very cold weather with ice and snowy conditions the rural community stands up. It had the vision to engage with natural flood management systems, and there were sustained efforts by emergency planning groups and community resilience and services. The one word that repeats itself throughout this is "resilience". I think that there is an acceptance among Governments that the situation is not one of eradicating flooding but that it is something that we have to manage. That is a position that we are coming to.

In dealing with flooding, how do we then go forward? The 10 high-level recommendations include increased research and development into our farming practices and flood plains; improvements to communications during flood events; collaboration to further develop the multi-agency approach; a focus on civil contingency and emergency planning; and connecting resources to make the best use of our collective skills. An action plan is being drawn up by officials from Rivers Agency, and, given that input from other Departments is required, this will then be taken forward by the flood strategy prevention group.

**Mrs Dobson:** Minister, I, like Mr Anderson, have met many of these homeowners, farmers and businesses in upper Bann that have been affected, and livelihoods have been put at risk. Many farmers have been there for generations, and they do fear that it is Groundhog Day. What can you do to reassure them that they can have the confidence that this review will make any difference whatsoever?

**Mr Hazzard:** In my short time in post thus far, I, too, have been into the areas that have suffered badly, and there is a



great sense of frustration. As I said to the previous Member, it struck me that there is a sense of acceptance that we are where we are and we need now to learn how we live with this and ensure that it does not ruin our lives every winter. I think that is the situation that we have got to. The other thing that strikes me is that the farming community is central to this and will be central to the flood strategy steering group and the recommendations going forward.

This is not a plan that will be foisted on communities; it is a plan that communities will play a central part in taking forward.

**Ms Armstrong:** As the Minister knows, I come from the constituency with the longest coastline in Northern Ireland. What assurances can he give that coastal management will be dealt with and that my community and constituency will not be ignored again when it comes to winter flooding caused by coastal erosion?

**Mr Hazzard:** I have been dealing with coastal erosion. On two or three occasions, I have had meetings with my colleague Michelle McIlveen, the Minister of Agriculture, Environment and Rural Affairs, and I have no doubt that the Departments will continue to work on it. I, too, come from a constituency, South Down, that has suffered from this in recent years in places such as Killough, Rostrevor and Warrenpoint. I know how important it is. Work is going on to develop the best way forward, first and most important to assess exactly where we stand. I know that Scotland has done work over the last number of years on assessing where exactly they stand with their coastline, and there is merit in us doing that here as well.

### Transport Operator Licensing

3. **Ms Bradshaw** asked the Minister for Infrastructure, in light of the decision of the United Kingdom to leave the European Union, what action he is taking to ensure passenger transport operator licensing for Northern Ireland transport companies that operate outside the United Kingdom will not be negatively impacted by a break from European Union regulation 1071/2009 and regulation 1073/2009. (AQO 905/16-21)

**Mr Hazzard:** The issue of international passenger transport is being considered as part of a detailed assessment of the potential impact of a withdrawal from the EU. All of these considerations will feed into negotiations going forward. However, it is essential to make sure that British Government Ministers keep at the forefront of their thinking the unique set of circumstances that apply on the island of Ireland when it comes to passenger transport. There are many journeys across the border every day, with passengers travelling for work, education and leisure purposes. It is very important that people in the North and South continue to have a choice of transport services at their disposal and can enjoy free movement on this island when and where they wish.

That said, it is too early to make an informed assessment of any impact on the North's international passenger transport arising from a withdrawal from the EU. This will largely depend on the terms of the relationship that is eventually agreed with the EU. My officials are engaged with officials in the Department for Transport (DFT) EU exit coordination unit to ensure that they include in their thinking the specific issues that impact on the island of Ireland.

**Ms Bradshaw:** Thank you, Minister, for your answer. You mentioned an informed assessment, but what plans do you have to change the current passenger transport operating legislation to align more with the Republic of Ireland and the rest of Europe — as you outlined, those transport links are very important — or are you minded to continue with the current UK derogations?

**Mr Hazzard:** It is fair to say that this is a fluid situation. Just today, the British Prime Minister has made a statement that will be deeply worrying to public and passenger transport providers on the island of Ireland. One thing that has come out of her statement today is that a hard border looks inevitable at the minute, and that will be deeply concerning. It is a very fluid situation, but, rest assured, it is one that my officials certainly have on their agenda to discuss with officials in Dublin and London.

**Mr Speaker:** Mr William Irwin is not in his place.

### Rural Schools: Winter Service

5. **Mrs Barton** asked the Minister for Infrastructure how his Department's winter service is implemented in relation to rural schools in Fermanagh and South Tyrone. (AQO 907/16-21)

**Mr Hazzard:** The processes and procedures operating in Fermanagh and South Tyrone are no different from anywhere else. Those processes were reviewed following a period of prolonged ice and snow in November and December 2008 that resulted in the closure of a number of rural schools. The disruption at the time prompted the then Minister for Regional Development, Conor Murphy, to ask officials to carry out an examination of the operational response to areas around rural schools and, in particular, those that were regularly affected by adverse weather conditions. This exercise resulted in a revised winter service policy that provided priority secondary salting to schools with a history of closure due to inaccessibility associated solely with the presence of snow or ice on the adjacent network. It was recognised that it would not be possible to salt all roads to such schools. The secondary salting is, therefore, carried out on the shortest route from the school to a road on the salting schedule.

I should highlight that secondary salting occurs after the main salting schedule has been completed and when problems remain with ice and snow on untreated roads. It does not occur in response to normal frost conditions, when such roads are passable with care and would benefit little from the application of salt, as they would not experience the substantial traffic needed to disperse the salt solution across the carriageway.

### 2.15 pm

**Mrs Barton:** As you will be aware, the main entrance to a school is very often not on the main road, it is on another road that is not on the gritting route. Can you give consideration to such roads being salted and gritted?

**Mr Hazzard:** As I have just outlined, it is entirely unrealistic to expect the Department to be able to salt every single rural road in particular across the North. It simply would not be affordable or practical in any sense. So, we have to prioritise. As I said, when it comes to schools, the best solution here is to salt that route of the shortest distance.



I make two appeals here. Schools go above and beyond what is expected of them to ensure that their entrances and areas around the school are made safe, but the Government cannot be around every corner with salt in a bucket. We need to make sure that drivers take that extra bit of care. We have been fairly fortunate so far this winter that the winter has been mild, but we are talking about millions of pounds invested in salting our network, and we do that. You would be talking about hundreds of millions of pounds if we were to expand it out to every single rural road, and I am sure that nobody in the Chamber would be calling for that.

**Mr McPhillips:** On access to schools, especially on roads in south Fermanagh that are prone to flooding, can the Minister provide an update on the works promised over a year ago to be undertaken on the Wattlebridge Road, Newtownbutler, Derrylin Road, Smith's Strand, Lisnaskea and Inishmore Road, Lisbellaw?

**Mr Hazzard:** As this question relates to salting and not to the issue that the Member has raised, I would be more than happy to correspond with him if he wants to write to me. I am sure that he is able to get onto a website and see the Department's address.

### A1/M1: Congestion

**Mr Lunn:** Go raibh maith agat, a Cheann Comhairle. Ceist uimhir a sé. That is question number 6, Minister.

6. **Mr Lunn** asked the Minister for Infrastructure for an update on his plans to relieve congestion at the A1/M1 junction at Sprucefield. (AQO 908/16-21)

**Mr Hazzard:** Go raibh maith agat. I refer you to my previous answer on this issue that was issued to you on 19 September. At this time, the situation remains unchanged. My Department is aware of congestion suffered by commuters using the A1/M1 junction and has a long-term proposal to provide a new road link between the A1 and M1 motorway bypassing Sprucefield.

The proposed scheme, which falls within Transport NI's strategic road improvement programme, will benefit strategic traffic by avoiding delays in the Sprucefield area. The proposed scheme was taken to a preliminary stage of development, which identified two possible route options, but further options will need to be examined. The Executive are currently focused on delivering their capital flagship projects and there is insufficient funding to continue with the development of this scheme. Further development of the scheme will be dependent on the availability of finance through future budgetary statements.

On a more general note, my Department is progressing the development of new transport plans, in line with the new approach to regional transportation. This will set out a long-term programme of investment. Development of these plans will provide an opportunity for all strategic roads across the North, including the upgrade to the M1/A1 link, to be considered for future funding.

**Mr Lunn:** I thank the Minister for his answer. I must say that I do not recall asking an identical question in September but, fair enough, it is the same issue. Will he update us on the associated work that may have to go ahead, known as the Knockmore link, which would obviously have a bearing on the overall strategic plan?

**Mr Hazzard:** In the Belfast Metropolitan Transport Plan 2015, the Knockmore to Sprucefield link road, known as the M1 Knockmore link, has been identified as a developer-led proposal. This means that it is the responsibility of the developers of adjacent land to deliver the road scheme as part of their development. I understand that Lisburn and Castlereagh City Council is currently considering how the scheme could help to unlock development potential in the west Lisburn area.

The council is aware that the limited capital funding available to my Department is directed towards the maintenance and improvement of the strategic road network and it is highly unlikely that any financial contribution that can be made towards the scheme can be justified at this time. Currently, when compared to the demand for other major road schemes, it is not a priority. It is an issue on which I have had discussions with local representatives. I understand its importance to the local area but, as I have laid out, I believe that there is scope for progress on that, and that scope will be in relation to developers and the local council.

**Mr Butler:** On the subject of the north feeder road: at any stage, was there a commitment from the Department to part fund that road? Is this a change in tactical direction from the Minister?

**Mr Hazzard:** I am not aware of any commitment. Certainly, it is not something that I have addressed since coming into post. So, as far as I am aware, it is not a change of direction. I certainly have not given any instruction to change direction. Succinctly; I am not aware of any previous direction on that.

### A26 Junctions

8. **Mr Logan** asked the Minister for Infrastructure for an update on plans for junctions at the A26 Lisnevenagh Road, Woodgreen Road and Cromkill Road. (AQO 910/16-21)

**Mr Hazzard:** I am happy to confirm that collision remedial work at the Cromkill Road/Lisnevenagh Road junction is programmed to commence within the next few weeks. This work to prohibit the right turn from Cromkill Road towards Antrim will directly address the primary causation factors of recent collisions, where traffic turning right out of Cromkill Road has been struck by northbound vehicles on the Lisnevenagh Road.

There are two viable alternative routes for traffic wishing to travel south on the A26 from the Cromkill Road and Galgorm Road area of the town. Both routes use the Seven Towers roundabout and both are considered a reasonable and safer alternative to crossing the busy northbound carriageway of the A26.

**Mr Logan:** I thank the Minister for his answer. Given that, on 6 January this year, on that stretch of road alone, six accidents occurred, will the Minister consider reviewing the safety of that road itself?

**Mr Hazzard:** I will indeed. That piece of work has been carried out in the past. That particular stretch of road has been a focus for the Department. The recent safety report also recommends a number of low-cost, site-specific measures to be implemented in the short term. These include the provision and review of street lighting at Woodgreen Road and Barnish Road, a review of signs

and lines along the entire route to ensure clarity and consistency, as well as the legislative change to ban the right turn at Woodgreen Road and Cromkill Road as I have detailed.

**Mr Allister:** The record of these various junctions on the Lisnevenagh Road has been horrendous. Why has the original plan to attend to the junction at Maine Road been abandoned? Its having been a junction identified as in need of remedial works, it seems rather odd that the remedial works or any plan for them have been abandoned.

**Mr Hazzard:** I am not aware of any plan for remedial works being abandoned. Again, it is certainly not a decision that I have taken or am aware of. As I outlined in my answer to the previous question from Mr Logan, there are a number of low-cost, site-specific recommendations that I think will take place over the short to medium term and that will help to provide greater safety to commuters on that stretch of road in future.

**Mr Speaker:** Mr Adrian McQuillan is not in his place. Mrs Sandra Overend is not in her place. I call Mr Keith Buchanan.

## Parking Regulations

11. **Mr K Buchanan** asked the Minister for Infrastructure to outline proposals for safer parking regulations using street markings and the deployment of traffic attendants in towns across Northern Ireland, including Coalisland. (AQO 913/16-21)

**Mr Hazzard:** My Department has the ability to regulate and control traffic using powers provided in the Road Traffic Regulation Order 1997. These powers include being able to both prohibit and restrict parking as well as providing parking places. We generally employ parking prohibitions or restrictions to resolve traffic progression and road safety issues in order to keep traffic moving safely and efficiently. A decision to provide any measure, whether it is intended to prohibit or restrict parking or indeed provide parking, will be based on local circumstances. Provision may also be part of an overall transport plan for an area.

Parking prohibitions and restrictions and parking provision are generally indicated on the road using traffic signs and road markings, which are prescribed under the Traffic Signs Regulations 1997 or otherwise authorised by my Department. As well as providing essential road-user information, traffic signs help to ensure that road space is used in the way in which it was intended to be used by facilitating enforcement by traffic attendants.

In the case of Coalisland, there are relatively few parking restrictions when compared with other towns. In the past, there have been numerous attempts to introduce parking restrictions. However, these were opposed by local people, local shop frontagers and public representatives. Mid Ulster Council is currently planning the delivery of a public realm scheme in Coalisland. During the development of the scheme, the provision of parking and the need for any restriction on parking will be reviewed.

**Mr K Buchanan:** I thank the Minister for his answer. Coalisland seems to have a lack of redcoats and to be the only town that I am aware of in my constituency and certainly across other areas in my colleagues' constituencies where the term "redcoat" does not exist.

Can the Minister confirm to me whether there is a fear of redcoats in that town for whatever reason?

**Mr Hazzard:** I am glad that the Member has done a survey of all the towns in his district to detect the number of redcoats and when they are operating. There are a number of reasons why this may be the situation. The Department's parking enforcement contractor deploys traffic attendants to any town or city that has parking restrictions. To maximise effectiveness and efficiency under the enforcement contract, traffic attendants are deployed to those places where they will have the most impact on road safety and/or traffic progression.

Coalisland has relatively few parking restrictions compared with other towns. My Department's parking enforcement unit carried out a short trial of enforcement in Coalisland on three occasions in 2016. That resulted in two warning notices being issued over the three visits.

## Traffic Congestion: Carryduff

12. **Mr Stalford** asked the Minister for Infrastructure to outline any departmental plans to alleviate traffic congestion in Carryduff. (AQO 914/16-21)

**Mr Hazzard:** I can advise that my Department aims to minimise congestion on the highway network as far as is practicable. The A24 Saintfield Road corridor that extends into Carryduff carries some 30,000 vehicles a day, and some level of congestion during peak travel times is inevitable. Carryduff itself is restricted by the existence and operation of three major junctions in relatively close proximity: the A24 Ballynahinch Road/Church Road/Hillsborough Road staggered signalised junction; the A7 Saintfield Road/Church Road/Comber Road staggered signalised junction; and the Carryduff roundabout.

In general, the operation of the traffic signals on the Saintfield Road corridor, and indeed all arterial routes into Belfast, are monitored by staff at the Transport NI traffic information and control centre using its CCTV network. This allows for optimum control strategies and signal timings to be used along the route to ensure minimum delay to all road users. If you have a specific junction or location in mind, my departmental officials would be more than happy to look it.

**Mr Stalford:** Are there any plans to expand the park-and-ride schemes in the area around Carryduff? Folks living in the centre of the town find it very frustrating that, on weekdays, congestion, especially from the direction of the Minister's constituency into Belfast, causes problems for people living in the town.

**Mr Hazzard:** I am delighted that people are seeking enhanced park-and-ride services. The Cairnshill park-and-ride facility, which is probably the most relevant one, has been a huge success. It takes hundreds of vehicles off the Saintfield Road every day, perhaps saving us close to 2 kilometres of congestion every single day.

I have seen plans for a second wave of park-and-ride facilities right across the North. Those will start to roll out in future months. They include Clough and Downpatrick in my constituency, which will alleviate some of the traffic you mentioned coming in.

The message for people in Carryduff is that they are on the main bus routes, and my greenway plan, which I outlined

recently, and the Belfast bicycle network plan, which will be rolled out very shortly, includes a greenway from Carryduff to the city centre, which will allow people to cycle in and get off the road. The message to people in Carryduff is to make a decision to get off the road and get onto public transport. A couple of fairly large housing developments will be coming into the Carryduff area. As I said in my original answer, if you have a specific junction in mind, my officials will be more than happy to liaise with you.

**Mr Lyttle:** Will the Minister update the House on the Belfast cycle network plan and tell us whether it will help to ease congestion in the area?

**Mr Hazzard:** I hope that it will. As Belfast continues to grow into areas such as Carryduff and the Four Winds, you see the demand, so it is a prime contender to do that. I travel that road regularly and see the number of people using the buses, cycling and walking. As I said in my original answer, my greenway plan and vision for the future and the Belfast cycle network plan will include increased facilities to meet the demand for cycling in that part of the world. I hope that the Member will not have to wait much longer to set eyes on the plan.

**Mr Speaker:** That concludes the period for listed questions. We now move to 15 minutes of topical questions.

2.30 pm

### Executive Flagship Projects

T1. **Mr McGlone** asked the Minister for Infrastructure to assure the House and, more importantly, the people dependent on the Executive's flagships projects, not least in the construction industry, that there is a commitment and a definite surety that those key projects, including the A5, the A6, Belfast rapid transit and the Belfast transport hub, will proceed in the event of the institutions having collapsed. (AQT 656/16-21)

**Mr Hazzard:** Absolutely, and I am glad that the Member has taken the time to raise the issue. As he outlined, flagship projects are Executive priorities. I have had discussions with my colleague the Minister of Finance and with the Finance Department and it is very clear that the funding remains in place. These are priorities, and I, as Minister, have left clear instructions about my ministerial priorities on a number of issues, including flagship Executive priority projects, such as the A5, the A6, the Belfast transport hub and, of course, Belfast rapid transit, which is due to come live next year.

**Mr McGlone:** I understand that those will be your priorities until such times as you are no longer Minister, but can you give an assurance that they will stick in place, post your time there? Will the commitment of £75 million from the Irish Government to phase 1 of the A5 remain secure? What discussions have you had with the Irish Government on that?

**Mr Hazzard:** The first point to make is that the £75 million is not enough, and I have had discussions with the Southern Government on the issue. I have met Shane Ross, and we have discussed the need to go back to the £400 million figure originally mentioned; that is the figure that we need to see on the table to move forward a lot of this. However, the Member should rest assured that

flagship Executive priority projects will move forward in the years ahead.

### Road Repairs

T2. **Mr McKee** asked the Minister for Infrastructure what progress has been made on the 1,000 resurfacing and repair jobs within Northern Ireland that he prioritised early in his time as Minister and to state whether the jobs are on target or have been completed. (AQT 657/16-21)

**Mr Hazzard:** We are well on target. I believe that nearly two thirds of the road repairs have been completed. We would probably have done a lot more, but, in some areas, NI Water and some utility contractors were due to lay mains. Instead of doing the resurfacing and then having it dug up, we decided to hold back in a number of places so that the utility work can take place and afterwards we will do the resurfacing. It has been a huge success. Everywhere you go and talk to people in rural communities, the state of rural roads has certainly been a big issue. It was a big issue in the last election, and in the coming election people will obviously raise the issue of the state of the roads. However, I would like to think that, this year, the angst on the doorsteps might not be just as high as it was last time.

**Mr McKee:** Thank you, Minister, for your answer thus far. We have hardly had a chance to get holes in the roads since the last election. The reason I ask the question is that I wrote to you in your first week in office about two roads — Carrigenagh Road and Mill Road in Kilkeel — that were in a very bad state of repair. Are they on target? Have they yet to be done?

**Mr Hazzard:** I do not recall the answer that I provided to you at that time, but I make a commitment to look at that and to come back to you on the situation as regards those two roads.

### Residents' Parking: South Belfast

T3. **Mr Stalford** asked the Minister for Infrastructure, in the light of the speed with which we are moving towards the collapse of devolution, to give South Belfast constituents an assurance that, if the recently announced residents' parking pilot scheme, which will be welcomed by those constituents who have had their lives made miserable in the Holylands area, is successful, it will be expanded whether a Minister remains in place or not. (AQT 658/16-21)

**Mr Hazzard:** We have to take cognisance of the fact that people are asking this type of question. It is not just me, the political head of my Department; officials are also keen for such schemes to go ahead. As we progress a number of the schemes, I have confidence that they will roll out.

There is no doubt that, even since these stories hit the headlines, there is a big demand for residents' parking schemes across the board. That is something that we are going to have to deal with in the months ahead. Certainly, I hope that I am in a position to be able to do that, but, as I said, if the Member's party had taken different actions ahead of Christmas, I could have provided a bit more clarity than I am able to provide today. The message is clear to those constituents that this is a priority for my Department. The value and justification for residents'

parking schemes are not things that rest with just the head of the Department but with my officials also.

**Mr Stalford:** I admire the Minister for Infrastructure's chutzpah. If you slam a Mercedes into a wall, do not blame the passengers for the state that it is in. It is important that people have confidence that these schemes are going to be expanded. In that vein, can the Minister tell us when the report will be brought back to the Department on the success, or otherwise, of the pilot scheme?

**Mr Hazzard:** I think I am due to receive that report in and around the summer. That is the situation. Let us make no bones about it; this situation would be a hell of a lot different if the Member's party had taken a different course of action prior to and after Christmas. This is no chutzpah.

### DFI Equality Unit: PFG Email

T4. **Mr Beggs** asked the Minister for Infrastructure whether he approved the action referred to in an email from his Department's infrastructural equality unit on 6 January, which advised that it had screened out, on section 75 grounds, some aspects of the Programme for Government, particularly government indicators 23 and 25. (AQT 659/16-21)

**Mr Hazzard:** I am not aware of the email that you are referring to. If you want to correspond with me on this over the next few days, I will be more than happy for you to do so.

**Mr Beggs:** Under the Programme for Government indicators 23 and 25, and what we propose to do, is listed an upgrade of the Bunrana Road, Narrow Water Bridge and Newry southern relief road, and rail extensions to Dungannon and Castledawson. Why is there no mention of, say, the Larne line or extensions to our airports or the Crumlin line? Do you think this would stand up to a full equality impact assessment?

**Mr Hazzard:** In short, yes.

### Maine Road/Lisnevenagh Road Junction

T5. **Mr Allister** asked the Minister for Infrastructure, in the light of his earlier answer, when he said that the idea that the safety improvement schemes at the Maine Road/Lisnevenagh Road junction had been abandoned was untrue, why then, in reply to *AQW 8474/16-21 just four weeks ago on 20 December, did he say that the proposed restriction at Maine Road "has been dropped"*. (AQT 660/16-21)

**Mr Hazzard:** The Member will want to look at Hansard to clarify that. I did not say that it was untrue; I said that I was not aware of it. The Member has had correspondence from my Department — from me — that this has been the case. I also went on to say that there are a number of on-site, low-cost remedial actions that will improve the safety of that. It is not a case of misleading the Member, as he wishes to allude to.

**Mr Allister:** In terms of things that the Minister seems to have forgotten about, will he give us an update on the long-awaited park-and-ride scheme at Cullybackey, particularly now when he tells us that there is going to be an hourly service through Cullybackey to Londonderry?

**Mr Hazzard:** I am more than happy. We have a number of park-and-ride facilities across the North that are looking for enhancements. I have met some of my colleagues

from across the way about Cullybackey and some of the upgrades to the train line and the situation we are in. I am very pleased to say that we will see serious enhancements to the park-and-ride in Cullybackey. Those will happen in the months ahead.

### York Street Interchange: Update

T6. **Mr Logan** asked the Minister for Infrastructure for an update on the York Street interchange. (AQT 661/16-21)

**Mr Hazzard:** The York Street interchange certainly remains one of my departmental road priorities. I recently published my decision to accept the independent inspector's report. My Department will now begin to engage with the community around a number of the issues that were identified in that report.

**Mr Logan:** I thank the Minister for the answer. I am sure the Minister will appreciate that it is important for not only those residents but those who commute up and down to Belfast, and for tourism. Will the Minister outline a time schedule for work progressing on that?

**Mr Hazzard:** There are a number of issues that probably make it difficult to outline a very accurate timescale for moving forward with the York Street interchange, not least the fact that the funding difficulties that we faced have, I suggest, been exacerbated by the Prime Minister's statement today on Brexit. It is very clear that we, out of any of the states, are heading for a very hard Brexit.

**Some Members:** Hear, hear.

**Mr Hazzard:** Members can say "Hear, hear" till the cows come home, but when farmers lose out on various grants for various things, the cows will be coming home to an empty shed. At the end of the day, we were able to facilitate —

**Mr Allister:** With boilers in it.

**Mr Hazzard:** Aye, it will probably be a warm enough shed, right enough.

At the end of the day, Europe has been good to the people of the North regarding infrastructure projects, and the interchange is one such project that has suffered at the hands of the Brexiteers who cheer on the other side of the House. That is the situation that we find ourselves in today.

**Mr Speaker:** Mr Edwin Poots is not in his place.

### Concessionary Fares Scheme

T8. **Mr Carroll** asked the Minister for Infrastructure whether he has considered, under the concessionary fares scheme, introducing free transport for people who are partially sighted and their aides. (AQT 663/16-21)

**Mr Hazzard:** I have had various conversations with Translink officials over the past number of months and up to this point about our fare structures and what we can do to enhance passenger numbers. Translink has taken a number of exciting and innovative decisions in the run-up to Christmas to attract people on to public transport. That has been hugely successful. The number of people using our Metro services has gone through the roof, and the number of people who, most importantly, use the Ulsterbus rural service has gone up as well. There is an onus on Translink now — I am certainly more than happy to work with it over the next number of weeks — to develop a



system that gets as many people on to our public transport as possible. Fares will be very much part of that.

**Mr Carroll:** I thank the Minister for his response. I make the point that the cost of introducing such a measure is not very high and that the scheme exists in parts of England and Scotland. I do not know what the state of play will be in the next few months or whether the outgoing Minister will be a Minister in a future Executive, but if he is, I ask him to consider seriously introducing the scheme.

**Mr Hazzard:** I am more than happy to look at schemes that get numbers on to our buses. If we extend such a project, it will cost a lot more money. Those are the sorts of implications that roll out of either Tory austerity or, as I said, the effects of a hard-line Brexit — I am aware that the Member and his party campaigned for Brexit — and budgets are being hit. There are therefore consequences to some of these decisions. My focus and that of my Department is on getting more people on to public transport and making our public transport system more sustainable. As I said, I am more than happy to look at any way of doing that.

### School Bus Fares

T9. **Mr Lyttle** asked the Minister for Infrastructure to confirm that the Education Authority would require permission from the Department for Infrastructure's Driver and Vehicle Agency to change the operating licence of yellow school buses in order to introduce bus fares for pupils and to state whether he would oppose the introduction of such unfair charges. (AQT 664/16-21)

**Mr Hazzard:** That may well be the situation, but I will have to clarify the issue of responsibility with officials. I think that there is an avenue for looking at school transport, and we as a party have looked at it. We spend far too much money on school transport — there are no two ways about it. We know that that is the case for a number of reasons, and we have to look at it. I sympathise with the Minister of Education and the Education Authority, which have to deal with being in that position with their budgets. There is no doubt that there is a way out of this. I have talked to Translink officials in recent weeks about delivering transport services such as home-to-school transport in a more efficient manner, and there are ways in which to do that.

**Mr Speaker:** A quick supplementary, Mr Lyttle.

**Mr Lyttle:** Perhaps the Minister will clarify whether or not he supports free school travel for our pupils.

**Mr Hazzard:** I absolutely support the idea that, where it is practical and sensible, we need to transport our kids in a safe situation. What I do not agree with is some of the education policies set down on school transport that mean that some people cannot get a bus two or three miles down the road but others can be bused halfway across the world to go to a particular set of schools. At times, I got six buses a day to go to school, and I do not think that that is right. When it comes to school transport, we need to find a more sustainable way of going forward.

But again, without straying into Education matters, we need to find a more sustainable way to finance schools, never mind school transport.

2.45 pm

**Mr Speaker:** That concludes questions to the Minister for Infrastructure.

## Justice

**Mr Speaker:** I have to inform the House that questions 3 and 6 have been withdrawn.

### HMP Maghaberry: Safety

1. **Mr Douglas** asked the Minister of Justice for an update on the safety of prisoners and staff at HMP Maghaberry. (AQO 918/16-21)

**Ms Sugden (The Minister of Justice):** The Prison Service continues to maintain a clear focus on the safety of staff and takes the duty of care for all the individuals it holds in custody extremely seriously. Following a recent recruitment campaign, 37 custody prison officers commenced employment at Maghaberry prison in November 2016. They have been deployed to front-line services and are supported by the senior management team, residential managers and experienced residential staff. The rotation of staff working in the more stressful areas is ongoing, and that ensures that staff are rotated from these areas regularly. An individual professional development peer mentoring programme has been in place from 27 June 2016.

The new core day which has been introduced delivers a consistent, predictable and effective regime for prisoners and staff. The number of lockdowns has reduced, and those that occur are more regulated and predictable. This lessens the tensions that can occur when prisoners are informed of a last-minute change to their regime. The Northern Ireland Prison Service continues to work reactively with its partner agencies to prevent illicit substances and contraband entering the establishment and to reduce the risk posed to staff and prisoners in relation to the misuse of prescription reduction.

Other measures that have been put in place for the safety of staff and prisoners include the visible patrolling of all integrated prisoner recreation areas by staff and the deployment of body-worn cameras throughout the prison. Body-worn cameras have been seen to reduce the amount and level of verbal abuse and challenges from prisoners. The captured footage may be used in the internal prison disciplinary process, and, in some instances, it has been used to support complaints made to the PSNI. The safety of staff, prisoners and visitors remains under constant review.

**Mr Douglas:** I thank the Minister for her answer. I am sure that she is aware of the high percentage of prisoners — I think it is something like 75% — who have mental health problems and the stress on prison officers. What is the Department of Health doing to review mental health in Maghaberry prison?

**Ms Sugden:** Mental health issues in prisons did not begin or end with my tenure as Justice Minister, although I started the conversation on how we effectively address mental health issues in prisons. Had I been in post longer it is something that I would have been keen to see out in the next five years, but here lies the problem. I will remain as Minister until the election, and I am quite keen to ensure that we maintain that contact with the Department



of Health because this does not just fall within my remit. Mental health in prisons is a very significant issue, and the recent deaths in custody have shown us how significant it is. It is something that I had committed to taking forward, but I will ensure that my Department continues that work. I hope that, if anyone succeeds me, they can look at that again because it is of utmost importance.

**Mr Beattie:** I thank the Minister for her answers so far. I know that she is justly concerned about the safety of prisoners and prison officers. Of the 77 prison officers who have been assaulted in the last 12 months — that is more than one a week — how many have had to take a protracted period off work or have not returned to full duty?

**Ms Sugden:** I thank the Member for his question and for his interest in this area. I am deeply concerned about the number of prison officers who have been assaulted in prisons in the last year. I do not have specific figures to hand on those who have taken time off, but there is significant sickness absence. The assaults on prison officers that have happened would suggest why we have such a high level of sickness absence.

I have asked my officials to look at rolling out body-worn cameras across the Prison Service and not just in the areas that are deemed to be most at risk. It has been demonstrated that, where they are used, there is a reluctance to carry out those types of attacks on prison officers. It is something that I am keen to keep under review, and I am mindful of it. We also need to look at how we treat the Prison Service within the Northern Ireland Civil Service when it comes to disciplinary procedures. That is also something that I am quite concerned about.

I have a limited number of weeks left, Mr Beattie, but I will do what I can in the meantime. Be assured that it has always been my commitment to look after our prison officers just as much as prisoners, because that is where it begins.

**Ms Mallon:** Given the Minister's commitment to involve people from the community on the panel looking at suicide and self-harm in prisons, can she advise which persons and organisations she has appointed?

**Ms Sugden:** Not at this stage. I do not have that detail to hand. The review that the Health Minister and I announced shortly before Christmas, on how we can best tackle mental health in prisons, is ongoing. The Member is entirely right that I have made that commitment to the House time and again.

We have to involve the community because it is not just about what happens when prisoners are in custody and in my care; it is about what happens before they come into and after they leave custody. Otherwise, there could be an endless cycle. We need to break that cycle, which does not begin and end with the support that we put in place whilst they are in custody. That support has to be followed through once they are released into the community. The Probation Board is under the new leadership of Cheryl Lamont, and she has expressed similar ideas. Probation has a practical purpose in ensuring that people will not reoffend and find themselves back in custody. That work, to which I have been committed, is ongoing, and I hope that, as I move out of office, that commitment has been instilled in my Department.

**Mr Lyttle:** Will the Justice Minister provide an update on the work of her Department to progress a bespoke health and well-being policy and provisions for prison officers, particularly at HMP Maghaberry, given the security risk to which they can be exposed when receiving treatment on the health service?

**Ms Sugden:** Yes indeed. One of the good news stories for prisons was my decision to extend the Police Rehabilitation and Retraining Trust (PRRT) to prison officers. That initiative is fantastic, and, if any Members ever get the opportunity to visit the PRRT to see the work that it does, I encourage them to do so. From a physical and mental perspective, its support is invaluable. The police have certainly got great value from it.

The Member has demonstrated to me a lot of commitment to looking after the needs of prison officers. There is a continued threat against prison officers, I regret to say, and the job is not easy. When all other public services have failed, people end up in custody, and it is prison officers on the front line who deal with that, so there needs to be that support.

My Department is finalising details on the extension to the PRRT. I am committed to doing this and hope to have an announcement before leaving office in the coming weeks.

## Drug Addicts: Custody Suites

2. **Ms Bradshaw** asked the Minister of Justice to outline what discussions she has had with the PSNI regarding the policies and procedures in place in custody suites to ensure the health needs of drug addicts are met, specifically in relation to overdosing and under-dosing. (AQO 919/16-21)

**Ms Sugden:** I have regular discussions with the Chief Constable on a range of strategic issues. However, the issue raised here — policies and procedures in custody suites — is an operational matter and has not, therefore, been discussed with the Chief Constable. The Member may wish to contact the PSNI directly.

A programme of rationalisation and upgrading of custody provision is under way across Northern Ireland, the goal being fewer, better-equipped suites with embedded support services, including healthcare. However, I have received a number of representations in relation to suite closures and processing delays, and I have undertaken to raise these matters with the Chief Constable. Future healthcare provision in custody will be informed by the findings of the custody health needs assessment that was undertaken recently by the PSNI in collaboration with the Public Health Agency.

**Ms Bradshaw:** Thank you, Minister, for your response. I was concerned when you mentioned processing delays, given that an awful lot of people who come into custody suites are suffering from mental health problems. Is there any instruction that you can give to the PSNI on how better to deal with mental health issues while people are being processed?

**Ms Sugden:** The Member raises a valid point. It emerged from my conversations with the Chief Constable that there is a need to understand the role of the Police Service in Northern Ireland better and to look at it in the context of 2017.

I understand the issues that the police face daily, and mental health is one. I do not think that any MLA would be

surprised to learn that, at the weekend, police often spend a lot of time in A&Es, sitting with people who have mental health issues. That takes up two or three hours and ties up resources that they could be devoting elsewhere.

There needs to be a realistic conversation about the role of the Police Service of Northern Ireland in the wider context of public services, including social services and healthcare services. Again, not to sound too despondent, this was all work in progress. I hope that this work can continue under whoever may take the mantle, if it is not me.

### Drug Misuse: South Belfast

4. **Ms Hanna** asked the Minister of Justice what she is doing to address drug misuse in South Belfast. (AQO 921/16-21)

**Ms Sugden:** I acknowledge that the misuse of drugs can, and does, impact on individuals and the wider community, not least in the Member's constituency as reflected in recent media reports. Yesterday's debate on alcohol-related crime also highlighted the challenges that substance misuse creates in society and the work that my Department and partners are carrying out to reduce the harm caused. Operations to tackle drug misuse are led by the PSNI through the delivery of the policing plan. The PSNI regularly runs high profile operations targeted at street-level drug dealing. Dealing effectively with drug-related offences remains a policing priority for the PSNI in South Belfast.

At strategic level, responding to the range of potential harms caused by substance misuse is a key focus of the Executive's New Strategic Direction for Alcohol and Drugs. It is Northern Ireland's framework for reducing substance-related harm. Whilst the Department of Health leads on delivery, my Department has been and will remain a key contributor to that work. In addition, a task force meets to share information and intelligence on drug activity across Northern Ireland. At constituency level, the local policing and community safety partnership works to raise awareness of the associated impacts of such misuse, including through wider initiatives such as the Drug Dealers Don't Care — Do You? campaign that was supported by Crimestoppers. PCSPs work very closely with the Public Health Agency to address drug misuse on an ongoing basis and will continue to concentrate their efforts on tackling the issues identified in the local community.

**Ms Hanna:** I thank the Minister for her answer. Some Members might be aware of a persistent supply of drugs problem in the Lagan Meadows area in Stranmillis, which it is understood might have been displaced from another park. This is a well-used beauty spot, but drug-related paraphernalia and the appearance of crime are putting people off. Young people have been gathering there for a different purpose in recent months, and this presents a real danger to them. Are you satisfied with the conviction rate of those involved with the supply of drugs?

**Ms Sugden:** I do not think that we can ever be satisfied with the conviction rate of those who supply drugs. Throughout society, drug dealing and drug taking is a can of worms that it would be very difficult to put the lid on. That is not to say that we should not be doing anything about it. Indeed, I have every confidence that the PSNI is tackling it to the best of its abilities. Again, while I am loath to say it at this stage, this requires a cross-departmental

approach. This is not just an issue for Justice. It is an issue for Health, it is an issue for Education, it is an issue that permeates all sections of our society.

I remember, when times were better, having conversations with the First Minister and the deputy First Minister about how, if we, as an Executive, were to tackle one issue, we need to tackle drug dealing on our streets because it creates bigger problems in society that are affecting us. I think even of the work that we were doing around tackling paramilitarism and criminality. Drugs are a big problem there. What really frustrates me is the path that they are leading our young people down. If young people are choosing to take that path, it obviously means that they feel that other paths are not available to them. Other Departments need to play a role in giving them the future that they deserve.

**Mr Allen:** I place on record my praise for the PSNI for its sterling efforts to remove drugs and those who are dealing them from our streets. What engagements has the Minister had with the PSNI to ensure that all available resources are in the police's hands to continue to remove drugs and bring these criminals before our courts?

**Ms Sugden:** I reiterate Mr Allen's comments about the PSNI. Having had the experience of being Justice Minister for the past eight months, I want to pay tribute to the PSNI because it works very extensively on the front line to keep our communities safe. I do all that I can to ensure that the police have a sufficient budget, but I do so in the context of my departmental budget. The police receive a significant amount of my departmental budget, which constrains other parts of the justice system.

As I mentioned, a holistic look needs to be taken at the justice system. That begins with the PSNI making the arrests and finding the evidence but also goes right through to the courts system. I think that we need to be realistic about that. Operationally, the police deal with their own budget, and I have regular conversations with the Chief Constable to facilitate how I can help in that. It is not just about giving the police money. It is about ensuring that the police are freed up in other ways so that they can do the job. Perhaps those resources could go to those areas. It has to be a holistic approach if we are realistic about tackling the justice system, which the police are a huge part of.

### 3.00 pm

**Mr Stalford:** Before I ask my question, I thank the Justice Minister for the job that she has done over the last eight months. It has been quite a lonely place down there on your own without a party behind you, and you have acquitted yourself very well in the job. You will probably not want that to appear on a leaflet somewhere. It would probably cost you votes, but anyway.

Will the Minister agree with me that it is important that society sends out a message that drug dealing will not be tolerated and that, if we are exercising these powers again after the election, we should look at the introduction of minimum sentencing for those who are selling drugs, especially to teenagers?

**Ms Sugden:** I thank the Member for his comments. If that is an invitation to join your party, no, I will be standing as an independent in the next Assembly election. I think that standing for any party would do me no good at this stage, but anyway.

Yes, as part of my sentencing review, we will certainly look at all the different areas in and around drugs. There has to be a zero-tolerance approach towards people who are selling drugs, because, as anyone who followed my campaign around tackling paramilitarism will have seen, it really does begin at a level where some people perhaps do not realise. Even buying counterfeit goods is creating a chain of events that could lead to drug dealing on our streets, and your children could be buying those drugs. That message needs to get home. It is not just about the Government trying to ensure their taxes so that they keep these institutions up. We need to have a real conversation about everybody's role in terms of drug dealing in Northern Ireland, but it definitely has to be a priority. When we move aside the political problems that this country has, we should be talking about the issues that really could change lives. For me, drugs is a really important issue. Further to any sort of election, I encourage all Members to put that at the forefront of their mind, because the scourge of that on our streets is really quite damaging.

**Ms Bailey:** Does the Minister have any evidence of a spike, or certainly an increase, in drug-related crimes, particularly in the south Belfast area over the past lot of years?

**Ms Sugden:** I have none at hand, but I can certainly do that work for the Member. Drugs and alcohol, as was alluded to in the debate yesterday, are a big indicator of why people commit crime. Drugs in itself even fuels the drug taking. It is a vicious cycle. As I said, it is a big problem in society that permeates through all different areas, and we need to focus on it.

## Bail Conditions

5. **Mr Clarke** asked the Minister of Justice to outline any plans she has to review how bail conditions are monitored. (AQO 922/16-21)

**Ms Sugden:** I would like to begin by expressing my heartfelt sympathy to the family of David Black. No one should have to endure what they have endured. Indeed, I had a conversation with the family over the past week about events that have been reported in the media.

The monitoring of bail conditions is a matter for the police, and, while the PSNI falls under the remit of my Department, it has complete operational autonomy. Consequently, it would be inappropriate for me to interfere with that, and, therefore, I cannot involve myself in individual cases or operational cases. I understand that the PSNI has issued an unequivocal apology to the Black family and has commissioned a review of its processes. I agree with its view that all sections of the criminal justice system should take the opportunity to reflect on this, because there is a failure there.

My Department is currently reviewing bail in line with the recommendation in the Fresh Start panel report on disbanding paramilitary groups. The review is focusing on bail decisions in those more serious cases assessed as being linked to organised crime or terrorist activity. An initial phase will bring together law enforcement agencies, the Public Prosecution Service, officials from the Office of the Lord Chief Justice and my Department to establish and consider the facts around bail decisions. A workshop is scheduled next month and the initial phase of the review is expected to be concluded by March. Should the

findings from this initial phase highlight any issues, such as procedural or systemic matters, a second phase will be initiated to consider whether further measures are needed.

**Mr Clarke:** I thank the Minister for her answer, but I think that the police's response is too little too late for the Black family.

Another opportunity was missed when the same individual was allowed to participate in a dissident rally last Easter. I do not believe that an apology is sufficient for the Black family. I believe that, if bail had been reviewed, there was an opportunity to put this man back in custody where he belonged until he had served the time that he properly deserves. Will the Minister give an assurance, given the catalogue of errors by the police, that she will look again at what can be done? It is a highly embarrassing and reprehensible act that this man may have been involved in, and apologising to the family of Mr Black is not enough. I ask the Minister to review her decision.

**Ms Sugden:** The operational decision does not rest with me; ultimately, bail decisions rest with the courts and the PSNI. That said, I am appalled by what has happened. I am not scared to say that, even though I am stepping outside my jurisdiction in the matter. I made my feelings clear to the Chief Constable when this was allowed to happen. I can assure the Member that I have a focus on the issue to ensure that it will not happen again. The bail review has been ongoing in my Department since October. In light of this — I say that reluctantly, because it should not be in light of this; it should not have happened — I have asked my officials to expedite the review in any way that they can to give some comfort to the Black family. The Black family have gone through enough, and this will continue to raise those issues with them. It is devastating, and we need to do all that we can in the public services to ensure that victims are genuinely put first.

**Mr Beggs:** The Minister mentioned that the issue had been dealt with by her Department since October and that the initial phase for consultation would be the next few weeks. Following the May 2016 'Fresh Start panel report on the disbandment of paramilitary groups in Northern Ireland', there was to be a review of bail conditions for those charged with serious offences in Northern Ireland. There is a very clear perception or belief that it is easier to achieve bail in Northern Ireland when one is charged with a serious offence. Why has it taken so long to come to a conclusion or even to have an initial phase? In the interim period, this event has happened.

**Ms Sugden:** I reiterate what I said in my answer to Mr Clarke: the bail review, as part of the three-person panel report, has been under way since October, a mere few months after that action plan was published. I am not sure what point the Member is trying to get at. My Department is committed to bringing this forward. Let us expedite it, because it has been demonstrated that we need to do that. For the record, of all the actions in the three-person panel report, those that have been fulfilled came from my Department. From my perspective, there is no lack of commitment to work towards that end.

**Mr Allister:** Does the Minister agree that it is a shocking indictment of our criminal justice system when someone charged with aiding and abetting one of the most horrendous murders of recent years is treated with kid gloves by the system, whereby the courts, through serial

relaxations of his bail, removed the tagging restraint, reduced the number of days that he had to sign and allowed him out to attend hotel spa weekends? Then — surprise, surprise — he skips bail and the police do not discover it for over a month. Could there be a more shocking indictment? Have any real lessons been learned both by the judiciary, who are not above reproof in the matter, and by the police?

**Ms Sugden:** Again, I am appalled by the case. If lessons have not been learned, they certainly should have been. That is all I can say other than to reiterate what I have already said.

**Mr Lyttle:** It is clear that the hurt and distress to which the Black family have been exposed as a result of this failing is completely unacceptable. Will the Minister reiterate the timescale for the PSNI review of the bail checks system to ensure that it is adequately robust to avoid any reoccurrence of this nature?

**Ms Sugden:** We hope to have my review concluded by March. As I said, I hope to expedite that as soon as possible. I am not definitive about the PSNI's timescales on this, but I know that it is something that it has been reviewing since this mistake.

## Legal Aid

7. **Mr Dunne** asked the Minister of Justice for an update on the reform of legal aid. (AQO 924/16-21)

**Ms Sugden:** A significant number of reforms to legal aid have already been delivered, including revised remuneration arrangements in criminal courts, with reduced fees, and reductions in the number of cases where it is appropriate to certify two counsel in the Crown Court. Measures have also been put in place to ensure that the appropriate level of representation is granted in civil courts. The reforms have helped to bring the cost of legal aid under control from a high of £106 million in 2014-15 to a projected spend of under £85 million in the current financial year.

I am finalising proposals to introduce a standardised fee structure for legal representation in family cases and for expert witnesses in criminal and civil cases. I am developing proposals for the reform of remuneration for the Court of Appeal. I am also making adjustments to the type of cases that can be funded through legal aid. Administration costs are being addressed through a transformation programme in the Legal Services Agency that includes a digitalisation programme. I am considering the recommendations in the access to justice part 2 report and will bring forward an updated strategy for legal aid. I will consider relevant recommendations from the Gillen review to ensure that we take a strategic approach to reform. Those measures will help to deliver a legal aid system that is fit for purpose in the 21st century and protects access to justice for the most vulnerable.

**Mr Dunne:** I thank the Minister for her answers. Does she recognise the need for the Department of Justice and legal services to implement and drive change? A recent Public Accounts Committee report came to this conclusion:

*“What we have found in this inquiry is that these reforms have not been implemented effectively and the costs of legal aid have continued to climb. We are*

*seeing average annual costs of £102 million per year since 2011 — this is simply unacceptable.”*

Do you recognise that there has been failure, that there is a real fear in the Department of Justice to drive change and that management is weak and ineffective?

**Ms Sugden:** No, I do not see a failure. That PAC report focused on the figure of £106 million, and I recognise, as a number of Members have, that that is not insignificant. However, a figure that we also need to focus on is the projected spend for this year, which is £85 million. That is a £21 million reduction. That is not insignificant. If that is not driving change through my Department, I am not sure what is.

I do not dispute that further reform is needed. That is something that my officials are working on. However, to be fair, we need to give the reforms a chance. Perhaps some people will say, “Well, that’s easy for you to say when it’s as significant a figure as it is”. We have to understand the purpose of legal aid: it is about providing access to justice for the most vulnerable in our society. Should we not do that any more? The figures are so significant because it is demand-led. The only realistic way of reducing legal aid is to stop that demand. Do Members want to tell the most vulnerable in society that they cannot have legal aid?

**Mr Dunne:** It needs to be controlled.

**Ms Sugden:** Perhaps it does need to be controlled, Mr Dunne, but you tell me how we can do that without cutting off access to justice for the most vulnerable in our society.

## Court Estate: Costs

8. **Mr Ford** asked the Minister of Justice to outline any discussions she has had with the Chief Constable and acting Director General of the Prison Service regarding additional costs falling to their organisations as a result of her decision to not proceed with the rationalisation of the court estate. (AQO 925/16-21)

**Ms Sugden:** While the anticipated saving will not be realised as a result of my decision not to close courthouses across Northern Ireland at this stage, there are no additional costs for the Police Service of Northern Ireland or the Northern Ireland Prison Service. As I explained to the Assembly on 26 October, I reached my decision in the context of a changing justice environment as a result of the Executive's Programme for Government; the publication of the review of civil and family justice, published by Lord Justice Gillen; my focus on problem-solving justice; and the developing digital justice environment. In addition, I was conscious of the widespread concern in local communities about the adverse impacts that the closures would have on access to justice, many of which have been clearly articulated by Members across the House.

As I have previously explained, I want to allow time for proposals for alternative uses of court buildings to be developed in the context of the Courts 2020 review and for full public consultation to be undertaken. In addressing the Assembly on 26 October, I recognised the financial pressures facing the justice system. My Department will continue to work with the Chief Constable, the acting director general of the Northern Ireland Prison Service and the chief executive of the Northern Ireland Courts and Tribunals Service to address the pressures within the financial constraints with which we all must operate.



**3.15 pm**

**Mr Ford:** If the Minister tells us that no costs are incurred by her decision, perhaps she could tell us what savings have been forgone.

**Ms Sugden:** I responded to the Member's question for written answer, so he should have those details within the next couple of days.

**Mr Ford:** No.

**Ms Sugden:** Yes, I did.

Let me reiterate: I think that not closing these courthouses provides us with an opportunity to look at the wider justice system. I cannot say at the outset of Question Time that I am not willing to transform justice and then close courts for the sake of cutting the bottom line. The courthouses are not closing for now, but if I have a successor, they can make the decision to do that. I just hope they remind the electorate when they do.

**Mr Speaker:** That concludes the time for listed questions. We now move to a period of 15 minutes for topical questions.

**RHI Scheme: Public Inquiry**

T1. **Mr McPhillips** asked the Minister of Justice, in considering the colossal public interest in the renewable heat incentive (RHI) scheme, to outline why she will not initiate an urgent public inquiry into this scheme, which has already squandered millions of pounds of taxpayers' money. (AQT 666/16-21)

**Ms Sugden:** Sure. As I have reiterated time and time again, although the message seems to have got lost for some people, it is not possible for me, as Justice Minister, to instigate a public inquiry. I will explain why.

The RHI scheme does not fall within my remit. If there are inferences of corruption or fraud, again, under the Inquiries Act 2005, it is not possible to conduct a public inquiry for criminal and civil matters. If I were to instigate a public inquiry I would have to do it in consultation with the Executive Committee, which no longer exists. Therefore, it is not possible for me, as the Minister of Justice, without overlooking the Northern Ireland Act 1998 — essentially, the Good Friday Agreement — and the subsequent St Andrews Agreement, to undertake this.

**Mr McPhillips:** I have the Inquiries Act 2005 in front of me, and it actually says you can call an inquiry. Perhaps it has not been amended yet.

However, the Minister will be aware that we are now facing into an election and we will not resolve the RHI scandal; indeed, RHI payments will continue into the millions for months to come. Will the Minister, in the best interests of the people of Northern Ireland, free herself from the DUP/Sinn Féin puppet strings and finally do what is right and commit to instigating a public inquiry before 2 March?

**Ms Sugden:** Maybe the Member has not had the advantage of being Justice Minister for the past eight months, but I know that you cannot read a piece of legislation in isolation. Are you honestly asking me to overlook the Northern Ireland Act, which came out of the Good Friday Agreement, just to satisfy words you read on a piece of paper? It is not possible, Mr McPhillips, and I think that what you are suggesting to me is actually quite

party political. I am an independent, and I will remain an independent. I am not instigating a public inquiry because I do not want to; I legally cannot do so. That is the legal advice that has been given to me on that.

Yes, there needs to be transparency in the renewable heat incentive scheme, but let me remind the House that there is a very expensive mechanism for holding the Northern Ireland Executive to account. It is called the Assembly, and the Public Accounts Committee is one of the mechanisms in that. But do you know what? I will fully support a public inquiry if that is what the people need for transparency in this issue. I think at this time you should stop party politicking, get on with trying to satisfy the constituents that put you in a job and see what happens after the election.

**Staff:Prisoners Ratio in Northern Ireland**

T2. **Mr Logan** asked the Minister of Justice for ratio of staff to prisoners in Northern Ireland and to state how it compares with the rest of the United Kingdom. (AQT 667/16-21)

**Ms Sugden:** I do not have those figures to hand, but it has been suggested to me that the ratio of staff to prisoners in Northern Ireland is considerably more significant than it is in other parts of the UK. That essentially means we have more prison staff to prisoners than any other part of the United Kingdom.

**Mr Logan:** I thank the Minister for the answer. Is that something you want to review, to bring it more into line with the rest of the United Kingdom?

**Ms Sugden:** I have always said that Northern Ireland is not the same as England and Wales. I think our unique circumstances in Northern Ireland relating to the legacy and the troubles of the past certainly mean we cannot look at it through the lens of what is happening in England and Wales. I also think we need to do what is possible to ensure the safety of prison officers, for a start, and the safety of prisoners. Indeed, the ongoing reviews and any reviews that will look at this, particularly with the new director general in post, will need to be mindful of the circumstances of Northern Ireland.

**Illegal Drugs: Maximum Sentence**

T3. **Mr K Buchanan** asked the Minister of Justice, following the drug-related deaths in Coagh, County Tyrone just before Christmas — with two in a very small area, they have hit the community very hard — to state the maximum sentence for the supply of illegal drugs. (AQT 668/16-21)

**Ms Sugden:** I cannot give you a figure off the top of my head, and it would not be appropriate or responsible to do so. We need to look at sentences, however, and the sentencing review that I announced early in my tenure will enable us to do that. We need to send out a strong message about how drugs devastate families and people across Northern Ireland. Perhaps increasing sentences through a sentencing review, if that is what is suggested, is a way of doing that.

**Mr K Buchanan:** I thank the Minister for her answer. When do you see that review being completed? Do you have any timescales?

**Ms Sugden:** The sentencing review is ongoing and looks at various elements of sentencing and the offences that we



sentence people for. There will therefore be no conclusion to the review, although you may see its outworkings at different intervals.

### Tony Taylor: Ongoing Incarceration

T4. **Mr Durkan** asked the Minister of Justice whether she is aware of the case of Tony Taylor, who has been incarcerated for 10 months after having had his licence revoked, albeit he has not been charged with any offence and no evidence or information to support his imprisonment has been forthcoming. (AQT 669/16-21)

**Ms Sugden:** I am familiar with that case, and it is a matter for the Secretary of State in the Northern Ireland Office to deal with.

**Mr Durkan:** I thank the Minister for her answer. I am aware of where jurisdiction for the case lies. The Minister will understand, however, that this has been an extremely distressing time for the Taylor family. Would she be prepared to meet the family with me and perhaps make representation on their behalf thereafter, or at least establish the facts around the case with the Secretary of State?

**Ms Sugden:** As always, I am willing to have a conversation with any Members on any issue that they want to raise with me. Therefore, if Mr Durkan wants to get in touch with my diary secretary, we can arrange that.

**Mr Speaker:** Question 5 has been withdrawn.

### Historical Military Prosecutions

T6. **Mr Dunne** asked the Minister of Justice whether she is aware of recent reports of plans to curb the potential prosecutions of military personnel. (AQT 671/16-21)

**Ms Sugden:** Only through what I have read in the media, Mr Dunne. Nothing has been brought to me in an official capacity.

**Mr Dunne:** I thank the Minister for her answer. Does she recognise the need for such measures to be put in place to limit the potential for ex members of the Royal Ulster Constabulary to be prosecuted under the so-called legacy investigations?

**Ms Sugden:** That is a matter, ultimately, for the British Government and the Secretary of State, but I recognise the concern that there is around the issue and implore anyone involved to address it as soon as possible.

### Prison Officers: Sickness Levels

T7. **Mr Girvan** asked the Minister of Justice, in relation to sickness associated with prison officers, whether there is any record of how we relate in the table associated with sickness levels associated with the prison officers in comparison to what happens in other jurisdictions. (AQT 672/16-21)

**Ms Sugden:** I am trying to understand what the Member is asking. If he is asking whether sickness levels here are comparable to those in other parts of the United Kingdom, I will be honest and say that I do not know the figures. We could do a comparison, but, as I said in answer to a previous question, it is not appropriate to compare what happens in Northern Ireland prisons to what happens in prisons in England and Wales. Those are two very

different perspectives, and we need to be mindful when people suggest comparisons.

**Mr Girvan:** I thank the Minister for her answer. I have had occasion to speak to a number of prison officers who have indicated that they are under excessive stress and suffering from a lack of support. What mechanisms is the Minister putting in place to ensure that there is support to ensure that they are safe in their working environment?

**Ms Sugden:** I recognise those concerns, and I am always keen to meet members of the Prison Service; indeed, on my last visit to Maghaberry, it was important to me that I heard the views of officers on the ground. There is that concern, and there is that stress around the difficulties relating to the job, particularly in Northern Ireland prisons. Prison officers need to be supported more than they are currently, and I have been trying to explore ways to do that. Ultimately, we need to look at the levels of staff in our prisons. Sickness levels do not help, but that perpetuates the cycle because, if people feel stressed, they go off sick.

As I said, we have just completed a recruitment campaign, and officers were recruited at the end of last year. To some extent, that will ease the pressure. I am exploring the roll-out of body-worn cameras right across prison staff so that they feel that they are being protected in some way in relation to the challenges that they face. As I mentioned earlier to a Member, I think that PRRT is a way of providing support services, and I am really keen to see that rolled out as soon as possible, not just for serving prison officer staff but for retired prison officers. There are concerns from my perspective about both physical and mental health in our prisons, and it is something that I am really keen to tackle.

**Mr Speaker:** Sinéad Bradley is not in her place.

### Welfare Reform Appeals

T9. **Mr Allen** asked the Minister of Justice what engagement she and her officials have had with the Minister for Communities about the potential increase of welfare reform appeals. (AQT 674/16-21)

**Ms Sugden:** I am not aware of any engagement. That is not to say that there has not been any happening. Does the Member want to clarify how that relates to my Department specifically? I might then be able to give him a more defined answer.

**Mr Allen:** Yes, Minister, I was looking to see whether you were satisfied that the appeals service has adequate resources to deal with the potential increase in appeals as a result of welfare reform. Can you also give a commitment that those in receipt of mitigation will not be prioritised over those who are not?

**Ms Sugden:** I beg the pardon of the Member: he is alluding to the appeals service, and that power has not transferred to my Department yet. It will transfer from, I think, April. There are ongoing discussions with the appeals service and the two Departments in relation to that transfer of power. I am aware of that.

**Mr Speaker:** I will treat that as your supplementary, Mr Allen. Mr Colin McGrath is not in his place. That concludes topical questions to the Minister. I ask the House to take its ease for a few minutes.

# Question for Urgent Oral Answer

## Health

### Bannview Medical Practice

**Mr Speaker:** Mrs Jo-Anne Dobson has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should continually rise in their place. The Member who tabled the question will be called automatically to ask a supplementary.

**Mrs Dobson:** Will the Minister of Health outline the measures she is taking following the withdrawal of the GP contractor confirmed to accept the contract to run the Bannview Medical Practice?

**Mrs O'Neill (The Minister of Health):** The Health and Social Care Board (HSCB) widely advertised the GP contract for Bannview practice, met a number of practices and held an information evening with practices in the surrounding areas. It also provided information and support that would be available to a new contractor taking on the Bannview practice. Despite all of its efforts, no applications were received by the closing date of 2 December 2016. The HSCB continued its efforts to secure a contractor for the Bannview practice, and, having identified an interested GP, it held a number of very positive meetings with the prospective contractor. Consequently, on 5 January 2017, a new GP contractor confirmed to the Health and Social Care Board that they would take on the Bannview Medical Practice from early March 2017. Yesterday, unfortunately, that contractor officially withdrew their intention to take on the practice. This is an extremely disappointing development, and I met the HSCB today to ensure that patients will continue to receive safe and high-quality healthcare and that all possible options for a permanent solution are being considered.

The HSCB has confirmed to me that it is actively seeking to secure a permanent GP contractor to take over the Bannview practice. It is also exploring other options, including the Southern Trust taking on the contract for Bannview. The board will continue to manage the practice and ensure that GP services are provided to patients whilst it works to secure a new contractor to take over the practice. No decision has been made to close the practice. I fully appreciate that patients are concerned about the current situation, but I reassure them that every effort is being made to secure a permanent solution for the practice and that the board will write to all patients to advise them of the current arrangements.

### 3.30 pm

In 'Health and Wellbeing 2026', I set out the importance of primary care, and I have confirmed my intention to invest significantly in it. The future model of primary care must be focused on keeping people healthy and well, and it must be based on multidisciplinary teams embedded around general practice. I have already announced plans to have named district nurses, health visitors and social workers for every GP practice as well as plans to support the development of new roles such as physician associates

and advanced nurse practitioners. Our continued investment in practice-based pharmacists will see over 100 in place in the near future. I also intend to invest in technology to help to transform the way in which general practice works and to improve services to patients. To that end, I have confirmed the further roll-out of the askmyGP system. Given my focus on supporting and investing in primary care, I have also announced an increase to 111 GP training places over the next two years.

There has been significant investment in GP-led services over recent years. This year, 2016-17, saw the investment of up to £7 million in GP services following contract negotiations, building on an investment of up to £5 million made last year. Those commitments, which will help to ease the workload of GP pressures and attract more doctors into general practice, will build on the already significant investment in general practice over recent years and reflect some of the recommendations of the GP-led working group. I have accepted all of that group's recommendations as signalling the direction of travel needed to ensure that everyone here continues to have access to high-quality, sustainable GP-led services.

**Mr Speaker:** If the Minister needs more than the two minutes to answer a question, she should just ask.

**Mrs Dobson:** Minister, this is a desperate situation that has caused real anger in Portadown and has the potential to impact on the health of all patients of the health centre, creating a domino effect across practices. Portadown must be prevented from becoming Humpty Dumpty. What is your response to the anger of the patients in Portadown? Was the contract signed as a stalling tactic because of the patient rally that had been organised?

**Mrs O'Neill:** I say to all patients that they will continue to receive safe clinical services and that the board will monitor that. We have medical and nursing cover in place. We have arrangements with the Dalriada practice for out of hours and independent prescribers, all working collectively as part of a team to make sure that patients have access to first-class GP services, which they are rightly entitled to. It is important that we do not scaremonger but are responsible about this. I will ensure that the board, as I have asked it to do, writes to every member of the surgery to make sure that they are fully abreast of the situation.

I assure you that I do not make public announcements on the back of a potential public rally or anything like it; I made the announcement about the Bannview practice because a contractor had, in fact, confirmed that he was going to take on the practice. Since then, he has realised that he is not able to fulfil the obligations of the contract. That is why we have found ourselves in this situation. As of lunchtime yesterday, the contractor has officially confirmed to the board that he is no longer able to enter into the contract with the Department.

What is most important is that patients continue to receive safe clinical services, and the board, as I said, will monitor that. Ultimately, we need a permanent solution. This is, obviously, a temporary arrangement to make sure that we support the patients on the ground.

**Mrs Dobson:** How long?

**Mrs O'Neill:** It is a temporary arrangement. We are working towards making sure that we have a permanent solution. We have to be creative about how we do that.

Long gone are the days when the only solution to GP services was when GPs became independent contractors — individual businesspeople in their own right. The make-up of the GP workforce is now more female, and more people want a bit more flexibility. Not every GP wants to be a contractor; some want to be salaried, so we need to move towards that. We are engaged with the Southern Trust on how it can get involved and play its role. I believe that what we have in place now is making sure that we provide safe patient services.

I accept absolutely that people are worried about the future of their GP practice. That is understandable. I also accept that the surrounding GPs, who are under tremendous pressure, as we already know, are feeling the impact of it all. What we need here is a permanent solution, and I assure all the patients that this is what we are working towards. What we have in place now is a temporary solution, but I assure you, following a meeting that I had with the board earlier today, that there is GP cover, medical cover and nursing cover in place for the next six weeks. They will continue to make sure that we have rotas filled and cover that until we have a permanent solution.

There are a number of options for a permanent solution. The fact is that only one GP expressed an interest in the advertisement to come forward. That is a wider issue in relation to the recruitment of GPs. We have to look at other ways of having GPs in place. Looking towards salaried GPs is one option that we need to explore an awful lot more.

**Ms Lockhart:** I thank the Minister for her answers thus far. I have to say, Minister, that this has been a very worrying time for the people of Portadown, particularly those who are sick and very vulnerable at this time. We have sick children, and I know a lady of 102 who is very ill at this time, and this is causing undue distress for her and her family.

I believe that there was irresponsible politicking around stating that a contractor had been found when we all knew that there was difficulty and that it was not at an advanced stage. I call on you, Minister, to give assurances to the people of Portadown today that they will be looked after and that the level of care that they require will be provided by the contractors that you have put in place in this short-term period.

**Mrs O'Neill:** Let us be very clear again that patients will continue to receive very safe clinical care. Medical staff, nursing staff and prescribers are in place. They are all involved in making sure that patients receive first-class care. That is the guarantee that the board has given, and the board will continue to monitor that situation. Let us be very clear on the message that we are sending to the public. I am involved in responsible politicking, I assure you, and I would not make an announcement in relation to securing a contract if I did not believe that that was the case. When the board confirmed with me, the contractor had confirmed that he was willing to take up the position.

We find ourselves in a difficult situation, but we have to chart our way through it. The best way to do that is to find a permanent solution. I have offered up how I believe we can do that. We are engaged with the Southern Trust around its potential involvement. That is looking towards salaried GPs. This practice had four GPs — two main contractors and two salaried GPs. One contractor left, and the other felt under pressure when the two salaried GPs went off on maternity leave. They did not receive the

proper locum cover; they could not attract it. A combination of factors led us to this. We need to make sure that the public are assured that they have first-class GP services, and the board is making sure that that is in place. They will continue to monitor it, but we need a longer-term solution here and we are actively working to find that.

**Mr Durkan:** I thank the Minister for her answers thus far. Without a doubt, the situation at Bannview is very serious, and we all hope that a solution can be achieved. However, sadly, it is symptomatic of a wider crisis engulfing general practice. The Minister announced, I think on 23 December, measures that she would implement to assist general practice, and that was very welcome. However, now, in the absence of an Executive and a Budget, what short-term measures can she implement to assist general practitioners to deliver care to patients in need?

**Mrs O'Neill:** You are right: on 23 December, I announced that I would take forward the recommendations of the GP-led working group, which charted out key issues that needed to be dealt with in the short, medium and longer term. I have said that I am wedded to making sure that we take those things forward. There is a range of issues. Without listing them all, it is about looking at multidisciplinary teams: who else can we put in to support the GP? As I said and recognise, GPs are under tremendous pressure, so we have to make sure that we do everything we can to support them. The best way that we can do that is to further enhance things like, for example, askmyGP. In the short term, we have committed to askmyGP being rolled out to an additional 30 surgeries. We have increased the number of pharmacists placed within GP services. Those are all things that will help to take the pressure off GPs in the immediate term.

The longer-term solution is looking at training more GPs, and I have already announced that I will do it. There is an absolute shortage, and the point that I made earlier is a really key one: traditionally, in the past, the GP workforce would have been male and of an older generation. There is an ageing population there. Now, a lot more females are employed. There are actually more females than males employed as GPs. They do not all — not just the females, even the males — want to be independent contractors. Let us look at more flexible ways of allowing GPs to work. For example, can trusts be involved in contracting GPs to work for them and provide services for their communities? That is absolutely in line with my vision for health and social care. That is what we need to move towards.

It is a combination of factors. In the immediate term, we just need to keep working. The board and the trusts need to keep working with GPs to make sure that, for any areas that are identified as being under pressure — there are a number of them — we are forward planning, realising what is coming down the line, particularly in relation to retirements, and making sure that we have succession planning in place and plans to make sure that they can pick up the slack where other GPs perhaps retire, for example.

**Mr Beattie:** Minister, thank you for your answers so far. You did not create the problem in general practice; it has been a long-term problem through underinvestment. This is about 5,200 people in Bannview practice who are extremely scared at this time. On 5 January, you said that a contract had been secured. You went on to say:

*"I can today confirm that a new contract provider will be in place from early March."*

It raises this question: before you rushed out that statement, did you test that contractor to make sure that they had the wherewithal to take on the Bannview practice, or was this about getting something out quickly to put a sticking plaster on a problem and save face?

**Mrs O'Neill:** That is unhelpful. We should not scaremonger. Patients are worried, and we should all accept that. The best thing that you could do as an elected representative is to assure those patients that everything is being done to make sure that they have a service.

*[Interruption.]* You can ask me a question and accept my answer or not; it is entirely up to you. The message that I want to send to patients is that absolutely everything is being done to make sure that there are clinician teams, medical teams, nursing staff and pharmacists all in place to provide the service in the meantime whilst we find a permanent contract.

It would not be in my interest to stand up and make a statement confirming that I had a contractor if I did not believe that I had a contractor. At that time, when I issued the statement, it was, first, to provide the clarity about the situation that you had all been asking for and, secondly, to make sure that those patients were informed and knew exactly that something would be more permanent. At that moment in time, that is exactly what the contractor said that he could do. Unfortunately, for his own reasons, he has decided that he cannot fulfil the contract. We are now in a situation where, again, a contractor is absent. You are absolutely right: it is not of my making, but it is absolutely my determination to fix it.

**Mr Anderson:** I thank the Minister for coming along today in relation to the issue. Bannview Medical Practice in Portadown is in crisis. It is a serious situation. When you come along and put out statements that a contractor has been secured and suchlike, people stop believing anything. They tell me that they are being told lie upon lie. They ask whether this was another lie that was used to stop the protest that was being set up last Friday evening or whenever it was, which they rightly called off, believing that they would get a contractor in place. They feel really let down. There has to be a solution to this.

Minister, do you not agree that now, more than ever, is the time for you to focus all your time and energy on securing the best medical practice in Portadown Health Centre? Stop your politicking and make use of this time, instead of running around putting politics before Portadown Health Centre.

**Mrs O'Neill:** I am elected, so I believe that I am in politics. Let us be very clear about one thing: I believe in people power. If the people wanted to go to the streets, I absolutely support that. I would be with them on many occasions and have been over the years, so that is not a problem. Let us not pretend that there was some sort of attempt to dampen down the protest that may or may not have happened. I would not have had a problem with the protest happening: if people are that concerned, they can make their voices heard. That is not a problem.

Do not scaremonger. I am telling you that absolutely everything is being done. I am telling you that, as I stand before you today, clinician teams, medical teams, nurses, doctors and pharmacists are in the practice trying to

provide the best possible service and the board continues to monitor it. I cannot say it any other way. It is a temporary solution. I want a permanent solution. I will use every bit of my best efforts to make sure that I find that permanent solution. I have done so continually and will continue to do so for as long as I hold office.

**Ms Bradshaw:** Thank you, Minister, for coming today and answering Mrs Dobson's question. Given that you do not have your budget now, I am not as confident as I was a few months ago that you will be able to deliver on the reform process that you set out in your pathway that was influenced by Professor Bengoa.

This problem will get worse before it gets better, and it is very lamentable that we are now going into an election when we should be delivering on transformation.

### 3.45 pm

I was listening to the radio this morning, and a patient from Bannview was talking about the lack of information. I welcome the fact that you said that the Health and Social Care Board would be letting patients know. What are you doing in the interim to prevent those patients who are frail and elderly, as Ms Lockhart outlined, from going to emergency departments? At the minute, there is a lack of information, and, as we know, emergency departments are already under tremendous pressure, especially in that area.

**Mrs O'Neill:** I agree with you about keeping patients informed; they need to know exactly what is happening. A letter will be going out to them to inform them about the current situation.

You are right about the transformation journey. In Delivering Together, I set out the direction of travel for the next 10 years. All parties more or less signed up to that vision, and that is the transformation journey that we all recognise that we need to go on. It was also recognised very clearly across all staff, patients and the people with whom I engaged that people were starting to get excited about the transformation. They knew that it needed to happen and was long overdue. For the first time, people could start to see a way forward and the need to change radically how we do things. We were going to change the picture on the focus on primary care, including GPs and multidisciplinary teams. The fact that this will now be interrupted because of the scenario we find ourselves in is as disappointing to me as it is to you.

We are in this situation because people need to have confidence in these institutions. When you take tough decisions about transformation, education or any service, people need to have confidence in the integrity of these institutions and in the integrity of the Ministers of these institutions. Unfortunately, we are in this scenario because of the actions of the DUP and its continued arrogance. For me, that is the biggest issue in relation to the lack of a Budget.

I say this to all Health and Social Care staff who have been taken to the top of the hill on the transformation journey: I want to get back to my desk. I want to make these institutions work, but they can work only on the basis of equality because that is the only way in which people will have confidence in the decisions that I take as a Minister or, for that matter, any Minister takes. *[Interruption.]*

**Mr Speaker:** Members, the Minister must be heard when replying to questions.



**Ms P Bradley:** I thank the Minister for her answers thus far. Minister, to say that we are extremely disappointed is an understatement. I do not think that anyone is scaremongering. It is rather disappointing that you continually blame everything on the DUP's arrogance. As one member of this party, I have supported you 100% as Chair of the Health Committee, as we all did on the Health Committee. We decided to take the politics out of health; I still want to take the politics out of health.

We are at the end of the road when it comes to the GP crisis, especially in Portadown. It is not only in Portadown, however. This week, my colleague Mr Humphrey and I are meeting a GP practice that spans north and west Belfast. This is becoming a Belfast issue as well. I still want to support the way forward. I still want to support the stuff that you talked about today in bringing about a better way of working in GP practices, multidisciplinary teams and social workers.

I hear what you are saying. What I want to know is this: when will we see it? We need to see it as soon as possible. I do not know how far down the line we are with Portadown and whether we will ever save it, but GP practices across Northern Ireland are crying out for help. Multidisciplinary teams, social workers and whoever else need to be put into those practices ASAP to save all our other practices in Northern Ireland.

**Mrs O'Neill:** I thank the Member for her contribution. I agree and am as disappointed as you are or anybody else is about this contract that we thought was secured but has now fallen through. Nobody is more disappointed than I am. I thought that patients could finally feel comforted by a permanent solution. We do not yet have a permanent solution, but I believe that one is there. We must make sure that people feel assured by the temporary arrangements; that is the responsible thing to do. We must make sure that people and patients feel assured that what is there now is clinically safe, there are services in the practice for patients, and the board will continue to monitor it.

We have to find the longer-term solution. I believe that we can push the boundaries and do things that have not been done before. The Southern Trust needs to step up. As the Member rightly said, we had a good relationship and engagement with the Health Committee, which I welcome. I absolutely believe in taking the politics out of health; it is the only way to deal with the issue. Going forward, I am as wedded to that transformation journey as I ever was. I have very much enjoyed my seven months as Health Minister. I believe that the transformation journey and the Delivering Together document, which most people were able to sign up to, is the most positive work that the health service has seen in quite a number of years. People were up for the change; they were up for the transformation. However, the reality is — *[Interruption.]*

**Mr Speaker:** Order.

**Mrs O'Neill:** The reality is that in order for people to have confidence in the tough decisions that need to be taken for transformation and where we need to go, they needed to have confidence in the integrity of these institutions, that decisions are being taken for the right reasons, and to know that the Ministers taking decisions have integrity and equality at their core and that they do not disrespect the issues of — *[Interruption.]* Back-Bench Members can

shout all they wish. The reason we are in this situation is DUP arrogance, pure and simple.

**Mr Aiken:** *[Interruption.]* Gentlemen. I thank the Minister for her comments so far and for coming through. On a point of clarification, you mention Dalriada. Dalriada out-of-hours service is excellent; I have used it many times for my children. However, the Minister must be aware that it is under severe pressure, and it is based in Ballymena. How will it cover the people of Portadown?

**Mrs O'Neill:** There are arrangements in place in terms of a phone triage service. That can be provided no matter where you are. The board is confident that that arrangement works. It works for Dalriada; it is happy to provide the service. It is part of the interim solution to provide services for people. I cannot stress enough that we should not scaremonger; let us give patients the comfort that they need. If people are sick and need services, they deserve to be supported and get all the information possible. I make sure that that happens, and I will make sure that they receive letters to confirm exactly the case that we are in. I will make sure that, every day I am in office, we will work to provide a permanent solution. However, let us be very clear: a temporary, interim solution is in place. This is about patients and about making sure that they know that what can be provided for them is being provided. We are all responsible for that. I can give that assurance.

**Mr Beggs:** GP services are vital, particularly for the old and very young, but indeed for any of us who may have an ailment. It must be of great concern to all of us that the Health and Social Care Board, the Department and the Minister, are unable to ensure that there are alternative GP services available in Portadown. Given that no Budget is set for 2017-18 and that we face an election, will the Minister advise what action she can take to ensure that there are GP services for all citizens in Northern Ireland? My own constituents are patients of the Antrim coast medical practice where a similar situation is emerging, as the long-serving GP, Dr Glover, is retiring after many years of valiant service at the end of March.

**Mrs O'Neill:** The board is working with the practice and with local GPs to find a solution to the Glenarm situation. I believe that we can find a solution to covering the practice that is to be vacated. There are solutions. We are working in advance and making sure, as I said earlier, that we are planning for change that we know will happen, such as potential resignations that are coming down the line. We are making sure that all the things are in place. That work is ongoing; the board does not stop working. It will continue to work to make sure that we have something in place for Glenarm and for the wider Cushendall and east Antrim area.

In relation to the Budget, I am as disappointed as anybody that I cannot continue with my transformation journey. I can keep rehearsing it if you wish: we are in this scenario because of the arrogance of the DUP, its lack of integrity, and its failure to listen to the public on the latest RHI scandal. I do not want to be here, but, unfortunately, we are.

**Mrs Barton:** Minister, I hear what you say about Portadown. Unfortunately, that situation is about to be replicated in County Fermanagh, where over 30% of GPs are due to retire in the next two years. What steps are you

taking at the moment and in future to mitigate the problem of surgeries not being filled?

**Mrs O'Neill:** Fermanagh is another issue on which I am in ongoing conversation with the board. The board is actively engaged with neighbouring GPs to try to provide services, and it is looking at the best configuration of those services. Nobody is sitting on their hands. That work is ongoing, and we are making sure that we are planning for the future. We know the challenges in Fermanagh; they are actively being worked on.

**Mr Butler:** Thank you, Minister, for attending. The first tentacles of this news broke late last week, and we were getting little feeds of information. In the week in which you allege that DUP arrogance has brought these institutions to their knees, I have sat on the Health Committee, where your party did not feel fit to represent the constituents that you have concern for today. What confidence can you give the people of Northern Ireland, as part of an Executive, up until last week, that the two parties before us actually have the health of the people whom we represent at their core, and that this is not all politicking?

**Mrs O'Neill:** I take my responsibility very seriously. Since I have come into post, I have been out, I have been engaging and I have been talking to patients, carers and staff, anywhere that anybody wanted to chat, about their current issues and feelings about the health service. I very quickly picked up on the key issues that needed to be addressed. I have set out the transformation journey; I have set out the direction of travel; I have set out a plan on how we can transform the health and social care system. People have really got on board with that plan. There absolutely is goodwill for it, and people want it to work. Unfortunately, because of the scenario that we are in, we cannot deliver, or, at least, it is going to be interrupted. As I said in relation to the transformation journey that I have embarked on, it is as disappointing for me as it is for anybody else. However, the plan is there, the strategy is there and a lot of work was done in the first seven months. I had set out a number of key issues which we would deliver in year 1, and we are well on our way to delivering all of them. For me, that is the key. It has to be about that transformation. We have to deliver real and meaningful change. I have been up for it. I think that anybody who works in the health service can see that I was up for that transformation.

**Mr Speaker:** Members, that concludes the item of business. I ask Members to take their ease while we change the top Table.

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

## Opposition Business

### Failure of the Executive

*Debate resumed on amendment to motion:*

*That this Assembly recognises the grave consequences for the people of Northern Ireland of the failure of the Executive to agree a Budget and Estimates for the financial year 2017-18, the failure of the Executive to endorse a Programme for Government and the continuing failure of the Executive to safeguard the interests of the people of Northern Ireland following the result of the EU referendum. — [Mr Nesbitt.]*

*Which amendment was:*

*Insert after "2017-18,"*

*"the failure of the Executive to set a regional rate for 2017-18,". — [Dr Farry.]*

**Mr Deputy Speaker (Mr McGlone):** I call Mr Christopher Stalford. The Member will have five minutes.

**Mr Stalford:** Northern Ireland, I believe, is a better place than it was 10 years ago. I think that we can be proud of the fact that our country is more at peace with itself than it was 10 years ago. I think that we can be proud of the investment that has been made in jobs, in local services and in improving public services.

I listened to the self-serving contribution from Mr Nesbitt earlier in the debate. Who could believe from his contribution that his party presided over a situation in which some of the worst terrorist murderers in the history of this country — I see he sighs. I think it is unfortunate that you do not like to be reminded of the record of your party. Some of the worst terrorist murderers in the history of this country, including people like Sean Kelly who bombed the Shankill Road, were released from prison without the decommissioning of IRA weaponry or even a commitment to support policing and the rule of law. When you mount your high horse and point your finger at others, sir, you should recall that there are three pointing back at you. Any unionist who knows the record of the way in which the Ulster Unionist Party behaved will not be lectured on our approach to dealing with republicans.

#### 4.00 pm

I believe that Northern Ireland is a better place. I believe that it is in the interests of the people of Northern Ireland that we have devolved institutions that work for the people. I heard the criticism that was levelled by Mr Nesbitt: "10 long years". He seems to forget that, for nine and a half of those long years, his party was in government. Therefore, when you mount your high horse and lecture about "10 long years" of failed devolution, remember that, if it was a failure, sir, your party was party to it for nine and a half of those 10 years — 95% of the time.

I believe that all parties, whether the SDLP, the Ulster Unionists, the DUP, the Alliance Party or Sinn Féin, can look back over the past 10 years and point to achievements, on an individual level and a collective level, that were made during the period. They can point to

positive steps that were taken by all the parties to improve the life of the people of Northern Ireland. That is where I believe in devolution. That is the value of devolution. The value of devolution lies in using those tools to improve the lot of our constituents. That is why I was in the Chamber for the question for urgent oral answer by Michelle O'Neill. I have to say that, as I listened to the Minister describing her plans for health and social care in Northern Ireland and for how we are going to move forward, I found myself wondering, "What planet is she on?", because we all know that we are now headed to elections and probably to talks, with no devolution. Mr Eastwood said yesterday in the House that elections to talks, with probably no devolution, means direct rule Ministers making the decisions concerning Northern Ireland. I do not want that any more than any other person does, even people whom I disagreed with on the European referendum question. I do not want a Tory Government making decisions for my constituents any more than Members from the SDLP or other parties do, because I do not trust them to act in the best interests of my constituents any more than you do. It is profoundly sad that it has come to this, but I think that we need to be honest. The reason that we are at this point is that one party — Sinn Féin — did not like the outcome of the election, and it saw in RHI an opportunity to have a rerun. It has not been talking about —

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

**Mr Stalford:** I will. It has not been talking about RHI. It has been listing various nationalist and republican totems in the run-in to the election. We will face Sinn Féin on those issues, and we will prevail in the election.

**Mr Eastwood:** We are here to talk about the failure of the Executive, and all that you have to do is look around. I do not even need to make a speech to illustrate the failure of this Executive, but I will give it a go. It is utterly surreal what is going on in this Building today. The oxygen has been dragged out of this place, and the public are just bemused. People keep talking about the anger on the streets. People are not angry — they are utterly furious that we have got to this point.

Some of us went into an election last year and said that we would go to a Programme for Government negotiation after the election, as was outlined in the so-called Fresh Start Agreement. I went into those negotiations. We did our homework. We had papers written. We put the papers in on all manner of subjects, topics and areas, but nobody wanted to negotiate back. Nobody wanted to talk to us about how we can invest in the Irish language, protect equality for LGBT people and tackle poverty and discrimination right across our society. Nobody wanted to talk to us about how we can expand opportunities for students, develop our economy and build our infrastructure. Nobody wanted to talk back. It reminds me a bit of today, given that there is nobody here. People who are well paid to be here are not here to have "meaningless" discussions. Well, they are not meaningless to the people on the street.

They can go and put their posters up today if they want; some of us are here to do business, and we will be here until the very end.

It is, of course, true that because of the DUP's despicable and disgraceful behaviour, not just around RHI, we have got to this point. It is also true that they were let do all

those things. They were allowed to do all those things. It is not three or four weeks since a draft Programme for Government was announced and hailed by Sinn Féin and the DUP. There was no Irish language Act, no anti-poverty strategy, no LGBT rights legislation — none of that. None of it. We were all called whingers and opposition for opposition's sake for pointing it out. Now, all of a sudden, it is stuff that they just could not stand for. They said they were calling time on the DUP status quo. When did it become the DUP status quo? Only a few weeks before that, we were told that this is what delivery looks like. Well, it looks pretty bare today.

We are faced today with the biggest economic, social and political crisis to face these islands since partition. We have a Tory Government who are determined to bring about a hard Brexit, which would destroy everything that we have built — everything that is left of it. It would destroy our economy, destroy our Good Friday Agreement and destroy everything that we have. Theresa May said a lot of things today, but what did she say? She has got a paper from the Scottish Government and a paper coming from the Welsh Government. She did not mention anything coming from this Executive — nothing at all. Seven months and nothing at all from our Executive. People can go to the microphone on the Falls Road and complain about Theresa May's speech today, but they did not even put anything on paper to the British Prime Minister or the British Government to tell them that we need to protect our citizens here — our citizens here who voted 56% to remain as part of the European Union.

Tomorrow marks an important day for a man called John Hume. It is his 80th birthday. He is someone who built these institutions and who democratically struggled to ensure that we could have these institutions and that we could be part of an open Europe. In his Nobel Peace Prize speech, he said:

*"I want to see Ireland — North and South — the wounds of violence healed, play its rightful role in a Europe that will, for all Irish people, be a shared bond of patriotism and new endeavour."*

*I want to see Ireland as an example to men and women everywhere of what can be achieved by living for ideals, rather than fighting for them, and by viewing each and every person as worthy of respect and honour."*

*I want to see an Ireland of partnership where we wage war on want and poverty, where we reach out to the marginalised and dispossessed, where we build together a future that can be as great as our dreams allow."*

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Eastwood:** If people still believe in that, they have an opportunity on 2 March to give voice to that and put an end to this nonsense that we have had for the last 10 years.

**Mrs Cameron:** Given the events of yesterday, should anyone be listening to this debate today, they could be forgiven for thinking that we are merely fiddling while Rome burns. There are, however, some important points to be made, and I will take a few moments to highlight some of them.

First and foremost, I want to say sorry to my constituents for the failure of this Assembly to function properly and

that they are being asked to go to the polls again. I deeply regret that and can only apologise to them. It is not what I want, nor is it, I suspect, what most Members in this House want. Nevertheless, we are where we are.

The parties that tabled this motion will, no doubt, see today as an opportunity for self-congratulation at the collapse of the institutions under the weight of their strategic and well-thought-out opposition, but I would caution against that. They have, individually and collectively, failed to lay a glove on my party or on Sinn Féin. Rather, they have relied on the media to perform the function of opposition where they play catch-up. They pause only to check the latest revelation on Twitter before heading off to their respective news outlets. Perhaps they should go into the election asking their voters to vote for some of the journalists who can at least perform the function of scrutiny that they have singularly failed to do — oh no, wait; they have already tried running journalists but with little or no electoral success.

I should probably not be too hard on the UUP or the SDLP. Like my party, they, too, have suffered at the hands of Sinn Féin's strategy.

They are pale imitations of their former selves, hollowed out and rattling around the corridors like political Miss Havishams, desperately seeking to be relevant but finding themselves rejected time after time by the electorate because people know that they are no more able to deliver change now than they ever were when they were in government themselves.

This is not the first time that the Assembly has collapsed in crisis. Over the years, it has collapsed, been suspended and been reviewed, and it remains to be seen whether it can be returned. One thing is common to all these failures: the role of Sinn Féin. Ask the SDLP what it felt like to be eaten alive by a party that it brought in from the cold. Ask the Ulster Unionists what it felt like to be on the wrong end of a spy ring run by their then partners in government.

It seems to be the case that it does not matter who is in government: if Sinn Féin is not getting what it wants, we have to have a crisis. It does not matter whether the coalition is mandatory or voluntary: if Sinn Féin is involved, we are all subject to Gerry's latest plan, and there is nowhere to go if you will not play ball.

At the Felons Club a few weeks ago — we are fortunate that the cameras were there to record it as, by now, Gerry has probably forgotten that he was ever in the Felons Club — Gerry Adams demanded that Arlene Foster do what society demanded of her. Let us let that just sink in for a moment. Gerry Adams seeing himself as the reasoned voice of society is a bit like getting childcare advice from Jimmy Savile. I did not hear Gerry asking for society's approval when he was shielding paedophiles, rapists and murderers, and that was long after the Good Friday Agreement was signed. I did not hear him — or Conor Murphy, for that matter — ask the republican killers of Paul Quinn and Robert McCartney to hand themselves in to the police because society demanded that they did the right thing.

There was no equality, rights or justice for Paul, Robert or any other post-agreement victim. That is the problem: one rule for Sinn Féin; a different rule for everyone else. There is no equality or justice if you are raped by an IRA man and no need to worry about rights or justice if you are the victim of someone acting under instruction from the army council. If you stand up for what you believe in politically

and challenge that status quo, that is not at all acceptable to Gerry. He does not like that very much at all. Sorry, Gerry, but we are not all fatherless children, and we do not need you to break us any more. We have had quite enough of your egomania for one lifetime.

In the last few days, it has been pointed out to us repeatedly how much we must change in order to be acceptable to Sinn Féin. As we head to the polls, I will be listening to my electorate, not Sinn Féin. I bitterly regret the mess of RHI and the effect that it has had on the public purse and on public confidence in this place, but perhaps it is a wake-up call that we all need to put public services first and repay the faith of those who sent us here.

One thing I am confident of is that when it comes to defining what is right, truthful and just, I am much more content with Arlene Foster's definition than I will ever be with that of Gerry Adams.

**Mrs Overend:** It gives me no pleasure to outline the failures of the Executive. Clearly, the Executive parties are in election mode now. Only a few weeks ago, the DUP and Sinn Féin were representing each other in TV studios. Now, one from each party speaks on the radio, and they are poles apart.

It is easy to sit back and complain about the situation and the fact that we are returning to the polls, but this motion was tabled before the election was called. It is easy to refer to the failures of an Executive in place since May last year.

As education spokesperson for the Ulster Unionist Party, it would be remiss of me not to begin with the complete failure of the Executive and the Education Minister to deliver for our young people and deal with the long-standing issues faced by the Department of Education, the Education Authority and, most importantly, the front-line services that we all rely on: our schools, our youth services and childcare. There is the failure to find a resolution to the long-standing dispute over teachers' pay; the failure to confirm three-year budgets; the failure to deliver a childcare strategy; the failure to deliver an integrated campus at Strule within budget; the failure to deal conclusively with the issue of post-primary transfer; the failure to spend the £50 million allocated for capital projects this year under the Fresh Start Agreement; and the ongoing inability to deal with, and complete failure to agree on, a sustainable way forward for education in Northern Ireland. With the looming threat of the area planning process, the Minister and his Executive colleagues are looking to front-line services like schools to find the savings.

#### 4.15 pm

The impact of these failures has been shown most recently in proposals from the Education Authority to close a number of outdoor education centres across Northern Ireland. Recently, there was a leak from the Education Authority of further proposals to make cuts to school transport. What other leaks will there be over coming months? Will music lessons in schools or some other well-used service be next for the chop?

Furthermore, it is no secret that the Education Authority is being used as a vehicle to avoid the responsibility for decisions to initiate cuts. It is the front man for controversial proposals. On numerous occasions, we have heard the Minister utter the phrase, "These are not my



proposals”, but the Minister must take responsibility for proposals along with any final decisions made on these matters. The DUP Education Minister’s complete inaction has left schools and other services provided and funded by his Department in an extremely precarious and tentative state. By this stage, much more should have been achieved by the Minister. None of this is rocket science. These are basic functions of government.

In my view, the overarching failure of successive Education Ministers has been the inability to agree on a joint strategy for education in Northern Ireland. All we have seen is a continuation of pet projects and schemes. No amount of these schemes and projects will ever solve the crisis in our education system. Instead, they will ensure its perpetuation. We need an Executive that will tackle these issues head on for the benefit of everyone in Northern Ireland.

Of course, an even more immediate failure of the Executive has to be the frightening situation in our health service. The scale of the current crisis engulfing our health service is completely unprecedented. The fact that, as we —

**Mr Beattie:** Thank you for giving way. Do you agree that the real outworking of this failed Executive can be seen in the faces of the 3,400 people in Lurgan and Portadown who have had to avail themselves of food banks in the last 12 months and the 5,200 people in Portadown who do not have a GP?

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

**Mrs Overend:** I thank the Member for his intervention. Yes, it is an ongoing concern across Northern Ireland and not just in Upper Bann.

The fact that, as we stand here today, there are 250,000 outpatients waiting on an appointment is shocking. Worse still is the fact that the number of those waiting longer than 52 weeks has jumped from 20,000 to 40,000 over the last year. There are many tens of thousands more inpatients waiting for day treatment as well as key diagnostic tests.

These are real people that we are talking about here. These are people with real lives, real jobs and real families, who are being forced to wait a disgraceful length of time to be seen or to receive treatment. Whilst some may not like my choice of words, we must remember that it is a criminal offence to let animals suffer, yet this Executive has wilfully sat back and allowed people to dwell in pain on waiting lists. I have had countless constituents tell me that, in their desperation, they have gone back to their GPs and simply been prescribed further pain medication. It is a sad and damning indictment of this ongoing Executive that, in 2017, the NHS, the most cherished of public services, is tolerating pain rather than treating it. Whilst it would be easy to look at waiting lists —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw her remarks to a close.

**Mrs Overend:** There are so many issues that I could raise here. As I said at the beginning, it gives me no pleasure to see this Executive failing. The people of Northern Ireland deserve better.

**Mr Logan:** Like my colleague Pam Cameron, I find this to be a situation of deep regret, and it is with deep regret that I need to address the motion. Just eight months ago, shortly after being elected, I gave my maiden speech in the

Chamber. I talked about the Programme for Government. In that speech, I focused on delivery: my commitment to delivery, my party’s commitment to delivery, my focus on my constituents and my passion for delivering for them, and my party’s commitment to Northern Ireland. My commitment to my people in North Antrim remains, and I am as passionate about that today as I was then.

I am absolutely committed to and sure that we need an Executive. As Christopher Stalford rightly set out, we need devolution in Northern Ireland.

Be in no doubt that this situation has impact. It has impact for the communities that we represent, including the people, the businesses and the organisations. Those are the very same people who we are here to support and protect. This is a very regrettable situation, but, of course, this is not a situation of our making. Be very clear on that. Let me remind you — *[Interruption.]* No, let me remind you and let me remind all in the House why Sinn Féin has pulled the plug. *[Interruption.]* No, if you listen, it will help you to understand.

In May 2016, the nationalist vote fell to the lowest level in 20 years. What we have here is Sinn Féin attempting a rerun of May. That reduced vote backs up what we have been saying: unionism is strong. This party has been saying that for a long time. With the DUP at the helm, unionism is strong and our relationship within the United Kingdom is strong and secure.

**Ms Mallon:** Will the Member give way?

**Mr Logan:** I am happy to give way.

**Ms Mallon:** Can the Member see at all that there is a very definite difference between strength and arrogance and that perhaps the arrogance of the DUP has helped to bring us to this political precipice that we are all now lamenting?

**Some Members:** Hear, hear.

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

**Mr Logan:** I think that the Member does not understand the difference between arrogance and strength. This party is strong. We have shown that for years, and, as a result, we are stronger within the union today than we have been for a long time. We will not apologise for that.

Yes, this situation is regrettable and it is not of our making. Sinn Féin pulled the plug because it was unhappy in May and unhappy because of the European referendum result. This is just an attempt to backtrack on those things.

The republican agenda has failed. As we heard earlier, they failed when they ran a terrorist campaign in Northern Ireland in search of a united Ireland. They then entered politics after realising that had failed, giving up the battle with guns and bombs to enter a political battle. Again, a united Ireland is further away than ever. Sinn Féin has tried to mask the issue behind RHI, and they are no strangers to masks. The mask has slipped many times since last Monday. On Monday last week, Barry McElduff the Member for West Tyrone summed up Sinn Féin’s actions. This paints a picture of the situation that we are in. The tweet said:

*“We fight for equality. For respect. And for a United Ireland. That is why my comrade is resigning as Deputy First Minister this very day.”*

The mask slipped. There is the evidence. Read Martin McGuinness's resignation letter. The evidence is there. This is masked behind RHI.

We on these Benches do not dance to the tune of Sinn Féin. It is regrettable that some unionists did fall for the trap and demanded that Arlene Foster step aside without a shred of evidence against her. They jumped on the "Get Foster" campaign very quickly. Of course, these are the same unionists who apologised to Sinn Féin for the national anthem, so we on these Benches are certainly not surprised. Sinn Féin talks about equality, and we know what equality means. Gerry Adams gave us his definition of equality when he said that equality is:

*"the trojan horse of the entire republican strategy".*

He said that this is how we will break the — and we all know what Gerry Adams said.

The real devastating consequences of Sinn Féin's self-interested moves are the many services that will be affected, either due to a lack of a Budget or a lack of a Government to help set direction. This situation has destroyed any hope of agreeing a Budget for the next financial year. Without a Budget or Ministers, civil servants will take control of the purse strings, and that would limit what they can spend. David Sterling the permanent secretary said:

*"A long period without a government would be difficult for us to manage."*

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

**Mr Logan:** I have already given way, and I really need to get through this.

Mr Sterling continued:

*"Our objective as civil servants would be to ensure minimal disruption ... but I wouldn't want to downplay the difficulties."*

He goes on, but I do not have the time.

Just last week, I met school principals in the Ballymena area. These leaders of education brought me real issues that we need to address. I congratulate the Minister, Peter Weir, on the progress that he has made — so did those principals — but there is still much, much more to do. Further to this, I am disappointed that we have a generation of young people watching this and watching Sinn Féin's actions. They will look at this situation and learn a lesson that, when you do not get things your own way and when you get things tough, you throw in the towel and abandon ship. That is an absolutely shocking example. It is not something that this party will do. I am gravely concerned and absolutely exasperated. I want to help people: that is why I got into politics.

**Mr Deputy Speaker (Mr McGlone):** Will the Member draw his remarks to a close, please?

**Mr Logan:** I ran in 2016 to help people and to make their life better. Sinn Féin has made that so much more difficult.

**Mr McGrath:** I support the motion on the failures of the Executive. To begin, it is important to mention that the greatest failure of the Executive has been the monumental and overwhelming way in which it has attempted and succeeded in places to polarise our politics and

sectarianise our institutions, and the gross way in which it has let down the aspirations and wishes of the people of Northern Ireland. There have been year-on-year reductions in the number of people turning out to vote and even bigger numbers switching off from politics. We in the House must ask ourselves why this is happening. What is turning people off politics? The answer is: RHI, NAMA, Red Sky, Research Services Ireland, SIF funding and Charter NI. The list goes on and on. There has been scandal after scandal.

This Executive, working as they have done for so many years with a silo mentality, have let loose Ministers who often had the mist of party politics blinkering their views rather than the good of the community that they serve. We have seen most acutely in the present Executive how divisive, ineffective, solo run Ministers running party agendas have brought this place to its knees as a result of their crass, selfish mentality.

Whilst this behaviour affects politics generally across our country and belittles and demeans our institutions in Stormont, the impact of the problem can end up lying much more locally. I think of how my constituency has been badly let down. A prime example is the failure of the Executive to deliver appropriate, sustainable health services at the Downe Hospital, which is almost a scandal in its own right. The £64 million newly built hospital had wards closed before its official opening day. Despite all the pressures that we face in accident and emergency units, a newly built unit in the Downe Hospital has been downgraded year after year to part-time status and — just about — a minor injuries unit at the weekend.

Whilst we hear of recruitment problems, financial pressures and service delivery burdens, the failure of the Executive is that they have not worked collectively to fix the problems. Did DETI or the new Department for the Economy attempt to assist with new university places? Did our employment services look to overseas recruitment? Did our Infrastructure Department even try to provide a direct bus service between two hospitals when the consultants refused to leave their ivory tower hospitals and go out into the sticks? So much is left to small units in big silo Departments to sort out, and, when they fail, they cry that it was too tough a job to do on their own.

Main Street in Downpatrick is a further example. For years, it has been neglected by this Executive. We, like many others, have had the heart ripped out of our town centre, and this Executive should have responded with joined-up working. The Department for the Economy should have delivered initiatives as economic drivers to help new starts and to specialise the focus on products. Our Finance Department should have looked at new tax regimes and developed business improvement initiatives. Our Communities Department should have directed and steered local councils to work on the ground to upgrade our town centres. Our Infrastructure Department should have monitored access to town centres to breathe new life into the way people get into them.

When I think of Market Street in Downpatrick, I realise that virtually every Department has its say and its work to do, but have we had the joined-up forward thinking from an innovative Executive required to do the work? Not on your nelly. We have had bluster, argument, bickering, petty, cheap point-scoring, a sectarian-based silo mentality and party political inactivity that has left the people of Northern

Ireland in want, communities with their hearts ripped out and a public service delivered to an all-time low standard, matched only by the low level of faith that our electorate have in the institutions.

To have less than 50% of the electorate in places turning out for an election is an indictment of the inactivity.

#### 4.30 pm

**Mr Deputy Speaker (Mr McGlone):** Will the Member draw his remarks to a close, please?

**Mr McGrath:** The Executive are not working for the people of Northern Ireland. They have failed them; they have let them down. The time has come for change in Northern Ireland for the good of people.

**Mr Beggs:** I support the motion and the amendment.

The fundamental role of any Government, and in Northern Ireland the Executive, is to take decisions that will improve the lives of the people. How have the DUP/Sinn Féin Executive fared with regards to the key aspects of any new Government, namely the Programme for Government, a legislative programme, and a Budget? There has been no output on each of those critical issues. The consultation on a Programme for Government outcomes framework was about motherhood and apple pie. It included statements about wanting to enjoy healthy, active lives; wanting more people working in better jobs; and wanting to have a safe community where we respect the law and one another. However, we have heard nothing about the actions to deliver that; just nice words. It has not been finalised. Eight months after being elected, there is no agreed Programme for Government. What an indictment of those who lead the Executive. Similarly, if any Government are to bring about change, they need to improve the law of the land. Where is the legislative programme? The dysfunctional DUP/Sinn Féin Executive Office-led Government, which have been in power for eight months, have failed to produce a legislative programme.

One of the critical aspects of any Government is how they prioritise issues in their financial decisions. Where is the Budget for 2017-18? First, we were told that the draft Budget could not be produced because the Chancellor's spending review was being published in November. The Welsh Government decided to publish their draft Budget in advance in October, and the Scottish Government published theirs just before Christmas. In Northern Ireland, the draft Budget was expected to be published before Christmas, which would have left just a few weeks for public consultation and scrutiny. However, even a draft Budget has not been agreed by Sinn Féin/DUP leadership under the Executive Office. They cannot work together.

Committees have been unable to scrutinise. Many employees may well have received protective redundancy notices because their employers have no guarantees of funding come 1 April. Worse than that, the Sinn Féin deputy First Minister irresponsibly decided to resign without putting the 2017-18 Budget in place. The announcement of elections was made yesterday, so emergency measures that reflect previous funding will kick in. There must be huge uncertainty for vulnerable members of the public, for civil servants delivering public services, and for others funded by public funds.

Take health. We have suffered a year of growing waiting lists, and we were promised a new health reform and new

money. What happened to the 2016 synchronised DUP/Sinn Féin election promise of an additional £1 billion a year? Where is that additional fund? Where is the Budget? It does not exist. Where is the great report; the great way forward? It has not even been published. If it were published now, what weight would it have? It would have none, because we are going into an election and there is no commitment thereafter. The regional rate cannot be set because of the absence of the Budget. Without an agreed regional rate, rates bills cannot be sent out, but they will still have to be paid; we will all still have to pay. Monthly direct debits cannot be collected. Local government will suffer cash-flow problems.

Finally, there is the failure of the Executive to adopt agreed actions to protect the interests of Northern Ireland following the EU referendum decision for the UK to leave the European Union. There is great uncertainty, particularly in the business community about how it will be able to trade with European Union partners. I commend Northern Ireland Food and Drink for its Brexit report, which concisely highlights some of the great challenges facing Northern Ireland. It indicates that the average profit in its companies is 2.94% and that a hard Brexit would result in food tariffs of between 7% and 65%.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close.

**Mr Beggs:** So we have £1.3 billion of food products — 28% of our production — at risk. What would happen? We must make sure there is a coherent Government giving direction and looking after the interests of the people of Northern Ireland, instead of this irresponsible lot we have at the minute.

**Mrs Dobson:** I take no pleasure in speaking on the motion today, but I do so as the Ulster Unionist Party health spokesperson. I wish to focus my comments on, as the motion says, the "grave consequences" for the health of our people of Northern Ireland.

It is, frankly, outrageous that one in five of our population is trapped on a hospital waiting list. It is even more outrageous that we were told last year we would have to wait until January to hear the Minister's comprehensive plan. It is shocking that there was not a plan already in place. However, it is most shocking that, if the Minister releases it, it will happen through a Sinn Féin press release that is paper thin, with no money or resources behind it and no prospect of making any real and meaningful difference to our constituents because of the lack of an agreed Budget. Shameful.

I want to turn my comments to the present GP crisis and pay tribute to the work of GP representatives. A rescue plan is needed, but, sadly, one is unlikely to come forward any time soon. Shameful. What is also shameful is the action of the Department of Health and the Health and Social Care Board on the GP cover for the patients of Bannview practice in Portadown. That is an issue on which my colleague Doug Beattie and I have been working tirelessly. The latest twist is that a new contractor withdrew yesterday, days after they were appointed. Indeed, the board and the Minister told us they had been secured. That is why I tabled a question for urgent oral answer this afternoon to the Minister of Health. It is abundantly clear that those actions have failed the people of Portadown, and it is a clear and painful example, as the motion states,

of how this Executive, in this instance through the Health Minister, are failing to:

*“safeguard the interests of the people of Northern Ireland”.*

The GP crisis, as we know, threatens cover across Northern Ireland. That became abundantly clear given the number of Members who wanted to take part this afternoon. With hundreds of GPs considering resigning, that rescue package can no longer become a reality.

This is what happens when politics gets in the way of progress and when the political soap opera overtakes the practical job of actually working hard for our constituents. It is abundantly clear that the health service and, more importantly, the health of the people of Northern Ireland have become the main casualties of this political crisis.

I said I would take no pleasure in speaking on the motion. I urge an urgent resolution to the crisis at the Bannview practice and open and frank negotiations with GPs and their representatives before it is too late. I fear, however, that that time has already passed.

**Mr Agnew:** Over the Christmas recess I was contacted by the chief executive of a Belfast-based charity which has a project working with vulnerable families; it could be called an early intervention project. It is waiting to hear whether it will get the extended year funding that it was anticipating. Because there has been no Budget and no likelihood of a Budget, it is unlikely that it will hear. As a result, 45 staff have had to be put on notice and 700 service users will be let down. That is just one example of the many services that are under threat due to the failure of this Executive.

The traditional parties have wasted their opportunity to provide stable government in Northern Ireland, and I think the failure to produce a Budget is the most damning thing, given its consequences.

Even if Mr Allister is wrong and the Civil Service can implement 75% of the Budget, there will still be huge cuts to our public services. Those in the community and voluntary sector are often the first to lose out.

Sinn Féin has quite rightly pointed to the DUP, and Arlene Foster in particular, and said, “You need to hold your hands up. You need to be accountable for the RHI fiasco”. That is right, but much was made of the so-called brave decision of Sinn Féin to take the finance portfolio, and it has a duty to produce a Budget. The Finance Minister, who should be here to hear this debate, has a responsibility to explain to the people of Northern Ireland why we are heading into an election with the possibility of there being no agreed Budget at the other side in advance of the deadline on 31 March.

Providing services is the fundamental element of government. We would have had a debate in here about the Budget — no doubt, I would have been unhappy with it, as is my wont — but producing a Budget is the minimum that we should expect. Anyone who is derelict in that duty is unfit for government, quite frankly.

I do not like the situation that we are in. I do not like that we are heading for an election. I do not believe that it should have come to this, but I am pleased that the electorate will have the opportunity to give their verdict on these failures. For all the debates and disagreements that we have had in

this Chamber, this has been the most startling failure that we have seen.

I will be pleased to offer a positive alternative. The Green Party will be out, as a progressive party, offering our alternative to what we have seen. I will take the opportunity to highlight the waste of the Executive, whether that be the wasted money of the RHI or the wasted opportunity to reform Northern Ireland for the better.

I hate where we have got to. I hate that our people have been failed in such a way. Job losses are inevitable over a political fallout that could and should have been resolved. Arlene Foster should have done the honourable thing and stepped aside, but Máirtín Ó Muilleoir should have presented a Budget to us on 19 December, as had been anticipated. As we know, we are heading into an election, and the electorate will make their judgement on that.

**Mr E McCann:** Since I came in this morning, I have found that there has been a very strange atmosphere around this place. You would not know what to make of it. Sinn Féin’s name has been mentioned all the time, but its Benches are empty, and there is hardly anybody on the DUP Benches. We are talking in a vacuum. This is the way that the Assembly ends: not with a bang but with a whimpering diminuendo of interest as we slink away having achieved absolutely nothing on the big issues that I confront in the interests of the majority of the people.

I came in about an hour ago and discovered —

**Mr Agnew:** Phillip Logan.

**Mr E McCann:** Mr Logan. I am terribly sorry, but I forgot his name for a minute. As I came in, there was a ferocious attack coming from Mr Logan on Sinn Féin that took me way back to the 1950s. I can go back that far. There was talk of, “The poisonous nature of these people”, and “By God, did you see this tweet that demonstrates that they are out for a united Ireland and nothing less”. Now, there is a revelation at the start of 2017. *[Laughter.]* It was old-fashioned stuff. Mr Logan appears to be a lively young man, but he has a doddering old man’s head on his shoulders. That, sir, is a biological impossibility and a social and political undesirability, but it is what we have been reduced to by the politics of this place, and that is what I would like to deal with in the couple of minutes left to me.

**4.45 pm**

We can talk about who is right and who is wrong — I do it as well — on RHI and all the rest of the things, but many of the problems that we are talking about are generated from within the system of governance here in Northern Ireland. They are not entirely to do with the character or the perspectives of particular parties. These contradictions have been built from the beginning. The Executive have collapsed under the weight of their own contradictions. You can analyse it any way you like, but the contradictions were there, and the flaws in the system were not in the edifice of the Executive. The flaws are fundamental; the flaws are in the foundations of the system.

You are invited to believe about our system that you are going to be judged at the polls. We are told this all the time. I am told all the time by some quite sharp and acerbic commentators that the only thing that matters in this country is whether you are green or orange. I heard



somebody shouting from the DUP Benches yesterday — I think that it was Peter Weir — you are green; not a red at all. I do not go back quite this far, but it reminded me of a by-election at the tail end of the 19th century in North Belfast. A fellow stood as a Labour candidate, and the 'Northern Whig' newspaper carried an editorial that said "McGrath is a nationalist no matter what he says or thinks". There is no answer to that.

If you believe that the only measure that you are going to be judged against is how you have served the discrete and specific interest of your particular community, of course there is no dividend in taking up questions to do with a childcare strategy, for example, which we do not have, or a sexual orientation strategy, which we do not have. Those things do not differentially affect one community from the other, and there is no dividend for your tribal chieftains in that sort of thing. Therein lies the connection between the neglect of these issues and all of the suffering that follows from the neglect of these issues, on the one hand, and, on the other, the very structures that have been erected by the Good Friday Agreement.

We in People Before Profit believe that it is possible to talk in class terms in this society and to talk in class terms about things that are normally considered divisive. What is our approach to the murder by British soldiers of Robert Johnston and Robert McKinney? Can we talk about them in the same breath as Bloody Sunday? Mr Johnston and Mr McKinney from the Shankill Road were murdered — murdered — by the Parachute Regiment. Two entirely innocent, decent men, shot down and killed in September 1972, not just by the same regiment but by the same men. I can name them to you. If I have to, I will in this House. I will name the same people who went into Glenfada Park in the Bogside and murdered people. I have approached unionist representatives on the Shankill Road and have said, "Let's get together and work on this. Let's get the truth for those families". I was told to my face, "It would be better if you did not intervene. You will only undermine us. You will associate us with people who are against the army and all the rest of it". There you can see the way in which sectarian mindsets prevent justice from being delivered —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close.

**Mr E McCann:** — even from the people of the community that purportedly are being served by these people.

We will put a class perspective in front of the people. We will advocate a trade union freedom Bill, which we have already drafted. That is the type of thing that should be put before the people if we are going to give young people some hope for the future. As things are going, it is impossible to say that we will weep any bitter tears at the end of this Assembly. My God, we deserve something better, and we will be in the field offering the people something better.

**Ms Lockhart:** Mr Deputy Speaker, thank you for giving me the opportunity to speak in this debate. I certainly had not planned to, and I do not have anything prepared, but I felt that it was necessary to get up as an elected representative for the Upper Bann constituency. It is a great pleasure to stand here today and to continue to represent the people who put me here.

It is a very sad day for Northern Ireland and a very grave day for Northern Ireland. I sat and listened to the Members

in this Chamber echoing and howling and growling about the failures of the Assembly, and I have to say that I believe that that is a reflection on them. Since I was elected, I have, in over 250 days, sought to fight and to deliver for the people of Upper Bann, and that is what I am here to do. If those Members were to take a step back, they would realise that they are there to do that and fight for their constituency.

You tell me and my constituents about failure and the likes of Brownlow, which has been able to achieve over £40,000 or £50,000 in grant funding towards promoting shared education in Lurgan, which has been one of the most polarised towns in this country.

You tell Brownlow that the Executive have failed them and that I have failed them. I do not believe that that is right. Tell the people in Upper Bann who have waited for years to have a Minister of Education who had a heart for the Dickson plan that the Executive have failed them. We had a Minister who listened to the people of Upper Bann and was willing to go out and say, "Do you know what? There is a system that works. Why break it? Why tear it down?". You tell those people that the Executive did not work and that I have failed them. I do not believe that we have.

I can go through a litany of things that I have delivered, such as Millennium Way, new road infrastructure in Lurgan. We waited 40 years for that — 40 years — and this Executive delivered it. I welcome that. You can laugh and scorn, but, to be honest, I do not mind: laugh away. I am here to represent my people. I have a heart for Upper Bann, and I do not want the institutions to fall, because I believe that they deliver for people on the ground. That is what I am prepared to do; that is what I am elected to do. I can assure you that, going forward, that is what I will stand on. I believe that, as an elected representative, I am their voice and their listening ear. It is vital that I get up every day of the week and represent the people whom I have been elected to represent.

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

**Ms Lockhart:** Absolutely, no problem.

**Mr Allen:** Like the Member, I got involved in politics to represent and fight for the people of East Belfast and, indeed, all the people of Northern Ireland. Perhaps the Member can tell us this: what do you tell the nearly 40,000 people on the housing waiting list for whom successive DUP Ministers have not delivered? What do you tell people who cannot get a house and have to wait and languish in hostels?

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

**Ms Lockhart:** I thank the Member for his intervention. I am not saying that we have a perfect world out there. I am not saying that we have adequate resources to service the needs of everyone. I am saying that this was a workable solution, and we thought that it would, over five years, certainly make a change. Unfortunately, there are those who have walked away, and it is they who should answer your question. I am prepared to stand in the House and fight for more social housing. I am prepared to stand and ensure that the number of people on the housing list goes down. That is what I am here to do. That is what I am elected to do, as are you, Mr Allen, and I do not take that away from anyone.

It is a stark day when a party walks away from the electorate. Believe it or not, the needs of their electorate are exactly the same as those of my electorate. That is the harsh reality. As we sit here today, the electorate needs good healthcare, good education and a functioning Executive who deliver for them. Unfortunately, some took the decision to walk away. I trust that people will scratch the surface, look beneath the surface and realise that those who have walked away are to blame for this mess.

**Ms Mallon:** I thank the Member for giving way. I have no doubt at all about your passion for the people whom you represent; that has been evident on multiple occasions in the Chamber. Do you recognise, however, that we are in a very difficult position because of political failures? Yes, Sinn Féin, who are absent today and have been absent on so many issues, are to blame, but do you accept that the DUP plays some part in being responsible for where we are today at this very stark and dark moment?

**Ms Lockhart:** I thank the Member for her intervention. I commend her because I believe that she is a passionate politician, and I can see that.

I believe that no party or person is above doing something wrong or making a mistake. We all stand here as elected representatives —

**Mr Deputy Speaker (Mr McGlone):** Will the Member bring her remarks to a close?

**Ms Lockhart:** Certainly. All I can say is that we, as a party, have sought to deliver for the people whom we represent, and, when we go out to our constituents, we will sell that delivery, because that is what has happened.

**Mr Allister:** It is no surprise to me that mandatory coalition has imploded. It was bound to happen because it is a system incapable of long-term survival. It has imploded because, at its heart, was a party that never really cared whether good government was brought to Northern Ireland or not. Indeed, one of the searching questions that all democrats, and particularly unionists, have to ask themselves now is whether Sinn Féin ever did intend or ever does intend to help make Northern Ireland work or whether Stormont was only ever a phase in its struggle to, in fact, destroy Northern Ireland, to extract what it could and when it could extract no more, to move on in its militaristic terms to the next phase of the struggle. That certainly is my belief. I believe that it is that point that we have reached.

After 10 years of bleeding what it could out of mandatory coalition and having decided that there is nothing more for it unless someone wants to come and load it up with more concessions, it has decided, strategically, that Stormont is over. The only thing that will bring it back here is if the continuance of Stormont so serves its ends because the DUP decides after the election, for the sake of office, to fill Sinn Féin's boots with more concessions. You can have a Stormont under mandatory coalition if you are willing to pay that impossible price. Sinn Féin is testing you to see just how desperate you are to hang on to power, and if you pay the price again, you will pay it again and again and again.

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

**Mr Allister:** Yes, I will give way.

**Mr Wells:** Will the Member indicate what concessions the present First Minister has made to Sinn Féin in the last 12 months?

**Mr Allister:** The DUP made the most colossal concession that we would abandon the fundamental principle of democracy that who is in government lies in the discretion of the people, and that we would bestow that discretion on the parties. That is the essence of mandatory coalition. In any other democracy, the people have the discretion to decide who is in and who is out. They can decide to vote a party out of government; that is in their discretion. However, because of the iniquity of mandatory coalition, that discretion is removed from the voters and is bestowed upon the parties.

Once you create a system that says that you are entitled, as of right, provided that you have a handful of MLAs, to be in government, you transfer the discretion, which is the heart of democracy, as to who should be in government, from people to parties. That is the fundamental flaw of mandatory coalition. When, in the doing of that, you bestow that discretion on a party that does not even want the country of which they are governing to exist or to succeed, it is quite clear, I would have thought, that it is a system bound to implode when it has served its purpose for those prepared to use it and exhaust its credit. That is the point that we have reached, and unless we get to a system of voluntary coalition — government by the willing — we will never have durable, lasting devolution. That reality needs to be faced. If the parties in the House are not mature enough to come to the point of voluntary coalition, we are headed for direct rule.

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

**Mr Allister:** In a moment. What needs to happen then is that British Ministers need to take over the Executive, but, this time, direct rule can be made accountable by keeping this House as the lawmaking body so that Westminster's Ministers have to put their laws through this House on devolved issues and are held to account through scrutiny by this House.

#### 5.00 pm

The Assembly has three functions. Two of them have worked reasonably well. One is lawmaking and one is scrutiny. They have worked reasonably well. The one that has been catastrophic is the Executive powers. If the Executive powers are the failure and you cannot agree on voluntary coalition, take them out. Put in British Ministers —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Allister:** — and make direct rule accountable to the people by retaining the Assembly for the legislative and scrutiny functions. That is the only way that, I believe, we can make progress. It is quite clear that if we give a veto to Sinn Féin, a party that wants to destroy Northern Ireland, through mandatory coalition, it will do exactly that.

**Mr Deputy Speaker (Mr McGlone):** I call Paula Bradshaw to make the winding-up speech on the amendment. You have up to five minutes.

**Ms Bradshaw:** I rise to support the motion and make the winding-up speech on the amendment. Unfortunately, very few people actually referenced the amendment, which relates to the regional rate. It is totally understandable on

a day like today. Yesterday evening, I was in a near-empty Chamber like this when we were discussing collaboration between the Health and Justice Departments on alcohol-related crime. Like today, it was very lamentable that Sinn Féin MLAs absented themselves from that debate. Do Sinn Féin MLAs not think that these issues, like this one today, matter to their constituents? It is shameful that they have decided to walk away.

The motion is very important. I applaud the Opposition parties for bringing it. I think that it would have been far better served if we had debated it four or five months ago, because it was very clear to many of us sitting here on the Back Benches that the wheels were starting to come off the Executive months ago. We can really trace it back to the day after the referendum on Brexit. What we were promised last May when Arlene Foster came into post again as First Minister was that we would have a stable, united Executive. MLAs who are present here, possibly with some exceptions, and the wider public will feel very let down now over the news in the last 24 hours that we are heading for an election.

I will concentrate on the implications for the health sphere of the failure of the Executive to bring forward a Budget. We mentioned it earlier when the Health Minister came to the House to answer the question for urgent oral answer from my colleague Mrs Dobson on the crisis in the GP sector. We, as the Committee for Health, were very supportive of the Health Minister when she brought forward her “road map”, as she calls it, for delivering on health transformation. Within that, very sensible proposals had been brought forward by the Bengoa report. To deliver on them, she required, and said that she had Executive approval for, additional investment. The investment would be to allow for what she called “double-running”, which meant that existing services would go on while bringing in new services, innovative practices and the rolling out of best-practice pilots that have been introduced in one trust area into another. Without the Budget and that extra investment, it will be a long time until we see these necessary changes. Again, the Bannview practice is a clear example of why the Minister and the Executive should be up and running to deliver on that as opposed to having this needless election.

In relation to the health and social care sector, we were promised the new Programme for Government and approach around outcomes-based accountability. Coming from the community sector, I was very aware that this stuff was rolling on behind the scenes. Over the last few months, community groups, health charities and voluntary organisations brought together groups of their users, members, boards and board directors to discuss in as much detail as possible their response to the consultation process for the Programme for Government. They, too, should feel very let down today. Where is that Programme for Government now? It is in the gutter. At the far side of the election, it will be very difficult for those groups, such as health charities, to get any enthusiasm up to come forward and bring people together.

Parkinson's UK brought people out of their homes to consult on this. Shame on the Executive for not being able to deliver on the Programme for Government.

My colleague Stephen Farry mentioned the regional rate, so I will not go into that. I will make a final point, however, about a catastrophic failure of the Executive: there is no

plan for Brexit. Shame again on the DUP for promoting exit to its electorate. We have no idea of the extent to which we will be disadvantaged by coming out of Europe. We already know that hundreds of millions of pounds of research grants will not come forward. We are already being excluded from health research trials.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw her remarks to a close, please.

**Ms Bradshaw:** How expensive will it be for the UK to buy into those drugs and new procedures when we are outside Europe?

I commend the amendment to the House and seek the support of those present today — those who bothered to turn up.

**Ms Hanna:** I thank all Members who contributed to the debate, which has been a retelling of the very sad life story of this failed Government.

Mike Nesbitt opened the debate with a lengthy blooper reel of some of the failings of the DUP and Sinn Féin over the last decade. He spoke about the survivors of institutional abuse — they are here today — and that issue has a lot of resonance with me. It was nine and a half years ago that my mum, who served in the Assembly, brought that motion after campaigning for a number of years. Nine and a half long years elapsed before those victims had the support and redress that they needed. The absent Finance Minister spoke eloquently yesterday about the experiences of some of those people, but he failed to mention that, as well as no Budget being brought forward to give them redress, their case, their cause and their sorrows were not mentioned in the Programme for Government that was being lauded just three weeks ago.

The same goes for equal marriage, an Irish language Act and other issues that are being made election issues but were totally overlooked in the strategic plan that was to set the stage for this mandate. It is disingenuous in the extreme and is part of the packages of spin that are coming out in the dog days of the Executive, such as enhanced rail services for Newry and breastfeeding legislation on which nobody will be here to pass. I am not one for quoting Donald Trump, but I will say that they are “fake news” because they are putting out things that do not exist.

Mr Nesbitt covered many other issues, including the failure to deliver a victims' pension to 400 people who had had their life opportunities taken away from them in the Troubles. We all attend a lot of meetings, and I met that group two or three times. I am mortified to be part of an Assembly that made promises to those people, many of whom are in the latter years of their life, and has failed to deliver and give them the comfort of a small pension. He also highlighted the irony of one of the DUP's last acts in the Chamber being its petition of concern applied yesterday to the motion on the Speaker, which is characteristic of its approach to accountability.

Stephen Farry highlighted the missed opportunity that we had in the governance of the Assembly. Our view that the trust that was supposed to build up through power-sharing and parties working together in common endeavour — the very ethos of the Good Friday Agreement — has been brushed aside by parties that share power because the law tells them they have to and not because they want to or believe that it is for the advancement of people here. Dr

Farry also highlighted the cronyism, deadlock and lack of transparency that have characterised this Government.

Christopher Stafford, with a remarkable grasp of the obvious, pointed out that Northern Ireland is safer now than it used to be. In doing so, he inadvertently highlighted how Ulster Unionists did much of the heavy lifting to create the framework that has brought us to this place. We agree entirely that Sinn Féin shares a lot of blame for the car crash that we are now in, but DUP Member after DUP Member failed to grasp the joint nature of the institutions and the mess they are experiencing now.

Colum Eastwood pointed out one of the most visible signs of failure: the empty Benches to our right. He recounted the hollowness of the Programme for Government and the unwillingness of the DUP and Sinn Féin to engage in its development during the negotiations last May.

He highlighted the hypocrisy of Sinn Féin's simultaneous attack on the Opposition parties for leaving government while they are in the middle of leaving government. He highlights the paucity of the Executive's response to Brexit, because the Fresh Start was the end of history and anything that happened afterwards, including the biggest political and economic crisis that we are going to experience, has to play second fiddle to their selfish squabbles and interests.

Roy Beggs returned to this fundamental issue, which was highlighted today by the plans that Theresa May has received from other devolved Assemblies.

I did not have great expectations about any DUP speeches, but to be compared to Miss Havisham by Pam Cameron really took the biscuit. Such hubris was on display from DUP Members. By the way, I do not doubt the commitment of the individuals who talked about fighting for their constituents, but they need to understand that the behaviour of their party has taken that opportunity to fight for constituents away from all of us. Talking about protecting, and continuously protecting, the interests of DUP voters entirely misses the point, as the DUP did with Brexit. There are more people out there than just DUP voters. You said that nobody had laid a glove on you politically. We will see whether the electorate wants to lay a glove on you, because the electorate would rather see half a billion pounds in public services than see it go up in smoke.

Sandra Overend raised the failure to resolve the post-primary mess, and that is one of the starkest failures. Ten years of 10- and 11-year-olds have to pay the price for political inertia and for failure to get round to resolve a problem.

Colin McGrath and Jo-Anne Dobson gave magnificent defences of the health service, which has experienced 10 years of strategies that are never followed through and which now faces the winter crisis and the year ahead without a Budget in place.

Steven Agnew reminded us that, no matter how poor the Budget was likely to be — he pointed out that the last few have lacked imagination and fairness — the inability of the Executive even to put before us a Budget, last month and this, demonstrates their complete unfitness for office. The wrong of the Finance Minister's dereliction and the wrong of Arlene Foster's arrogance certainly do not make a right.

Eamonn McCann laid bare the binary world view of the DUP and Sinn Féin and how common goods, like a

childcare strategy and a sexual orientation strategy, will always play second fiddle to the efforts that we have seen over the last few years to get one over on each other and one up for their voter base.

Jim Allister questioned whether Sinn Féin was committed to making Northern Ireland work at all.

Paula Bradshaw made an excellent point about the hopes and efforts of voluntary sector groups. Many of them took the time, in the days before Christmas, to respond in good faith to a Programme for Government that will sit on a shelf forever. That will diminish the interest and the possibility of civil society groups, in particular, engaging with future Programmes for Government. I feel that it is part of a war of attrition by those parties, who know that they can wear down and wreck the heads of moderate centre-ground people and then use dog whistles to get their own voters out at the end. She also raised Alliance's amendment on rates, which we are content to add to the very long list of governance failings.

I will add to that list. To recap, it includes leaving us exposed to the worst aspects of a hard Brexit, led by a Government that have no interest and no understanding of the needs of people in Northern Ireland. It includes failures to bring forward strategies or legislation to advance the rights of ethnic minorities and the LGBT community; it also includes less childcare support than the Conservatives can provide for working families across the water. However, it includes very large bonuses in the NAMA portfolio and fur-lined jobs for paramilitary bosses.

It is sad that half the Executive has not bothered to turn up, but it is clear that this has been 10 years wasted, in which Northern Ireland could have progressed and used to prepare itself to weather the current difficulties in global politics. That opportunity has been wasted by this Executive. Although none of us doubts that we are in a better place than we were during the Troubles — I agree with Mr Stafford on that — it is sad to see that time wasted.

We must all send out the message to a browbeaten public that there are alternatives. If you want the same level of dysfunction, stay at home or vote as you have always voted; but there are opportunities for change.

#### 5.15 pm

*Question put, That the amendment be made.*

*(Mr Speaker in the Chair)*

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

*The Assembly divided:*

*Ayes 34; Noes 29.*

#### AYES

*Mr Agnew, Mr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Beggs, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mr Kennedy, Mrs Long, Mr Lunn, Mr Lyttle, Mr E McCann, Mr McGrath, Mr McKee, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Smith, Mr Swann.*

*Tellers for the Ayes: Ms Bradshaw and Mr Dickson.*



## NOES

Mr Anderson, Mr M Bradley, Ms P Bradley,  
Mr K Buchanan, Mr T Buchanan, Ms Bunting,  
Mrs Cameron, Mr Clarke, Mr Douglas, Mr Dunne,  
Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton,  
Mr Hilditch, Mr Humphrey, Mrs Little Pengelly,  
Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland,  
Miss McIlveen, Mr Middleton, Mr Poots, Mr Robinson,  
Mr Stalford, Mr Storey, Mr Wells.

Tellers for the Noes: Ms Lockhart and Mr Robinson.

Question accordingly agreed to.

Main Question, as amended, put and agreed to.

Resolved:

*That this Assembly recognises the grave consequences for the people of Northern Ireland of the failure of the Executive to agree a Budget and Estimates for the financial year 2017-18, the failure of the Executive to set a regional rate for 2017-18, the failure of the Executive to endorse a Programme for Government and the continuing failure of the Executive to safeguard the interests of the people of Northern Ireland following the result of the EU referendum.*

**Mr Deputy Speaker (Mr McGlone):** I ask Members to take their ease while we move to the next item of business.

5.30 pm

*(Mr Speaker in the Chair)*

Motion made:

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

## Adjournment

### Removal of Loading Bays at Main Street and Bridge Street, Bangor

**Mr Speaker:** The proposer of the topic will have 15 minutes to speak.

**Ms S Bradley:** On a point of order, Mr Speaker. Out of my continued respect for the House, I would like to place on record my apology for not being in my place at Question Time today.

**Mr Easton:** This is one of the last Adjournment debates of the current Assembly. I thank the Business Committee and you, Mr Speaker, for agreeing to the debate this evening.

Bangor's three loading bays — one in Bridge Street and two in Main Street — were created as part of the public realm design. The project was delivered by the council in conjunction with the then Department for Social Development. The Department for Infrastructure, as custodian of the public highways, provided the necessary legislation to allow enforcement of the waiting and parking restrictions on the new streetscape, which, in truth, came into force only in October. An answer to an Assembly question claimed that 180 people had been fined over the last 12 months for parking in the loading bays, but the restrictions have not been in force for 12 months. They have been operational only for a four-month period, so the Department needs to give the facts and not distort them in trying to cover up the mess created by the three loading bays and the number of parking tickets that they have generated.

The loading bays outside Menarys were never wanted. Last year, I held a meeting of the council, Transport NI and local businesses, which were complaining that the one-hour waiting times needed to be reinstated because the restrictions were affecting business. They had objected to the loading bays and were held to ransom by Transport NI because of their objection. They were forced to withdraw their complaints about the loading bays in order to get the one-hour waiting time back. That was very unfortunate.

Since the loading bays have come into force, four things have happened: a further seven on-street car parking spaces have been lost, adding to the number lost because of the public realm design and resulting in a further loss of trade to the already struggling traders in Bridge Street and Main Street; it has led to mass confusion among shoppers and drivers, who do not understand why they cannot park in these areas; poor signage has led to further confusion; and the red coats have been queueing up with great zeal, ready to pounce on poor unsuspecting shoppers parking in the loading bays, where they always parked to shop.

In Bridge Street, all parking has been taken away because of the loading bays and the public realm work. All businesses are struggling, and one is considering closing because of the loading bay. It is unfortunate that the

Minister could not be bothered to be in his place today to listen to these serious concerns.

So far, £16,000 of fines have been issued — a nice little earner for the Minister's Department. One wonders whether this is the reason why these bays were put in place. Let us look at the facts. Even when these loading bays are empty, lorries and vans are still not using them and are double-parking to deliver their parcels. I have pictures to prove it and I have witnessed it on many occasions. These bays do not even make sense because there are loading bays behind the vast majority of shops and properties on Main Street and Bridge Street. If the Minister were here, I would say, "Minister, this is damaging businesses in Bangor. I can prove it." At an Infrastructure Committee meeting held in Belfast City Hall, I said to the Belfast Chamber of Trade and Commerce representative Mr McElroy:

*"You raised the issue of loading bays, which is a big bugbear of mine at the moment. In Bangor, it is causing huge confusion for people who want to park in them. Are you finding that experience here and do you agree that it is affecting trade? I do not know by how much, but it is certainly affecting trade and people being able to get parked in the city centre."*

Mr McElroy replied:

*"I agree wholeheartedly on all points, as a resident of Bangor and as somebody who carries out business in Belfast ... Our offices are on Great Victoria Street, and we are now down to having two freely available car parking spaces outside a 10-storey building that houses in the region of 250 people carrying out their business and that is visited by clients. That is largely because of loading bays ... To concentrate specifically on loading bays, the issue is not only the loading bays themselves and the number of them but the times at which they are in force. They are frequently in force at times when there will be no loading to those stores."*

If the Minister were here, I would say that I hope that, for once, he would listen because businesses from Main Street and Bridge Street have come together to sign a petition to remove those loading bays. I also understand that the council is now deeply concerned at the impact of those loading bays and that the issue is being raised at council. In response to a recent Assembly question for written answer, the Minister said:

*"As with any new arrangement there is a settling in period and my officials will be reviewing all aspects of the Councils scheme over the next few months."*

I was going to ask the Minister today for the loading bay fines to be suspended from today, for the loading bays to be reviewed immediately, and for a review to be undertaken with local businesses and the council as a matter of urgency, and for those loading bays to be removed before it is too late for businesses in Bridge Street. I have here the petition that I was going to give to the Minister afterwards but, obviously, the Minister for Infrastructure could not care less about the parking problems in Bangor. He obviously does not care about the businesses that are being affected in Bangor and he obviously does not care about the people of north Down. I have repeatedly asked the Minister to visit north Down to discuss these issues and he has refused. Unfortunately,

tonight, we do not have a Minister here at what is a very important debate. He could not care less about trying to resolve these differences by working together with us.

**Mr Speaker:** I call Mr Alan Chambers. The Member has up to 10 minutes.

**Mr Chambers:** Thank you. The problem of car parking in Bangor and the issues around it have been compounded by the public realm work that has been undertaken in Bangor over the last couple of years.

Because of a reconfiguration of the various car parking spaces, the legislation covering them was set aside at that time and became obsolete. We actually had a period of about a year and a half when there was no legislation in relation to car parking in Main Street, Abbey Street or High Street in Bangor. That meant that you could park your car there. Although there were signs saying that you could park for only one hour and could not come back within an hour, that was not actually the case. People cottoned on very quickly. In fact, disappointingly, some of the people who cottoned on to it were those who were designated as traders. Some of their staff also cottoned on that they could park all day and not get a ticket. I know that this caused tremendous strain on businesses, particularly in Abbey Street and High Street, where the shopkeepers and retailers really did depend on a turnaround to maintain their footfall. They lost that. You could see cars and vans that carry deliveries for some of the businesses in that area parked all day. That was an extremely disappointing situation.

The Department and the Minister had to be hounded to push that legislation through. I sat on the council when the committee that dealt with it pleaded with him to bring the legislation forward. It was about a year after that before he brought it forward. There was a lot of dragging of heels. When they spoke to the council prior to the public realm work, they told us that we would only lose a handful of car parking spaces. I went out in good faith and sold that to people. People were saying, "We will lose a lot of car parking". I said, "No, we will only lose a handful. The Minister and the Department have told us that". The reality was that the town lost 28 car parking spaces. It went down from 162 to 134. Thankfully, the disabled parking spaces remained constant. There were 10, and they retained 10.

One of the things that they did was to introduce these loading bays. I am a motorist who uses Bangor, and I do a lot of business in Bangor daily. One of the infuriating things — all the motorists who use Main Street and High Street in Bangor will identify with this — was the double-parking of lorries. The redcoats totally ignore that and have always ignored it. If you say anything, they tell you that it is not a parking offence but an obstruction offence and that it is a matter for the PSNI. They will not interfere. That causes issues with traffic progression in the town and causes tailbacks of half a mile. The effects of a lorry being double-parked are felt half a mile away in the town, and they do it with impunity.

I have some sympathy with the Minister deciding that these loading bays might be a good idea and introducing them. The reality is that they have been a disaster. They are not being used. In reply to a question from me, he said that they have eliminated six spaces when, in fact, it is seven spaces, not that that is a huge difference. They are not performing the function for which they were placed there. Mr Easton is correct. I have seen it as well. I also

have photographs of lorries double-parked adjacent to the loading bay. They are completely ignoring the fact that the loading bays are there. The problem remains that, if we take these loading bays away, we will have to come up with some other method of traffic restriction to remove the scourge of the lorries double-parking in the town. The tragedy is that a lot of these businesses have back entrances and loading bays round the back, and there is no reason why the lorries cannot go round there. It might help if some legislation was brought in so that the redcoats could intervene when lorries double-park and it might help if the lorry drivers started to get parking tickets, although I am sure that they would be the next to ask us to raise a petition if that were to happen.

I know that it is easy to stand up here tonight and say that the Minister should cancel this and take it away from today. The reality is that legislation and laws were passed and put in place and, as we have seen over the last couple of days, you cannot just click your fingers and change the law.

#### 5.45 pm

The legislation that is in place in relation to these loading bays went out to public consultation.

One of the questions that I wanted to ask the Minister — I share my colleague's disappointment that the Minister is not here, although he has been pretty good at Adjournment debates in the past — was whether any of the businesses objected prior to the loading bays going in. I am not sure that there were any objections. There was the planning process as well, and I am not sure that any objections against the bays went through the planning process. Maybe people did not realise the impact or thought that they were a good idea. I am sure that the Minister thought that they were a good idea, but the reality is that they have proved to be a very bad idea.

I asked the Minister whether he had introduced the loading bays with the full approval of the council. It worked in very close partnership with the Infrastructure Department on the public realm work. I think that there was a bit of playing around with words. The Minister said that the council had carried out all statutory consultations, with the caveat that it was through the planning process and that the council had more or less approved it. I think that the Minister was saying that the council had approved the planning application, as is its statutory duty, as it went through. No doubt the planning committee would have had no reason to turn it down, but the Minister is clutching at that as proof that the council supports the loading bays, and I do not think that that is the reality. If the council was asked the direct question, it would tell you that it was not party to agreeing to the loading bays.

I am sure that a lot of councillors have had their ears bent; certainly, mine have been bent, not by traders but by people who are getting tickets. Even people with blue badges are getting tickets. When they ring me, they are distraught about having to pay the fines. It is a money tree. When I drive down Main Street any day, I see cars parked in it. I say to myself, "Do people not see the signs?" They park, get tickets and do not like it. I do not think that there is an overnight solution, but we have to at least put a marker down — we are doing that tonight — that we do not like the bays. The people, the traders and public representatives do not like them.

**Dr Farry:** I thank Mr Easton for securing the Adjournment debate. I declare at the outset that a close family member unfortunately received a penalty notice for parking in one of the bays.

Just to pick up on Mr Chambers's points, I do not think that this would have entered into public consciousness, even during the formal consultation process. At the best of times, it is difficult to get people to engage. People who are assumed to be most overtly affected tend to respond, but most of the motorists who fall into this category would not have been aware of this. They would have seen a location where they parked previously and assumed that they could continue to park there, without understanding the changes in the rules and regulations. While, technically, we can point to the Highway Code and legislation, I am not sure that average motorists, especially those who passed their test a long time ago, fully understand the subtle differences between one type of parking bay and another or between what is a loading bay and what is not. There is very little indication in the signage, for example, to warn people of the changed circumstances.

That said, I do not think that this is a massive Sinn Féin plot against Bangor or north Down. However, I certainly put on record my disappointment that the Minister is not here to listen to the debate. I am somewhat confused as to what Sinn Féin's position is vis-à-vis the Assembly at this stage. Its Ministers say that they are carrying on with their duties, but, at times, the evidence of that is patchy, to say the least.

This issue shows the difficulties that we have sometimes with large Departments understanding the very subtle circumstances that pertain on the ground in how decisions are implemented and operationalised and their lack of flexibility in acknowledging or responding when things are not perhaps working clearly. That is probably an argument for seeking to consolidate a lot of the very basic powers that exist at local government level, especially when we have the opportunity for joined-up thinking on the knock-on implications of a particular intervention — say, car parking — or other aspects of what is happening in the commercial life of a town. In that regard, I urge Mr Dunne and Mr Easton to encourage their colleague, the outgoing Minister for Communities, to rethink his position on regeneration powers, because the withholding of those from councils is an example of taking things in a direction that was not planned and it makes things more difficult down the line for that direction of travel.

Parking as a whole is at a premium in Bangor town centre, as is undoubtedly the case in many other locations. We have, in effect, a disproportionate impact of the creation of the loading bays, which are not being used for the purpose intended, not least when lorries continue to double-park. Even if they were to be used by lorries for loading, that would be for only a fraction of the day. Otherwise, you have empty space that is not being properly utilised to allow a free-flowing exchange of vehicles, which, in turn, would provide much needed custom for town-centre businesses. We have, in essence, a lack of flexibility and a lack of understanding of local circumstances.

The public realm process, of which that was part, was welcomed by local businesses and other stakeholders. However, I hear comments about it not having brought further regeneration benefits to the town because, for other reasons and factors, that regeneration has not moved to

the next step. At the same time, throughout the residential parts of the town — I am sure that this is reflected in other parts of Northern Ireland — there is huge frustration at the state of the pavements, some of which are overgrown with weeds, where paving stones are still broken, and where there are health and safety hazards. There is frustration because we have had a lot of investment in the town in the look of the street infrastructure, but that has not been matched elsewhere. That has an impact on people's quality of life.

In closing, I encourage, at the very least, Departmental officials, who, hopefully, will read the transcript of today's debate, to reflect on Members' comments. If the decisions are, essentially, operational, perhaps they could action them without the direct input of a Minister. I hope that it is the case that they reflect on what is said. Perhaps they could have a more flexible approach or forgo enforcement, pending some wider discussions about better use, which should take place in conjunction with local representatives, including not just MLAs but the local council.

**Mr Dunne:** I, too, welcome the opportunity to discuss this matter. I commend my colleague Alex Easton for raising it this evening. I think that we are all very aware of the public realm work that has been completed, with £8 million of investment through DSD, which is now the Department for Communities, in partnership with Ards and North Down Borough Council. In the main, it has been a success. I know that there are some reservations about it, but it has certainly changed the environment of the town, which was tired and worn and in need of an uplift. The new public realm has made major changes to the town; it has uplifted the environment, which is now much brighter, cleaner and sharper. There are improved footpaths, new pedestrian crossings, new street furniture, and street lights throughout Abbey Street, Main Street, High Street and Bridge Street.

In the main, it has been a success and is something we all welcome. As a former councillor, like a number of Members here, I was involved in that. There was a steering group, which I served on, as did other councillors. On that steering group were trader representatives and community group representatives. TNI was represented, as were DSD and other bodies. Of course, there were consultants; there always have to be consultants getting their fee.

Many people raised the point about the loss of parking bays throughout the town. High Street was always a concern because of the need to park and to increase footfall. There was an argument about Bridge Street; in fact, at one time they were going to make it a one-way street and there was going to be one-way traffic through it. A number of us argued strongly against that because, as I believed, it would have been a disaster and affected the whole traffic flow in Bangor town centre. That, fortunately, did not happen, but there was always an argument about increasing the open space for the public so that we could have more of a communal feel. Yes, in theory, that sounds good, but, against that, we lost car parking spaces and a lot of the character of the town in relation to accessibility for vehicles.

People in Northern Ireland still like their cars and to drive in close. I am sure that my colleague down there in the corner, Mr Agnew, will agree totally with me that we still like our cars and to drive in as close as possible to our shops, our homes and wherever we are going. It is the culture. I know some will argue that we should change

it, but, if we look at Belfast, we see that people do not go there any more. It is positive for towns like Ards and Bangor that people come there to shop. There is all this madness about bus lanes, but they have not worked. There is a balance, and I think the balance with parking bays here is wrong. The need is great for local access for cars and for getting right into town centres.

My colleague made the point that the traders are under pressure. They are, and we are all aware of that. They pay large amounts of rates, and they are in competition with online services and other businesses. Anything that deters people from coming into town is a negative, and this is a major factor. I support what my colleague Alec Easton said about the vehicle bays. The vehicle bays were argued against, but we, as elected representatives, were not listened to. We have a loss of approximately seven car parking spaces with the vehicle bays. They are in prime areas adjacent to the major shops, which are trying to survive and compete with other businesses.

I urge the Department, which is now Transport NI, to review the work that has been carried out. I think that is important, and I urge it to continue to carry out the important maintenance work throughout the North Down area. We have a lot of outstanding work on the A2; we debated that some months ago. We really get a poor maintenance service from Transport NI throughout the North Down area. We want to see future investment and see the area improving, making it one of the best parts of North Down for people to live, work and enjoy themselves in.

**Mr Agnew:** I will start by inviting Mr Dunne to acknowledge that, in North Down, we love our trains. We have an award-winning train station in Bangor, and, indeed, the train brings in much tourism — some of it unwanted, admittedly, at times. However, it is highly valued in North Down and our town centres.

I appreciate Alex Easton bringing forward the issue. As a resident who lives on the edge of the town centre, I know that double-parking by delivery lorries is the bane of any driver's existence when trying to get through the town centre. It is infuriating, but, as has been highlighted here today, the problem has not been alleviated by the loading bays.

We have a wider issue with parking in general in North Down. The loading bay issue is particularly frustrating for those who have fallen foul of the fines. Whether we have them or not, our parking problems in Bangor will not be completely alleviated either way. Six or seven extra spaces would undoubtedly help, but we need the wider issue resolved. It is worth making that point, because, as the Queen's Parade project continues, there is an opportunity to look at parking in general in the town centre and bring about a long-term solution. In the short term, it is certainly something that can be fixed more quickly than Queen's Parade — if, indeed, the Queen's Parade issue is ever resolved. I hope and believe that it will be. It is a question of "when" rather than "if".

We need to look at a strategic approach to parking in Bangor. We need to look at the transition to more low-carbon forms of transport. Our trains have been a great success, but there has been less success in getting people to shift on to buses where the train line does not run.

As I said, I appreciate the proposal this evening. It is regrettable that the Minister is not here to hear it, but I hope that his officials are listening on his behalf. It is



something that needs to be relooked at. The introduction of loading bays was a well-intentioned move to assuage people like me who are frustrated by the double-parking, but it has not solved the issue, and we need a different solution.

*Adjourned at 6.02 pm.*

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# Northern Ireland Assembly

Monday 23 January 2017

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

*Members observed two minutes' silence.*

## Matter of the Day

### The Shooting of a Police Officer in North Belfast

**Mr Speaker:** Mr Doug Beattie has been given leave to make a statement on the shooting of a police officer in north Belfast. This fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their places and continue to do so. All Members who are called will have up to three minutes to speak on the matter.

**Mr Beattie:** I am sure that the House will join me in condemning the indiscriminate shooting and attempted murder of a police officer in north Belfast. It was a cowardly act that brings nothing to society and furthers no cause. What it does do is that it inflicts misery on a community that has already suffered so much, and all they want to do is live in peace, as we all do. This attack was carried out by thugs, by criminals, by career terrorists; but let us not think of them as some rogue element, because this attempted murder was rooted in one community or the other. It will have taken months in the planning. There will have been intelligence teams to watch the police and their movements. There will have been somebody who supplied the gun and somebody who supplied the car. There will have been lookouts, and there will have been scouts, not to mention the person who drove the car and not to mention the person who pulled the trigger. In pulling the trigger, he endangered not just the police officers but every single person who was in that forecourt and well beyond. High-velocity rounds are indiscriminate. They will enter the body through muscle and tissue. The round will break bone, and it will keep going. It will ricochet off concrete, it will ricochet off structures, it will penetrate walls, it will penetrate windows, and it will penetrate men, women and children who are in that area.

To spray an area with 24 high-velocity rounds is an absolute and utter disgrace, and it is incumbent on all of us here today — it is good to see all of us represented here today — to have a single and united voice and to watch our language.

We should watch our language and our words because we do not want to raise tensions in our community. We have to be careful about what we say. I want to know where the weapon came from for the shooting yesterday. Was it a new weapon? If so, where did it come from? If it is an old weapon — a decommissioned weapon — I want to know. I also want to know whether anybody involved — it will have taken many people — is on licence, and, if it is proven

that they were involved, they should be returned to prison immediately.

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Beattie:** I feel that we have failed our country and we need to support the PSNI in the rule of law and order.

**Mr McCausland:** The event that took place on the Crumlin Road in north Belfast last night was an appalling attempt to murder a police officer or police officers. It is a chilling and terrible reminder of those dark days — some of the darkest days — when such attacks were a regular occurrence in Belfast. It is a reminder of the method that was used and the murderous intent of those who carried out the attack. It is wrong to murder police officers; it is wrong to murder anyone. It was wrong when it was the old IRA doing it years ago, it was wrong when it was the Provisional IRA doing it more recently, and it is wrong today, whatever version of the IRA may be doing it.

Our hope and prayer today should be for the recovery of the wounded officer, and our thoughts are with him and his family. Such an attack on a garage forecourt, where people are milling around — young people, elderly folk, people out and about their business, as well as the intended target — means that anyone could have been cut down and killed on the spot last night. It is reminiscent of the 1970s and 1980s in Belfast. Sadly, there are those around today who want to drag us back to a violent past. In recent months, we have seen an upsurge in violent activity by extreme republican elements. We have seen bomb devices being used and shootings, particularly in west Belfast and other parts of Northern Ireland. It is clear that there has been an increased level of activity on top of the ongoing attacks against police officers and prison officers. Fortunately, on this occasion, the intended target was not killed. Fortunately, on the previous occasion of an attack on the Crumlin Road not so long ago, the intended victims were not killed. It is a stark reminder of the responsibility of all of us to make sure that those who are responsible for such attacks are brought before the courts.

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr McCausland:** Every support should be given to the police in dealing with those who carry out such murderous attacks.

**Mr Kelly:** I join, I presume, all other Members in the Assembly, as an elected representative for North Belfast, personally and on behalf of Sinn Féin, in hoping that this young police officer — I understand that he was very young and was a probationer in his early 20s — recovers fully from his wounds. We could easily have been talking

about a death today and a family suffering that death instead of, hopefully, the recovery that we will see. As Members said, other people could have been killed or maimed in the open forecourt of a garage. Let me condemn it, absolutely and outright. Let me also say that, as a representative for the area — all representatives for the area will be of one voice on this — the people who vote for us, right across the board, are absolutely opposed to the people involved in this. The people involved are most likely the same people who have attacked their own community, and killed and maimed in that community in the not so distant past in the last number of months. There is a duty on everyone and anyone who has any information that could lead to the apprehension of those involved to bring that forward immediately. I hope that the young man makes a full recovery and that these people know that they should get off the backs of the local community and the overall society to which we belong.

**Ms Mallon:** I will speak on behalf of the SDLP and the many constituents who contacted me last night to express their shock and anger at the despicable gun attack on an officer out on duty, trying to serve and protect our community. I add my voice to the unreserved condemnation of that attack, and I urge anyone with any information, no matter how small it may seem, to please pass that on to the PSNI.

I express in the House today my best wishes to and my concern for that police officer. Indeed, last night, when I spoke with his colleagues at local and senior level, I asked that those wishes be passed on and the wishes of the people, many of them in Ardoyne and right across north Belfast, who contacted me last night to ask that I would do that on their behalf.

Many issues divide us in the House, but it is clear today that there is an issue that unites us, and that is our unreserved condemnation of what took place last night. The truth is that violence has no place in our society. All it serves to do is to create heartache, pain and suffering. As each and every one of us in the House knows, there are far too many families in our constituencies who endure that pain and suffering daily. So, I think that it is right that we stand united and send that very strong message to those who were behind the attack last night, but, importantly, to the people right across north Belfast. We will stand against this; we will stand opposed to this; and we will stand up for those who deserve it.

**Mrs Long:** First, I extend my sympathy and my best wishes to the young officer who was wounded in last night's shooting in north Belfast. I hope that he makes a full recovery, physically and mentally, from the impact of his injuries, and I send good wishes today to him and his family. I also extend my best wishes to his colleagues who were at the scene last night and to those throughout Northern Ireland whose sense of safety has been shaken again as they go about serving our community and securing our safety.

My thoughts are also with the members of the public who were in that garage last night, going about their business when this reckless attack took place. This was not an attack on an individual police officer or an attack on the PSNI; this was an attack on our entire community. It says all that we need to know about the kind of people who were involved that they would attempt to kill a person who is serving their community and do so with such reckless

disregard for the community in which they serve. These people are nothing but despicable cowards. They have nothing to offer the people of Northern Ireland. I focus my thoughts and my best wishes on those like the young officer who was affected; those who want to give service to their community and to make it a better place. I send our best wishes to him today.

**Ms Bailey:** I am speaking for all members of the Green Party today. I join the calls to condemn the attack that took place last night. I was very shocked, for many reasons, as the news broke last night. I was not long home from my local garage forecourt when I saw the breaking news. That forecourt is not simply a garage; it is also a corner shop for my area. It is where I went for a pint of milk on a Sunday night, and I am sure that many people at the garage last night where the attack happened were doing the same: they were getting milk for the fridge, they were getting food for their children's packed lunches and they were filling up their cars. It is a public area, and there is absolutely no excuse for what took place. It is not heroic to fire a rain of bullets in these circumstances.

It was a terrible attack on a public servant and the wider public. What will be heroic is when that police officer returns to this duties trying to do all that he can to protect our community and make us safer. He will be the hero when he returns to duty. I hope that he makes a full recovery. I wish him all the best.

#### 12.15 pm

It is good that all Members in the House can stand in unity against those who want to bring fear and violence into our communities. Thankfully, the officer is in a stable condition, but things could have turned out very differently, either for him or anybody else in the vicinity. The local community are very angry about what has happened. We must continue to work to make sure that it does not happen again.

**Mr Carroll:** The futility of yesterday's shooting on the Crumlin Road should be clear to everybody. Nothing can be achieved from carrying out such attacks. People Before Profit is calling for an immediate cessation of all paramilitary actions. No amount of rhetoric can hide the fact that armed struggle is a dead end. We urge those who are involved in these reckless attacks to ask themselves a simple question: what has been achieved? Decades of armed struggle by the Provisional IRA did not end in victory. A much smaller campaign that is carried out today is even less likely to achieve anything. Needless suffering and the imprisonment of another generation of people is all that will result.

Politicians from the establishment parties will queue to take turns to condemn this attack — and they should do, of course — but their words will ring hollow given the millions of pounds that they are funnelling to paramilitary-linked organisations, particularly within loyalism; so, too, will the calls from senior PSNI officials to challenge the scourge of paramilitarism. Was it not only a few months ago that the BBC aired a damning documentary that showed that a cosy relationship between the PSNI and paramilitaries is still alive and well in the new Northern Ireland? There is plenty of condemnation but little consistency from the establishment.

People Before Profit, on the other hand, is consistent in its approach. We want to see an end to all paramilitarism. Attacks like the one on the Crumlin Road will only reinforce

division and distract from the pressing need for a united movement that will challenge the corruption and austerity of the establishment.

**Mr Allister:** My primary thoughts are with the officer who was subjected to this vile attack last night. We wish him well and a full recovery. It is a reminder to us of how the police and security services stand between us and those with murder in their hearts. Although, happily, this officer escaped death, that was not thanks to those who set out patently with murder in their hearts and used weaponry that was most likely to occasion murder even on a mass scale. It is a quite shocking situation, but let it be said that it is no more shocking, no more vile and no more unjustified than the terrorists of the IRA or anyone else who, for years, inflicted such horror; those who, with murder in their hearts, went out and did murder.

I listened today to condemnation from Mr Gerry Kelly, himself a convicted terrorist, who, to this day, has not acknowledged that his terrorism was wrong, unjustified and uncalled for, but rather still honours and glories in, as does his party, those very acts of terror. What does that do today? It does not just speak to their character, but to today's terrorists; gives them succour, provides a crutch for them and causes them to conclude that if it was OK for the Provos, it is OK for them. Until those who represented that previous terrorism acknowledge and renounce it, then that crutch is going to continue to be provided.

I will make one other point. I hope someone — hopefully, more than one person — is made amenable for this crime. I trust that, when they are arrested, they will not be easily, as was the person charged with the attempted murder of David Black, admitted to bail, and that their bail terms will not be made so easy if they are admitted to bail, and they should not be in the first place.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Allister:** There should be no bail for anyone charged with an offence such as this.

**Ms Sugden:** I welcome today's Matter of the Day, and I appreciate Mr Beattie for tabling it. I also welcome the widespread condemnation that has appeared from all sides of this House. Rightly so, because this issue serves to unite us.

I have no doubt that this attack was intended to kill. Thankfully, the officer is in a stable condition, but we could have been hearing about a loss of life this morning. This is not just an attack on our police service; this is an attack on the community and an attack on our country. It was reckless; multiple automatic rounds fired into a public space. I am disgusted.

There remains a continued threat against police officers and prison officers in Northern Ireland. We cannot become complacent, and whilst there is political instability happening in Northern Ireland right now, this threat has continued right through it. Others will see this as an opportunity to take advantage. If I can give a clear message to this Assembly today, it is that we, as elected representatives, can ensure they do not take advantage of that and we do stand united. Whilst I stand here as the representative for East Londonderry, I also have an interest as Justice Minister. I have been keeping in close contact with the Secretary of State and the Chief Constable on this issue.

It is something that does concern me. From the outset of the political instability, I was always concerned that someone would take advantage of it, and I hope this is not an example of that. If we can move forward, we have to move forward in the right space, because we cannot return to the dark days of the past. Today, we should all be condemning this most dreadful incident.

On another note, I want to pay tribute to the Police Service of Northern Ireland. Particularly in my experience as Justice Minister, I have seen the hard work that they do. They put their lives on the line every day for us, in the service of the people of Northern Ireland, and we cannot underestimate that. It is cowardly for someone to take an opportunity, as these despicable individuals have done last night, and it is nothing short of disgusting. That is the clear message that we, as a united Assembly, have to send out today.

**Mr Humphrey:** I join with others in condemning the attack last night — a murderous attack to kill a police officer in my constituency.

Just before 7.30 pm last night I heard the shots, the sirens and then the helicopter. It was very clear that something had seriously gone wrong. I spoke to police, and I started to receive calls from constituents, and I heard very clearly that there had been a shooting at Edenderry filling station on the Crumlin Road.

I visited the site and spoke to some of the officer's colleagues, who were visibly shaken because they had been serving with him only earlier that day. Some of them had lockers beside his in the station. I spoke to constituents who were at the scene. Today, I want to express my revulsion at this attack and send my thoughts to the officer, his family and his colleagues who are so clearly worried at this time.

This is the first shooting of a police officer for eight years in Northern Ireland. It is clearly an attempt by evil people not only to kill police, but also to kill the general public. As others have said, it was totally random and indiscriminate — gunfire into a garage forecourt in a built-up area, with Edenderry Gardens to its left and Edenderry Lofts to its right. Gunfire across a main arterial route in our city, into a forecourt with 12 members of the general public and the police who were there at the time.

This morning, I visited the manager of the petrol station at home. She told me that there were gunshots inches from gas tanks and fuel pumps. We could have been looking at real carnage — not just in terms of the murder that this police officer and his colleagues could well have had to face, but an explosion, from reckless, inhumane, evil people who, frankly, have to be brought to justice and removed from society. No politician and no party — and I am pleased to hear today's debate — should give them any succour, support or credence at any time ever.

There is also clear disruption to business life in north Belfast this morning, although these people do not think about that. There was disruption to that business: it lost last night's trading and, all day today, the garage will remain closed. Traffic chaos ensued on the Crumlin Road this morning.

We must all stand together against violence, intimidation and threats. I am concerned that this sort of violence follows a vacuum that has been created in Northern Ireland and that evil people might fill it. That is a danger that we face



and it is a reason why this community — the Assembly and the people of Northern Ireland — is looking for leadership. We must all come together to show these people that they cannot and will not win. The people of Northern Ireland do not want to go back to the bad old days.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Humphrey:** They want to see Northern Ireland move forward and an end to this evil from evil people.

**Mr Hussey:** I begin by passing my best wishes to the police officer who was seriously injured last night and to his colleagues in the Police Service of Northern Ireland. There is no doubt that we will all condemn this murderous attack, which could have resulted not only in the death of a police officer but of civilians, as was highlighted by my colleague Captain Beattie.

This attack was clearly not something that happened on a whim. Throughout the last term of the previous Assembly and this term of the present Assembly, we have had incidents throughout Northern Ireland. In my constituency of West Tyrone, and in the neighbouring one of Foyle, the Police Service of Northern Ireland has recovered many weapons and explosives, all belonging to terror groups that do not have the guts to give themselves a name or, at times, call themselves the “Continuity IRA” or whatever. I have a name for them, and that is “cowards”; that is all they have ever been and all they ever will be.

Twenty-four years ago today, a 21-year-old Royal Ulster Constabulary officer was shot dead in Londonderry. He had his whole life in front of him. Constable Michael Ferguson was done to death by the same sort of individual who tried to kill the police officer last night in Belfast. There is no difference. For all we know, the same weaponry was used. For years, I have been asking the police for information on weaponry that has been recovered and its history. For some reason, that information has never been released. Why? Can that weaponry be traced back to the IRA? Is there a possibility that groups that were IRA took their weaponry with them? Of course there is. That element of collusion between the IRA — the Provisional IRA and the ABCDEFG IRA — is here to today. All that weaponry must be surrendered to the police.

This is my last opportunity to speak to the Assembly. Some of you may be glad to know that I am retiring from politics. I hope that, in the next Assembly, no politician has to stand up and condemn a murderous attack on a police officer. Anyone who is prepared to wear the uniform should get the support of the Assembly.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Hussey:** I pledge my support to the Police Service of Northern Ireland, incorporating the Royal Ulster Constabulary GC, and I hope that everybody else does.

**Mr Poots:** Last night was a stark reminder of what many of us grew up with in this country and what many of us heard all the time in news reports: murders and attempted murders. First, I wish the police officer well in his recovery; we are thankful that his injuries are not life-threatening.

This has not been a success for those who set out last night. Success for them means the same outcome as happened with Constable Carroll, David Black and Adrian Ismay and, indeed, civilians who have been targeted by the same individuals. What stands as a stark reminder to us

all is that, this time 10 years ago, we were discussing with our members and the wider public the outcome of the St Andrews negotiations and whether we should proceed into government with Sinn Féin, which was a hugely difficult decision for us. We took the decision to do so because we did not want to go back; we wanted to go forward.

**12.30 pm**

We are now in a similar circumstance in Northern Ireland, where, perhaps, others have greater problems, but the question that has to be posed is this: are we going to back or are we going to go forward? Instability creates vacuums, and evil people step into those vacuums. I think that it is incumbent upon each and every one of us to commit ourselves to ensuring that we, for all the problems and wrongs of Stormont, continue to provide stability and leadership and continue to be there for the people of Northern Ireland, because we have had the awful, horrible, bloody past that I have had to grow up in, and I do not want my children or grandchildren to grow up in that environment. I want the people who carry out the likes of the shooting last night to be marginalised, sidelined and incarcerated and to serve very long sentences for what they do, not given the opportunity to go out to carry out more of this in the name of Ireland or of any other cause.

**Mr Speaker:** I call Mr Trevor Lunn. Mr Lunn, you have two minutes.

**Mr Lunn:** I join everybody else who has spoken in utter condemnation of a cowardly attack on a police officer; attempted murder; bullets sprayed across a petrol station forecourt. I do not think that whoever did this cared whether there was collateral damage, somebody else injured or a gas tank or a fuel explosion. They are indifferent to those kinds of things.

I understand from the media this morning that, 43 years ago, there was an attack on virtually the same spot and two civilians were killed. Now, 43 years on, we are still seeing bullets flying on the Crumlin Road — shot by somebody who, clearly, has a different view of the future of the state of Northern Ireland and has nothing whatsoever to offer our society in terms of progress or sensible thought.

Nowadays, the PSNI can operate with reasonable freedom with regard to their own security. They are able to use petrol stations and takeaways. The reason for that is that they have achieved the confidence of the community, and the community, generally, has accepted that they operate without fear or favour. That actually assists a dissident — if it was a dissident — in being able to mount this kind of attack. I completely agree with Mr Beattie that one person could not have done this on their own. The Chief Constable said the same thing this morning. It has to be a gang; it has to be organised.

I hope that the person or persons responsible can be brought to justice. I pray for the full recovery of the young police officer. I hope that it does not put his colleagues off in any way, and I hope it does not put off other young people who would like to join the force, because that is the last thing we need, and it would be a success for the people who did this.

## Assembly Business

### Standing Orders 10(2) to 10(4): Suspension

**Mr Swann:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 23 January 2017.*

**Mr Speaker:** Before we proceed to the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 23 January 2017.*

**Mr Dickson:** On a point of order, Mr Speaker. On today's agenda, we would have normally received Question Time from the Office of the First Minister and deputy First Minister. We appreciate that that office does not exist and therefore they will not be here to do that. Mr Speaker, I think there is an issue that requires some investigation; it is in respect of the historical institutional abuse inquiry, which will be a topic of discussion today. On Friday evening, a press statement was issued by the Executive Office in respect of the inquiry. Will you find out for Members who initiated that press statement and, if it was made in the name of the junior Ministers, why they cannot be here today to answer questions?

**Mr Speaker:** You have placed your concerns on record. We will follow up on the matter, Mr Dickson, and correspond with you on it.

## Executive Committee Business

### Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

*Debate [suspended on 16 January 2017] resumed on motion:*

*That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved. — [Mr Hamilton (The Minister for the Economy).]*

**Mr Speaker:** The next item of business is a motion to approve a statutory rule. I remind Members that this debate was adjourned for seven days on Monday 16 January, in accordance with Standing Order 16. Members will wish to note that, as Standing Orders require, a Member may speak only once during a debate on a motion. Therefore, only Members who did not speak during the debate on Monday 16 January will be allowed to speak during today's debate.

**Mr Dunne:** I welcome the opportunity to speak on this important piece of business in the House today. I thank the Minister for his work in bringing forward the regulations. They are an important step in introducing effective and realistic cost controls to reduce the burden upon our Budget and help bring controls to the scheme. I know that the Minister and his officials have worked extensively on bringing forward the proposals and have rightly taken the time to ensure that they are compliant and effective. I believe that the plans will run from April 2017 to April 2018 and will start the journey towards a longer-term solution to further reduce public expenditure on the scheme. There is no doubt that these actions had to be taken to reduce the pressure on public-sector budgets, whilst ensuring that those who have acted in good faith by investing in technology and equipment are not unfairly penalised.

On Thursday 19 January 2017, the Economy Committee heard a presentation from the Renewable Heat Association (RHA), which outlined how it had seen the boilers as effective in meeting the energy needs of various sectors, including poultry and mushroom production. It also raised genuine concerns about the potential impact of the revised tariffs for the businesses that it represents, and I trust that those can be worked on in the days ahead.

When the renewable heat incentive was introduced, there were many calls to try to move away from an over-reliance on imported fossil fuels. The intentions of the scheme were clearly to try to move away from a reliance on fossil fuels and look at renewable energy as a way of meeting the energy needs of, first, the non-domestic sector in 2012 and then the domestic sector in 2014. A target to increase the level of renewable heat to 10% by 2020 was included in the strategic energy framework, and an interim target of 4% renewable heat by 2015 was also included in the then Programme for Government to help the UK meet its 15% renewable energy target. Despite those targets being in place, initial interest and uptake in the scheme was low, and there appeared to be reluctance among the business community to go with the significant investment that was required to install the necessary equipment.

One point raised by the group at the Economy Committee last Thursday was that the reduction in oil prices resulted

in the cost of pellet production being reduced significantly; therefore, the scheme became more attractive.

There is no doubt that mistakes and errors have been made in the RHI scheme. That was widely acknowledged by Arlene Foster, in the House on 19 December, and by our Economy Minister. The lack of cost control measures and the flaws in its design have been acknowledged. At a recent meeting of the Public Accounts Committee, we heard from the permanent secretary, who stated:

*“The intention was good, but the execution and design were seriously wrong.”*

On the controls and measures relating to the design of the RHI scheme, the DETI business case was presented to DFP on 9 March 2012. Paragraph 2.3.2 of the executive summary states:

*“Tiering is not included in the Northern Ireland scheme because in this instance the subsidy rate is lower than the incremental cost.”*

Degression, which has been debated at length, was also considered at paragraph 7.5.5, which stated:

*“degression is a mechanism, whereby tariffs would be automatically reduced on an annual basis to reflect, and to potentially encourage the reduction of technology costs for renewable heating.”*

Paragraph 7.5.6 states:

*“at this stage DETI does not propose to include/build degression into the NI RHI legislation, however may consider the need to do so in the future.”*

The internal DETI casework committee considered these proposals on 9 March 2012 and approved the NI RHI renewable heat premium payment (RHPP) scheme and administration arrangements with Ofgem. It is now, therefore, clear from the information detailed in the approved DETI business case that tiering of payments and degression were not included in the design of the RHI scheme.

There were clear risks from the start, with two bodies involved in managing the scheme: DETI was responsible for the policy framework, while Ofgem, acting as the administrator, managed the applications and installations, including compliance. There were risks of ownership and responsibility in the scheme. Departmental officials admitted poor management of the scheme, with no clear project management in place, which would have involved regular management review of all risks, including finance and quality. It would appear from the information that we have gathered that some farmers and industrial operators saw RHI as an income generator rather than as a means to reduce the cost of energy in their business, which was the key rationale behind the introduction of the scheme in the first place.

Lessons must be learned from the scheme and corrective actions put in place to stop the recurrence of such a system failure in the future. That is why I welcome the regulations coming forward today. I trust that these plans will provide a road map and an important first step towards dealing with the problem and will gain the support of the House.

**Mrs Little Pengelly:** I welcome the Economy Minister's proposals today. As I said last week, I welcome the acknowledgement in his statement of regret and the

acknowledgement that serious mistakes led to the perverse incentives to overuse heat. This was clearly not the intention. As I also said last week, good policy development and design are absolutely essential to changing outcomes for the better and for good government policies and interventions. The process for good policy design failed in this case, with the tariff issue not being identified at the time as necessary. An inquiry will find out why this process failed and what lessons must be learned.

These regulations will, hopefully, reduce any Northern Ireland liability for additional cost as soon as possible. However, it is only one part of the issue. There is much to be considered and many questions to be asked. How did this happen? Why was the tariff removed by officials? Why did officials recommend a policy design without the tariff? Did this issue come up during Committee evidence, and was it raised by those who were called before the Committee? Why did the safeguards and scrutiny mechanisms fail to identify the tariff issue at the time when the policy design was agreed? These are important and critical issues for all of us here.

The evidence to the PAC on Wednesday clearly highlighted that this was not a failing by just one person. Regardless of your view — I have heard many different views across all the parties — on ministerial responsibility and the clear desire constantly articulated by many in the Chamber to blame just one person, I would respectfully and strongly say that this will not solve the issue. It is clear from the evidence to the PAC, the evidence to the Committee and the discussions so far that this was a failure in process. Blaming just one person for that will not resolve the failings in that process.

#### 12.45 pm

I know that we all want to have good policy design. For good policy design and good policies, we need to make sure that that process is right.

The design process by officials and consultants failed. The business case scrutiny process did not identify the problems. All the evidence given to the Committee did not inform its recommendation. Remember that the Committee recommended this design. This is a very interesting aspect to note. There has been discussion across the Chamber thus far on the role of the Committee. I say this not to blame others for the mistakes that were made but to highlight that mistakes were made by everybody in this process. The Committees of the Northern Ireland Assembly, set up under the Good Friday Agreement and the Northern Ireland Act 1998, have a very different role from some Committees in other Assemblies and Parliaments. The Committees of the Northern Ireland Assembly were to have a collaborative role. They were to work together on policy design. It is absolutely clear in the legislation that the statutory duty of Committees is not just to scrutinise but to help Ministers in the development and formulation of policy. That is a critical difference. It is a difference that means that all of us, all the parties that sat on those Committees, cannot brush off responsibility for that policy development.

This is important because all of us are human and capable of making mistakes. That is why we have the safeguards in place. If people did not make mistakes, if policy design did not have flaws, and if all these issues could be identified by just one person, why would we have scrutiny? Why

would we set up these safeguards? The very reason why they are there is to protect against that happening, but all of that failed in this case.

Just last week, Jim Allister said in the Chamber that the Executive had failed but, on the whole, the scrutiny and legislative process of the Northern Ireland Assembly had worked. All of us and every party around the Chamber have to be honest about this. The policy design and proposal went to the Executive, and the entire Executive agreed those. The policy design and proposals went to the Committee. Unlike the Minister, the Committee had the capability and took the opportunity to call evidence from people who were impacted by the scheme, the experts on the scheme and the officials who gave technical advice. That Committee, on questioning all that evidence and listening to the key stakeholders at first hand, looked at the original flawed design and said, "We agree that this is a good design". The Committee, in line with its statutory duty to help to formulate Government policy and to help the Minister, under the chairmanship of the SDLP and with representatives of all the parties across the Chamber with the exception of the Alliance Party, recommended the original design. That scrutiny did not work, but it did not stop there.

The policy proposal went through the business case process with experts in our system, including economists, specialists and civil servants. I have had the opportunity to serve as a special adviser and a Minister, and I know how challenging and difficult it can be to get policy through a business case process. That is the process in which all these questions are asked. Furthermore, it is not just about policy; it is about economics. Trained, professional economists look at this. They do the figures on the business cases. They work out the sums and try to identify flaws. That process did not identify the tariff issue. That was a failure in the business case process, and we all need to know why, because we all want good policies and good initiatives that meet the outcomes that are set down for them.

It did not stop there. After the policy proposal was cleared by officials, after it went to the Committee, where evidence was heard and a recommendation to support went back to the Department, and after it went through the business case process, it came to the House. Jim has indicated that the scrutiny and legislative processes of the House were good. I have no doubt that a research pack was completed and made available to all Members and that they read that and looked at the regulations and proposals. All the parties across the House supported the original flawed scheme.

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

**Mrs Little Pengelly:** Yes.

**Mr Allister:** The Member may recall that her party colleague William McCrea used to sing a little song called 'Excuses'. Does that not sum up exactly her speech and that of Mr Dunne this morning, which have tried to spread the blame to everyone else and run away from the reality that it was Arlene Foster — Arlene Foster alone was the Minister — who signed off this scheme without the cost controls? No matter who else you might try to smear, that is the irreducible reality.

**Mrs Little Pengelly:** Thank you for your comment. I had hoped that you would have listened to what I said. I think that this has to go above and beyond party politics. We have to step back and look objectively at the evidence

before us, the evidence that was in front of the PAC and the evidence that we have all heard. This was not a failing of a single individual. The permanent secretary of the Department went to the PAC last week and highlighted that the recommendation to the Minister clearly did not have the tariff issue involved in it and that the tariff was not recommended to the Minister. We have to ask why. If you are right, Jim, and one person is removed, that would not change the fact that the team of officials failed to recommend a tariff, that the business case process failed to identify this and that the Committee, on listening to the evidence, failed to pick this up. This is not just about one individual and, if we think it is, we are destined to make the same mistakes again. We are all human. Everybody is capable of making a mistake and everybody is capable of following the recommendations of officials and experts because that is what we are told we should do.

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

**Mrs Little Pengelly:** There is also a safeguard that that recommendation is questioned and interrogated by the House, by the Committee and by the processes that we have set up. It is not about excuses. It is about being objective and honest. Do you know what? I may not be back. Eighteen people across the Chamber will not be back to the Assembly. Regardless of that, regardless of the party politics and regardless of my personal role, there are important lessons for us all to learn above and beyond party politics. We need and want good policy in Northern Ireland and we need and want good initiatives in Northern Ireland, and that must require good processes and the best people, in terms of experts, being able to feed through the right recommendations for us to take.

**Mrs Palmer:** Will the Member give way?

**Mrs Little Pengelly:** Sorry, Steven asked first.

**Mr Agnew:** I thank the Member for giving way. She made the point that one person was not to blame. Apart from the fact that there were those of us, including me, who did raise issues about the scheme early on, it was one person who, once this became public knowledge, did not accept responsibility as Minister, kept trying to put the blame on civil servants, the media, the Opposition and everyone else, and one person who refused to step up and take responsibility. That is why is that one person is currently in the dock.

**Mrs Little Pengelly:** Over the last number of months, there has been a campaign to blame this all on one person when all the evidence is patently, absolutely patently, to the contrary and suggests that this was a failure of process. There are a number of ex-Ministers around the Chamber who know the way the process works, and if you have policy experts, an official energy team, a business case cleared and a set of recommendations that come to you as Minister, then Ministers need to be able to rely on that advice. Yes, question it, but we have a whole system in place to safeguard and question. If we cannot rely —

**Mrs Palmer:** Will the Member give way?

**Mrs Little Pengelly:** If we cannot rely on and have credible advice and recommendations coming forward, then we have to question why those people are there in the first place. There has been a problem with the process and we need to identify why. Blaming one person will not solve that. Sorry, Jenny.



**Mrs Palmer:** I thank the Member for giving way. Does she agree with me that, on building the electorate's trust in the Assembly, issues like no risk registers being identified, due diligence and good governance were all failures of the Assembly and the Executive in terms of the RHI scheme?

**Mrs Little Pengelly:** You raised a very interesting point. Risk registers, single responsible owners and project management are not matters, to be honest, for the Executive or Ministers. Those are very much the part and process of departmental — *[Interruption.]* I am answering you absolutely honestly about this. In policy development within Departments, it is very rare. In fact, I know of very few, if any, examples of Ministers sitting on project boards for policy development or programme boards. A team of officials are put in place, a senior responsible owner (SRO) is identified and the risk register comes back to that project or programme board. In some cases, depending on the issue, a Minister might sit on a board, but, in my experience, the vast majority of project or programme boards do not include Ministers. It is very much part of the process of policy development to develop the policy, which is then put as recommendations to the Minister.

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

**Mrs Little Pengelly:** Yes.

**Mr Beggs:** Does the Member not accept that major financial items would have been clearly indicated in a risk register that would have been brought to ministerial attention, particularly after the scale of the problem was highlighted to the Department of Finance? The Ministers of Finance would have known for some time that that was a huge item of risk that was not addressed. Multiple Members have been in that position.

**Mr Speaker:** Before the Member responds, I have to say that I have been very liberal on where the debate has been going. I ask that both questions and the Member come back to the regulations.

**Mrs Little Pengelly:** Certainly. We had an emergency meeting of the Finance Committee last week, and also the scheduled meeting on Wednesday. Particularly in relation to the budget issue, we emphasised to the permanent secretary of the Finance Department that there must be a risk register and that that risk register must identify all risks. It is clear from the evidence to the PAC that there was not a risk register in this case. The responsibility for that risk register, in terms of project management, lies with what is referred to as an SRO. For project management and development, an SRO is always an official. Questions need to be asked about why that did not happen, and I am sure that those issues are being reviewed by the Civil Service and the leadership within the Civil Service.

I want to be very clear that this is not a case of blaming officials entirely for this. I have indicated that there is a whole chain and a process, and those flaws were not identified by any of us as an issue throughout that chain and process.

**Ms S Bradley:** Will the Member give way?

**Mrs Little Pengelly:** Yes.

**Ms S Bradley:** The Member quite rightly refers to good policy and good policymaking and business cases, and obviously good policy was not applied in this instance. Will the Minister talk directly to the motion that is front of

us and the regulations? Will she explain to the House why she is asking us to depart from good lawmaking, without a business case and the necessary statutory requirements that would constitute good lawmaking? Why, in this instance, does she think that bad policy should be followed by bad legislation?

**Mrs Little Pengelly:** I thank the Member for my promotion; I am not the Minister in relation to this. I will come to that, and I will come back to speak about the regulations. I just wanted to set out the context. I will refer to that in due course. If the Member wants to make a specific intervention at that point, I will be happy to take it.

I have outlined the process that got us to the original policy proposal. Objectively — I say this absolutely honestly — it is in the interests of everybody around the Chamber to find out what happened. An inquiry will do that, and lessons must be learned about that, but there are additional issues. On what has been discussed, we need to find out what happened with the emails from the whistle-blower. We have to find out what procedure was activated. Did officials take it seriously? What follow-up did they do? What process was subsequently followed? What information did the Minister get about that? Those are all additional questions that an inquiry will have to look at. An inquiry must examine all the issues. That is the other part of the essential work that needs to happen here, alongside these regulations and the roll-out of the policy.

#### 1.00 pm

At the heart of the regulations is the principle of fairness. I welcome the proposals. The Minister confirmed that they have been scrutinised legally. They attempt to ensure fairness and to bring the scheme back to the original policy intention. That is clearly in the public interest. I welcome the time-limited nature of the regulations; that allows some time for analysis to ensure that the proposed 12% return is indeed fair.

We have heard over the last week concerns expressed — legitimately, one assumes, in terms of the RHI scheme — about a reduction in the tariff. That is why it is important to emphasise, as the Minister has done, that at the very heart of this is fairness. It is not that there will be no incentive. This is bringing the scheme back to the original policy intention to ensure that there is an incentive, but that it is fair and proportionate and that the use of funds is in the public interest. That is the right approach. It is only for 12 months. I am sure that the Minister will speak to this in due course in relation to a review, which will inform the process and the further roll-out.

The aim of this is not only to be fair but to bring down, insofar as possible, through these regulations and the further steps — I welcome that the Minister has been very confident about this — the cost of RHI to the Northern Ireland taxpayer to as close as possible to 0%. There is a great deal of concern out there about the figures of £400 million to £500 million of public funds. We have sought to assure people that, yes, that is contractually committed; however, we will do all in our power to bring it down as close as possible to no liability to the Northern Ireland taxpayer. That money has not been spent. That is the critical issue: the money can be mitigated; it can be prevented from going out the door in a way that is fair and in the public interest.

**Mr Aiken:** I thank the Member for giving way. The Member will be aware, of course, that we have managed to spend £30 million this year alone and are spending £85,000 a day. There is no business case or business plan. Indeed, we also have legal opinion that the plan may be subject to challenge. How does the Member tie that in with what she has just said?

**Mr Lyons:** I thank the Member for giving way. The Member was maybe too busy chairing the Committee this morning and did not hear the permanent secretary when he said that there was a business case and that, in his view, it ticked all the boxes in terms of value for money, regularity and propriety. Those are already there, and there is a business case. Is it not a bit misleading for the Member to suggest otherwise?

**Mr Aiken:** *[Interruption.]*

**Mr Speaker:** No, I ask the Member to resume his seat.

**Mr Aiken:** Mr Speaker, I am sure that I will have your indulgence as Deputy Chair of the Economy Committee.

**Mr Speaker:** I ask the Member —

**Mrs Little Pengelly:** I thank the Members for their interventions. It is rarely possible —

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

**Mrs Little Pengelly:** I want to respond to your initial question first. It is rarely possible to design something in such a way as to fully eliminate the risk of legal challenge. If you try to do something different or bring forward something new, often people will say, "There is a risk of legal challenge". In this case, it is particularly challenging; there is no doubt about that. A contract is in place. We must all remember that contracts can be broken, but only where that is fair and proportionate. I would argue very strongly that in this case it is fair, proportionate and, most importantly, clearly in the public interest. In my view, yes, there will always be the risk of legal challenge, but the more important question is this: what is the risk of successful legal challenge? People can take a case. There will be people who will challenge anything worth doing in the public interest on this matter. There is no predicting what a judge may do: we have seen cases in recent years where a judge has perhaps gone in a direction not predicted by legal advisers, not least in relation to roads and infrastructure when the Ulster Unionist Party held the DRD post, and there has been a surprising outcome.

There is a risk of challenge; you cannot predict what a judge will do in that situation, but I welcome that the Minister outlined that his legal team has scrutinised this in great detail. He has received legal advice that, although there may be a risk of legal challenge, this — in the view of the Minister, which he has outlined, and in my view from looking at it — gives us the strongest possible legal defensible position in terms of breaking those contracts.

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

**Mrs Little Pengelly:** Yes.

**Mr Aiken:** Thank you very much indeed for those comments. For clarity, the fact is that the business case has not yet been passed by the Department of Finance. Our advice is very clear: the risk for this entire process lies with the Minister and nobody else.

**Mrs Little Pengelly:** It is disappointing that the business case has not yet been cleared. That is not unusual. I am sure that all of us on Committees have looked at these processes. The leader of the Ulster Unionist Party, having been Chair of the OFMDFM Committee, will have questioned officials about the business case process on many issues. It can be frustrating how slow that process is. However, the business case process has been looked at by officials in the Civil Service. I suspect very strongly that if they are taking legal advice about this, they will be taking it from the Departmental Solicitor's Office. I assume — perhaps the Minister will confirm this for me in due course — that the Department for the Economy is taking advice from that same team of lawyers, so I would like to think that, in that situation, the legal advice will be consistent. The legal advice very clearly here appears to be that there is a strong defensible case to break the contracts in that way and put a variation in them to ensure that there is still a return. This is absolutely important: there will still be a return for people of, as the Minister outlined, 12%. That still represents an incentive.

If, over the next 12 months, there are cases, quirks or issues of some form of unfairness that emerge from businesses that have partaken in the scheme, those can, because this is only a 12-month scheme, be fed into the design process for the longer-term or permanent arrangements. That is the right thing to do.

I am disappointed that the business case is not yet through, but I remain confident that it will be. The biggest issue is the legality of the variation of contracts. Presumably, advice will be sought from the same place that advised the Minister and the Department. That legal advice is informing the process; we heard in the Minister's opening comments that this will be a robust and defensible set of regulations.

I also welcome that the Minister outlined clearly that it is not the case that no action has been taken up to this point. It is not the case that the regulations were just created over the course of the last number of days or weeks. He outlined a wide range of actions, including increased audit and investigation, and I think that all of us look forward to seeing the results of that; the changed scheme being implemented and then closed to new applicants; and the now recalibrated cost-control proposals contained in the regulations. I think that all of us would have liked to have seen the issues being dealt with more swiftly, but I welcome the fact that — this is absolutely essential, as was previously outlined — this went through a process of official and legal examination, which informed the recommendations that were given to the Minister.

It is worth very clearly putting on record that, as I previously mentioned, the DUP aim in all of this — I would like to think that this is the aim of all of us in looking at these regulations, which is why I hope that they get the support of everybody around the Chamber — is to reduce to zero any cost to the Northern Ireland Budget. These measures are a critical step in that, sitting alongside the increased fraud and fair-usage investigations, which the Minister has outlined will happen.

I also outlined last week that I was saddened — I remain saddened — that this policy issue and the associated mistakes have brought us to this point. I said very clearly that — I think that all of us accept that this is true — mistakes happen. Our processes, teams and Committees

are made up of fallible human beings. However, the design of our processes are as they are to try to pick those up. Our processes are designed to identify and refine policy and to examine it from every angle. However, when the safeguards failed — there is no doubt that they failed to pick up the issue in this case — we needed calm heads and a sensible approach to rectifying this.

We needed a mature, calm and appropriate approach that required two things. First, as soon as possible, we need an independent and robust inquiry capable of getting to the truth of what went wrong, and I welcome that that is happening. That inquiry must and will report as soon as possible. Secondly, we need regulations to be brought forward to reduce to zero, as far as possible, any cost to the Northern Ireland public purse. I welcome that that is the other critical step that is happening today.

I strongly do not believe that the stepping-aside issue should have brought about the situation in which we find ourselves. I do not believe that Sinn Féin is justified in doing what it has done, without a Budget and any contingency planning or preparation, in bringing down these institutions and the people serving in the Chamber who were democratically elected just seven months ago. There were a number of different ways this could have been approached. Sinn Féin argues that this election is about arrogance and corruption, but the inquiry has not yet happened. There have been no findings of incompetence or corruption. The evidence of officials counters any allegations of wrongdoing, never mind corruption, and to quote from and reference the permanent secretary of DETI in his evidence to the PAC, in his view, Arlene Foster did nothing wrong. The inquiry will look at all that, and once it does and conclusions are drawn, that will be the time for action, but to prematurely bring down these institutions and fling around words such as “corruption” is wrong and unjustified.

All that is set beside the incredible position of Sinn Féin. Gerry Adams just last week put up a video on the upcoming election in which he said that it is about “accountability in public life”. I find that absolutely astounding from a party, members of which have yet to apologise for the murder and maiming of thousands — yes, that extends to Sinn Féin, because I look across to those Benches week in and week out and see people with convictions in relation to those issues, and we have yet to hear an apology for that.

**Mr Speaker:** I will interrupt the Member and say that she is straying too far from the debate on the regulations. I ask the Member to come back to the debate.

**Mrs Little Pengelly:** I will not ponder that point for too long, but there are a series of issues that have come up. Where they are relevant to the regulations is that this is what we need to do whenever we face challenges and difficulties. We need to bring forward solutions through policy, we need to address the issue, we need to protect public funds and we need to do what is right for people in Northern Ireland. There have been a number of hurdles and a number of scandals on all sides about some issues that have subsequently been investigated while others have been left out there. I do not believe that any one party is coming to the electorate with clean hands and able to say certain things, which Sinn Féin is trying to, while throwing a lot of dirt before an inquiry has been heard. I think that is absolutely critical.

Before I finish, I want to say that I have been an MLA for just over a year. Seven months ago I was hugely humbled to be elected to serve the people of South Belfast. I made some reference to the fact that there will be many people around the Chamber who will not be coming back to serve their constituents and the people of Northern Ireland. I remain absolutely committed to doing what is right for Northern Ireland, to working as hard as I can, which I will continue to do right up until the election, and to giving my support in all this to try to find the right solutions for everybody. I am saddened that, at times and reflecting over this, there has been a lot of party politics played. I think that is not good for the people of Northern Ireland. I think we need to rise above that, we need to be objective, we need to look at the evidence and we need to be fair. I think that, if we do those things, every single party across the Chamber should support the regulations today and we should ensure, as far as we can, that the taxpayer and public purse in Northern Ireland do not pay out anything more than they have to through the opportunity that is being provided to us today. As we move forward, regardless of whether I come back here, I am committed to working to build a better and a shared Northern Ireland. I will continue to do that in whatever role I play, but I hope that everybody in the Chamber commits to that and works together today and moving forward to try to ensure that we build a better Northern Ireland.

#### 1.15 pm

**Mr Nesbitt:** Let me assure you, Mr Speaker, that I will stick very tightly to the issue of the regulations. After all, the Member who has just spoken gave a devastating critique of the failure of the so-called Fresh Start Executive, so my work in that regard is done. I thank her for that.

I begin by assuring the House that the Ulster Unionist Party will not stand in the way of any initiative that is designed to stem the haemorrhaging of public money through the fatal flaw in the renewable heat incentive scheme. As the person who last Monday proposed the adjournment of the debate for seven days, I think that it might be worth going back over the rationale for doing that, which is that I was concerned that there were several key areas in which we lacked maximum certainty. I also put on record that, in using Standing Orders to try to get the adjournment, I did not try to blindside the Minister. In fact, he can confirm that Danny Kennedy and I went to see him in his office some time before last week’s debate began. He greeted us very courteously. He was there with a witness, John Robinson, before John recused himself from these issues. I told him what I was proposing and suggested that he contact the Northern Ireland Office. I believed that, if he did, he would be given certainty that we would still be around today. He chose to go ahead with the debate anyway, and, at around 5.30 pm, when the Secretary of State made his announcement on the date of the election — 2 March — and the dissolution of this mandate, I, as you know, got to my feet and proposed the adjournment. It is a matter of regret that it had to be done in that way, but it was the right thing to do, because it gave us seven days.

I was clear to the Minister about the assurances that we were looking for in order for us to be able to back the regulations. First, we had not heard from the Examiner of Statutory Rules, who is the person who takes the technical and legal look at such legislation on our behalf. Secondly,

the Minister had been to the Economy Committee earlier last Monday, but, at the conclusion of the meeting, the Committee chose to note rather than support the regulations, on the basis that it had had insufficient time to scrutinise fully what was being proposed.

The third issue that I thought critical was the lack of a business case, and the Minister made it clear that he was working on one, but there was no assurance given to the Committee about it. The fourth and final point that I raised at the time concerned the European Union. The Examiner of Statutory Rules makes very clear in her report that the regulations will not necessarily begin on 1 April 2017. They will begin either on that date or on the date on which the European Union gives its consent to them. Of course, that could be some time after 1 April, with £85,000 a day being burnt off in the meantime.

Let us go over the four areas. In the past seven days —

**Mr Frew:** I thank the Member for giving way. I ask him to curb his language and maybe the reckless tone. He talks about money being “burnt off”. There are many, many credible businesses using the scheme legitimately. Many of them are in his constituency, as there are in mine and everyone else’s, and they are using the incentive scheme for legitimate environmental purposes. They bought into it in good faith.

**Mr Nesbitt:** I thank the Member for his intervention, and he is absolutely right. One of the great shames of this debacle — when I use potentially emotive words, I am being careful, and “debacle” is the word that the First Minister used in the House to describe the scheme. The Member is quite right. Yes, there are, and I have been speaking to constituents of mine who are signed up to the scheme. I put it to the Member in this way. Over the weekend, his colleague the Member for South Down had to go to the media and say that a number of his relatives are availing themselves of the renewable heat incentive scheme.

Does that not imply that there is some sort of innuendo against those relatives when all they have done is sign up for a scheme? In fact, if it were not for the fact that they are related to Mr Wells, nobody would have a focus on them. That is why, as a party, we have called for those relatives to have their boilers fast-tracked to the top of the list for an audit. If they have done nothing wrong, let us immediately or as soon as possible clear their name and let the public know that they are simply availing themselves of the scheme that was put before them. That should be the case with anybody who comes into the public domain simply because they are related to an elected representative. I absolutely agree —

**Mr Frew:** I thank the Member for his patience and his indulgence. I hear what he says, and I agree with the sentiments. Will he also agree with me that businesses have already been tarnished in the media in connection with the scheme when they should not have been? When that has been highlighted, it has been called “scandalous” and “sensational”, but, as he well knows, when there has to be a retraction in the media, whether in print or on TV, it is a small section with an apology. Will he acknowledge that?

**Mr Nesbitt:** Again, I thank the Member for his intervention. I have 100% no difficulty in acknowledging that. There is an expression that we all know: mud sticks. It is unfair. Let us look at what was done. There was a fatal flaw in the scheme, and we know that now. The impact of that fatal

flaw has been that some individuals and some companies have had a shadow cast over them. There is an allegation, there is innuendo and there is a bad smell. That is to be deeply regretted. We must do what we can to assist in putting their good name back into good standing.

**Mr Agnew:** I thank the Member for giving way. Will he not agree that, if businesses come forward from the outset and say that they have availed themselves of RHI and explain how and why they are using it legitimately, it could, pardon the pun, take some of the heat off them? I think that you are being much more generous to Mr Wells than you would have been had the media found out what the situation with his family was, rather than him coming forward.

**Mr Nesbitt:** I thank the Member for his intervention. I will not comment further on Mr Wells because I do not think that it is fair to relatives to be put into the public domain simply because they are related to somebody who sits in the House.

On the other matter about companies coming forward, I noted over the weekend that the other unionist Member, as it happens, for South Down was doing something different. He was getting an answer to a pertinent question that reveals that, I think, 62% of applicants to the scheme were not applying for a replacement boiler so that they could migrate from oil or gas to biomass, which is renewable: 62% did not have heating in the first place. They were new installations, and this question must be asked: how does that help the environment? Even though the new installations are environmentally friendly compared with gas and oil, how does it help the environment when we are putting in even more heating installations? I will give way to the Member for East Belfast.

**Mrs Long:** I thank the Member for giving way. I share his concern, although I would temper it with this: it happened at a time when, for example, Moy Park, was going through quite a large expansion, so some new installations will have been for new sheds that were being built for the expansion of the business. A proportion of them will have been, if you like, genuine new heating installations that would have been happening anyway, but the Member is absolutely right when he says that he wants to know how many fall into each category.

**Mr Nesbitt:** I thank the Member for her intervention. I will let the point rest because I promised the Speaker that I would stick as tightly as possible to the regulations. We may be straying a tad.

Some of the four points were directly within the gift of the Minister to action over the last seven days; others are not. For example, the Examiner of Statutory Rules will take the time that she needs to take, but she has now reported. I do not think that anybody in the Chamber, having read the Examiner’s report, could put their hand on their heart and say that she is happy. She might be content — just about content. She certainly makes it clear, to my mind, that a judicial review — a legal challenge — is pretty much inevitable. We know of that grouping or that sort of consortium of RHI users who are getting very well organised and have made it clear that they will seek a judicial review of what is going on, and the concern has to be that it could end up actually costing the public purse more. The £85,000 a day continues to have to be spent if they are successful with their judicial review, and then



there is the cost of the review itself. Also, there is the issue of whether it is compliant with human rights.

We will listen to the Minister very carefully because we certainly do not want to stand in the way of any worthwhile attempt to stop the haemorrhaging. We will listen carefully for his assessment of the report of the Examiner of Statutory Rules. She has made it clear that, with limited opportunity for scrutiny, it is effectively impossible for any of us in the Chamber to take a definitive view on the regulations.

I listened to the permanent secretary, Dr Andrew McCormick, who was at the Committee earlier today. He was saying, effectively, that what we have here is the best available. That is very different from saying “good”, “sound”, “solid” or “as good as it gets” — in the context, this is the best available. That is a fair assessment, and I think that Dr McCormick has done more than anybody whom I have heard over the last number of weeks to maintain the integrity of the devolved institutions. I thank him for that.

Today, the Committee had the opportunity to shift its position from having noted the regulations to approving them but did not do so. The Minister did not turn up. Again, we will certainly listen carefully to Mr Hamilton to hear why he was not able to attend Committee today. Surely, if we are looking for a consensual way forward, the Minister would have made time for his Committee. But, let us not prejudge: we will wait and hear what the Minister has to say.

Then, there is the business case, and we look to the partners of the DUP in government: Sinn Féin. From what I hear, the business case is stuck in the Department of Finance. The Department of Finance could have come to the House and told us that the business case was fine and we could move forward. It had a week, but what happened over that week seemed to be that the two Departments — Economy and Finance — were in a race to see which could be first to commission an inquiry under the Inquiries Act 2005.

I have to put it on record that, bizarrely, I was contacted by representatives of both Ministers and was unable to take the call directly on both occasions. When the Finance Minister’s people contacted me, I was at an event on Saturday and was not able to reply for several hours. There was no harm done because that was on Saturday and he wanted a meeting on Monday. Before that, representatives of Minister Hamilton contacted me on Thursday. I was unable to directly respond to that call because I was at a funeral. By the time I responded, the meeting that they had wanted me to attend to discuss the Department for the Economy bringing forward an inquiry had already begun; indeed, as I later learned, the Finance Minister had already got to the point of announcing an inquiry. It is a matter of regret, but, for the record, that is why I did not attend the meeting that the Economy Minister wished me to attend on Thursday to discuss the possibility of him bringing forward an inquiry.

My fourth and final point is with regard to the European Union. As the Examiner of Statutory Rules made clear, the regulations, if approved, will not necessarily kick in on 1 April because they also need to be approved by the European Union. Specifically, we have to know if they are compliant with article 107 of the Treaty on the Functioning of the European Union.

### 1.30 pm

In the last seven days, I have not heard any opinion coming from the Department, and I do not believe that the Committee has been given any assurances in that regard. So, once again, we will listen to the Minister to see if there is certainty. It is a lack of certainty that we are trying to address. For that reason, I thought that a gap of seven days would be useful. We have come to the end of the seven days, and very little additional certainty has been added, so we will listen to the rest of the debate and, particularly, to the words of the Minister.

**Mr Lyons:** I welcome the opportunity to take part in this debate. I will begin by welcoming the regulations that we have in front of us this afternoon. I also welcome the opportunity that we had over the last week as a Committee to look at them in more detail and to be able to get evidence from the Renewable Heat Association and from the permanent secretary of the Department for the Economy. I believe that those discussions were useful, and I believe that we are better informed now than we were seven days ago. However, it is clear that the regulations will significantly reduce the cost of the renewable heat incentive scheme in the next financial year and will effectively keep us within the original budget. This is what the public want to see.

We are all aware of the public concern, the public interest and, indeed, the public anger in regard to the issue, and I am pleased that progress is being made on instilling confidence in the public, or reinstating the public’s confidence once again, because of the public inquiry that has been announced. That is very welcome, and I will not stray into those issues, other than to say that it is welcome that that is happening.

The other thing that the public want to see is cost controls. Most of the public anger in relation to this issue has come from the fact that this has the potential to have so much of an overspend on our Budget, and there are concerns in relation to allegations of fraud and, indeed, overcompensation as well.

It is important for us to remember that being a recipient of the scheme does not mean that the recipient has been doing or is doing anything wrong. Legitimate applicants should not have their reputations tarnished or their integrity questioned. It is very important that we put that on the record again. However, the way in which the uptake of the scheme developed has meant that action needs to be taken so that we can avoid further negative implications for our Budget in years to come. The regulations —

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

**Mr Lyons:** Briefly, yes.

**Mr Beggs:** Will the Member acknowledge that the cost of the scheme — £25 million to £30 million a year — was fully known over a year ago? Can he explain why the current proposals, which have only been out a matter of days, were not brought forward one year ago so that there could have been full scrutiny and a much higher level of certainty going forward as to what the implications of such legislation might be?

**Mr Lyons:** That question was asked this morning at the Economy Committee, and the permanent secretary answered that there had been various plans and different proposals being considered in the Department, but this

was the one that has come now. I will come on to this in just a second, because I think that it is important that we take the time to get this right, which is one of the reasons why I think that it is correct that there is a one-year interim solution to this, and then we will have time for a longer-term scheme to be addressed after that.

**Mr Frew:** I thank the Member for giving way. On the point that the other Member raised, does the Member not realise that it was brought up last year in this very House, when the then Minister, Jonathan Bell, came here to close the scheme? He would have been fully aware at that time of why the scheme had to be closed, because the then Minister, Jonathan Bell, talked about that very thing.

Of course, Members across the Chamber will know how they voted or did not vote on closing the scheme. To say that we were not aware is completely untrue. If people came to this only in late autumn, that says more about them than it does about the Assembly.

**Mr Lyons:** I thank the Member for his intervention. I think that he sat down just in time before he received a rebuke from the Speaker.

We want a solution to this; we want to be able to control the costs of it. In order for us to do that properly over the long term, it is right that we have something in place now that can deal with the next financial year. The regulations address the worst excesses of the scheme and that which has been the cause of so much public concern and anger and potential negative consequences for the Executive. The regulations are for one year only. They are an interim solution, but they have the potential to save £28 million. We have also been told in our briefings from the Department that those savings could be even greater, depending on improved enforcement and the different attitudes that users take with regard to changed behaviour. There is a sunset clause in the regulations as well. That is appropriate. The right steps have been taken in the way in which these have been brought in as a short-term measure. They will give us the extra time that Members, the Department and the Renewable Heat Association are looking for so that we can address this better in the longer term. Nobody in the House believes that the regulations are the perfect solution to the problems that we face. A delay in the debate for a week —

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

**Mr Lyons:** I will just finish the point first. A delay of a week has allowed us additional scrutiny, but it is, obviously, not the type of scrutiny that we should be accustomed to in the House. However, it is action for the next financial year, and that is important.

**Dr Farry:** I thank the Member for giving way. I invite the Member to concur with me to the House that, under scrutiny by the Committee, the permanent secretary has suggested that potentially the more favourable approach in the long term, subject to public consultation, may be the run-on of the current approach. Again, that raises the question of why it did not come forward sooner, but I invite the Member to recognise that there is a view amongst departmental officials at this stage that this may be the preferred approach, subject to consultation ratifying that over the next 12 months.

**Mr Lyons:** Of course, that is the important point: it is subject to consultation. The Renewable Heat Association, when it

was before the Committee last week, made the point that it wanted to have more consultation before a final decision was made on the longer-term programme. It was the view of the permanent secretary, I believe — I hope that I am not misquoting him — that it provides the basis for where we go in the future. That is the point of a consultation: we do not predetermine anything, and we allow opportunities for people to have their say. If better options come to the fore, we will look at them and accept them.

I want to mention briefly some of the conversations and discussions that we have had in the Committee for the Economy about the regulations. I begin by thanking the Clerk and his staff for the work that they have done over the past number of weeks. They have put in a lot of work to organise extra meetings and give us the opportunity to have a greater look at what the regulations say and what they will mean.

When the Minister appeared before the Committee last week, he indicated that the regulations were right for us to support because they would, first, address the worst excesses of the scheme, relieve the pressure on the budget and support those who applied legitimately. Those are the things that should guide our thoughts at this time; in particular the public interest in the money that would be spent if we did not take any action. It is important that we reiterate that doing nothing is not an option.

I also thank Dr McCormick for his appearances before the Committee, because we gleaned an awful lot of useful information from him. I want to set out some of the things that he said to us. He was very clear that he has an obligation, as the accounting officer for the Department, to sort this out and to make sure that he keeps his books balanced. He said that there was no quicker or better option. He said that the public interest was not served well by the current tariffs. He said that the regulations were a very defensible, very viable set of proposals and were:

*“the only means available to stop a haemorrhaging of funds.”*

He said that it was a very strong option and that the rationale for supporting them was clearly there. His evidence made clear to us the importance of getting cost control measures in place and the detrimental effect that doing nothing would have; indeed, if the regulations are not brought in, we will have to look at finding the money from elsewhere, perhaps from the Department for the Economy’s budget. We know it has many other priorities, such as Invest NI, higher education, skills and promoting our country through tourism, so we need to be realistic as we meet here today. We do not have the comfort of being able to say, “Well, I do not really like the regulations, so we will do nothing”. Doing nothing has serious consequences as well.

It is also useful for us to take evidence from the Renewable Heat Association. It was clear that they had a considerable interest in these issues. When questioned, it was clear that they did not have an alternative option that could begin to deal with the issue in this financial year. They were talking about options that would be further down the road but would not address the initial overspend that we would face or the implications that that would have for the Department for the Economy’s budget and, perhaps, other departmental budgets. I also asked members of the association if they believed that a rate of return of 50% or

60% or even 70% was excessive. I asked that question a number of times, and I do not think anyone was able to give a straight answer.

Their main point was that there should have been greater consultation on the regulations. Obviously, because of the time pressures we are under, that was not an option for us. We know that, because of the actions of Sinn Féin, the Assembly will not be in existence after Wednesday. We do not have the luxury of taking more time, if we want to deal with this situation and if we want to make sure there is not an overspend in the next financial year, this needs to be dealt with now. Mr Aiken, who is not in his place, said that this was costing £85,000 every day. If we are concerned about that loss of money to other priorities, if we want to see cost control measures brought in, if we want to ensure that the issue is addressed and tackled and if we want the public to know that there will not be an overspend of the magnitude that had been reported, we need to support the regulations; indeed, it is the only show in town. It is, as the permanent secretary has said, the best available option. That is why it is right as well — we say this again — that it is a one-year scheme that gives us the opportunity to further consider this.

**Mr Lunn:** I thank Mr Lyons for giving way. On the fact that time constraints did not allow for a proper consultation period, the regulations will not take effect until 1 April: does he agree that that would have allowed time for a consultation, even if it had had to be foreshortened?

#### 1.45 pm

**Mr Lyons:** It would allow time for consultation but absolutely none to get the regulations passed in the House. Tomorrow or possibly Wednesday, if there were to be a special sitting of the Assembly, is D-Day, and that is it. The opportunity would be gone for us. That would mean, in effect, that consultation would be worthless. That addresses the point that the Member makes.

I hope that Members will support the regulations. Claire Hanna, who spoke at the beginning of the debate last week, set out her position, but what was lacking from it was a clear alternative. What else do we do? It is clear to Members that we either support the regulations or allow that overspend. So many people across the country and so many in the Chamber have spoken out against this and have been so angry about it. Failure to support the regulations will allow that to continue in the next financial year. I do not think that that would be appropriate or that it is what anybody wants to see happen.

So much of the debate on the issue over the last number of weeks has been about trying to hurt or damage Arlene Foster in some way. Mr Allister's point, when he accused my colleague Mrs Little Pengelly of trying to shift the blame and trying to smear others, was very telling, because I think that that is what he and others are trying to do: they are trying to smear Arlene Foster. When he said to stop trying to smear others, it revealed what he was really doing.

I hope that Members, on this occasion, will put party politics to the side. An election is coming up, and we will have lots of time for all that stuff. Right now, the position that we are in requires action, and that is why it is important that the regulations are supported. That is what I hope Members will do.

**Mr Speaker:** Before I call Ms Sinéad Bradley, I remind her that Question Time is at 2.00 pm, and I may need to interrupt her if she is continuing to speak. She will, of course, be called to speak after Question Time.

**Ms S Bradley:** Thank you, Mr Speaker. I appreciate that.

I was hopeful that the extension of seven days from last week's debate would offer a genuine opportunity for those focused not just on an inquiry but on trying to stop the haemorrhage of public money that should and could be spent on better things, such as hospitals and education — and I could go on. I hoped that that would happen, but, at the outset, I register my disappointment that former members of the Executive and the Committee from Sinn Féin chose not to attend Committee meetings to discuss this point. It is particularly difficult to witness that at a time when they are otherwise very busy on the air waves, trying to play the blame game and essentially rushing to the front line to get the headline.

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

**Ms S Bradley:** I will.

**Mr Stalford:** I hope that the Member for South Down is not suggesting for one second that the Minister of Finance is some sort of vainglorious person who loves media attention.

**Ms S Bradley:** I would never dare make such an assertion.

It is particularly disappointing because there are clearly two bodies of work at play here. It is in everybody's interest that the truth — who knew what, when and what exactly happened — comes to light. Only in that coming to the public light will lessons be learned from this. There is the second body of work, for which there appears to be little to no appetite. I say that across political parties and the media. If my house were on fire, would I put out the fire and then investigate how it started, or would I investigate it while the fire was raging? What has been happening in the House is that the DUP/Sinn Féin Executive, behind their iron curtain of politics, which has set a tone not befitting the Good Friday Agreement or any politics going forward, have watched the fire rage.

Nobody saw fit to ask, "Should we be putting this out?"

**Ms Mallon:** Will the Member give way?

**Ms S Bradley:** Yes, I will give way.

**Ms Mallon:** The Member will be aware of the continued attempts by Members to my right to create the fallacy that the SDLP is in some way solely responsible for the botched scheme and voted for it. Will the Member please put on record the actual facts and truth?

**Mr Maskey:** As in voting to keep it open.

**Ms S Bradley:** Absolutely. It is the single red herring that Sinn Féin has left to hide its blushes. *[Interruption.]*

**Mr Speaker:** Order.

**Ms S Bradley:** We all know that, at that time, it was the legitimate scheme that should have been produced and laid out at the outset. Had that been the case, we may have had a very good scheme in place, but that was not the case. That is the little fig leaf that Sinn Féin will no doubt use to try to hoodwink and convince the electorate that it somehow had no duty over its mandate in the

Assembly to do anything, which was, essentially, to stop the haemorrhaging of public money.

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

**Ms S Bradley:** I will give way very happily, because I have not heard from you in over two weeks on the issue, when you had the opportunity, so I am minded to be brought up to date on your thinking.

**Mr Maskey:** I appreciate that the Member was not here last February, so she had no role in the last discussions, but she needs to be aware that her party voted against the proposal to close the scheme in February 2016. That is the reality; that is a fact. You can say all you want about it, but you and the Ulster Unionist Party voted against the closure of the scheme, despite repeated warnings about the cost that would be accrued and lost to the public purse. Your party voted against closing the scheme. Simple fact. You cannot get round that. I know that you were not here at the time — neither was Justin — so it is not your fault, but your party as a party, and other Members who are still here and were here last year, voted against the closure of the scheme.

**Ms S Bradley:** Thank you, Mr Maskey, for that intervention. I thank you for saying that it is not my fault. You are right: I was not here. But you were here —

**Mr Maskey:** Your Minister was in the Executive.

**Ms S Bradley:** — so is it not shameful that you are dependent on a Member who was not present to clarify to you, who should know better, what happened?

**Mr Maskey:** Your Minister was in the Executive.

**Ms S Bradley:** The scheme that was voted on in February was the scheme —

**Mr Speaker:** I ask the Member to resume her seat. I ask —

**Mr Maskey:** Your Minister was in the Executive. What did he do? Nothing.

**Mr Speaker:** Mr Maskey, I ask you to refrain from speaking from a sedentary position.

**Ms S Bradley:** Thank you, Mr Speaker.

**Mr Stalford:** On a point of order, Mr Speaker. There has been a consistent pattern over the last fortnight of Sinn Féin Members heckling other Members from a sedentary position. Can you please advise them that, if they want to participate in the functions of the House, they can list their name and come to speak like every other Member who was elected here?

**Mr Speaker:** I think that I have already dealt with the matter. The Member may continue.

**Ms S Bradley:** I will continue, and I will continue for the benefit of Mr Maskey in particular, who clearly does not understand the facts of the case. The amended scheme, which had tariffs and caps applied, was presented to the House in February. You are right: you were present; I was not. The Member might be disappointed to learn that this Member can read and take facts.

**Mr Frew:** On a point of information, Mr Speaker.

**Mr Speaker:** There are no points of information in the Chamber. Remain in your seat.

**Mr Frew:** Sorry. On a point of order, Mr Speaker. Will the Member allow me to intervene?

**Ms S Bradley:** I will finish my point first for Mr Maskey's benefit.

**Mr Maskey:** It is not for my benefit.

**Ms S Bradley:** Mr Maskey and his party might do well to revisit the Hansard report of that time. There you will find a very well-considered scheme that was measured and that, had it been used at the outset, would have led to an avoidance of the saga in front of us today. However, on that date, when SDLP Members presented themselves here, they, like other Members, were mindful that the quick execution and early closure of the scheme were placing legitimate businesses at risk, because people who had signed up to a very good, worthwhile scheme, at that stage —

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

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

**Ms S Bradley:** I will finish my point. They had signed up to a very good, worthwhile scheme at that time. Those businesses were in the process of realising orders coming into their business. They were in the process of installing boilers with — I repeat — the measures in place that should have been there from the outset. So, Mr Maskey, your little red herring has just died.

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

**Ms S Bradley:** What I suggest is that, if you cannot use facts, say nothing —

**Mr Maskey:** Will you give way?

**Ms S Bradley:** — because it is not good enough to come here and just use interventions —

**Mr Speaker:** The Member has indicated that she is not giving way.

**Ms S Bradley:** — to try to somehow undermine me by saying, "You were not here; your knowledge base would not be quite the same as mine". Well, Mr Maskey, my knowledge base is based on fact, not on spin and not on trying to somehow deceive the electorate by saying that you had no part to play in this.

Quite frankly, while we are at it, we will ask this question: why did Sinn Féin not want a public inquiry? What was the reason? Why was there an extended delay in this? A suspicious mind might think, "Maybe there is something that Sinn Féin is a little bit uncomfortable with and which could be laid bare", and imagine if that were to happen on the eve of an election. Sinn Féin's position on this appears to be, "Let's just get the votes in first and get to the facts later".

I will use my opportunity to inform you further, Mr Maskey, of what happened today at the Economy Committee, which you chose not to be present at. Legal advice was brought to the Committee. A legal pathway was set out that the Minister could pursue with these regulations and an amendment to them. It was set out how that might be possible. The problems and areas that we may have reason to have concern about were also set out quite clearly. Also presented to the Economy Committee was the legal pathway that the recipients of RHI funding could pursue through the courts. There were very clear indications that, equally, they have a pathway to follow up on if their contracts with the Department were not



being honoured. I have no doubt that it is not the job of the House to judge or measure which of those two legal pathways holds the most weight, but, equally, I have no doubt about the decision being presented to us today. I have no doubt that a judicial review is highly likely, and it has been made clear to us why that is highly likely. Let it be placed on the record that nobody in the House believes that what is in front of us today is anything near perfect. In fact, in the week that is in it, many of the imperfections were highlighted.

**Mr Speaker:** May I interrupt the Member at this stage? Before we go to Question Time, I need to deal with a point of order raised by Mr Dickson. Does the Member wish to continue her contribution to the debate after Question Time?

**Ms S Bradley:** The Member most certainly does.

**Some Members:** Hear, hear.

*The debate stood suspended.*

## Assembly Business

**Mr Speaker:** I return to a point of order made by Mr Dickson first thing this afternoon. The Executive Office issued a statement on Friday relating to the historical institutional abuse inquiry report, which I have now seen. I understand that the statement was made by a spokesperson on behalf of the Department and does not represent the ministerial view. I am not convinced that that answers the Member's query about the origin of the statement, and I encourage him to take it up with the Executive Office if he has any further queries.

What I am able to say to him with some authority is that, under section 19 of the Northern Ireland Act 1998, and in accordance with Standing Order 45, junior Ministers are appointed by the First Minister and deputy First Minister, acting jointly, and they are allocated specific responsibilities. Under Standing Order 20, junior Ministers may respond to questions for oral answer in relation to those responsibilities, but the First Minister or deputy First Minister must be present at that time. In the absence of the First Minister and deputy First Minister, junior Ministers are, therefore, not able to answer questions in the Assembly today.

I ask Members to take their ease while we change the top Table.

(Madam Principal Deputy Speaker  
[Ms Ruane] in the Chair)

2.00 pm

## Oral Answers to Questions

### Education

**Madam Principal Deputy Speaker:** Tá an t-am ann do cheisteanna don Aire Oideachais. Tosnóimid le ceisteanna liostaithe. It is time for questions to the Minister of Education. We will start with listed questions.

#### Child Protection

1. **Mr Aiken** asked the Minister of Education to outline the child protection protocols in place for pupils in schools. (AQO 945/16-21)

**Mr Weir (The Minister of Education):** I thank the Member for his question. Under articles 17 and 18 of the Education and Libraries (Northern Ireland) Order 2003, responsibility for child protection in schools falls to schools' boards of governors. Schools, however, must have regard to guidance issued by the Department. The key document in this respect is 'Pastoral Care in Schools: Child Protection', issued under the DE circular 1999/10.

As that document explains, teachers and others working in the education services have a significant contribution to make to the safeguarding of children. All schools and colleges should create and maintain a safe environment for children and young people. Child protection protocols in schools should include the following: first, that school governors should ensure that their school has a child protection policy and procedures based on the guidance provided by DE and the education authorities; secondly, that, as part of these procedures, each school should have a designated teacher to whom all allegations or suspicions of child abuse should be referred for notification to social services; and thirdly, that all staff should be trained to be alert to the signs of possible abuse and know the action to take if they have concerns.

Schools do not have an investigatory role in relation to child protection concerns. There are protocols in place to refer concerns to the relevant agencies, most pertinently social services and the PSNI. The overarching policy framework and relative responsibilities across Departments and agencies for safeguarding children and young people is outlined in the Department of Health publication 'Co-Operating to Safeguard Children and Young People in Northern Ireland'.

**Mr Aiken:** In the light of the recent sentencing of a man caught in possession of abuse manuals who was employed at a school to only 12 months' imprisonment and two years on licence, and who is now due to be released because of time already served awaiting trial, will the Minister outline what conversations he has had with the Justice Minister on this very serious issue?

**Mr Weir:** I agree with the Member if the implication of his question is that the sentence, which in that particular case will outrage people, is too lenient. I have always supported mandatory sentences in these matters and I suspect

that he will have a similar view. However, we also need to ensure that the judiciary takes these things seriously. There will always be some flexibility in that. It is important that the most vulnerable in our society, and schoolchildren in particular, are properly protected, especially when we are talking about abuse issues and abuse in schools, where there is a duty of protection in place. I share the Member's desire to see much tougher sentences arising out of this and it is something that needs to be progressed.

**Ms Lockhart:** I thank the Minister for his answers thus far. Will he confirm to the House what the legislation is around this particular issue?

**Mr Weir:** There is a broad range of international and domestic child protection legislation relating to welfare. The principal domestic legislation is the Children (Northern Ireland) Order 1995. It is the overarching piece of legislation, which sets out the requirements for professional practice in relation to children and young people and identifies the welfare of children as being of paramount importance, which is correct. It sets prevention and protection as two of the key principles. The Education and Libraries (Northern Ireland) Order 2003, which now covers the Education Authority as well, places a statutory duty on boards of governors to safeguard and promote the welfare of children, to have a written child protection policy and to specifically address the prevention of bullying in schools. Obviously, on the issue of bullying, direct anti-bullying legislation was put through the House last year. The Sexual Offences (Northern Ireland) Order 2008 also incorporated significant changes to the law on sexual offences to provide better protection for younger people from sexual abuse and exploitation. Finally, there is a requirement in the Children's Services Co-operation Act, which was passed through the House in 2015. It is:

*"Every children's authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children's authorities and with other children's service providers in the exercise of those functions."*

So there is an overarching bit to try to ensure that there is that cooperation, because this is not an issue that relates just to Education. There are also key implications, particularly, for Health and Justice. It is only by that level of key cooperation that we will start to tackle these problems.

#### Teachers' Strike Action

2. **Mr Butler** asked the Minister of Education for his assessment of the announcement by National Association of Schoolmasters Union of Women Teachers that nearly 200 schools will be going on strike on 31 January 2017. (AQO 946/16-21)

3. **Mr McPhillips** asked the Minister of Education for an update on his Department's work with trade unions in relation to strike action. (AQO 947/16-21)

**Mr Weir:** Madam Principal Deputy Speaker, with your permission, I will answer questions 2 and 3 together because they relate to the same subject.

I am disappointed that the National Association of Schoolmasters Union of Women Teachers (NASUWT) is engaged in ongoing industrial action. The recognised negotiating forum for teachers' terms and conditions is the Teachers' Negotiating Committee (TNC), at which

the Department is represented. The TNC is made up of representatives from the Northern Ireland Teaching Council (NITC), which comprises the five teaching unions, and management side, which comprises representatives from the Education Authority, the Council for Catholic Maintained Schools (CCMS), sectoral interests and the Department. Management side meets the Teaching Council regularly as part of its work on TNC and is committed to moving forward in a constructive fashion. Management side met the teaching unions 10 days ago, on 12 January, in relation to industrial action. I welcome the fact that that meeting was described by those involved as constructive. I understand that there was agreement to an exchange of discussion papers, with a further meeting scheduled for tomorrow. If we are looking for positives, it is at least a positive step that there is at least that engagement. I urge the teaching unions, which have taken, to be fair, slightly different attitudes to industrial action, to continue to get round to management side to focus on the issues for 2017 and beyond.

**Mr Butler:** Thank you for your answer, Minister. We welcome any ongoing talks. Can you outline any actions that you have taken to ensure that, in this crisis, teachers will be paid adequately and work under acceptable conditions, with a manageable workload and with the appropriate support to deliver education for our children and young people?

**Mr Weir:** There are a number of things in relation to that. Workload is a key issue that a lot of teachers have raised with me. That is why we sought suggestions from schools — and we are ending the collation of those responses — not simply on where there could be additional responsibility or opportunities for a greater level of flexibility for schools but about easing burdens. Particularly in a very tight financial situation, looking to where we can ease burdens on schools and teachers is vital. I am a little bit disappointed that, even among those unions that have taken the view of non-strike action, there is an impact in terms of non-cooperation with the inspectorate, because that can impact on pupils' learning.

As regards the broader financial situation, it is important that there is a focus on where we move on from 2017, because there is not a big pot of money sitting somewhere that is ready to be paid to make up for what has happened to date. I should also indicate that previous settlements included increments, which are no longer automatic in England. It is about trying to get a situation — tomorrow will hopefully be the first step in this — where people are looking forward rather than trying to resolve issues, some of which date back many years. Maybe that is a wider lesson for society in Northern Ireland.

**Mr McPhillips:** Thanks to the Minister for his answers so far. Does he agree that the potential for a resolution on teachers' pay has been compromised due to the shenanigans in the Assembly, and is he confident that a resolution will be found post-election when he abandons his post?

**Mr Weir:** I am not sure that "abandon" is quite the correct word on that side of things on it. Clearly, we have had issues around the broader perspective. The fact that the Executive have been collapsed by one party and that, in particular, it has been done ahead of any Budget settlement is not helpful to the overall situation. The opportunity for a greater level of resolution is that people

look forward to 2017. It is not realistic to think that there is some big pot of money out there to cover the situation between 2015 and now or, indeed, to backdate that. It is also not simply a question of finding a one-off pot. If you make changes to the pay and conditions, that has a long-term impact on the school budgets and creates a level of pressure because it baselines within that. That must also be borne in mind. The opportunities for that will potentially be in looking forward to 2017. The reality is that, whether it is me or somebody else in post, the issues ultimately remain the same, and a belief that some change of personalities will suddenly make resolution very easy in many ways misunderstands the nature of the problem.

**Mr Kennedy:** I ask the Minister to bear in mind and look closely at the work being carried out by the Education and Training Inspectorate (ETI) during this industrial action period, because a school in my constituency, Cortamlet Primary School, has been informed that a monitoring inspection —

**Madam Principal Deputy Speaker:** Does the Member have a question?

**Mr Kennedy:** — will take place tomorrow. Given that ETI will not be able to finalise a complete report because of the industrial action, will the Minister undertake to look at this situation to ensure that no school is left with an unsatisfactory finding and damage to the school's reputation as a result of —

**Madam Principal Deputy Speaker:** I think that the Member has asked his question. I call the Minister.

**Mr Kennedy:** — circumstances beyond its control?

**Mr Weir:** There may be certain things that are beyond my control as well in relation to that. It is unfortunate that a particular approach has been taken towards the inspectorate because that can be damaging to the school and to the reputation of the school. Let us remember that the inspectorate is not doing its work because it gets some sort of perverse kick out of this; it is doing it to try to ensure that we have proper standards in our schools. In certain regards, ETI is always a bit of an easy target on that basis on it. That non-cooperation is damaging, as I said, to our schools and to our children, and I urge all the unions and all teachers to fully cooperate with ETI. We need to see a degree of solution on this as well.

**Mr Lyttle:** In addition to teachers' pay, there is a wide range of issues facing education in Northern Ireland at the moment, including the suspension of the special educational needs (SEN) nursery review, the rejection of school budgets, proposed school bus charges, and most recently —

**Madam Principal Deputy Speaker:** Can the Member come to his question?

**Mr Lyttle:** — youth workers put on protective notice. As acting Chair of the Education Committee, I have invited the Minister to provide a fuller update on these issues this Wednesday at our Committee. Will he be able to attend?

**Mr Weir:** Yes, I am happy to attend that. There may be a limited amount that I can directly say on a range of those issues. The broader budgetary situation will be the same for each Department, according to the way the rules work, assuming that we are not immediately seeing a resolution to all those issues. I will be happy to tackle in

detail some of the questions that the Member has raised. In some cases, there has been talk of particular proposals when, in fact, no proposals have necessarily been made. I tried to comment today on an issue that had come up where, again, there was a degree of misunderstanding and, indeed, some — not in this House — make a level of political exploitation of that without knowing the facts on that basis on it, but it is important that we shed as much light as possible on that. It may well come up in other questions on it. In terms of reviews, consultations etc, anything that is coming back into the Education Authority is not in and of itself suspended, but the protocol is that you do not really perform consultations during an election period. He mentioned, for instance, the SEN review, and there are other reviews as well. Those are very important issues, and it is important that we get a proper focus on them so that there is no distraction. I am happy to come along to the Committee to answer questions, effectively on my own, on those issues. I will try to be as helpful as possible within the constraints of the level of knowledge that I have.

2.15 pm

**Lord Morrow:** What guidance have the employers issued to schools in relation to the proposed industrial action?

**Mr Weir:** Obviously, guidance has been issued by employers — for instance, the Education Authority or CCMS — to boards of governors and school principals to assist schools in the face of escalated industrial action. It particularly advises school principals to consider contingency plans and to ascertain what the impact of the industrial action will be in the school to ensure that appropriate levels of supervision and support can be provided, to ensure accurate recording of attendance for pupils and staff and to consider the provision of home-to-school transport and school meals.

I would also indicate that, sometimes, when you drill down into figures of the impact of particular days of action, whilst some of them are geographically specific, it is not necessarily a universal position. Sometimes, it depends on which union is creating the industrial action and its level of strength within a particular school. Many schools have been able to carry on without particular impact, others have had to close the school for a day or a half day and others have had different regimes. There is slightly more of a spectrum of impact, rather than necessarily a full impact, on schools on any one occasion.

## EastSide Learning

4. **Mr Douglas** asked the Minister of Education for his assessment of the importance of community-based initiatives, such as EastSide Learning, in improving education outcomes for children and young people. (AQO 948/16-21)

**Mr Weir:** I thank the Member for his question. I believe that community-based initiatives are one of a number of factors that can help improve educational outcomes for pupils, particularly those from socially disadvantaged backgrounds. In my experience, irrespective of what community it is, getting a level of community buy-in is very helpful and significant.

The Every School a Good School policy highlights that a good school is one that is connected to its

local community. I have met a number of community representatives and recognise the influence that they can exercise and achieve. I have encouraged the West Belfast Partnership Board and the other partnership boards, including the EastSide Partnership, to assist them to share the model of good practice. I also fund the West Belfast Partnership Board, the Greater Shankill Partnership and, indeed, Sure Start. All those can play an important role in the community in helping to tackle that key problem of educational underachievement.

**Mr Douglas:** I thank the Minister for his answer thus far. I would certainly concur that he has been very helpful with the various partnerships. I declare an interest as a member of the EastSide Partnership in east Belfast. The Minister is certainly aware of the issues surrounding underachievement, particularly for young Protestant boys. Will he outline what his Department is doing at the moment and maybe plans to do in the future?

**Mr Weir:** There has been much discussion about that. I welcome some of the improvements that have happened, but a lot more needs to be done to build on it. I produced a paper a short time ago, and we are looking at what we can do to implement that. In tough economic times, I have ensured that the money to fund things like targeting social need has been allocated directly to schools.

We need to take a more imaginative approach. We need to, for instance, focus on how we can imaginatively use the likes of social media. I would like to see a situation in the relatively near future, particularly in encouraging reading, in which we make use of local role models — that has happened at lower levels with the use of sports stars, who have tried to provide a degree of additional aspiration. Also, in the near future, I will be speaking at a conference on the issue of educational underachievement in Bangor that has been organised by a north Down group. That has been in track for a period of time.

It is about building a range of interventions. If a single intervention could sort out a lot of the problems, I think that it would have been done by now.

It is about getting the cocktail of measures that will work in an area and the community buy-in.

**Mr McGrath:** Many community initiatives are delivered by the Youth Service, and many youth workers across Belfast received protective notice this week because of a funding issue. I welcome the Minister's statement today —

**Madam Principal Deputy Speaker:** I ask the Member to come to his question, please.

**Mr McGrath:** Can the Minister give some assurance that he will work with his Department to ensure that, if the money is made available in the budget, those people's jobs will be secure?

**Mr Weir:** I think that would be the case. That was coming up under question 6. I thank the Member for raising the issue before we reach the 2.30 pm cut-off point.

There has been concern because a letter was put out by an EA official that is essentially protective notice. That is standard practice and happened, for example, two years ago when the budget was at issue because of the welfare situation. It is standard procedure when no budget has been set. Unfortunately, inferences have been drawn from that and, indeed, some have deliberately misinterpreted



it. Let me be absolutely clear: first, there have been no cuts whatsoever to that budget; secondly, there has been no decision to make any cuts to it; and thirdly, there is no proposal or intention to make any such cut. That money is currently being allocated. I will have an opportunity to talk with the Committee as regards the wider situation. It appears likely that the budget will simply roll forward in the absence of a budget, which means that money will be spent in more or less the same way as before. This was a precautionary move that had to be taken and is in line with what happened in previous years. I want to give that reassurance because I understand that there is a lot of concern out there at present.

**Mr Allen:** How will the Minister support community childcare providers as the most cost-effective childcare option?

**Mr Weir:** We are working with childcare providers to get the biggest bang for our buck. Given limited resources, we always want to ensure the maximum provision with what we have. Our childcare strategy was ready to go to the Executive, but the Department will work with local childcare providers to provide help and support, as has happened until now.

**Mrs Long:** The Minister has indicated the need to follow good practice. Can he confirm the total funding that his Department will award to the west Belfast Full Service Community Network education framework and whether he would consider similar funding for the EastSide Learning education framework in order that the good practice instilled in the west can be rolled out in the east?

**Mr Weir:** I will write to the Member with the exact figures. We always want to get the best practice that is there. Obviously, any opportunity to roll out new initiatives, for example, is extremely limited, given the short time I have left in office. However, it is something that needs to be considered, if not by me, by my successors in title. The Member has put forward a reasonable suggestion.

## School Places: East Belfast

5. **Mr Allen** asked the Minister of Education to outline the percentage of pupils placed in their first preference preschool, primary and post-primary school in East Belfast. (AQO 949/16-21)

**Mr Weir:** I thank the Member for his question. I should explain that, while parents are able to nominate their preference for the preschool settings or schools they wish their child to attend, approved enrolment numbers mean that a child cannot in every case be guaranteed a place in a particular setting or school. Nevertheless, the figures for September 2016 admission, which have been provided by the Education Authority and are based on the position at the close of each admissions process, show that the vast majority of children in East Belfast were successful in gaining admission to their first preference.

I will drill down into the statistics. There were 1,106 available preschool places throughout East Belfast for this year. Preschool settings collectively received 1,068 applications, of which 937 pupils — about 90% — achieved places at their first preference setting. There were 1,207 places available in the primary sector. There were 1,094 primary applications, of which 1,021 applicants received places at their first preference. That equates to 93.3%.

Post-primary figures are as follows: 1,028 places were available and 1,025 post-primary applications were received, with 807 applicants receiving places at their first preference school. I emphasise again that these figures do not relate to children placed at one of the schools of their choice but at their first preference school.

**Mr Allen:** I thank the Minister for his answer. Minister, given the uncertainty at the prospect of the proposals in the draft area plan, will you outline what work your Department has undertaken to identify and address any shortage of school places in East Belfast to help to increase the prospect of children securing their first preference school and the school best suited to their needs?

**Mr Weir:** It is important that children get what is best suited to them. That does not always mean something entirely on their doorstep. The idea of area planning is to provide something strategic, and we will see a draft area plan that could lend itself to development proposals. While everybody's thinking on development proposals will always concern a new school, a school closure or a merger, they can also — this has happened on a number of occasions — relate to adjustments to enrolment. Development proposals can take a certain length of time. There is a provision — this has happened on a number of occasions — to allow temporary variations, which a school applies for. If there is a particular pressure, that can be met in that way.

The Department and, more specifically, the Minister sign off on a specific development proposal. The Department is not the initiator of a development proposal; it is for the Education Authority or another managing authority to initiate that. As I said, as has happened in a number of schools, there is an opportunity to ensure that that can be dealt with, which would at least provide for a temporary removal of constraints.

**Mr Hilditch:** Minister, are there any plans to revise the criteria for preschool admission?

**Mr Weir:** Preschool education providers set admissions criteria. Research has shown that children in socially disadvantaged circumstances tend to experience more difficulty at school than other children, so the Department requires priority to be given to those children in the preschool setting as part of a wider effort. The aim is to ensure — to be fair, it is pretty close to being achieved — that there is at least a place for every child. Sometimes, there is still a disjoint from an area planning point of view; in certain parts of the country, you will have a high level of pressure on places and, in other areas, there will be a gap. It is important that the definition of children from socially disadvantaged circumstances in the required priority criteria is fit for purpose. It is probably timely that those are revised. If there is any revision, changes will be subject to consultation.

**Ms Armstrong:** I thank the Minister very much for his answers so far. Does his analysis take into account the fact that integrated schools in the area are regularly oversubscribed, which means that parental demand for integrated education is not being met?

**Mr Weir:** As I said, there is an indication that, as part of this, we need to get a holistic view of the area plan. That is what we need to move ahead with; it will identify the needs, particularly for Belfast and East Belfast. One criticism that has been rightly made about area planning is that different sectors were moving at different speeds.

The fact is that the controlled schools sector, CCMS, the integrated sector and the Irish-medium sector are all sitting around the same table trying to develop these proposals. Hopefully, that will produce a plan that is fit for purpose. If there are particular pressures on the integrated sector in East Belfast, those will be taken into account as part of an overall plan. It is important that we get the full jigsaw.

### Youth Workers: EA Funding

6. **Mr McCausland** asked the Minister of Education how many youth workers are funded by the Education Authority in Rathcoole, Bawnmore and Glengormley. (AQO 950/16-21)

**Mr Weir:** The Education Authority has confirmed that there are a total of 41 youth workers across the statutory provision in the three areas named. The figure is made up of 15 workers in the Rathcoole youth centre, including seven assistant youth support workers, five youth support workers, two support workers in charge and one area youth worker. There are a further 10 at Millgreen youth centre in Bawnmore and 16 youth workers in Glengormley youth centre. I can give the Member the breakdown of those if he so desires.

**Mr McCausland:** I thank the Minister for his answer and also for his answer to the earlier question regarding uncertainties with youth funding issues. I thank him for his clarification. What is his assessment of the value and benefits that flow from the work of those whom we are speaking about?

### 2.30 pm

**Mr Weir:** I think that there is a tremendous benefit, which is why the funding has consistently been put on a separate footing. Indeed, the EA has always sought to deliver that. This is targeted, especially in sometimes difficult areas, particularly at youth work with young people who are sometimes very hard to reach and whom other services are not really getting to. In society as a whole, youth work is key in preventing any potential problems that might arise and in preventing individual young people going in the wrong direction. The youth work provided is extremely valuable, and I commend those who are involved in it.

**Madam Principal Deputy Speaker:** Sin deireadh na tréimhse do cheisteanna liostaithe. That ends the period for listed questions. Anois tá 15 bhomaite de cheisteanna tráthúla againn. Glaoim ar Alan Chambers. We will now move on to 15 minutes of topical questions, and I call Alan Chambers.

**Mr Chambers:** Minister, as we head towards an election, no doubt you and the other candidates in North Down will be asked about the capital investment programmes that have been planned for Priory Integrated College in Holywood, St Columbanus' College in Bangor and Bangor Central Integrated Primary School.

**Madam Principal Deputy Speaker:** Will the Member come to his question?

### Capital Investment Programmes: Update

T1. **Mr Chambers** asked the Minister of Education for an update on some capital investment programmes. (AQT 676/16-21)

**Mr Weir:** There are a number of issues there. I suppose that all politics is local, so the Member cannot be blamed for posing that question. Priory Integrated College and Bangor Central Integrated Primary School were part of the Fresh Start announcements. The project boards are moving ahead with those, that money is secure and the programmes will happen, irrespective of what the particular political landscape will be.

I have asked government whether some of the terms of the broader funding can be widened for St Columbanus' College. Its intake makes it what is sometimes referred to as a "super-mixed school", and it should be in a position to benefit from that. As yet, central government has probably been a little bit distracted with other issues, so I have not been able to secure a widening of the terms of reference. Also tied up with that was the examination of what could be done through the school enhancement programme, and it is likely that there will be an announcement fairly imminently on that. That is because we need to get moving with the school enhancement programme to ensure a proper flow of capital. I am acutely aware of the issues. No matter how things move ahead, capital will be available in the future. We have not yet been in the position to make a major capital call, but I think that there will be one very imminently on the school enhancement programme.

**Mr Chambers:** Minister, is the money that you say is secured for two of the schools real money or is it subject to future budgetary constraints? Have you had any informal meetings with the schools about this?

**Mr Weir:** I have been to a number of schools for meetings. I have been to Priory Integrated College and Bangor Central Integrated Primary School in relation to this issue. Their money is part of the Fresh Start money, which was £500 million allocated across a 10-year period, with a tranche of a maximum of £50 million a year. Those schools were announced as part of the first tranche of investments. As I said, the actions being taken are progressing along those lines, and the money is therefore secured, irrespective of what happens to the Northern Ireland block grant. Irrespective of what happens to any Northern Ireland Executive Budget, that is separate money that has been allocated by central government. It is secure money, they are announced projects and they are moving ahead. In the case of Priory, for instance, the first step is to ensure that it has a proper site. I think that a lot of us would have a fair guess at the answer to that. In that case, and probably for Bangor Central, the answer was fairly obvious, but that procedure needs to be gone through. The money is 100% secure and will not be impacted by wider budgetary positions. That is a bit of good news for the Member.

**Mr Chambers:** Thank you.

### Entitlement Framework: Feedback

T2. **Mr K Buchanan** asked the Minister of Education whether he has received any feedback from school principals about the entitlement framework. (AQT 677/16-21)

**Mr Weir:** This is a practical decision that was taken. We were getting messages, particularly from school principals and schools, that the scale of what was there was placing an onerous burden on them. Nobody doubts that we need to ensure that young people have the fullest opportunity, and we had that before the decision was taken.

Subsequently, I have had feedback from a number of school principals who see this as a practical solution that has eased the burden on them in what are tight financial situations.

I know that a lot of schools are doing this already, but I take the opportunity to say that, particularly for its delivery and the delivery of subjects, the entitlement framework is a great vehicle for greater levels of cooperation, collaboration and sharing between schools. That is particularly the case with some minority subjects, on which you get two or three schools in the same town collaborating. I know that that happens in Bangor in my constituency among three of the schools. They are collaborating to provide that maximum level of opportunity. Generally speaking, I think that the announcement has been welcomed by school principals.

**Mr K Buchanan:** I thank the Minister for his answer. Is it part of a wider Education Authority policy?

**Mr Weir:** The idea is to give greater autonomy to schools by providing them with the ability to make decisions. In a previous existence, which will show my age, I might have described those decisions as being taken at the chalkface, but now I suppose that I should say interactive whiteboard. Indeed, saying that may even be out of date. This is about allowing that opportunity for those sensible decisions to be taken at the level of school principals, boards of governors and teachers, all of whom know what is in the best interests of their children, rather than an attempt to dictate downwards from the Department of Education. That is an important step. For whoever succeeds me in taking those decisions, that is something that needs to carry on.

**Madam Principal Deputy Speaker:** The Member listed to ask topical question 3 has withdrawn his name.

## Outdoor Activity Centres

T4. **Mr Easton** asked the Minister of Education to clarify the situation with outdoor activity centres and the current consultation. (AQT 679/16-21)

**Mr Weir:** There is a consultation ongoing, and I am not in a position to interfere with it directly. I appreciate that we had a very vigorous debate on outdoor activity centres in the Chamber — in fact, we had a debate two weeks in a row. It is clear that there are widespread concerns out there. Today, I have written to the chair of the Education Authority. That letter will go to all members of the board, urging a precautionary approach be taken. As I said, I cannot interfere directly in the ongoing consultation. Before any conclusions are reached, the authority needs to have a very thorough examination of all the consultation responses. It needs to look at what alternative proposals have been put forward and what other options there are — I think that there can be other options — for a better financial regime that would allow alternative ways of moving forward. I also specifically urge the Education Authority not simply to look at those alternative proposals but to engage directly with those who are putting them forward to ensure that the proposals have the fullest opportunity. The driver should be what is in the best interests of our young people, although I appreciate that there are also financial constraints to be considered. It is therefore important that every option be explored very thoroughly and that viable alternatives be given the maximum opportunity. That letter has gone out today, so it

may be news to the Education Authority. It has simply been sent today, so it will not have been received as yet, but that letter is going to every member of the Education Authority.

**Mr Easton:** Will the Minister give a guarantee that he will look at absolutely every option before coming to a final conclusion?

**Mr Weir:** The conclusion initially is to be arrived at by the Education Authority. To that extent, I am urging it to take a look at the options. Decisions are likely to be taken outside the time frame of my ministerial responsibility, but it is important that, whether they be taken at an Education Authority level, and I think that that is where the resolution needs to happen, or by another Minister, every avenue be explored and we provide the best possible solutions for our young people on the issue.

## Independent Review of Integrated Education

T5. **Ms Bradshaw** asked the Minister of Education whether he plans to publish the findings of the independent review of integrated education before he ceases to hold office. (AQT 680/16-21)

**Mr Weir:** I am tempted to say that the very short answer is yes.

I received the report shortly before Christmas. The report was a little bit late in arriving, but I looked over it. It is not just a question of publishing but a question of seeking the public's views on it, so my intention had been to find a date in January to do that. I understand from discussions that the protocol is such that you should not really be publishing during an election campaign, and I think that there is good sense in that. In part, that is because that is what the advice is on protocols for all consultation, but also this is a very serious report. It needs to be given a proper viewing. My original intention, then, was to give instructions to publish just after the election campaign to avoid that. I was then told that I cannot do it directly after that, but I have managed to find a way that will mean that I have signed off today on publication of that report on 2 March at 9.45 pm. Therefore, no one can accuse me of making a political football out of this by way of it impacting on the election. It goes to the limits of when I have the legal power to do that, and, as this is a serious report, I want to make sure that it is published and that the views of the public on this are sought. That is a route by which we can ensure that all is being done to make sure that this is fully examined by the public.

**Ms Bradshaw:** Thank you, Minister. I was sort of following what your logic was on that, but I fail to see why you cannot launch it now. Are you not afraid that, like in many other elections where important issues have come up, this will get lost at the far side and it will take many months for it to be picked up again?

**Mr Weir:** There are two things in relation to that. First, I think that the danger is that, rather than it being treated on its own merits and looked at seriously, it either, on the one hand, simply becomes part of the noise of the election or, on the other hand, because no one knows precisely what the various issues will be during the election and because they will be fairly wide-ranging, it effectively almost gets put into a background situation. From that point of view, there is protocol that is suggestive of what can be done during an election period by any Minister. It lies within the

Department. Part of that advice and guidance is that major consultations should not take place during an election, in part because of the danger that, whatever the consultation, people would, in some shape or form, regard it being party political and it could influence the election. I am following the protocol, but I am committed to ensuring that this published.

As I said, I have found a way within my power to guarantee that it is published, that it gets a fair examination by the public and that, as part of seeking those public views, space can be provided. Had it not been for the election, we would have moved ahead at a quicker pace, but I have to follow the protocol during the purdah period. This is a way of squaring the circle and ensuring that this very important document is put in the public domain.

### Autism Assessments: Waiting Times

T6. **Mr Allen** asked the Minister of Education what his Department and the Education Authority are doing to support those children who are waiting on an autism assessment, many of whom are waiting up to two years, especially given that recent figures revealed a 280% increase in these waiting times. (AQT 681/16-21)

**Mr Weir:** We are cooperating with the Department of Health in particular, because a lot of the assessments are on the Health side rather than with the Department of Education. There is a working group that is trying to work through those issues with the Department of Health. I suppose the key test on delivery will be on the basis of what can actually happen on the ground. We are faced with a situation where there is a much greater level of awareness of autism in particular. I met some of the autism groups around early autumn, and I think that one of the issues, thankfully, is that we are detecting this a lot earlier. That is creating a level of pressure on how quickly those can be processed. My Department is happy to work with the Department of Health to try to process those as quickly as possible, but we need to ensure that we get the right diagnosis as well.

**Mr Allen:** I thank the Minister for his answer. Minister, I am sure that you will understand and appreciate that for many of those children waiting on the assessments will have an impact on their school life. Will you give a commitment to review what support is being offered, and also perhaps look at the level of training being offered to teachers and classroom assistants to support those children?

**Mr Weir:** I think that my Department will be progressing those issues. We reach dissolution on Wednesday night, so there is a limit to what I can deliver in the short term. There is a very important issue that needs to be progressed, and I will certainly be tasking my officials to try to have the maximum level of cooperation to ensure that waiting times are kept down to a minimum.

### Investing in the Teaching Workforce: Update

T7. **Ms Hanna** asked the Minister of Education for an update on the Investing in the Teaching Workforce scheme. (AQT 682/16-21)

2.45 pm

**Mr Weir (The Minister of Education):** Currently, the situation is that expressions of interest have been sought, and a lengthy list was produced of those who were interested within that. The advice and, indeed, the nature of the pilot scheme that was progressed by the Executive was that this was open to 120 in this year; that was felt to be the maximum number that could be progressed. We had a lot more than that, and those teachers who were successful in reaching that top 120 have now been written to. There is also a legal challenge, from a judicial review point of view, from somebody who is challenging that. The outcome of that will be critical to the progress of that, but if that judicial review is not successful, progress will happen to ensure — at least with regard to the pilot scheme — that those will be progressed and reach a point of conclusion in-year.

**Madam Principal Deputy Speaker:** Sorry, there is no time for your supplementary. That concludes topical questions. I ask Members to take their ease while we change the top Table.



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

## Executive Committee Business

### Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

*Debate resumed on motion:*

*That the draft Renewable Heat Incentive Scheme  
(Amendment) Regulations (Northern Ireland) 2017 be  
approved. — [Mr Hamilton.]*

**Ms S Bradley:** I will pick up where I left off before Question Time. Essentially, I was trying to talk to the facts as they are presented to us today on this regulation or amendment to it. We are acutely aware that what is being asked of Members falls outside anything that would be considered good governance or arrangements for making good legislation or amendments to it. It was very disappointing that the Minister was not in attendance at the Committee this morning, as many legitimate questions are still unanswered. It is not a very comfortable place to find oneself in when there are so many questions that are unanswered, and yet the business has to proceed against a ticking clock set by others.

The omission of critical things include the agreed business case. In probing and trying to get to some sort of answer around the business case, we did hear that there is no valid objection to it, which falls far short of there being any agreement to it. At this moment — I could be corrected on this — the Minister of Finance has yet to give any agreement to it. As we are charged here today with measuring the probability of judicial review against the potential costs of such a judicial review against the public interest, what would certainly have weighed in favour of this regulation going through as amended would have been the Finance Minister stepping up and giving some commentary or lead on it.

I refer to the Iron Curtain of politics, which, ironically, the two Executive parties now find themselves on the wrong side of because if the House had been privy to any sort of monitoring rounds or draft Budget we would have been able to measure whether it was workable or whether it was workable with regard to the debate and the priorities that were being set. Of course, while some talk about equality, they were very comfortable with the fact that they did not treat other Members with equality. They were very satisfied to sit behind that Iron Curtain and reserve information for themselves only. Today, unfortunately, it is not the SDLP or the opposition parties that have fallen foul of that but the general public.

That is an absolute indictment of this Executive and the way they operated. Regardless of who or what, if anything, is returned to the House, I surely hope that there will be time to reflect on that and the manner in which business was done.

I will move on. On the probing, a cynical person might say that this is the Minister basking in the sun for his electorate, trying to push something through at the eleventh hour, so that, when he knocks on the door and they ask, “What did you do to stop the loss of money?”, there will be a piece of paper. That might have been

true, only we learned today in Committee that this is the brainchild of a SpAd, an unknown SpAd.

**Mr Allister:** A super-SpAd.

**Ms S Bradley:** A super-SpAd. We do know that it was not a SpAd in the Department for the Economy. A good idea is a good idea — I have no problem who it comes from — and if a good idea saves money for the public purse, I will be the first to jump up and support it. However, when there appear to be political fingerprints all over this and, like everything else, that information was withheld, forgive me for being cautious, forgive me for having another list of questions that will go unanswered.

There is no trust here. It has been lost through a drip effect from the Executive over a long time, and I ask this question: who knew what and when? We are trying to place the amendment in front of us into context. I noticed that Mr Maskey has absented himself from the Chamber, maybe wisely so. When we reflect on who knew what and when, we know that, in November, the scheme was revisited and sensible proposals were put forward on putting in caps and tariffs that were voted on and rightly so. We also know that, in February, the Minister came to the House and referred to an advertising campaign as part of his explanation of why, suddenly, the scheme had become so popular. The SDLP’s response at that time — I stand over it — was very measured and considered, given the information that was in its domain at that time. Others reacted in a different way. With hindsight and a look back over Hansard, it would lead you to wonder why others were less measured. Why did they feel a need to hurry in? What information were they privy to? How did they know the importance of cutting the scheme short of two weeks, not that it was going to make a big difference at that stage? It raises suspicions, and it certainly raises eyebrows. What was Máirtín Ó Muilleoir referring to when he urged the House to vote in a way that did not stack up in a measured way, considering what was in front of us? Mr Maskey may be muddled in his recollection because, perhaps, what he has to do and I do not is to separate what he knew and what he should have known. I have the privilege of standing here speaking on the public record on the basis of what was allowed to be known to the public and to the Opposition parties in the House.

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

**Ms S Bradley:** I will give way.

**Mr Frew:** Will the Member agree that one of the people who knew well what was happening with the scheme was none other than the Chairperson of the Committee for Enterprise, Trade and Investment, her party colleague? Has she studied what Mr McGlone — I have a lot of respect for him, and he did a lot of work on the Committee with me — said in that debate?

**Ms S Bradley:** I thank the Member for that intervention. It is quite an astute one. He might be disappointed to know that I have studied it, and, if you look carefully, you will see that it is clearly on record that Patsy McGlone at that time made it known to the House that questions remained unanswered. He did not know. He, like others, was kept in the dark.

The people who appear to have had the privilege of knowing are the people who had the gift of delivering a public inquiry over the last seven to eight months. Those

people, for reasons that will become increasingly well known to us all, did not want such a public inquiry, when, in fact, the SDLP could see — I am sure that, with the benefit of hindsight, even the DUP may see this — that the right thing to do was for Arlene Foster to step aside to allow for a full, independent public inquiry, to allow lessons to be learned and to allow a consultation and a measured approach on how to bring this to a close.

**Mr Stalford:** I appreciate the Member giving way. She will be aware that, at the end of December, her party brought tabled a motion in the House. The motion that her party tabled was not about establishing a full public inquiry; it said that Mrs Foster was not fit to hold public office. You said that before we had even had the inquiry in the first place. You prejudged any outcome.

**Ms S Bradley:** Let us be clear about that: the motion that was presented to the House asked the First Minister to step aside.

**Mr Stalford:** It did not ask her to; it told her to, for six months.

**Ms S Bradley:** It did not ask her; you are right. When I took an intervention via Conor Murphy, I asked him whether it was not the first step in creating a credible public inquiry. At that time, Conor Murphy let me know that in no circumstances would the SDLP's idea of asking Arlene Foster to step aside first have anything to do with a public inquiry. He saw no reason in it. He said that we were after a head. That was not the case. We asked Arlene Foster to step aside for good reason. She was the Minister who created the scheme, oversaw the policy around it and set it off in its delivery, and there was a clear, unequivocal conflict of interest. She could not have served in the role of First Minister while such a critical inquiry was being brought about.

Sinn Féin did not share our opinion. As you know, you had their full support on that day that Arlene Foster should remain in post. Therefore, SDLP calls for the public inquiry again could not be heard through the iron curtain of the Sinn Féin/DUP Executive. The calls for that independent inquiry, like everything else that appeared to come from these Benches, was dismissed — dismissed at the expense of people waiting for hospital beds and educational establishments that are being run down to nothing. It is shameful that anybody would attempt to come here and give a revisionist history of what happened, when the public record shows clearly what happened. Sinn Féin members can account for themselves on the doorsteps as to why they did not support the SDLP on that.

I move on to the reasons and other suggestions that are really causing a problem here and that we must put on the public record. We have no agreed business case. There has been no consultation. We cannot brush over that fact. That is a serious flaw. To just circumnavigate consultation in any legislative process suggests that we are on very thin ice. I say that with the greatest respect to the Minister because I know that he was intent on pushing this across the line, but he must acknowledge that the things that are missing in this process weigh heavily on us all.

Because there was no consultation or no time for consultation, we never got near the period where compensation would be discussed. The public appetite for compensation might not be high, but I am weighing all this up against the possibility of a judicial review. The fact

that it was not even referred to or that there was no time or allowance for it again weakens the position. Our access to information has been shameful. Asking any legislator to come into a House and legislate in a way that allows them access to small amounts of information at a time of someone else's choosing is simply not good enough and never will be good enough.

### 3.00 pm

Let us not forget that there is a danger in going ahead with this. We are setting a very dangerous precedent that this is how law can be achieved. We know that people come into the House who do not enter into the spirit of how it has been set up. They are here to manipulate it to their own ends at every turn. To lower the bar to this standard suggests a doomy future for the House.

There is no doubt in my mind that people are watching this debate and looking at the possibility of taking forward a judicial review. The regulations go no way towards trying to separate out people who are being overcompensated, people who are wasting energy and money and people who are simply abusing the system. We are no further on, in that, if we pass the regulations today, which is regrettable, the public deserve to know exactly the lie of the land about who is using and abusing the scheme.

I will go further. We still await and maybe will hear from — there are a lot of eleventh hour decisions here, so who knows? — the missing Minister of Finance about these regulations. We need to know what conversations he has had. What is his thinking on this? Has he an appetite to make it work, or is he satisfied to walk away from his responsibility?

There is no doubt — others will join us now in learning how things are being mooted over the airwaves — about the need for an independent review. I have serious questions about who knew what and when. I mentioned why I have suspicions that Sinn Féin and the DUP were privy to information that others in the House were not privy to at a time when a vote was taken in the Chamber. Given that, I do not think that it is in the best interests of the House that either of those parties put forward the Minister for an investigation. I would have thought that the best person to step up and lead on this investigation has to be Claire Sugden, our Minister of Justice, which would create enough political distance from any investigation. Whether I like that or not, I welcome an investigation. It has to happen, and it is not too late for Claire Sugden to step up and play her role. However, I find it regrettable that the people of Northern Ireland are being asked to vote on this important matter before they get the facts. Every candidate who intends to stand for the Assembly in the forthcoming election should make a public declaration on RHI.

**Mr Deputy Speaker (Mr Kennedy):** I remind the Member that this is not an election forum. This is a debate.

**Ms S Bradley:** I make my remarks in the context of talking about the regulations, and there is the possibility that the individuals returned will be responsible for working on the temporary plan. They should declare an interest and beyond, because this is not about family members; it goes beyond that. Is any Member sitting on critical information that will come out during an inquiry that they would in good faith like to share with the House today? The public

deserve to know the facts. A lot of facts are clearly and obviously missing, which is to our detriment.

I find it very unfortunate that this is our last chance to get to any detail. It is the eleventh hour. It is unfortunate that Sinn Féin has walked out — fled the crime scene. Simon Hamilton is before us, but in what capacity? I am not sure, because he was unable to meet us as Minister this morning. I remain very much in the dark, but I will remain measured in listening to the remainder of the debate. I assure the public that, going forward, the SDLP will take a very cautious approach to the debate.

**Mr Frew:** As always, I speak on energy matters with enthusiasm and passion. This is where I come from; it is my background. I sat on the Enterprise, Trade and Investment Committee for so long, and I like this stuff; I actually do. I have found the whole debate or debacle — call it what you will — fascinating and historic. I have not yet made up my mind on incentive schemes. My colleague Steven Agnew, who is sitting across the way in the corner, knows my stance on this, as we have attended many an Enterprise, Trade and Investment Committee together. Not only have I not made up my mind about incentive schemes but we must ask this question: how, and at what level, do you fund an incentive scheme? An incentive scheme, by its nature, incentivises businesses and households to do something that you want them to do. You are channelling them and causing an effect by the incentive that you give. That is what an incentive scheme is.

**Mrs Long:** I thank the Member for giving way. He talks about what it means to give an incentive. I am sure that the Member understands the difference between subsidy, incentive and profit. Whilst it may be possible to subsidise activity — that is, to reduce the cost of it — or to give an incentive — an inducement for somebody to do something that they might not otherwise do — the problem with this scheme is that it generated a profit for doing what had previously been done. That goes to the nub of why people are concerned.

**Mr Frew:** I thank the Member for her intervention. She is exactly right, but let me tell her and the House this: all incentive schemes are about profit. When you have a renewables obligation certificate (ROC) scheme in place, you get money to generate electricity to the point at which it is free. That is a profit; there is no other way of dressing that up. That is what an incentive scheme is and was, and it has spread right across western Europe.

**Mrs Long:** I am quite happy that you have given way. There is a difference between incentivising activity and what you have just described. Allowing people who produce electricity beyond that which they would normally use and pay for to sell it back to the grid is an incentive. Creating profit simply from burning pellets is a different matter altogether. It generates profit by doing the business you would have been doing rather than simply reducing the cost. The first is an incentive; this is a profit.

**Mr Frew:** I hear what the Member says. Does she not realise that we are moving an incentive scheme from what could be a 60% profit to a 12% return. However, it is still a return; and it is exactly the same with wind, solar, biomass or tidal energy. Name any incentive scheme for renewable technology, and it will come down to pounds, pence and profit. That is an undeniable truth; it is what we are talking about here. We are talking about assisting businesses and

households to go to a certain place that we want them to go to. Some of us might not, necessarily, want them all to go that way, but that is the case, and it has been the case —

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

**Mr Frew:** I will finish the point. That has been the case right across the Western World. That is what we are talking about. It alarms me that, when we talk in this place about a scheme of this nature, sometimes, there is a lack of knowledge on these subjects. That really gets at, and grates at, my heart. I will give way.

**Mr McNulty:** Will the Member please recognise the difference between profit for a farm as a whole — as a business — and profit through heating your shed? Will he please distinguish between the two?

**Mr Frew:** There absolutely is, and that is where we will talk about the abuse of any given scheme. I completely qualify that; I quantify that. You are exactly right: if unuseful heat has been generated, that is an abuse; it is a complete fraud. That is not what the scheme was designed for.

**Mrs Long:** Will the Member give way? He has been generous, but will he give way again?

**Mr Frew:** I will, certainly.

**Mrs Long:** I thank the Member for giving way. There is a danger, because it has been suggested in a number of comments that, if the scheme had been operated within the rules and the spirit, it would not have generated a profit from burning the fuel: that is not the case. You do not need to scam the scheme to make a huge profit and return on the scheme. That is the difficulty. Suggesting that that is the case is completely wrong.

**Mr Frew:** I did not suggest that, Mr Speaker. I am basically trying to lay down the laws and policies of an incentive scheme, why they even exist and why we are discussing incentive schemes for renewable technology. That is what we have been about for the past 20 years. That is why we have set targets for renewable technologies, wind energy, solar farms and all of that in our Programmes for Government. That is why we are here.

**Mr McGrath:** Thank you for giving way. Do you take the point that there is a difference between an incentive scheme and one that has absolutely no controls in it — a badly managed scheme — and that the people of Northern Ireland and Members are angry at the way this scheme was managed, as opposed to any incentive that there may or may not have been in it?

**Mr Frew:** The Member is absolutely right. We will get to controls now, if I am allowed.

Whilst Sinéad Bradley let me in during the second half of her contribution — after half-time — she did not let me in at the start. There are facts around this, and then there is hyperbole, sensationalism, loose language, insincere language and, in some ways, dangerous and reckless language being used here in these debates. It is all about the political stances and political games that we all play. I understand all of that, but, at the hub of the matter, the people need to know what is taking place here. Since the debate started way back in 2012, I have known that there has been too much noise around this — too much noise that is not actually fact. That is the truth.

Sinéad Bradley talked about facts. She rightly tried to pin Sinn Féin down, because it has a lot to answer for on its current stance. Why are they not in the Chamber now, when they were here for the first part of the debate? It is a very important regulation that needs to be passed. Sinéad Bradley talked about facts. She corrected herself in the second half of her contribution. The scheme was amended for new entrants in November 2015, and, in February 2016, it was closed. Of course, we all know how people voted at that time on whether to keep it open or to close it when it needed to be closed. At the start, she talked about her house being on fire. She used the illustration of her house being on fire and asked, "Is it not better to put the fire out before you investigate?". I think she was trying to say — I will give way if she wishes — that you stop the scheme straight away and then investigate: that is not an option. That is not an option for businesses that have forked out £70,000 or £80,000 on a new boiler for a broiler house that they have been building because the Government have told them and inspired them to do so. Remember Going for Growth? What was it all about? It was about incentivising growth in our farming industry. I listened to the point that the leader of the —

**Ms S Bradley:** Thank you for giving way. I appreciate what you are saying; I take your point. Can you explain, if it was not an option to stop, what has changed? Why is it an option now?

**Mr Frew:** It is not an option now; we are putting in cost controls that will bring the costs down. That will mean that they are not as burdensome on our block grant as they would have been if we had allowed the scheme to go on. We are also finding, day in and day out, that there are people who are acting fraudulently and not in the nature of the incentive scheme itself and, as your colleague rightly says, burning the pellets in a boiler that is situated in an empty shed. That is totally and utterly wrong, and it has to stop. Having listened to this the whole way through since 2012 and considered incentive schemes throughout the Western World, I want a Minister who will fix it. I want a Minister who will bring legislation to the House to fix it, and that is what the Minister is doing today.

### 3.15 pm

The Member mentioned at the end of her contribution the time that we have had to scrutinise the legislation, and she is absolutely correct in that. There are legislative stages to go through, and we need to scrutinise these matters and the regulations carefully, but the facts are that we do not have that time. We wish we did, but, because of the position of Sinn Féin and the actions that it has taken, this is it, folks. This is it — it is coming down. We need to get things in fast. Sinéad Bradley, my colleague across the way, was quite right too —

**Mr Agnew:** I thank the Member for giving way; he has done so a number of times. On the point that, "This is it", I am working on the basis that we will be back here after the election. The regulations do not kick in until after 1 April, so is there not time to come back to a new Assembly to put something in place?

**Mr Frew:** I congratulate the man on his optimism. I wish that I shared it, I really do. I have seen the sea change — the change in stance and even in the demeanour of members of Sinn Féin in the House in the last week — and

I do not see this place coming back any time soon, even after an election. So, again, our chances have been shot.

We have a Minister now wanting to bring in regulations that will protect the burden placed on the Northern Ireland block grant, even when he is not in position after the election. That is commendable and is the right thing to do, and I think that he has moved in that way. But to think that the Minister has done something in a knee-jerk way is utter nonsense. The crisis did not start in an episode of a show or on a media outlet or the front page of a paper; it started last year when the scheme was closed. When people realised what was going on, they closed the scheme and then investigations kicked in, first with the Audit Office. That is how long this has been going on — not since late autumn. If people think that this started in late autumn, they have not been reading it at all and do not know what they are talking about. That is what really annoys me at times on incentive schemes. Where is the Finance Minister today?

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

**Mr Frew:** Yes, I will. I am not a Minister, Jim — not yet.

**Mr Allister:** Yes, sorry for my slip of the tongue.

The Member says that this has not crept up on us suddenly. Why then it is that, at the last gasp of this Assembly, this is the first time that we have seen a proposal to put tiering into the tariffs? The second point, if I may, is that I do not think that it is too pejorative to say that this is but a sticking plaster, because the regulations run out after one year. What is the vision for thereafter? Will there be a scheme continuing the tariffs but with compensation to those affected? Is there some other grand plan, or do we just not know what will happen then?

**Mr Frew:** The Member raises very good points. Of course, he talks about compensation: the incentive scheme is a compensation scheme. That is what an incentive scheme is. On his point, when the scheme was closed, there was an Audit Office investigation. There was a PAC investigation after that. The Ministers would have got around, seen the context and the depth of the problem and then acted out what they were going to do. That takes time because, first of all, you have to measure and inspect the problem, and, to date, there have been 300-odd inspections. These are things that have been going on; they do not happen overnight. You do not want the Minister to come to the House in a knee-jerk fashion; you want him to come here with proper regulations that he can put to the House. The House can then either pass them or disagree with them and the thing falls, just like when other Ministers brought the incentive scheme to the House on the first occasion in 2012 and on the other occasions in 2015 and 2016 when decisions were made in the House.

I would also like to add something to my colleague Emma Little Pengelly's point. She was right, of course, that Committees have a scrutiny and support role. I sat on the Enterprise, Trade and Investment Committee and know its worth. I also know that that Committee saved electricity bill payers £700 million over 20 years. How did we do that? We did it because the Minister at the time was going to bring in a Northern Ireland-only ROC scheme. That would have cost bill payers £700 million over 20 years, and the Committee blocked it. It did so four times, in May, June, July and September 2015. The run in RHI that was created happened that autumn. Why did the run take place? Should we then blame everyone who was involved in that



run? Are these the people who we think are scamming the scheme? No, they are not. It is quite simply this: there is a world of renewable energy. We all know about it, and we have all met the people who installed the boilers and the wind farms and everything else for the ROC scheme.

Amber Rudd in Westminster closed the ROC scheme a year early. When she did that, Northern Ireland had a decision to make, and Northern Ireland made that decision. What that did was generate interest and debate in this topic. RHI installers and influencers were going round telling businesses — rightly so; I am not saying that there was anything wrong with that — that if the ROC scheme can close early, so can the RHI scheme. Of course, there was a longer lead-in period for RHI — many more years. However, I believe that that caused concern in the industry that the scheme was not viable; it was not here for ever and could close early. I believe that businesses then decided that instead of replacing their boiler in five years' time, they would do it while the RHI scheme was open because it might close the following year along with ROCs. ROCs, of course, applied to wind power, solar power and other technologies. There was also tidal power and biomass. I suspect that that was one of the reasons why a run was created.

There were 900 applicants in the scheme before that — a scheme that was under-subscribed and underspent. The Northern Ireland Assembly and the Executive were being criticised by Westminster because the scheme was underspent. Then there was the run, which created the overspend. That is something that we have to deal with. This happened over a period of weeks and maybe months, and the Minister at the time decided to change the regulations in November 2015 and was right to do so. He decided to close the scheme in February 2016, which he was also right to do, even though most of the Opposition parties voted against it at that time. It was the right thing to do at that time.

Here we are now with this House about to fall in two days' time, and we have a Minister who needs to act fast. By putting these measures in to introduce tariffs and cost controls, he will bring the cost of the scheme down. Instead of people making a 60% return, it will be brought down to 12%, which is probably reasonable enough for an incentive scheme. I support the Minister in that regard. It has to be done. Then we have to look at a long-term solution to the problem.

What annoys me, however, is the white noise from some people, I may say, who do not have a clue about incentive schemes or even about renewable energy but who will use this situation as an opportunity to take a scalp. They will say, "We are the Opposition, and it is our job to scrutinise and harass and argue the other side of any argument." I get that; if that is what you are there for, I get that. Remember, however, that we have to be responsible.

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

**Mr Frew:** I will give way.

**Mr Nesbitt:** You might think that it is a small point, but part of the function of this Opposition is not to harass; absolutely no way.

**Mr Frew:** OK. We have all witnessed the attacks on some of our members and on our leader. We will let the public decide whether "harass" is one of the words that can be

used to describe what has happened over the last number of weeks.

I have looked at the scheme and studied it. Whilst it is not perfect — I do not think that the Minister would argue with that — it is what now has to happen to reduce the burden on the Northern Ireland block. The evidence overwhelmingly supports the action that is proposed today. It is an approach that will address the excesses that have led to clear public concern, move the regime back towards its original policy goals and move towards zero the cost pressures that the scheme placed on the Northern Ireland block grant.

When you are out there in the media, please do not talk about an incentive scheme as if it is a bad thing. I might think that it is a bad thing because I just do not like incentive schemes, but this is spread across the Western World and it is how people incentivise their energies. Do not bad-mouth an incentive scheme when so many good businesses picked this up and ran with it and converted to the very scheme that we tried to push on them. They have been growing their broiler houses. The leader of the Alliance Party made an intervention about Moy Park earlier — I am sure that her East Belfast constituency is flooded with chicken farmers — and she made a very good point. We have been pushing these companies to grow. Going for Growth is the title of our policy around this, on both the ETI and Agriculture sides of things. We have been pushing this. We have been encouraging our businesses to grow and to put more broiler houses on their sites. What are you going to use when you build a broiler house? You are going to use the technology that is there and that is easily incentivised; that is what you are going to use. There are so many businesses here that have done so much good work. Profit is not a bad word; that is what business is. They have also employed people; that is what businesses do. Politicians do not employ —

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

**Mr Frew:** I will make this point and then I will give way. Politicians do not create jobs; businesses do. Politicians only create the runway for businesses to take off; that is what our job is. An incentive scheme does exactly that.

**Mr Agnew:** I thank the Member for giving way. He makes the point quite properly that many businesses will have availed themselves of this scheme legitimately. Does he not believe that there is an incentive for those businesses to come forward and say, "Yes, we do have these boilers; look and see what we use them for"? That would further expose businesses that have abused the scheme.

**Mr Frew:** I think —

**Mr Stalford:** I appreciate the Member's giving way. The Member will be aware that a business in my constituency, a car dealership that had one of these boilers, effectively had its reputation damaged without any accusation that it had done anything wrong but simply by virtue of the fact that it was part of this scheme. It is an important point that, in the fevered atmosphere that there has been around a lot of these issues, good people who have not done anything wrong have had their reputations damaged.

**Mr Frew:** Both gentlemen make very good points. My colleague Christopher Stalford makes the most salient point that these businesses cannot trust the media. Look at the media over the last two months. Look at how

businesses have been ridiculed, slammed and smeared. That is what has happened out there. I tell you now: the media have a lot to answer for in this regard. These are businesses that are doing good work in Northern Ireland. They are creating profit, jobs and investment, and now they are going to be slammed.

I take the other Member's point, but if businesses come out now, will that help them? I simply point to the honourable action that Jim Wells took this week. How will the media play that out? I will tell you something: it will not be played out in a good way.

A business will come forward and could even show its profit lines and profit margins and how much it will make in any given year, and what will the media do with that information? It will be pound signs and shame. That is what it will be, but it should not be because we are trying, in the Northern Ireland Assembly, to help businesses to grow.

### 3.30 pm

We have tried for years in the House to get round state aid rules and to be able to say to businesses, "We can support you a, b and c", like other countries and other member states do and somehow get away with. Incentive schemes are one way of bypassing state aid rules. Let us be fair. Let us say it as it is. Let us be frank. Now we have all this mess and hyperbole around this. Do not attack the businesses. If you attack the scheme as an incentive scheme, you attack the applicants. If you attack the applicants, you attack the people who employ people in this country and create wealth. I plead with you: please do not do that. Do not take that opportunity just because you want a scalp and just because you want extra airtime in the radio or TV studios. Please resist that opportunity.

Let us look at the sensationalism in our media, let us look at the drip-feeding that we have experienced over the last number of weeks and let us look at the agendas of media. It is all information. I always think that something happened to the media — maybe the leader of the Ulster Unionists would agree with me — in that, somewhere along the line, the media stopped reporting the news and started wanting to be the news. Somewhere along the line, that has been lost. Let us look at sensationalism and drip-feeding. Where is the information going out on the air waves about Sinn Féin's resignation and the fact that that will have cost this country and the Assembly £600 million come July? That is real money. It is 5% of our Budget. Where is that on the newsreels? Where is that on the air waves? We also know that Sinn Féin and the SDLP —

**Mr Deputy Speaker (Mr Kennedy):** Order. As I have had to remind Members earlier, I remind the present Member speaking that this is not an election forum yet. Can we go back to the topic before us?

**Mr Frew:** I will, Mr Speaker. Of course, the projected spend on the scheme, if it is not fixed, will be — I have lost my train of thought.

**Mr Nesbitt:** £1.18 billion.

**Mr Frew:** No, that is the full scheme. The overspend — the Minister will help me out, I am sure —

**Mr Hamilton (The Minister for the Economy):** £480 million.

**Mr Frew:** Sorry, £480 million. Of course, that is a lot of money for anybody, but that is over 20 years and is a projected spend. It has not been spent yet. We have £600 million in one year going out of our Budget. Put that in context.

Arlene Foster, the First Minister of this country, was asked to come to the Chamber. She came to the Chamber, and you walked out. She was asked to go to the PAC to give an account of her actions when it was investigating the RHI scheme. She agreed to do that. It was not enough: you wanted her head. You wanted her to stand aside then. Why would the First Minister either being in place or standing aside make any difference to any inquiry or investigation, public or otherwise? It does not make sense.

**Mr Nesbitt:** I thank the Member for giving way. Continuing his logic of saying that it would not have made sense for First Minister Foster to stand aside, what does he think about the fact that First Minister Robinson stood aside in the same circumstances? Is that an implied criticism of Peter Robinson?

**Mr Frew:** I thank the Member for his contribution, but those were totally different circumstances. I will not go into that today because the Speaker will pull me back.

**Mr Deputy Speaker (Mr Kennedy):** I will not allow you to.

**Mr Frew:** I know that. Total respect to you, Mr Speaker.

Let us see what has happened here. The public can see what has happened with the head-on-a-platter stuff from the Opposition parties, but I am also appalled by the stance of Sinn Féin. They have not come out of this very well. They have flipped and flopped and done all sorts of things because, first, they are not sure of their stance and, secondly, they want to prolong the hyperbole because it suits their agenda.

I will leave it there because I do not want to incur the wrath of the Speaker any more. I support the Minister in his plans. It is essential that the regulations are passed today; he needs to get them through. It will be a 12-month plan that will curb the burden on our block grant. Let us then find a lasting solution that will fix it one way or the other and allow businesses to get on with doing what they are meant to be doing: creating jobs and making profits.

**Mr Lunn:** I rise as a member of the Public Accounts Committee. I am glad to finally speak openly about the issue because we have been constrained to some extent by the conventions of the Committee.

Mr Frew referred to his thoughts about incentive schemes, and I tend to agree with him. When the scheme was first conceived, it was meant to be exactly that: a good scheme to encourage people to move from fossil fuel wastage to renewable energy. There is absolutely nothing wrong with that. The idea was that it would be cost-neutral, with money coming in from the Treasury, us and the recipients. All fine and dandy. It followed about a year after the GB scheme, which did exactly the same thing but was a year ahead of us. It is fair to say that the GB scheme did not, at the outset, include tiering or degression, but the authorities there discovered or realised very quickly that there was a need for those instruments, so they put them into their scheme at a stage when it did not disadvantage anybody. Perhaps we should have learned a lesson at that time. If we had, we would not be anywhere near the situation we are in now. There was correspondence between our

Minister and the appropriate Minister across the water — I think that that has been touched on — but our Minister, for whatever reason, decided to leave the scheme the way that it was. I am sure that she got expert advice.

We will not oppose the implementation of the regulations, but I say that with considerable reservation. I hope that, when the Minister responds, he will give us a few answers as best he can. I do not care how long he takes over it because we would rather have the answers than leave anything hanging. This is our last chance. Inevitably, we will end up with a public inquiry, and I am glad that at least one Minister, whose party is not very well represented today, has decided to take it on. We have seen the proposed terms of reference. They are solid, and we look forward to hearing the result in the fullness of time.

In simple terms, the Minister's solution involves introducing the restrictions that were imposed on the scheme in November 2015 to all the recipients who availed themselves of the scheme before that date. That is fair enough. I have a question about that straight away. Some of us at this end of the House received considerable criticism for not supporting the closure of the scheme in February 2016. Everybody, including Mr Maskey, Mr Frew and everybody else who has been slightly critical of us, knows that we opposed the closure of the amended scheme for a short period. If the proposed solution is so good, where was the harm in allowing the scheme to continue on exactly the same basis for a few weeks? The obvious reason for that has been given very adequately by Mrs Bradley and others, and it was that there were people who had contracted to spend an awful lot of money on equipment — on boilers. There were also boiler suppliers who had contracted to bring in boilers. There was a chain of people. We were all lobbied about it at the time. I am sure that Mr Frew was as well — he is nodding his head. It seemed sensible to allow a bit more time for the scheme to progress on the basis of apparent cost neutrality or close to it. I do not know why on earth, almost a year later, we are still being criticised for that, except that there is political —

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

**Mr Lunn:** I knew you would. Yes, get up.

**Mr Frew:** I thank the Member for giving way. Let us get away from "cost neutral". It may be cost neutral to the Northern Ireland block grant, but it costs ratepayers throughout the UK — in GB and Northern Ireland. No incentive scheme is cost neutral, but you raise a good point: if you delay something or increase the time allowed for something to take place, whether by two weeks or longer, an argument could be made for doing that at every stage of this scheme and every time it was changed. Sinéad Bradley raised the question of why the two weeks were allowed. She asked why it happened and said that answers were needed. The answer is quite clear: to allow people to put in the boiler that they had paid for and ordered.

**Mr Lunn:** The damage was done in the period running up to November 2015. It was not done between that date and 2016. No more damage would have been done between February 2016 and the end of March, which was the proposed date of the scheme's closure to new applicants.

As far as the application of the regulations are concerned, which is what we are here to talk about, there are serious doubts about whether this is feasible or legal and whether it infringes European regulations in particular. It will affect

bona fide recipients of the scheme. These are people who took advantage — I will rephrase that — decided to enter the scheme out of the best of motives. Others, and some are becoming public knowledge, quite clearly saw an opportunity to scam the system and make a lot of money through a use of heat that had nothing to do with heating a business for commercial purposes. This, however, is a broad-brush approach. The tiering will hit people, and the 400,000 kilowatt-hours a year limit will also hit some bona fide businesses. It may well not disadvantage people in the second category — those who were trying to take advantage of the scheme — because they use only 390,000 kilowatt-hours a year. You can follow the argument without me telling you.

Mrs Pengelly said that it was important that what was proposed was fair and in the public interest. I tend to agree. Those are noble ambitions when trying to frame law, but we are trying to frame a regulation that breaches a legal contract that people have taken out in good faith and which both parties signed. It is very clear — I should rephrase that as well — it is totally unclear in some aspects, but it is a legal contract. People signed up to the scheme with the expectation of a 20-year return, and the Minister of the day wrote to the banks, as we know, to reassure them that it was a good scheme and worthy of their support in the form of bank loans for boilers, which they may not instinctively have warmed to, so to speak.

**Ms S Bradley:** Will the Member give way?

**Mr Lunn:** In a minute. The banks were reassured by that letter telling them that there was to be a 20-year return at a decent rate of interest. Certainly, 12% sounds like a decent rate of interest or return. Yet, because of how the scheme was constructed, it turns out that some of the recipients here could be looking at a rate of return miles above that — rates of 60% and 70% have been mentioned. I have heard that 84% is the top-line figure possible.

**Ms S Bradley:** Does the Member share my concern that there has been nothing by way of an economic assessment of the implications for those businesses going forward?

**Mr Lunn:** Yes, I share that concern. The whole thing has been hastily conceived and put together, in some ways necessarily so because we will all be redundant after Wednesday — except for the Minister, of course. Be that as it may, rushed laws and decisions are not necessarily good ones. We will have to see where this goes.

One legal issue is that this could be challenged because of the lack of consultation. Mr Lyons took me to task earlier — he is not here now — in a very gentlemanly way for suggesting that we should have had a consultation. Of course, given the current timescale, we cannot consult because we will not be here. If we had dealt with the problem at any of the points in time when it arose, we would have had plenty of time for a consultation. I am thinking back to November 2015 and July 2015; I will come back to that date in a wee while.

### 3.45 pm

How did we get to this point? Various experts had input into the formation and gestation of the scheme. There were so many expert authorities, starting off with Cambridge Economic Policy Associates. There was also Ofgem and all the input of the Civil Service, the Executive,

the energy experts in the Department — I gather that that is going to be renamed the energy unit or something, but I presume that it will be the same personnel — and, of course, the Enterprise Committee, on which, for the record, Alliance did not have a seat at the time. So it goes on. How could all those people look at the scheme and not see the potential flaws, given the experience of the GB scheme? Cambridge Economic Policy Associates admitted freely that it made a bit of a mistake, to put it mildly, right at the start. What we have here is a considerable mess. One Member a wee while ago indicated that my party leader would not have many chickens in her constituency, but she can recognise a cock-up. That is what this is. It is beyond belief that we can get to this point.

**Mr Nesbitt:** Oof.

**Mr Lunn:** You can say “oof”; I have heard you say worse than that. *[Laughter.]* We hear a lot about ministerial responsibility. I have been here long enough to know that when Ministers get something right they are perfectly happy to take the credit, preen themselves and say, “This is a fantastic result”. They are not so keen to take responsibility when something goes wrong or, in this particular situation, for the activities of special advisers, which has been much addressed. There is absolutely no doubt about it: a Minister is responsible for the actions of their special adviser. It does not matter whether he or she authorised those actions; he or she is still responsible. When I hear about Ministers not being across every jot and tittle or having to rely on their Department or advisers, or when I hear that they did not know that their advisers were doing particular things, I wonder what is going on.

In July 2015, the Minister of the day, who is with us today — Mr Bell — his permanent secretary, who is with us today; and the special adviser, Timothy Cairns, recommended that the scheme should be closed. What happened then? They had a visit from another special adviser —

**Mr Deputy Speaker (Mr Kennedy):** Order. I remind all Members that officials in the Officials’ Box should not be addressed during debates.

**Mr Lunn:** OK. I apologise to the official in the Box. *[Laughter.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. It probably does not warrant a red card, but it certainly warrants a yellow card, I would have thought.

**Mr Lunn:** I will refrain in future, Mr Deputy Speaker.

The fact is that the closure of the scheme was recommended at that time. Just think of the mess that we could have avoided if that recommendation had been acted on. As people have said, up to that date, there was concern that there was an underspend on the scheme and that we had not been successful enough in promoting it. However, the danger signs were there all the same; it was beginning to gain momentum. The Minister of the day quite correctly tried to get it closed down or to get it regulated so that we would not be in this mess.

What happened at that point? Another special adviser apparently came in with “informal advice”; I think those were the words used. I think if one SpAd approaches another Department with informal advice, instruction, coercion or pressure — I do not care what you call it — they are acting on behalf of the Minister. They cannot avoid

it, and the Minister cannot avoid it. So I am quite certain that the Minister of Finance at the time, who that particular SpAd worked for, was well aware of what was going on. It may just be coincidence that the same Minister and SpAd who set up the scheme in the first place and who oversaw it were the same two who tried to pressurise the Minister of the day not to close it down. So there we are. As Mrs Foster herself actually said at one point, Ministers decide, special advisers advise and civil servants advise. Ministers decide.

I want to move to the question of disclosure of the recipients’ details. I understand that the Minister on Wednesday, after we have finished here, is going to disclose the details of the recipients — the full list. We have been advised through the PAC that it is not possible to do that. The application form which everybody signed to enter the scheme confirms that they do not object to details being released, but it stops short of mentioning names and addresses. It gives the type of scheme, the type of equipment, the payments received and something called “location”, which apparently, in these terms, does not mean “address” but is probably part of the postcode. I think that is the information that has already been given to ‘The Stephen Nolan Show’ through an FOI request. I would like the Minister to address that point. Is he going to release on Wednesday the names and addresses of all the recipients, or is he going to release the details that he is allowed to under the scheme?

**Mr Deputy Speaker (Mr Kennedy):** Order. Can I bring the Member back to address the points on the incentive and the regulations, please?

**Mr Lunn:** Thanks, Mr Deputy Speaker. Everybody else has ranged far and wide, but I will try not to.

I have already dealt with this, but the question that has been much discussed here today is why we voted against the closure of the scheme in February 2016. We have addressed that. The real damage was done here between July 2015, when this incident occurred amongst special advisers and two Ministers, and November and December 2015. I understand there were something like 800 applications in those two months. That is when the damage was done — when the scheme was still wide open. I have to say it is a pity we are coming to discuss this so late in the day — in the dying days of the Assembly. I would like the Minister, as best he can, to address the questions I and others have raised. Is this legally possible? We seem to have two different legal opinions, one of which came to us, through the PAC, from the permanent secretary, and one which the Minister has apparently obtained. You would think they might both be from the same source, but perhaps not.

I really hope the Minister can bring this to an end. It is in everybody’s interests that he does, but, as I started off saying, we have serious reservations about whether this is possible, whether it is legal, whether it is fair and transparent and all the rest of it. There are too many questions and too much avoidance of responsibility.

I will close by saying — I will try to phrase this very carefully, Mr Deputy Speaker, to avoid your wrath — that the people who have come before the PAC from various quarters have given us a different impression of their ability to answer a question.



We had the architects of the scheme, Cambridge Economic Policy Associates (CEPA), before us, and their evidence was, frankly, poor. Its representatives were evasive. They did eventually admit that they had made a mistake, but there was no follow-up.

I will mention the whistle-blower. In the middle of 2013, the whistle-blower came on the scene. Three of us, of whom I am the only one in the House at the moment, have met the whistle-blower. She pointed out in an email to either the Department or the then Minister at the time severe doubts and reservations that she had about the scheme. I think that the email went to the Minister. The Minister passed it, quite rightly, to her departmental officials for comment. It is not clear whether any feedback was received, whether the Minister asked for any feedback, or whether she just passed the email on.

The whistle-blower sent another email, this time to Mrs Foster's personal server, so she certainly got that one. That email was a lot more pointed. However, the first one — the main one — made it absolutely clear that there was a potential problem with the scheme that had not yet started to cost the country a load of money. At last week's meeting of the PAC, its DUP members tried to imply that this lady was really interested in a business opportunity and that she had spoken against the scheme because she was in a business that conflicted with it. That is totally unfair to say about somebody who came forward as a concerned citizen, with absolutely the right motives, to point out that the scheme was going to cost us money. The problem for her was that she was in a business involved in energy economy. She was trying to get people to take fairly simple actions that would improve their energy economy and energy usage, through insulation, digital technology and a lot of other ways in which you can cut your fuel bills. She was being told by potential customers, "Why would we do that when the Government are offering us money to burn fuel? It is far more profitable for us to burn fuel and take advantage of this" —

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

**Mr Lunn:** Certainly.

**Mr Swann:** Does the Member agree that, had her concerns been listened to, we would not be in this situation today?

**Mr Lunn:** I absolutely agree with the Chair of the PAC. If the Department and the Minister had listened to the whistle-blower at that time, we would not be here. If they had listened to Mr Bell two years later, we would not be here. There had been concerns raised before hers, but the whistle-blower — the concerned citizen — got it absolutely right.

Her concerns were laid out very clearly in the email, which is now in the public domain. Even Stephen Nolan has it. Talk about an opportunity lost. I do not imagine that anybody realised the magnitude of the situation at the time, but that is three and a half years ago. Think of the damage that has been done since. I hope that Departments and Ministers will at least learn the lesson of the necessity to listen to whistle-blowers and not to discount them, because it is perfectly clear that that is what happened in this case. The emails went into the system and were not reacted to. I do not know whether there was personal contact between the whistle-blower and Mrs Foster, but there was certainly email contact. There may have been telephone contact. It was an opportunity missed.

I am not going to go on beyond that, save to say that I hope that we can put this thing to bed along with the remaining time of this Assembly and that a public inquiry will be set up to deal with matters properly and come to firm conclusions on blame and lessons to be learned.

**Mr Chambers:** I begin by referring to a subject that some Members have already placed on record during the debate, and I make no apologies about revisiting that subject, as it is part of the journey to the debate today on these regulations. During recent weeks, when the media and the Opposition parties in this Chamber performed a public service by shining a light on the RHI debacle, much play has been made of the fact that all parties in the Assembly on 15 February last year, with the exception of Sinn Féin and the DUP, voted against the statutory rule brought by then Minister Bell to suspend the scheme at the end of February. I was not serving in the Chamber at that time, but I have read the Hansard report on the debate to try to understand the background and the context of what was said and done that day. It is quite clear to me that some of the subsequent comments around the vote that day have been, to put it mildly, as economical with the truth as President Trump's chief press officer has unashamedly been in the last few days.

#### 4.00 pm

In reality, MLAs were seeking the continuation of a properly revised and tiered RHI scheme that had the proper cost controls applied since the previous November through to the end of the financial year on 31 March 2016. That would have permitted a controlled wind-down. It is quite clear from Hansard that members of the Committee for Enterprise, Trade and Investment, especially its Chairman at that time, along with all the Members of the Assembly, felt that they were being starved of information around the scheme. It is also clear that the DUP and its, until quite recently, friend and partner in the Executive, Sinn Féin, voted as they did after that debate because they knew much more than others about this developing scandal that they hoped would simply go away.

This regulation has been brought to the House by the Minister with a haste that I suspect has more than one eye on the public judgement on the RHI scandal. The House was invited last Monday to pass it into law with total disregard for due process or scrutiny by the Economy Committee and the official Examiner. Where is the precedent for such a manoeuvre? Surprisingly, it is the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016, which was laid in the Business Office on 8 February 2016, a mere four working days before the plenary session at which it was considered. It is truly amazing that this scheme has twice had to short-circuit the normal protocols of this Chamber. Is it any wonder that there was considerable suspicion about the amendment that was being rushed through the House last Monday?

Last February, there was not the normal Committee scrutiny of the motion to suspend the RHI regulations. It will take the investigation of a full public inquiry to find out the full truth of what was going on behind the scenes in January and February. We have heard contrasting stories of bullying and shouting as Minister Bell attempted to close the scheme early. All normal Assembly scrutiny processes were bypassed, yet the DUP has unashamedly

tried to blame the Committee and Opposition MLAs ever since, with fingers being pointed in any direction that they could think of except towards themselves and refusing to recognise the concept of ministerial responsibility that pertains in most countries outside of North Korea.

It is obvious from what is in the public domain at present, with no doubt more to come, that an attempt was being made to keep most of the Assembly in the dark in February 2016. It was known that there was an overspend, but the full financial disaster was not made clear before the Comptroller and Auditor General's report at the start of July. The DUP knew exactly how bad the situation was, and this prompted it to vote as it did last February.

However, Sinn Féin must equally have known how bad it was, and yet it chose to vote alongside its Executive partner. In my eyes, this poses questions for it to address. It is ironic that a party that played a very bad game of hokey-cokey around a full public inquiry, with its position changing two and three times a day, should now be attempting to instigate such an inquiry and announcing it just a few hours after a senior figure in its party was on the radio saying that it would not and could not support one.

It will be interesting to discover, through an inquiry, how much they did know and how they allowed their non-aggression pact with their partners in the Executive to adopt the example of the three brass monkeys, who saw no evil, heard no evil and refused to talk about the evil.

I am grateful that the Opposition were able to ask the House to delay the debate for one week to allow some level of scrutiny to take place. The Economy Committee has worked hard since to gather evidence and take some legal advice, without the help of Sinn Féin. It seems to me that this exercise, far from providing answers, has actually raised more questions. Since last July to the end of December 2016, a further £15.5 million of the public purse has gone up in smoke. The Economy Committee was told that lots of work was going on behind the scenes to try to come up with a mitigation plan. The permanent secretary informed the Committee that the plan contained in this statutory rule had only been conceived on 30 December last year. Just two weeks later, it was announced to the world as a finished article — an amazing feat of record-breaking administration after seven months of inertia since the audit report of last July. We were told that, because of a lack of any sustainable data, a lot of guesswork had to be employed in its formation. Is this really the way to run a country? However, a more damning piece of information came to the Economy Committee this morning, when the permanent secretary told us that this latest plan was actually suggested by a special adviser from another Department, whom he refused to name. Why the secrecy? Have we not had enough of this culture of lack of transparency that breeds suspicion in the mind of the public we serve?

Last week, the Committee heard evidence from representatives from the mushroom-growing industry, the poultry sector and spokespersons for the renewable industry. The mushroom industry representative told us that large contracts with customers had been agreed for the supply of product based on a price tendered on the basis of the sums that they had done around their heating outgoings. They felt that they would be unable to simply tear up their contracts with customers in the way that this statutory rule was going to allow. The poultry sector

expressed similar concerns and felt that many livelihoods were going to be put in jeopardy if the goalposts were moved. One of the spokespersons for the renewable industry highlighted a point I made to the Minister that, if the Government decided to simply tear up existing contracts, future overseas investors might think twice about coming here to do business with a Government that may not be prepared to see out the terms of a contract.

This plan smacks of being a desperate measure by the DUP to bring some level of respectability to a monumental failure of their making. It is obvious that they want to draw this upcoming election back to their comfort zone of a battle between green and orange. From what I am hearing — I suspect that the DUP are hearing it as well — an angry Northern Ireland public will not be falling for that trick.

During an Economy Committee meeting, I pointed out to the Minister the dilemma that many people had signed up to this scheme in good faith and were encouraged to borrow large amounts of money from banks that Mrs Foster had written to, in glowing terms, to allay any fears they had around lending money. The Minister replied that, indeed, many people had not signed up in good faith. Surely, if people of ill intent could see the golden egg on the other side of their boiler, why did the then Minister or her staff not pick it up? When asked who requested leaving out the cost controls section contained in the UK model, the permanent secretary replied that it was a policy decision. Who makes policy decisions? It is not a Committee or a civil servant but the Minister. Why was it allowed to be left out by the Minister?

I believe that pressure was being applied by whatever means necessary to make this scheme a political flagship success. I received information from one businessman who was visited at his home by officials who told him about this wonderful scheme. He thought it was too good to be true and was politely walking them to his gate. He mentioned that, since the scheme was only open, at that point, to commercial users, he would not be eligible. They then asked him whether he ever brought work home from his business or visited his company's computer from home. They suggested that they could be creative with paperwork to get him into the scheme. He told them to close the gate behind them on the way out, as he recognised the whiff of fraudulent behaviour. Were these salesmen being judged on how many people they signed up, with weekly targets to meet? It seemed to me to be so. Was the thinking behind the renewable heat incentive scheme to make it a political success story at any price? A lot of what we know now certainly points in that direction. Had that success materialised, I am sure that we would have heard from many authors, and the kudos would not have been shared, like the blame for this scandal being thrown in every direction open to the political policymakers — in this case, the DUP.

The permanent secretary expressed his disappointment this morning that, during the spike in applications, nobody told him that it was potentially a licence to print money, but did the whistle-blower not do that very thing some time ago and, in one case, directly to Mrs Foster?

The House is in an impossible situation today on whether or not to support the statutory rule, given the lack of information. We are damned if we do and damned if we do not. No doubt, if it all subsequently goes sour through legal action, we will be reminded that we all supported it. What a way to govern. What a way to run a country. This is all

a monumental mess of the DUP's making. The taxpayers and the rest of us in the House are being asked to do the heavy lifting to sort it out. Some things never change.

Mr Frew referred to the fact that we should not attack the concept of the scheme and so forth. I remind the House of some comments that I made in a recent debate when I said that the RHI was a good concept, damaged by poor administration and lack of ministerial control.

**Mr Bell:** As I stand here today, another £85,000 of public money has been spent. That is in addition to the tens of millions of pounds that have already been spent: I believe that it is some £30 million. Let me address the House through the absence of a filter that Dr Paisley taught us, which was, when you speak, tell the truth should the heavens fall. That is how I will approach the regulations that the current Minister is bringing forward. I will examine them against the truth of what occurred in the past and see what we can do to take devolution forward in Northern Ireland.

People sometimes criticise politicians for looking at the issue of morality. I believe that it is at the core of RHI. I think that there were practices and procedures at significant and serious levels that were fundamentally immoral and wrong, and for those out there who say to us that morality should not influence your politics, I refer them to one of the greatest politicians, Mahatma Gandhi, who said:

*"Morality is the basis of things and truth is the substance of all morality."*

A lot has been said and done, and, with your permission, Mr Deputy Speaker, I will examine the regulations against the truth of what has occurred, and I want to reveal further information before a public inquiry.

When I spoke, I set out two objectives. The first one was to achieve a judge-led public inquiry with the ability to compel witnesses and evidence. My real fear — it was borne out over the last several weeks — was that, if we did not have a judge-led public inquiry, a series of allegations, counter-allegations and misinformation would be put out there, and it aggrieved me that, for weeks, I watched while no public inquiry was brought forward. If it is the case that we are now going to have a judge-led public inquiry under the Inquiries Act, everything that they have put me and my family through will have been worth it.

#### 4.15 pm

The second objective that I wanted to achieve was to stop the haemorrhage of public funds. Let us not pretend that the money is still to be spent: tens of millions of pounds of taxpayers' money has already been spent — £85,000 a day, day by day, as we go along. It is the greatest financial scandal that Northern Ireland has had to deal with since its conception. If it is the case that, prior to my speaking out — I speak as an avowed unionist — £1.18 thousand million of British taxpayers' money was to go into the scheme, you know why I speak.

People ask why, in 20 years, this was the first time that I had broken ranks and spoken out. Looking at these regulations, I will tell you why. It is because I genuinely believe that, if I had not spoken out, these regulations would not be before you. They were not before us at the beginning of December. When I spoke out then, we were not told that we could reduce the cost to the taxpayer to

zero, so why did I speak out, break ranks and speak to the press? I spoke to the press because, day after day, broadcast, print and digital journalists were requesting interviews with me on the truth of these matters, yet the DUP press office told them that Jonathan Bell was not available to speak. They never once asked me whether I was available to speak. I spoke out after journalists provided me with conclusive proof that they had asked that I be contacted, and the reply was, "Jonathan Bell is saying that he is unavailable". Let me tell you this: Jonathan Bell never once said that he was unavailable — never once.

I thank the DUP MLAs — I will not single them out — and the MPs who have contacted me. MPs have come and sat in my home and encouraged me to speak out and tell the truth. I will not embarrass you. I know that you do not want to face what I have had to face. I thank them for coming and talking to me and encouraging me, because we had to achieve two things: the public inquiry and stopping the haemorrhage of public funding.

I understand that this puts everybody in an invidious position. I was placed in an invidious position. I think that the Speaker was placed in an invidious position. He is a man whose integrity and honesty I knew within only a very short time of knowing him. Having known him now for three decades, I can only stand over the Speaker's integrity and honesty, and that is on the basis of those 30 years of knowing him.

Let us look for wisdom in these regulations. It was Thomas Jefferson who said:

*"Honesty is the first chapter in the book of wisdom."*

Let us look to wisdom to see how we can get to the bottom of this.

Let me say for the record that, when I made my concerns known, a DUP MLA came to me and was able to prove to my satisfaction that special advisers John Robinson and Andrew Crawford — in their words, not mine — had said, "Try not to get Arlene called before the Public Accounts Committee, but under no circumstances allow Jonathan Bell to be called to the Public Accounts Committee". Those are the words that were given to me by one of my colleagues. I stand suspended from the party for, as far as I can see, telling the truth on this issue. That was the information given to me: prevent him from coming before the Public Accounts Committee. It was on that basis that I spoke out. Why? I did so because terminally ill children were being prevented from getting a hospital place in my area. While attempts were being made to prevent me from coming to the Public Accounts Committee, a terminally ill child was told, after being seen by doctors, that they could not have a hospital place and that, if they needed one, they would have to go to Craigavon, some 40 miles-plus, I estimate, from their home. A terminally ill child was prevented from getting a hospital place.

While attempts were being made to prevent me from coming before the Public Accounts Committee, these regulations were not in place, the £85,000 was still being spent and the Maynard ward in the Ulster Hospital, through some nurses taking sick, was closed. We did not have regulations like these today whereby we could have stopped the £85,000 haemorrhaging. These regulations were not in place. Do you know what happened? The ward

was closed. There was no money to pay for bank nurses, but there was £85,000 a day to pay for this.

Maybe, by speaking out and supporting these regulations, we can find ourselves in a position — it is too late for that terminally ill child; it is too late for all the children that needed the Maynard ward, and they did need it — where we can finally get regulations in place and we can do better for future generations of seriously ill children and offer them a better way forward.

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

**Mr Bell:** Yes.

**Mr Swann:** I want to make it clear through the Deputy Speaker that the Public Accounts Committee had intended to call you, previous Minister Foster, previous Minister Wilson and the former Chair of the Committee for Enterprise Trade and Investment Patsy McGlone. Unfortunately, due to timing and the events in this House my Committee inquiry was cut short, but we would have truly liked to hear all four testimonies given in front of the Committee.

**Mr Bell:** Thank you for that, and I thank the Chair. I did receive the invitation and I am more than willing to appear at that or any future inquiry. People have said that I have used the cloak of Assembly privilege. Mr Deputy Speaker, every word I have said in the Chamber will be repeated with my hand on the Bible under oath in front of the judge-led public inquiry — just in case anybody is in any doubt about that.

The latest of the thousands of messages I have got, confirm it for me again today. I will not give Teresa's surname, but it is from your colleagues in the NHS, and this is why I believe these regulations have to be supported —

**Mr Deputy Speaker (Mr Kennedy):** Can I encourage the Member to stick to the issue before the House which is the regulations.

**Mr Bell:** If I did not explain correctly, I apologise. It is from Teresa and my other former colleagues in the NHS, and it is why these regulations need to be supported today. They need the £85,000 a day. Sick children need the £85,000 a day.

**Ms S Bradley:** I appreciate what the Member is saying. I believe he is saying it in good spirit, but I ask him to consider if he has given any cognisance to the fact there are other permutations that may roll out. Mike Nesbitt alluded to it earlier, but the possibility exists whereby a judicial review could and may happen and, if it is won, we could end up not just returning this money but creating a further loss to the public purse. That will not aid the hospitals he refers to or the wider community who are so desperately looking for this money. Is it time for a more cautious considered approach, because, in good faith, we are all walking on a road that could prove to be very costly?

**Mr Bell:** The Member makes a very interesting and valuable contribution. Mr Chambers made a similar one in the last couple of minutes. There are serious concerns about these regulations, and we have to address them the best we can. It is my considered view that it is best to support these regulations. They have gone through in this limited time because we are in a very difficult situation whereby if they are not supported we cannot get the figures down.

I do have serious reservations about people who say they can get this down to zero; media have advertised that we can get this down to zero. I do not agree with a lot of what has been said about the media. If it were not for the media and the BBC, I could not have got my points out.

I doubt very much, had it not been for them, that we would be in a position today where we have, we are led to believe, a public inquiry and proposals to stop the haemorrhage. It is a balance. That is the best that Members can be asked to do: make a balanced judgement on what has occurred.

I look at the regulations to see, truthfully, how they can help us get out of the mess that we are in. I spoke to the permanent secretary and made known my concerns about closing the tariff. I said:

*“When it was coming to me to close it, had it not been interfered with by the higher Department, I could have closed this on 1 October and halved the bill. Isn't that right?”*

The permanent secretary told me, “Well, that's right”.

We now have regulations on the table that were not on the table when I tried to close the scheme on 1 October, before I was interfered with. I asked, “Is it right that we could have closed it?”. Had we closed it then, I believe, as Mr Lunn said in his contribution, the cost to Northern Ireland would have proved to be minimal. Mr Lunn is entirely correct in his assertion. I say to you again:

*“When it was coming to me to close it, had I not been interfered with by the higher Department, I could have closed this on 1 October and halved the bill. Isn't that right?”*

Dr McCormick replied to me, “Well, that is right”. But history did not turn out that way.

**Mr Deputy Speaker (Mr Kennedy):** Order. I have cautioned Members and reminded them that they should not refer to officials by name.

**Mr Bell:** I ask for your indulgence: can we refer to them by title, Deputy Speaker?

**Mr Deputy Speaker (Mr Kennedy):** Yes.

**Mr Bell:** OK. Let me read that into the record, and I will obey your instruction. This is what I asked — verbatim:

*“But when it comes to me to close it, had I not been interfered with by the higher Department, I could have closed this on 1 October and halved this bill. Isn't that right?”*

The permanent secretary replied, “Well, that is right”.

There were no regulations on the table when I spoke out. There was no suggestion that we could reduce to zero or even significantly reduce the costs, and we had no legal procedure, that I was aware of, that we could have followed.

In preparing to speak today, I sought from the Department for the Economy and the permanent secretary all the information that was made available to me as Minister. I understood that a Minister could see all the stuff that was there before. I have to inform the House that, on the first occasion when I went to do it, I agreed to call down at 2.00 pm. I was told that the permanent secretary was



not available. I then went to the Department. I was left for, I think, hours on end while nobody came to see me. I had asked for all the information, so that I could inform the House properly in the debate. I was left for hours. Eventually, another official came to see me to say, "Look, the permanent secretary is somewhere in Parliament Buildings. Do you want to go and look for him?". I said, "No, I will stay in the Department until I get the information that I have requested". It is with regret that I inform the House that I still have not seen the information that was before me as Minister.

It has been confirmed to me by the permanent secretary that there is an email in the system that says that DUP party officers interfered in the process. I do not believe that to be correct; I believe that it was the DUP special advisers who interfered. But I cannot speak authoritatively because, even after the Public Accounts Committee meeting, when I asked the permanent secretary last week whether I could come and see the information that, I believe, legally should be made available to me, I got no reply. Nothing.

That left me with those famous two roads diverging into a narrow wood. Which one would you take? Was I going to tell the truth? Was I going to stand behind Minister Hamilton, who had said in July on 'Good Morning Ulster' that Mr Bell had acted very quickly. I could have sat back and let the £85,000 per day continue to be spent, the hundreds of millions of pounds be committed, the terminally ill children be sent away and the wards be closed. I could have sat back, but I do not believe that that is the role of a public servant. That is what we are: servants of the public. The public are not our servants.

#### 4.30 pm

I look through the actions that were taken prior to the regulations coming through. I have been suspended. For the avoidance of doubt, if people say to me that I did not speak out until very late, I have a letter to the former First Minister, Arlene Foster, dated 23 March 2016. There are three pages of A4, and I gave her my permission to put it into the Assembly Library and to make it public. The first paragraphs of that letter, after the introduction, are on the renewable heat incentive scheme and refer to the fact that the SpAds advised mine to keep the scheme open and to all of the difficulties. That is in a letter dated 23 March 2016, given to Arlene Foster. It surprises me, when I see the contents of the letter, that I am suspended from the party for telling the truth, while people on the Front Bench and those behind them are guilty of far more serious inappropriate relationships and behaviour than I am — far graver. That has been there, and it is in the public domain. I will take those forward, if necessary. I am taking legal advice with the Commissioner for Standards to see how those can be taken forward.

I believe that the regulations have to be made. I do not believe that we have the luxury of continuing to pump out hundreds of millions of pounds to take £1.18 thousand million from the British taxpayer. I do not think that we have the luxury to continue to do that. We have to do something.

There are questions that I asked myself when there were no regulations in place. If I do not speak out, who will? If not now, when? If not here, where? I am glad that we have the regulations in place today because I spoke out, because nobody else was going to speak out, and because I did it in December. You can see that I laid the

concerns before the First Minister — now the former First Minister — Arlene Foster on 23 March 2016. If it was not in December, when was I going to do it? If it was not here at Stormont, where were we going to do it?

We need to take action on the scheme. I asked the Department to show me all the information so that I could speak today. I asked for it last week. They have not contacted me. They have not shown me all the information. I have not seen all the information — not even emails that were sent to me personally. You may hide information from me, but you will not hide it from a judge-led public inquiry.

**Mr Ford:** I appreciate the Member giving way. He has announced on two occasions that he sought ministerial papers. Members may recall that there was an aside in the debate on 19 December about a possible involvement of the Department of Justice. I was given sight of the papers that day before the debate took place, because an issue had appeared in one of the Sunday papers. I was also given copies of all relevant papers relating to my time as Minister. It is certainly my understanding of normal procedures that Ministers should be given copies, with the names of junior officials and so on suitably redacted. Nonetheless, I now have copies of everything relevant in my possession.

**Mr Bell:** That is also my understanding, and I will take it up with Malcolm McKibbin, if necessary, by means of a formal complaint. As late as last week, I heard in a Public Accounts Committee that I was given only partial information from the time that I was Minister. When I asked for the email that, the permanent secretary told me, stated that DUP party officers had interfered at the start of the process, I was told, last week, that I would be able to see it. I asked to see all the papers, but I have not had a single communication from my direct conversation with the permanent secretary last week. That is why —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to return to the matter before the House: the statutory rule.

**Mr Bell:** I look back to the regulations —

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

**Mr Bell:** I will give way to Mr Allister.

**Mr Allister:** Why does the Member think he is being obstructed, if that is what has happened? Does that include the important period pertaining to 1 October and the delays relating thereto?

**Mr Bell:** It certainly includes that period. I will not go on to speculate on why. Perhaps the head of the Civil Service will be able to reveal it to me in the coming days. Perhaps the judge, when all the papers are laid before him, will be able to give a more definitive answer.

What I do not see in the regulations that needs to be in them in this: can records be expunged? I happened to be at a carol service in my church in Newtownards on the Sunday before Christmas while the Economy Department was sending out press releases to the media on the issue. When I again asked — I will reveal this to the judge under oath — the permanent secretary why references to Arlene Foster and the Department of Finance were taken out of emails without my permission, he replied, "Because the record was expunged". How is it that a Minister can have the email record changed without his knowledge or without

his consent? How can that happen? I asked the permanent secretary, and I referred to the deputy permanent secretary — this is not in the regulations — where the instruction came from to cleanse the record of any reference to OFMDFM and the Department of Finance and whether there was evidence to the effect of this changing of records. The permanent secretary replied to me:

*“There is an email to that effect, yes”.*

There is evidence in what the permanent secretary told me of records being expunged, and there is evidence in the permanent secretary’s words that there is an email to that effect. Just to be clear — this is not in the regulations, and perhaps it should be — I said:

*“If there were emails there” —*

as there were—

*“you said they’re telling you to expunge the record”.*

The permanent secretary replied with one word: “Yes”.

Is it the case that we are here today and hundreds of millions of pounds could be saved only because I spoke out, because I told the truth, because I was prepared to take the suspension and because I was prepared to have my political career effectively terminated, albeit that, with no disrespect to any political party, it will be the public who decide if my political career is to be terminated? I have heard it said, “Jonathan, you believe the public want to hear the truth; you’ll find out that they don’t”. I believe that the public want to hear the truth.

There is nothing in the regulations — this concerns me — in relation to how special advisers can interfere in a process and how, when a Minister makes a decision —

**Mr Deputy Speaker (Mr Kennedy):** Order. I think that the Member is straying beyond the topic for debate this afternoon. I ask him to reflect on that and bring forward his remarks accordingly.

**Mr Bell:** I will reflect on that, Mr Deputy Speaker.

How did we get to the situation where we needed the regulations? We need to regulate because the regulations that are in place are completely ineffective and have been proven to be completely ineffective. I ask the Minister to say, when he is summing up, whether the regulations will prevent a member of a party or a party collectively deciding things against the wishes of a Minister. A lot has been said in connection with the regulations. I look at the information and the evidence that I have before me, and I ask permanent secretaries whether it is right that a member of the party can do this. Then I look at the regulations. In my head, I have an understanding of the evidence of what the permanent secretary said to me: “Your special adviser, Timothy Cairns, is right: you’re a member of the party, and your party decides these things collectively”. Will the regulations prevent that sort of thing happening again? He said to me, “Your special adviser, Timothy Cairns, is right: you’re a member of the party, and your party decides these things collectively”. Therefore, a scheme was kept open. It should have been for four weeks, and I still do not have the information to tell you why it was kept open for six weeks. I cannot see the papers; I have not been allowed access to them. Why are we in a situation where we need regulations for what could have been put right had I been allowed to do what I wanted

to do on 1 October? That is why the regulations, while I support them today, need to be more robust.

At that time, I said to the permanent secretary — I will quote the evidence:

*“That’s OK, but I don’t want somebody coming back and saying to me, ‘Jonathan, you had the authority to do it on 1 October and you did not do it’”.*

The permanent secretary replied “No” and said that everybody would recognise that every government worked by and on collective responsibility.

We are in a mess, and somebody has to shine a light on that mess. It fell to me, and I do not know why. I did not seek it, nor did I want it. I did not want to do it. Twenty years of loyalty to a party should show that I am a fairly loyal person. I am support the regulations because they are, perhaps, the first step in getting that mess sorted out. Johnny Bell does not matter. The public will decide whether Johnny Bell comes back to the House, nobody else. The public will decide whether they want their representatives to shine a light and, effectively, to be salt and light on a hill. The regulations are necessary because special advisers — is there anybody here who doubts it? — interfered in the process. They kept the scheme open, hundreds of people poured into that scheme and, as a result, contracts were issued to allow hundreds of millions of pounds — going up to £1.18 thousand million over the next period — to be spent.

**Mr Lunn:** I thank Mr Bell for giving way. As he knows, the total number of applicants in the end was about 2,100: does he recollect how many had applied when he made the recommendation to close the scheme in July 2015?

**Mr Bell:** Remember that this was only beginning to be discussed in July and August 2015. There was a period in September, with the McGuigan murder, when ministerial offices were not held. In rough figures, I think that there were about 1,000 in place. I have already read into the record the evidence where the permanent secretary told me that I was right. I wish that it had been read into the record at the Public Accounts Committee, but I have the record.

The situation is that we need the regulations because special advisers interfered to keep the scheme open. Members on the DUP Benches to my left came to me to say that it was kept open because Timothy Johnston’s brother was installing the boilers and spoke about John Robinson: I am not going into whose family member was installing them. If the Members to my left have information, they must not try to filter it through me but must stand up and tell it like I had to stand up and tell it. It is the hardest thing to do, I can assure you.

**4.45 pm**

**Mr Deputy Speaker (Mr Kennedy):** Order. As all Members know, Members enjoy privilege in these proceedings for the purposes of defamation under section 50 of the Northern Ireland Act, but all Members must take responsibility for their remarks. I caution all Members to ensure that their views are expressed with due care.

**Mr Bell:** Today is not the day to have the inquiry, not least because the Department will not give me the information. I only wish that I could be like Mr Ford and have seen the information. I find it very interesting, Mr Ford, that you

say that you were allowed to have copies. I was told that I could look at them but was not allowed to have any copies. That is something else that I will take up with Malcolm McKibbin, the head of the Civil Service. It seems that one former Minister is given that level of access, and this former Minister is treated in the way that he has been.

**Mr Ford:** I am grateful to Mr Bell for giving way again. Just to clarify, on the day that I was given sight of the documentation, when I then formally requested copies, it was agreed that I would get copies a couple of weeks later.

**Mr Deputy Speaker (Mr Kennedy):** Order. We are again beginning to stray away from the issue before the House. I respectfully ask the Member who is speaking and the Member who intervened to bear that in mind.

**Mr Bell:** Let me conclude, Mr Principal Deputy Speaker. The regulations are necessary because of the extreme mess that we have found ourselves in. The points that I made when I had to shine a light on this devastating situation were not made in December. The points were made in writing to the then First Minister in March 2016. The reason why we have the regulations now is because I spoke out in December 2016. The regulations are necessary because terminally ill children are being sent away from our hospitals, and our wards are being closed because we cannot afford bank nurses. The £85,000 could be spent there every single day. I hope that the regulations can address that. I hope that future generations of children and our health service will not be deprived of the funding needed because of the actions that I felt led to take. I make no apology for telling the truth. I am one of these people who actually believes that there is a time to say:

*“Here I stand, I can do no other”.*

As Martin Luther also said:

*“Peace if possible. Truth at all costs.”*

**Mr Deputy Speaker (Mr Kennedy):** I call Mr Christopher Stalford.

**Mr Stalford:** I do not know what I did to deserve being called after that, but thank you very much, Mr Principal Deputy Speaker. Mr Principal Deputy Speaker, this is a major —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Stalford:** I beg your pardon.

**Mr Deputy Speaker (Mr Kennedy):** Yes, I am far too modest to be a principal.

**Mr Stalford:** A school principal, maybe. This is a major issue that has adversely affected public confidence in the institutions of the Assembly and the Executive. It would be wrong to seek to deny or minimise the fact that that is the case. This is not a situation that any of us who ran in the Assembly election for the first time not seven months ago would have envisaged that we would have to deal with. It is not a situation that, I suspect, even some of the auld hands who have been in this place from the start ever envisaged that they would have to deal with. However, we are where we are. It is incumbent on us all, as responsible public representatives, where a problem has been identified, to do all in our power to ensure that the situation is corrected and put right.

I have sat through most of this debate, and, to be fair, it has been tempered and reasonable. Members from all sides have made reasonable and tempered contributions, and it has been conducted in a spirit of trying to put the problem right and of trying to fix the situation. Indeed, if that had been the tone of the discussion throughout, we might well be closer to a solution to the problem. Alas, that is not the way that it has worked out.

Steps are needed to put the matter right and to improve this situation. That is why I welcome the proposals brought to the House by the Minister. Other Members commented, and I absolutely agree with them, that we are not in an ideal situation to provide a level of scrutiny or review of the Minister’s proposals. That is not of the making of anyone in the House bar one party, which decided that it would rather crash the institutions than deal with the problem. That is that party’s entitlement, but, if we are being elected to talks, one of the things that I want on the agenda is an end to the situation whereby one party walking away from this place can bring it crashing down. If people want substantive talks, I am all on for that because never again can the democratic institutions of Northern Ireland be threatened by one party walking away as it has. We are not, because of that, in the position to offer the fullest scrutiny of the Minister’s proposals. That is regrettable. I would have welcomed the fullest possible scrutiny of his proposals. I welcome the fact that cost controls are being introduced into the scheme. I think that all Members agree that that is necessary.

I have reviewed the evidence that was presented to the Public Accounts Committee, and I urge all Members to study it in full, particularly the evidence concerning the role played by Mrs Arlene Foster the former First Minister. I urge all Members to read that.

I welcome the fact that these measures have been brought forward, and I welcome the fact that, as someone else said during the debate, they have been described as defensible and viable proposals. It is important that whatever comes forward cannot be simply seen, as has been suggested, as a stopgap solution. It is important that we have defensible and viable solutions to the problem that confronts us.

I have been an Assembly Member for a short time, and this has been an inglorious end to a brief term of devolution. There is no point in seeking to deny that. Those of us who were elected here for the first time — there are some of us in all parties — did not envisage that it would come to this. However, the mark of a responsible politician and the mark of a sensible public representative is that, when a problem presents itself, they seek to find a solution. The fact that the Minister has found a solution, or has at least put forward ideas, is to be welcomed. It stands in stark contrast to others who serve in the Northern Ireland Executive but who, frankly, would rather give press conferences in the Great Hall than come to the House with positive solutions or positive ideas. That speaks to what their agenda really is.

**Mr Lyons:** I appreciate the Member giving way. Can the Member give us any clue to why Sinn Féin may have removed itself from the Assembly? The fact that it has removed itself not only from the Executive but from the Assembly and Committees as well shows that it not only wanted to bring this place down but that it does not care about what happens here either, does it not?

**Mr Stalford:** Frankly, they do not give two figs, Mr Lyons. They do not give two figs about putting the situation right. They do not give that —

**Mr Deputy Speaker (Mr Kennedy):** Order. We are checking that; I mean your terminology.

**Mr Stalford:** I apologise if the word “fig” is unparliamentary, I did not think that it was. They do not give a hoot about putting the problem right. If they did, they would be here, they would have come forward with ideas. Instead — ah, a trio has joined us for the first time in days. Welcome to the place that you were elected to serve. If they cared truthfully about the issue and about putting things right, they would be here offering suggestions. In fact, what we have seen from people serving in the Northern Ireland Executive is that any time a Minister — in this case, Mr Hamilton — put forward a suggestion and any time a public suggestion was put forward on potential ways of getting around the problem or solving the problem, what were the other half of the Executive doing? They were trying to undermine efforts to fix the problem. That speaks to me about the real agenda, which is not about fixing the problem. They were determined not to —

**Mr Deputy Speaker (Mr Kennedy):** Order. Could I —

**Mr Stalford:** I shall return to the subject in hand, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Kennedy):** And we will worry about figs later.

**Mr Stalford:** We will worry about figs — as long as there not an incentive for growing them.

I welcome the fact that there will be an inquiry. I have said from the start that I want every scrap of paper — every email, every memo, every letter. I want everything relating to the matter put into the public domain for people to see and judge for themselves. It is not in the interests of anyone, whether you are DUP, Ulster Unionist, SDLP, Alliance, Sinn Féin or whatever if there is not full disclosure of everything relating to the scheme. I absolutely support that and want to see that, because it is not in the interests of any of us for the reputation of politics and those who engage in it to be damaged or maligned.

The lack of consultation on the measures has been raised during the debate. I have said that that is not a situation of the Minister’s creation or of any other party in the House bar one. If we had devolution, functioning devolution, Members would have had the opportunity to pore over the regulations. I am glad that even what we have had today, in accountability and discussion, has afforded the elected representatives of the people, at least those who decided to turn up and be in the Chamber, the opportunity to raise their issues and concerns and ask questions. I hope that the Minister is able to answer all the questions that have been asked by everyone who spoke in the debate thus far.

Are people interested in the solution? Are they interested in fixing the problem or are they more interested in showboating? When the time comes for the vote, if the House divides, that is when people will be able to see for themselves who is interested in fixing the problem and who is interested in showboating and political point-scoring.

I would like to finish with a quote from Dr Paisley:

*“Never confuse sitting on your side with being on your side.”*

**Mr McNulty:** Just over a week ago, I was travelling around south Armagh, navigating the treacherous roads in the snow. We were enjoying picture-postcard views of Slieve Gullion, Sturgan mountain, Topney and Camlough mountain, looking down over Camlough lake. It was hard to imagine that, in just a few months’ time, hundreds of athletes will be swimming that lake competing in the crooked lake triathlon. If any of you has not visited Slieve Gullion and the area of outstanding natural beauty, I encourage you to come along to see the spectacular scenery.

#### 5.00 pm

I will get to the point. My colleague Councillor Thomas O’Hanlon and I were observing that not too many farmers around Sturgan Brae were availing themselves of the RHI scheme. The farm sheds had a blanket of snow that was not being melted by the heat generated by multiple wood pellet boilers. I recognise that those farms and businesses that are availing themselves of the incentive are not doing anything wrong under the law, which legitimately allowed them to claim a subsidy for switching to, or beginning to use, renewable heat. I also know that our farmers have got a little bit of a bad rap around this scandal. The farmers I know are honest and hard-working and recognise the daily grind of milking cows; dosing and testing their livestock; moving their stock to and from market; maintaining their fences, ditches and hedgerows; cleaning out their houses; draining their land; ploughing, sowing and harvesting their crops; covering silage pits; and calving and lambing in the middle of the night. Our farmers do not do weekends; they work a seven-day week.

Back to the RHI motion. There are a number of issues and questions that I would like to raise in relation to the scheme. The scheme had already been set up in the UK, where it was operating as it should, by promoting the use of woodchips as a renewable fuel. Around 80% of boilers are fuelled by woodchip in the UK. Woodchip boilers have a smaller carbon footprint than wood pellet boilers and are better for the environment. Unlike wood pellets, the production of woodchip supports local businesses, as it can be produced locally by any farmer, carpenter’s workshop, willow grower, garden centre or wood yard. However, here in the North, our scheme has been set up in such a way that it encourages the adoption of wood pellet boilers. Some 80% of boilers in the North are burning wood pellets, a globally traded commodity. In the North we have one privately owned producer of wood pellets, with an annual revenue of £100 million.

Let us do a quick deep dive into the figures for the scheme as it was set up here; they are very revealing. Let us say that your farm sheds or chicken houses have a 500 kW heat demand. For a 500 kW heat demand, you would expect to use a 500 kW boiler as your configuration. The tariff for a kilowatt-hour is 1.5p; the subsidy per hour is £7.50. The annual subsidy for running the boiler 24/7 for 50 weeks of the year, shutting it down two weeks for maintenance, is £63,000. The cost per hour to run the boiler, with wood pellets costing around 4p per kilowatt-hour, is £20 per hour. The cost per year to run the boiler is £168,000. So to run your boiler full tilt for a 500 kW heating demand costs £105,000 per year.



But wait: why use one boiler when you can use five? Let us replace our 500 kW boiler with five 99 kW boilers. Our tariff per kilowatt hour then moves up to 6.5p, and the subsidy per hour rises to £32.18. The annual subsidy for running the boilers 24/7 for 50 weeks of the year is £270,270. The cost per hour to run the boilers is £19.80. The cost per year to run the boilers is £166,320. That is a profit of £103,000 from running five 99 kW boilers as opposed to a cost of £100,000 from running one 500 kW boiler. Did no one see anything wrong with that? The scheme was set up as a disincentive to run one boiler, when using five is much more lucrative.

Are we to believe that nobody in the Department knows how to use an Excel spreadsheet? Are we to believe that none of the highly paid SpAds knows how to use an Excel workbook?

The cost of setting up a woodchip storage and delivery system is twice that of wood pellets. Pellets are refined sawdust; the calorific value is higher for pellets. Pellets are approximately double the cost of woodchip to buy and pellets have a much larger carbon footprint because of the high energy demand of the production process and transport. Whereas, as I said, woodchip can be produced by any farmer, carpenter's workshop, garden centre or willow grower locally, the only wood pellet producer in the North cannot meet the demand for wood pellets so we have to import them. A big opportunity was missed to keep money in the country; the socio-economic benefits are not in Ireland.

Why was the scheme set up here in such a way as to promote the use of the globally traded commodity wood pellets as opposed to woodchips, which are producible locally, with the obvious socio-economic and environmental benefits? This was a green scheme that has turned into a scheme deep in the red.

**Mr Agnew:** I thank the Member for giving way. He made reference to the fact that it was supposed to be a scheme about reducing carbon. However, in 2013, when I asked the Minister what work was being done to ensure that people had energy-efficient measures in place before they installed a boiler, the answer came back that it was assumed that they would do that.

**Mr McNulty:** Thank you. We see where assumptions have got us.

When the scheme went out to consultation, what submissions were made? Who made them? Did those submissions influence the decision-making? Who benefited? Why did they remove the cap or tiering system that was introduced in the UK? Who made that decision? Why was the tariff reduced above the 100 kW threshold in NI as opposed to the 200 kW threshold in the UK? Who made that decision?

**Ms S Bradley:** I thank the Member for giving way. It was suggested at Committee today that nobody removed the caps and tariff because they were never there in the first place. That is not true; the scheme was otherwise adapted from what was in the UK, so it was a very conscious decision by someone to remove the checks and measures that should have remained.

**Mr McNulty:** Thank you. It is obvious that those checks and measures were removed; that is why we are in the present crisis.

Were no heads raised when farmers were installing five boilers to do the job of one? Who knew what and when? Boiler suppliers and fitters were laughing all the way to the bank, but now they have no business because the scheme was not set up in a sustainable manner, as it was in the UK.

The EU renewable energy directive sets a binding target of 20% final energy consumption from renewable sources by 2020. A major point to recognise is that that scheme was set up to ensure that the UK as a whole achieves the renewable heat targets required by 2020 under that EU directive. The UK is still required to meet those targets or else face fines. In the current frenzy to come up with a fix, which has been proposed by the people who caused the problem in the first place, we cannot lose sight of the fact that there is still a target to be achieved, or else the taxpayer will ultimately face EU fines for not achieving it. That point is being completely lost: this was a green scheme that has turned into a scheme deep in the red.

What is the current percentage of renewable heat against total heat? How much more is required to achieve the target by 2020? We need to ensure that the amendments to the scheme include a plan to achieve the targets. The SDLP voted against the amended scheme being closed down in February 2016. That was the amended scheme that should have been adopted in the first place; it was a scheme that incorporated caps and tiering to prevent abuse.

I know the propaganda machine of the party to my right is presenting this in a different way, twisting the truth to hide its incompetence as silent partners —

**Mr Deputy Speaker (Mr Kennedy):** Order. Mr McNulty, I have cautioned others that we are not yet in an election forum, so I offer that advice in the spirit in which it is intended.

**Mr McNulty:** I know the machine of the party to my right is presenting this in a different way, twisting the truth to hide its incompetence as silent partners of the "Look After Its Own" party. The "Look After Its Own" party wants us to believe its Minister Arlene Foster, her SpAds and officials could not grasp the importance of a cap or tiering. Her advisers or an official decided to remove that protection, but the fundamental fact is that Arlene Foster did sign off on it.

Those questions need answers. They need to be answered by the Economy Minister, who is here, and by the Finance Minister, who is not here. We need an urgent, time-bound, judge-led public inquiry into the RHI scheme.

**Mr Agnew:** There has been a lot of discussion in the debate about scrutiny, such as what scrutiny of the proposal for the RHI scheme took place, who is culpable, where things went wrong and how they were not spotted. Today we are being asked to approve regulations with very little scrutiny and very little time for scrutiny. We know why that is: we are facing an election, the Assembly is due to dissolve on Wednesday and we are pushed for time. The question is this: why? Why are the institutions collapsing? Why have we got here? It is the Executive that have collapsed, and I think it is fair to put the blame at the door of the Executive parties. We had a possible scenario in which Arlene Foster could have stepped aside, we could have had a public inquiry and, indeed, we could have taken the necessary time to find a solution to the RHI debacle in order to protect public money. Arlene Foster is no longer First Minister — she did not step aside — but there is the same result. We are having a public inquiry, it would seem,

and we will get the details of it tomorrow. We have these regulations proposed as a solution but without proper scrutiny and with an election looming.

The first scenario would be much more preferable, in which our institutions were not facing collapse; we, as public representatives, were not being contacted by organisations that are having to put their staff on protective notice because there is no Budget and they have not been given any certainty about their funding; and what was left of the goodwill towards politics in Northern Ireland was not completely destroyed. We are being asked to back the Minister's proposals. Given the time, we had the extra week to examine the proposals, hear from the Examiner of Statutory Rules and see whether more confidence could be given. I cannot read the paper by the Examiner and not continue to be concerned by what is being put forward.

### 5.15 pm

This is a gamble. On the one hand, the prize is savings to the public purse. The Minister has not outlined as much. I notice that, last week, he did not refer to reducing to zero the cost to the Northern Ireland Budget, although some of his colleagues have today. I will see whether he makes that commitment today. We therefore have the prize of some reduction in the public spend. On the other hand, we have the risk of litigation and judicial review, and of further waste of public money on expensive legal challenges. And for what? What is being proposed is a temporary fix. It is a sticking plaster for one year while we, I assume, work on a proper solution. I do not think that I can take that gamble with public money. Given the focus that there is on this and the scrutiny that we do as MLAs in the midst of it all, I do not think that I can support the proposals today.

There has been a lot rehearsed about the RHI scheme, so I will not go into it in great detail. It was supposed to be a green scheme, with £25 million from the UK Government to help us switch to a low-carbon economy. I raised in September 2013 the issue of the perverse incentive. I got a response back from the then Minister. She stated:

*"In designing the domestic Renewable Heat Incentive (RHI) DETI has included energy efficiency assumptions that will ensure that the tariffs are most appropriate and most beneficial for those that have already carried out energy efficiency improvements".*

She continued:

*"within the existing RHI for commercial premises it is assumed that the installation of a biomass boiler, or another renewable technology, would be the final action taken by a business seeking to become 'low-carbon'." — [Official Report (Hansard), Bound Volume 88, pWA209].*

That for me was the problem: assumptions were made. When those of us in the wider green movement — I and others — questioned at the scheme's inception why energy-efficiency measures were not being required as standard before installing, which would have required an audit in advance of installation rather than retrospectively, as we have now, the position was clear: we assume that people will do the right thing, so we will not add in those measures.

There is a lot of talk about whether it was a case of omission by lack of action or deliberate action that led to

this. I believe that there were deliberate decisions made not to have audits and inspections of properties in advance of installing the boilers. There was consultation on the proposals for degression. You have a consultation, and the assumption that I make — a fair one, in this case — is that you are considering having a form of cost control. Again, a deliberate decision was taken not to introduce cost controls. Indeed, when I questioned the head of energy division at the ETI Committee in February 2016, he made it clear that it was a policy decision by the Minister not to introduce degression because we were focused on implementing the domestic scheme. That throws up the question of why you cannot have two priorities, but how that unit was funded and resourced is another matter.

Enough evidence was presented about the risk of £490 million of public money being lost that the then Minister, Arlene Foster, could and should have stepped aside until we got to the bottom of the issues. That it is what any honourable Minister would do, and, indeed, as has been pointed out, it is what Peter Robinson did when there were suspicions about him. Again, when that is the bar that is to be achieved, it is a sad day when Peter Robinson is being held up as the pinnacle of respect.

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

**Mr Agnew:** Yes.

**Mr Deputy Speaker (Mr Kennedy):** Order. Before the intervention, all Members need to show proper respect during any debate.

**Mr Poots:** Thank you, Mr Deputy Speaker, and I thank the Member for giving way. If he cares to look back on any of the communication from Peter Robinson around the period of him stepping down, he will see that that was not for investigation but because he wished to spend time with his family, who were going through extremely difficult circumstances. There seems to be a lot of confusion about that, and it appears to me that, if you keep pumping out a message, even though it is the wrong message, it appears eventually to be the truth when, in actual fact, it is not.

**Mr Agnew:** I thank the Member for his intervention. That is not my recollection, but I am happy for what is in the public domain to prove me wrong. Certainly, he stepped down, and an investigation took place — it was not a full public inquiry — by which he said that he was exonerated, but we never saw the result of that investigation.

I will come back, as I am sure you will agree we all should, Mr Deputy Speaker, to the regulations. There is considerable risk with them. I feel that they do not appear to have been conceived when the Audit Office reported. They do not even appear to have had their genesis at the time when the scheme was being amended and the problems were realised and beginning to be addressed. It appears that they have been prepared only since the time that this became a significant public story in recent weeks, when it was clear that the Assembly was on the brink of collapse and it was important to be seen to be doing something. That is not the right circumstances in which to take such a risky action.

I have serious concerns, and I genuinely hope that I am proven wrong. If the Assembly passes the regulations today, I hope that they save public money. If people want to come back to me in six months' time or whatever when they have proven to have done so and tell me that I was

wrong, I will admit that. I will not hide behind excuses or advice that I have been given from my office. I hope that I am wrong. If they are passed, I hope that they save public money, but my worry is that they will cost more in legal challenge or, indeed, if the caveat that they can go ahead only if approved by the EU finds that, whilst the Minister looks like he is trying to do something, the EU says no and someone else can again be blamed. We had this situation before when the Minister sought to incentivise United Airlines. He said that he could not do so because the EU said no, and United Airlines said that it chose not to take our money, thank you very much.

I am not going to stand here simply to oppose what has come forward with no alternative. The Green Party has proposed a windfall tax, and I have written to the Finance Minister about that. I think that I am right in saying that I have yet to receive a formal reply, although we raised it again in our meeting today in relation to the public inquiry. We believe that our proposal can do what the Minister seeks to achieve with these regulations but in a way that, I believe, is safer regarding any potential legal challenge. I believe that it is fair in that, in our proposal, any payment made over the cost of wood pellets would be considered a windfall so that this perverse incentive to burn and heat empty sheds would be gone.

Those who purchased boilers to heat empty sheds would never get that money returned. They would be out of pocket — rightly so — because of their fraudulent activity in seeking to use public money in such a perverse way for personal profit. I think that it is a fair and right proposal, and it would impact. Those who bought boilers legitimately would still get a fair return on their investment and still receive an incentive, but they would have no incentive to waste heat or to be energy inefficient. There would be no cash for ash. I hate the fact that a green scheme has been abused in this way and that a scheme that was designed to reduce carbon has resulted in a likely increase in emissions. I hate the fact that the scheme was botched, but I do not think that these botched regulations are the way to right that wrong.

**Mr Poots:** I appreciate the opportunity to speak on this issue. Much has been said about RHI over a number of months, but there has been very little action. Now is the opportunity for Members to take action to do something about it and to ensure that the £490 million that the BBC claimed had gone up in smoke does not go up in smoke and that public resources are used for other purposes. At the same time, that would give us time to come forward with a more comprehensive package to deal appropriately and adequately with the issues of concern that have rightly been raised on the overspend.

The concept of RHI is a very important one because, as of today, we are still members of the European Union.

**Mr Deputy Speaker (Mr Kennedy):** Order. I encourage the Member to stay closer to the microphone so that Members can hear and benefit from his wisdom.

**Mr Poots:** Thank you, Mr Deputy Speaker, and apologies for moving around.

A number of years ago, of course, nobody imagined that we would be leaving the European Union, which has set us very stringent targets for the use of renewable energy. Therefore, the concept of a renewable heat initiative, using woodchip instead of fossil fuels, was a good one. When

the uptake was slow, many did not anticipate that there would be a spike at some stage. The spike happened only after a Minister in the Westminster Government announced that they were to withdraw funding from wind energy. Nonetheless, the spike happened, and we are now in the circumstance that we are in, and something needs to be done.

There has been a whole series of efforts to try to make it appear that this is hugely corrupt. I do not believe that that is the case. I believe that there are significant inadequacies, that people got it wrong and that the scheme as devised is clearly flawed. All of those issues are out there, but I do not believe and have not seen evidence that this involves political corruption. I do not think that that case can stand. Nonetheless, let us have the public inquiry, and let us have its findings as quickly as possible. I do not like and would resist a long public inquiry, as might be proposed. I would much prefer a very rapid inquiry: one that has all the papers, witnesses and everything else that you can have at a public inquiry, but one that also gets answers for the public quickly.

We find ourselves in this circumstance today, and we will see the colour of Members' money. Those Members who choose to go through the Lobbies and do something different are saying, "Roll on. Keep spending the money. We will make plenty of noise and plenty of protest and seek to get as much publicity as possible over this issue. Let us get as angry as possible, but we are quite happy for it to go up in smoke because then we can continue to blame the DUP for what is going on". So, let us see the colour of your money. If you are for real, you will do the right thing and vote for the proposals today. I know that the proposals will hurt people who have installed boilers. People who installed woodchip boilers are not criminals, rogues, thieves, murderers or a whole lot of other things; most are just involved in a business that needed heat and, therefore, they looked at this option and did it.

Moy Park encouraged its growers to do it. What really bugs me, particularly on social media, is that people do not seem to realise that day-old chickens need considerable amounts of heat, and for quite a long period afterwards. Woodchip boilers provided that heat from non-fossil fuels, and that was beneficial. Moy Park encouraged farmers to install them because the chickens —

### 5.30 pm

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

**Mr Poots:** Yes, I will give way in a moment. The chickens thrived better in the drier heat produced by the woodchip boilers than that produced by gas boilers. The gas boilers are on also. They are not part of the scheme, by the way, before we get new accusations flying about. Very often, woodchip boilers do not bring the heat in the house up to a high enough temperature. So, for people who think that heat was being generated just to be blasted out the doors, that is not the case; the heat was being generated and was being augmented by the old gas systems when those chicks were in their early stages.

**Mr McNulty:** Will the Member make the distinction between woodchips and wood pellets because 80% of the boilers in the North run on wood pellets as opposed to woodchips?

**Mr Poots:** Woodchips and wood pellets are for renewable heat boilers. They are both renewable forms of heat. Nonetheless, I was trying to explain that these are being used for good purpose. So, when Mr Wells discovered that his brother and a number of his cousins have one, they are not doing anything wrong. They are legitimately carrying out a business and have invested many tens of thousands of pounds each in acquiring the boilers. I will add that I know Mr Wells's brother, and the last person he would seek agricultural advice from is Jim because Jim is not really someone who is known to be that interested in broiler chickens; he is more interested in birds of prey.

**Mrs Long:** I thank the Member for giving way. The point that he makes is well made. It is similar to the point that I made earlier about the number of new boilers that were installed where previously there had been no heating, but this was partly due to an expansion, so there were new buildings. So, there is some explanation for some of this. Does he agree with me that one of the saddest things about all this is that the whole concept of renewable heat and what was trying to be done was valid and good and that businesses good and bad alike have been tarnished by the incompetent way in which the scheme was administered?

**Mr Poots:** This is a very difficult moment for me because I have to agree with absolutely everything that the leader of the Alliance Party has just said. In truth, it is common sense.

I deeply regret that we are in the circumstances in which we find ourselves. I committed to the Assembly 10 years ago to try to get devolution off the ground again and I think that, for all its faults and foibles and so forth, it has been a good thing, and last night's shooting demonstrates the importance of us working together. The fact that we are going into an election and probably going into negotiations after that election takes us into an unknown, which, I believe, was avoidable and hugely regrettable.

Getting back to the point, Mr Deputy Speaker, before you pounce on me, supporting the regulations would be a demonstration that the Assembly means business.

It wants to put right something that it got wrong. It would be a step forward for the public. As I have said before, the public are looking for solutions; some politicians are looking for scalps. That is unfortunate. Even on the evidence that has been provided thus far, it has been demonstrated that it has been wrong to engage in the hate campaign against Arlene Foster and to identify and pinpoint one individual as the person who devised the scheme. She did not devise the scheme, and everybody knows that.

We are where we are. I encourage people to support the regulations. I would not be altogether happy with the regulations as they stand if they were for 25 years, so I encourage the Department to work comprehensively with the industry to identify the means by which to go forward with a scheme that can support those who are involved in producing renewable heat and does so in a way that gives them a return on their investment but does not lift £490 million from the taxpayer. Everybody would be a winner at that point.

**Mr Smith:** Like Mr Bell, I sincerely hope that these proposals end the £85,000 per day cost of the RHI scheme, but the proposals must be more than a pre-

election panic measure in the hope that the public will forget the incompetence and the arrogant response to the scandal. What is proposed in the regulations is the introduction of some of the controls that should never have been removed in the first place on the previous Minister's watch. As my colleague Alan Chambers said, the permanent secretary, when he was giving evidence to the Economy Committee earlier today, admitted that the scheme that is in front of us today was cooked up by a special adviser over Christmas. He did not say who it was. Perhaps the Minister may elaborate when he is summing up later this evening. I have to say, though, that, in most people's eyes now, having the fingerprints of a SpAd on anything will not be seen as much of an endorsement.

I have questions that, I hope, the Minister will reflect on and address when he gets an opportunity to make his comments on the regulations. Does the business case — we have yet to see the business case, of course — achieve the zero additional cost that he and Arlene Foster first promised a number of weeks ago? I believe that the proposals before us will retain an ongoing cost of over £2.25 million. I would appreciate it if the Minister could confirm whether that will still be the case.

The key question of course is this: are the proposals legally sound, or will they fall at the first legal challenge? I will come to that in a bit more detail further on in my remarks. First, why did it need the threat of an election to generate a response to mitigate the impact of the scheme on the public purse? The Minister, as we all know, has had the Northern Ireland Audit Office report since July. Lack of action to date has already cost taxpayers over £16 million since then. These proposals will add another £6.5 million to the bill before it comes into force on 1 April. We now, at least, have a public inquiry following Sinn Féin's welcome U-turn on the issue. Arlene Foster had promised to call one nearly a fortnight ago, and, of course, we have had nothing since then as well. Despite this better-late-than-never proposal, we have many questions outstanding, and no one, of course, has been held to account for the, at best, appalling errors of judgement and mismanagement.

As has already been mentioned, the eleventh report of the Examiner of Statutory Rules to the Assembly refers in detail to the regulations before us. It highlights issues that I would be grateful if the Minister could respond to at the end of the debate. We know that there has been no detailed scrutiny by the Economy Committee due to the tight turnaround for the regulations. My colleague Steve Aiken has stepped up in the absence of the Chair to maximise the engagement and scrutiny by the Committee in such a short timescale. Why has it taken so long to finally produce a scheme to stem the waste of public funds, thereby curtailing the time available for proper scrutiny? Have we not learned the hard lessons from the failures of the scheme? The question is raised in the report of the Examiner of Statutory Rules of whether this instrument is *intra vires* under section 24 of the Northern Ireland Act 1998 because of its incompatibility with the European Convention on Human Rights, specifically article 1 of protocol 1. Can the Minister confirm that there is no risk under ECHR and that the proposals under the regulation are deemed to be proportionate?

No doubt the Minister will have a copy of the letter that all parties received from David Capper, a reader in law at Queen's University Belfast, urging the inclusion of a



hardship clause in the regulation to ensure that it is not seen as a blunt instrument. Mr Capper suggests that a hardship clause:

*“would allow any participant in the scheme to make a case to the Department for compensation if they could prove that cuts to their support payments would cause them hardship or severe hardship or significant financial difficulty or expose them to the risk of significant legal liability. You could put the onus on the applicant to show that, without some compensation, they would bear an unfair share of the burden that the taxpayer would otherwise have to bear if nothing were done to control the costs of this scheme.”*

Mr Capper concludes his letter by saying:

*“This will maintain a fair balance between private rights and the general interest.”*

Has the Minister considered that proposal? What are his views on the issues raised by Mr Capper? Is the Minister satisfied that his duty to consult those potentially affected by the regulations will not be used as a reason for legal challenge?

My party has proposed the use of a windfall tax — Mr Agnew referred to that a little earlier — to recoup the excess income from the RHI scheme. That is the best method for recouping the excess cost while minimising the potential for legal challenge. Has the Minister considered that option? If not, why not? If he has excluded it as an option, can he tell us why he has come to that conclusion?

*(Mr Speaker in the Chair)*

Today is about trying to put right the mistakes of the past concerning the now infamous RHI scheme. The priority must be to put in place cost controls to minimise the liability to the public purse, but any proposals must minimise the scope for legal challenge; let us not repeat previous mistakes. The purpose of the regulations must be to stop the waste, protect public finances and put in place the protections that were — for some unknown reason that, I hope, the public inquiry will uncover — removed when the scheme was introduced in Northern Ireland.

No doubt like many in the Chamber, I was out on the doorsteps at the weekend, and people are genuinely angry at this incompetence and scandal. I have never witnessed a public reaction like it. They would be even angrier, if that were possible, if the regulations failed to stem the flood of waste. If the mitigating actions were also introduced in an incompetent way, making them open to legal challenge and continuing the £85,000 per day waste of taxpayers' money —

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

**Mr Smith:** I will.

**Mr Beggs:** Will the Member recognise with me that, if there is a judicial review, the cost of £85,000 per day will still be incurred into the next financial year, not just this financial year, and continue until there is a judgement? Therefore, this is not a cost-free solution. There is a high likelihood of legal challenge — indeed, we have been advised by those in the industry that they are likely to seek a judicial review — and there will be ongoing costs incurred into the future. We will not face zero costs in the future as a result of this botched scheme.

**Mr Smith:** I thank the Member for his intervention. I share his understanding of what the likely ramifications may be. I fear that the regulations have too many holes and are too open to legal challenge, which could mean that the £85,000 per day of waste that my colleague refers to will continue.

I am afraid that this so-called solution is half-baked and produced in haste, and I worry that it will fail in its objective. Despite all those caveats, questions and concerns, as my party leader said earlier, we will not stand in the way of the regulations, in the hope that the waste will be curtailed.

**Mr Murphy:** Regrettably — other Members have accepted this — this is not the solution promised by the former First Minister a number of weeks ago, which boasted that it would be a comprehensive solution dealing with the entirety of the costs to the public purse of this DUP fiasco of the RHI scheme. Minister Hamilton is clearly bringing forward an interim solution for decision today. It has been described as “sub-optimal”, which is government speak for better than nothing.

In essence, it is a sticking-plaster solution for one year only, and it is now, unfortunately, the only option available to us in the short term.

**5.45 pm**

We are presented with a plan at the eleventh hour because successive DUP Ministers have let the public down on this issue. Arlene Foster was the Minister responsible when the scheme was created; Sammy Wilson signed it off; Jonathan Bell failed to close it, although he alleges political interference in relation to the delay in closing down the scheme; and the current Minister, Simon Hamilton, has failed to act in a timely manner to try to staunch the flow of public funds.

Since the summertime, the Department for the Economy has failed to respond to persistent requests from the Department of Finance to sort out the RHI mess. That means that it is now bringing forward — according to the permanent secretary, at the advice of a special adviser only on New Year's Eve this year — a stopgap plan when, last July, with the publication of the Comptroller and Auditor General's report, or indeed last October, with the publication of the PricewaterhouseCoopers report, it could have brought forward the full plan that the public deserves. So the upshot —

**Mr Poots:** I thank the Member for giving way. Sinn Féin was in the same Executive as the DUP when all this was happening, and one of the Ministers who was promoting RHI was the Minister of Agriculture and Rural Development. Can the Member deny or confirm that that Minister, right up to and even during the spike, in November 2015, was publicly promoting RHI to farmers?

**Mr Murphy:** The Member may well be correct in that assertion, but the reality is that, in January 2016, the Committee was first advised of it, and the deputy First Minister was advised by the senior civil servant, the head of the Civil Service at that time, that the scheme had run out of control and that the advice of the officials in July was to close it down. Quite clearly, nobody in the Department of Agriculture was aware of the advice given to the Minister of Enterprise, Trade and Investment at that time. Nobody in Sinn Féin was aware of the advice being bandied around

within the Department of Enterprise, Trade and Investment. If other people were promoting the scheme, it was in the lack of knowledge that the scheme from June/July 2015 was recognised within the Department of Enterprise, Trade and Investment as being out of control, financial costs were spiralling and the advice was to close it down as quickly as possible. If other officials were briefing their Minister to go out and support the scheme in the autumn of that year, clearly officials in other Departments were not aware of the knowledge in the Department of Enterprise, Trade and Investment and, apparently, among the special advisers of the DUP and other DUP Ministers.

As I was saying, the upshot of the failure to bring forward a scheme to deal with RHI losses since earlier this year — you could argue that within the Department of Enterprise, Trade and Investment until the election, and the Department for the Economy since — continues to cost the public purse £85,000 per day. The solution that we have before us is severely flawed. I do not think that anyone disagrees with that. As yet, it does not have European Commission state aid approval, and therefore the plan may not kick in for definite on 1 April. If state aid permission is not through by then, it stalls until such time as that approval comes through. No one knows for sure how long it will take to clear the state aid hurdle. I also read in the media that it is likely to face a judicial review. A point was made in an intervention during the last contribution that that also creates uncertainty as to when this stopgap scheme may kick in.

It is clearly not a zero-cost solution. Another £6 million will be lost to the public services between now and 1 April, when this plan is scheduled to kick in with lower tariffs. In the 2017-18 financial year covered by this plan, losses to the renewable heat scheme will be at least £2.5 million, and another £2 million-plus will be spent on inspections and the inevitable legal challenges. So it is not the full and comprehensive solution that was trailed in the media by the former First Minister over the Christmas period. In fact, while this plan deals with £30 million of public funds at risk next year, what is clearly needed is a plan to deal with the full £500 million of public funds at risk over the 20-year period.

To accept this plan today requires, as Stephen Farry said in the earlier part of this debate, a “leap of faith”. However, to have faith in this solution, we have to have faith in those who are tasked with its delivery. Ofgem remains at the centre of this plan. Ofgem’s involvement in this scheme has been disastrous. It has done virtually nothing to tackle the fraud and abuse of the scheme, and the Public Accounts Committee evidence given by Ofgem in October was one of the low points in this entire debacle.

A robust, 100% inspections regime is central to any solution. As yet, no business plan has been produced for that inspections regime, and inspections may not start until 1 May. That is a disgraceful delay. The business plan for the inspections regime needs to be developed and approved as a matter of urgency. Then, we have to have confidence that the DUP’s fingerprints are not on the plan; that it has not been influenced by the architect of this mess, Arlene Foster, or by the DUP special adviser in the Department for the Economy who has had to step aside from all issues relating to RHI because of his family connection to the scheme. Of course, to make that leap of faith, we will also have to have confidence that the names of the beneficiaries during the spike period are not being

held back because they contain more revelations about DUP links to those applicants. Minister Hamilton was asked repeatedly to release the names before this debate in order to build confidence in the solution he is proposing, and he refused to do so. That is a necessary confidence-building measure, Mr Speaker.

The part of the interim solution that has merit is the intention to reduce the tariffs for all business users from 1 April for one year. That is expected to reduce RHI losses by around £25 million next year. The rest is a hotchpotch that may or may not deliver as promised. That is why, regardless of how the vote goes today, the Minister of Finance must continue to engage with the Department for the Economy to make sure that he is satisfied that this plan will not only slow the runaway train, which is the DUP’s RHI scheme, but enable us to stop it dead in its tracks from 2018 onwards and save not £25 million but £500 million for the public purse. That, I think, is the measure that is required in order to give confidence. We have, tomorrow —

**Mr Lyons:** I appreciate the Member giving way. Now that he is here and is setting out his view regarding the regulations, will he explain why he as Committee Chairman has been absent from the Committee for the Economy and why his two party colleagues have not bothered to turn up? If he had, he would have had the opportunity to question officials and other people who gave evidence, but he absented himself. Does he have an explanation for that?

**Mr Murphy:** I can assure you that I am as much across this part of my brief as anybody who has been at the Committee. I notice that the Committee failed to take any position with regard to this proposition when it was put to them.

**Mr Lyons:** Why were you not there?

**Mr Murphy:** Do not worry; I have been keeping a very close eye on matters.

**Mr Lyons:** Why were you not there?

**Mr Murphy:** Mr Speaker, through you, if the Member’s only issue with Sinn Féin in relation to this is our attendance at Committee meetings, when we recognise the full scale of the impact on these institutions, public finance and public confidence that this scheme has brought to the Assembly, he is living in cloud cuckoo land. This has been a disastrous scheme from start to finish, and the handling of it has been disastrous. The proposal in front of us is not the proposition that was outlined by the First Minister a number of weeks ago. It is a sticking plaster solution, which, we hope, will have some effect in saving at least £25 million. The reality is that we have had to initiate, through the Department of Finance, a public inquiry to try to get to the heart of this matter, because of the refusal of the DUP to deal responsibly with the matter, when there was an opportunity before Christmas for the DUP and the former First Minister to do so. So, if the only issue that the Member has is attendance at Committee meetings, I think he is missing the point by a very, very wide margin.

This is a very serious issue. It has hugely damaged public confidence. I suggest that the solution being proposed is a long, long way short of one that will restore any degree of public confidence, but we have to deal with it as we see it in front of us. We have to accept that it is not the solution that was promised, and we have to look at it in the round to see if it will do what it intends to do by way of saving some

element of public finance in relation to this, and we will make our judgement accordingly.

**Mrs Long:** Tempting as it might be in the current context to go beyond the scope of the regulations and comment more widely on the RHI scheme and the damage that that scheme, and, I would argue, more so, the manner in which it has been handled, has caused, I will not test your patience, and I will try to confine myself to the regulations.

The permanent secretary — an official thrust uncomfortably into the spotlight over recent weeks, but whose integrity and honesty has not seriously been called into question by anyone throughout this sorry episode — was adamant in his evidence to the Committee this morning that these regulations are required and that no ministerial direction has been issued.

Indeed, if the Minister had stalled on them, he would have sought a ministerial direction to deal with the issue.

We are not here to question whether action is required; we acknowledge, however, that this is only a patch for one year and is not a permanent fix to the issue of RHI. The potential long-term solution to it may end up being something very similar to this approach, subject to further policy reflection and public consultation, and it may be better than other approaches such as a windfall tax. Representations have been made, however, by some of the legitimate users of the scheme that the regulations may not be the best option, bearing in mind their legitimate business needs. Regardless of that, this remains a rushed process. The regulations have not been subject to public consultation, so the views that I referred to earlier with respect to those legitimate businesses have not and cannot be fully considered.

I want to linger on that point for a second. From a number of the speeches that we have heard today one might have got the impression that the overspend was solely due to abuse of the scheme: that is simply not the case. The lack of cost controls, tiering and degression, coupled with the level of the tariff, means that the scheme, when operated entirely lawfully and as intended, is much more generous than the comparable scheme in England and Wales. The blame for the overspend lies primarily with the failure of the Minister and the Department to design the scheme properly and include cost controls. Those who applied to the scheme fall, I guess, into three categories: those who are flagrantly abusing the scheme; those who are complying with the letter of the law but exploiting the loopholes in the scheme; and those who are complying with both the letter and the spirit of the law in an attempt to meet their business needs legitimately through the scheme. Suggesting that they are all to blame for the mess is unjust, and it runs the risk of the businesses that applied to and operate the scheme in good faith suffering reputational damage as a result. The scheme, when operated within the letter and spirit of the law, would still create an overspend. It is right that scheme participants ought to be audited, and those abusing or exploiting the scheme ought to be, at the very least, removed from it and potentially face criminal proceedings for fraud, when that is appropriate. However, businesses acting in good faith ought not to be unfairly castigated as a result of this mess.

Our second concern is that the regulations have not been subject to Executive approval; they were brought here by one Minister. The scheme is not coming to us with the

agreement of the Executive. While the scheme itself is not a cross-cutting matter, the impact on our finances most certainly is. There is as yet no approval for the business case on which this is predicated, and there is no clarity on whether there will be agreement on that going forward.

Thirdly, we are concerned that the regulations have not been subject to any meaningful Committee scrutiny, notwithstanding the extra week that was secured. All things being equal, it was the Minister's intention to continue last week to press the regulations to a vote; it was others who asked for the adjournment of the debate, which has allowed some very limited scrutiny by the Committee. Sadly, however, the Minister was not in attendance at Committee this morning to answer questions, instead sending his officials. Given the political importance and sensitivity of the issue and the fact that the Minister is essentially asking Members to take him on trust, it is not an issue that should be devolved to officials.

I am aware of the traffic chaos across north Down and Ards this morning after last night's accident and a further one this morning on the diversion routes. However, my colleagues and others managed to be present at meetings here this morning regardless of that, so I would be interested to hear the Minister's reasons for not attending the Committee. It certainly does not create confidence at a time when Members are seeking that reassurance directly from the Minister, who, as the legal advice given to the Business Committee indicates, remains ultimately responsible for any consequences of the scheme.

That scrutiny, although very restricted, has, in fact, raised further concerns about how the scheme emerged. Under questioning today, the permanent secretary informed the Committee that the plan before us came from a special adviser. Under further questioning, it emerged that the special adviser who brought the proposals forward was not the Minister's special adviser but another one from a different Department. That raises really significant questions about what the roles of special advisers in this debacle have been. There is no justifiable reason for a special adviser from another Department to become so intimately involved in the business of a Department that is not his own.

#### 6.00 pm

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

**Mrs Long:** I will indeed.

**Mr Aiken:** Does the Member agree that, with this plethora of special advisers doing this and that, it would have been much better had the Minister just come clean and told us which special adviser advised what?

**Mrs Long:** I suspect that a public inquiry might get some clarity on that, though it seems that there was such a tangled web that it may be difficult to extract any clarity from it.

The fact that we have a special adviser from one Department putting forward a patch repair for a scheme that is in another Department's remit simply adds weight to the perception that it is the special advisers who are in charge of the Ministers rather than Ministers being in charge of their Departments, and that is despite special advisers not being accountable to the Assembly and the

public, whereas Ministers now simply act as though they are not.

It was also indicated that the business case was commenced on 30 December when the scheme was brought forward. That is despite the fact that, on 19 December, Mr Speaker, you recalled us to the House under a promise that was made publicly — it was in the public domain and in the media, who have taken much criticism from some in the Chamber today — that we would get not just a statement about what had happened but the presentation of a comprehensive scheme that would reduce the cost implications to zero. Not only did that not happen on 19 December but it is clear that what was being said in public was at odds with the timeline in private, as no such scheme was presented until almost two weeks later and is not a comprehensive solution but a patch repair. It gives further weight to the perception that the scheme and the timing and content of this repair are being driven by political considerations rather than considerations of good governance. There is genuine concern that this is less a patch to prevent the continued leaching of public funds over the next year and more a political fig leaf to cover the DUP's embarrassment over the RHI shambles ahead of the elections. It is one that carries significant risk, on which I will elaborate. Therefore, we have serious reservations about supporting such regulations.

Fourthly, the regulations have been given only limited scrutiny by the Examiner of Statutory Rules. Whilst the Examiner was able, in a very restricted manner, to look at the rule in the last week, that was not as complete and thorough an examination as would be expected, particularly of something that carries such risk. In fact, the Committee was, I believe, unable to agree the Examiner's report this morning, as it did not have confidence that it had been given sufficient time to consider the limited response that the Examiner was able to produce or to have full confidence that those would be the only remarks on it.

Fifthly, there is a major risk of legal challenge, primarily focused on the lack of consultation on the scheme. I realise that the intention is to consult during the first year of the scheme, but the risk of legal challenge is immediate. It is exacerbated by a lack of consultation with the sector and by the lack of Executive and Committee scrutiny. That approach, far from being cost-neutral, could place us at significant risk of incurring legal costs and, at the end of the process, still being liable for the £85,000 a day overspend.

There is, as a result, also an absence of analysis of the impact of a change in the scheme — in particular any sudden change — on a range of sectors including, for example, poultry and mushroom production. It was said earlier that I would not know much about poultry, but, from being in the Assembly, I know quite a lot about the cultivation of mushrooms. I have to say that, at times, when you sit in Committee, you feel that that is exactly how you are being treated. That may open up further opportunities, however, for legal action around the fairness of the measures that are being introduced and the impact that they could have on specific sectors and businesses.

Sixthly, there is a risk of the European Commission not endorsing what has been proposed as it may breach state aid rules. That places Northern Ireland at risk of infraction proceedings. I suspect that, in real terms, Europe has bigger issues to wrestle with over the next weeks and

months. However, we are, essentially, looking for them to be generous towards us at a time when, perhaps, our Government have been less than generous towards them.

Why is all this being done in such a rush? I know that the DUP will focus on the fact that the resignation of the former deputy First Minister has added pressure to complete this process quickly, and we accept that to a point. However, whilst the collapse of the Assembly may have added to the pressure to complete it now, it does not explain why the action that is being taken today was not taken at any point in the last couple of years. We are now being told that this is the most straightforward and off-the-shelf solution to the problem. However, the Department did not actively consider this approach until the very end of last year. It was as a result of public and political pressure, not concern to protect the public purse, that this belated burst of activity was brought forward. The lack of action from February 2016 when the scheme closed and now is inexplicable. Arguably, if this had been initiated even in June 2016, we could have saved around £15 million in this financial year alone. That £15 million would have been adequate to introduce the cancer drugs fund, which costs £13.6 million.

In his comments earlier, Mr Frew was very critical of the media. He said that, at some point, the media had moved from reporting the news to wishing to be the news. It is called investigative journalism. Had it not been for the pressure of investigative journalism and the public and political scrutiny that followed it, I doubt very much that we would be standing here today discussing this solution, because it was that pressure and not foresight or protecting public resources that has driven this scheme.

The Minister is here today seeking our trust in the absence of the normal rigorous scrutiny to which issues of such importance rightly ought to be subjected. We have a duty to judge the regulations on their merits and the Minister on his record. Despite the lack of opportunity for Members to properly scrutinise this and the need for him to engender confidence and go the extra mile, if you will, he refused to take a single intervention when he introduced these regulations to the House last week. Further, as I referenced earlier, the Minister was not available to attend the Committee this morning to answer questions, leaving it to his officials to answer questions that are of a politically sensitive and urgent nature.

Last week, when the Minister sought my party's support in his bid for an independent public inquiry into the matter, we responded in detail to that request. We set out our grounds for supporting such an inquiry and contacted the Minister's private office to take Minister Hamilton up on his offer of a meeting to discuss it. We called for a public inquiry and we are willing, despite reservations, to support that were it to meet certain conditions. We were not seeking a scalp, as some in the Chamber have suggested today. We were seeking the truth on behalf of the people who employ us and who will pay for this mistake: the public. Their money is at risk. Their services are being jeopardised. Their confidence in these institutions, which are here to serve them and not party or self-interest, is being eroded. I want to set out what happened as detailed in the last paragraph of the letter that I hoped to give to the Minister at that meeting but ended up having to email to his private office.

*"In conclusion, we welcome your offer of a meeting to discuss this matter. Having sought to arrange a time*



*through your Private Office, we were advised that you would not be attending, but that the meeting could proceed with your Permanent Secretary and a lawyer. Given the time pressures and sensitivities of these matters, it is our view that a meeting at ministerial level is required in order that you can indicate directly whether you would be satisfied with the terms that we have outlined."*

Again, we see a Minister happy to assume the trappings of office but appearing too readily to leave the heavy lifting, the jot and tittle if you will, of serious issues to officials and advisers. It is that eagerness to assume power but unwillingness to take responsibility that is at the very heart of this sorry mess.

The Minister's own record of avoidance of transparency and robust decision-making processes extends beyond this scheme. When we look at the manner in which a rushed decision was taken with respect to United Airlines without all the due diligence, only for it to unravel in an unholy mess later, we have serious reservations about the robustness of the scrutiny to which he, personally, will have subjected this statutory rule. The cynical view in the public mind remains that this is primarily a ploy on the part of the Minister and his party to give the appearance of having acted ahead of these elections. Given the antics of the Minister and his colleagues and their poor record on accountability and transparency, I have to say that, with the best will in the world, it is difficult to conclude otherwise. Ultimately, however, we believe that we need to try to stop the leaching of cash on this scheme, so we will not stand in the way of this passing today.

I want to take the opportunity, through you, Mr Speaker, to remind the Minister that he will be responsible for what is decided here, not me, not my colleagues and not any other Assembly Member in the Chamber. No amount of buck-passing, muck throwing or ducking of responsibility will change that fact. These are his proposals; they came from his Department; he is responsible for them.

In answer to Edwin Poots, I have to say that no one is suggesting that any Minister alone devises every scheme, every policy and every action of their Department, but every Minister is legally responsible for the actions of their Department, and it is good governance and leadership to step up when that occurs. The real scandal here is that, while we have people unable to heat their homes and struggling to feed their families, we have barns being raided by the police — empty barns with steam rising off them in the snow. I want that to stop.

We will not block these proposals today, despite our serious reservations. I hope that these proposals are a success, not for the Minister or his party but for the sake of the public who ultimately are paying the price for this debacle though they carry none of the responsibility for it.

**Mr E McCann:** I think that it was Mr Smith who asked a little while ago how we got here and what brought us to this pass. It is worth going into it, because you cannot understand this scheme and the flaws in it, and the regulations and the flaws in the regulations, other than in the context of the internal politics of our two major parties and, indeed, of the entire system of governance created under the Good Friday Agreement.

We have had a very good debate in one sense. A lot of it was fascinating. The most fascinating thing that I discovered — at least one of them — during the day is that — you were not here, Mr Speaker, for this bit, so I wonder, did you know that day-old chicks prefer woodchips? I did not know that until Mr Poots explained it to us. I am taking it seriously. I am sure that you are right. It is something I know nothing about. What I am really wondering is, how did we get here in relation to the major items; how did our debate get to a position where we have to be informed and take on board the preferences of day-old chicks with regard to particular fuels used for heating their sheds? How did that happen?

One of the reasons it happened is, of course, because a lot of people in here and a couple of parties in here cannot deal with the matter in a straightforward manner. And because they cannot deal with it in a straightforward manner and face up to all the issues which are raised, we get taken into all sorts of meandering, winding paths and into the netherworld and the fringes of the Assembly.

For a start, I would like to demonstrate the way in which the internal politics and the ideology, if you like, of the DUP and Sinn Féin have played a role in generating this present situation with the renewable heat incentive scheme. It may seem a very far distance from political ideologies of parties — do not worry, Mr Speaker, stick around and I will demonstrate it now. The fact of the matter is that, in the course of this debate — it is relevant, I am picking up things that have already been said in this debate. Mr Bell made the second fascinating statement that he has made in the House. At the end of it — I am sorry about the pun — there is no need to ask any more for whom the bell tolls; it tolls for Arlene Foster. We learnt that after Mr Bell's statement.

#### 6.15 pm

I was very struck when, the last time we had a debate on this subject — I am dealing with things that have already come up, Mr Speaker — Mr Bell told us, and he may well be right, that if the Reverend Ian Paisley were here, he would be sitting alongside him and not with the other DUP colleagues further along the Bench.

I am sure that he is right about that. One of the reasons why I am sure that he is right is that, a couple of days after that, I happened to be watching my television set and there I saw Ian Paisley junior making some remarkable statements about Mr McGuinness. I thought to myself, "There is something up. There is something happening here". Is the dissident DUP claiming the Rev Ian Paisley? And, of course, is there a leadership bid? It also demonstrates the ideological chaos in the DUP. It is the chaos arising from the fact that their traditional ideology does not meet the material realities of Northern Ireland society any more. In that situation, we have the politics of opportunism and the politics of — I hesitate to use the word "corruption", so I will not. There is a questionable and murky behaviour conducted in that dark territory where SpAds and spivs infest the system of government in Northern Ireland. You cannot understand the way the entire scheme emerged and the regulations — the inadequate regulations — that we are invited to vote for unless you take that into account.

Why did the scheme cause the collapse of the Executive and then the Assembly? How did that happen? Just a

few weeks ago, everybody will remember the remarkable scenes in which you had Members looking across the Floor from the Sinn Féin Benches to the DUP Benches. They were gazing at one another doe-eyed; now, they are looking daggers at one another. That was just a week later. How did that happen? Again, there are ideological problems for Sinn Féin, as they know — I have talked to their Members about it. It is a party that is dedicated to a united Ireland or nothing, yet they were locked into an embrace with the DUP. It is hard to explain that to people who believed that they were supporting or joining the party to make a drive for the full realisation of the ideals of 1916 and all that business. There was a contradiction there and, as I said, the ideological contradiction in the DUP that was brought about by the fact that, by coming together to form a government, they were contradicting the stated reasons for their very existence. In that situation, you are bound to get internal turmoil and, as Sinn Féin found when they went back to their grassroots, people were telling them “No, nay, never”.

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

**Mr E McCann:** Sorry, Mike. Yes. I mean, not sorry. Come ahead. *[Laughter.]*

**Mr Nesbitt:** I thank Mr McCann for giving way. When you talked about the doe-eyed gazing, there were smiles from those on the Sinn Féin Benches, but do you not think that the fact that Conor Murphy said earlier that they knew that the scheme was falling apart in January 2016 but chose not to make it an election issue proves your point?

**Mr E McCann:** Thank you —

**Mr Speaker:** Mr McCann —

**Mr E McCann:** I suppose that it does. I am glad that you made that point.

**Mr Speaker:** Mr McCann, before you continue, I have been very liberal with you in particular. I ask you to come back to the regulations that we are debating.

**Some Members:** Aw.

**Mr E McCann:** That is fair enough, Mr Speaker. I will. I have to say to you that in the course of the debate — it has been a lengthy one — we have had passages of debate in which the regulations, or anything associated with them, were not mentioned for five or 10 minutes. I have certainly said nothing so far that was as far removed from the regulations as other Members have been — repeatedly — in the debate. However, I will leave that particular aspect of it there.

Mr Speaker, you will be aware, as we all are, of the extent to which — I think that it was Mr Smith who referred to the fact that he had never encountered anger like it. I have to say that I have; I have encountered more anger on the streets over other issues over time. Nevertheless, I take your point. There is a lot of anger and dismay and a widespread belief that the RHI scheme is a racket, and that is not good for any of us. I am not saying that I endorse that belief, but people are disgusted, and anyone who has talked to people in the community about it will know that the RHI scheme is seen as a racket. That is what people believe it to be. Everything that they hear about it — what they hear is accurate — is about dodgy practices and people being secretly or confidentially alerted to the fact that a scheme existed and were told to

fill their boots with public money. When people hear that and consider it against the background of all the things that have led up to it — anyone can rhyme them off. There was Research Services Ireland a few years ago. That was a ‘Spotlight’ production too, was it not? If I am right, that was in November 2014.

Incidentally, there were attacks on the media here. If it was not for ‘Spotlight’ shining its light, we would still be in the dark about many of these things. I pay tribute to Stephen Nolan, Sam McBride, Allison Morris and all the other journalists, who have given great service to this community, far better than that given by some people in parties in here over recent weeks, by bringing these shocking events and situations to the public mind. We would not have been here, as someone remarked, if it had not been for honest, investigative journalism in this part of the world. Everybody would be trundling on in a complacent manner. Far from attacking the media, we should be giving it credit and praise. Some of the remarks about the media from the DUP Benches reminded me of a Donald Trump press conference, in which he called out people and asked them, “How dare you tell the truth? We have got an alternative truth that we are promoting. How dare you tell the facts!” That was the tone of some of the remarks from the DUP Benches.

At the end of the day, we have to ask ourselves what are we going to do about all this? What is “all this”? “All this” is not just RHI. We all know that one of the reasons for the seething anger that Mr Smith referred to is that it is not the first such thing to come before the public. It was the last straw, not the first example. It came after Research Services Ireland and then — all these incidents have something in common — Red Sky, NAMA and all the rest, and on those you cannot say, “One side is as bad as the other”. You cannot; it is not the case.

**Mr Butler:** I thank the Member for giving way. Just on that last point, the Minister was reluctant to attend the Committee this morning, and Sinn Féin has been absent from the Health Committee over the last two weeks. That is an amazing correlation. Does the Member agree that it is a demonstration of power before people?

**Mr E McCann:** Power before people. When I was coming in this morning, I was accosted by Mr Allister, who said, “I believe that you are from People Before Pellets”. *[Laughter.]* So, power before people I will accept too.

Where was I?

**Ms Hanna:** NAMA and Red Sky.

**Mr E McCann:** NAMA and Red Sky and all that. Is it not interesting that, when you look back, some of the same names appear. All those SpAds. Mrs Palmer has not spoken yet, has she?

**Mrs Palmer:** If the Member will give way, I would be delighted to contribute to the debate.

**Mr E McCann:** Absolutely, Jenny.

**Mrs Palmer:** Does the Member agree that civil servants have an obligation to act in a non-partisan, non-political fashion and that the public, because of all the scandals that SpAds have been involved in — Red Sky, NAMA and all the others — believes that the culture in the Civil Service is that officials are overruled by SpAds and that they do not take their codes of conduct, codes of recruitment and

ethical codes with any great seriousness, which means that the two main political parties have the biggest say in what happens in the Departments? Mr Allister brought before the Assembly an opportunity to curb the role of SpAds, and Sinn Féin blocked it, after saying initially that they would support it. There are serious issues to clean up in this House, and not just on the role of the SpAds but on giving back correct procedures to civil servants.

**Mr E McCann:** No sensible person could object to anything that Jenny Palmer has just said. The role of SpAds in our system — why they have this role and influence — is a very interesting one. We keep hearing it, and it is true, that there are so many SpAds in this little place, serving the Executive Office and other Departments, compared to Wales, Scotland and even Westminster. Why is that? Is it just people filling their boots again and saying, “We will create jobs for the boys”? There are hardly any girl SpAds, are there? There is a reason why we have so many SpAds. What their job is really is to police the Departments for their parties. They are not there to help in the administration or to make it more efficient. Given the nature and the structures of these institutions, which are based on the Belfast/Good Friday Agreement, it is quite understandable that that should be so.

If you set up a system of governance in which every Department is a silo operating independently of all the others, it makes perfect logical sense to have groups of SpAds to make sure that every silo is secure and a particular party’s perspectives, policies, desires and interests are vindicated in that Department rather than any general overall interest of the people or the political system. That is what lies behind that, and that is why they need all those SpAds. It is why SpAds feel entitled, as they do in this part of the world — they do not across the water — to tell permanent secretaries and Ministers what to do. In this jurisdiction, if senior civil servants are having a discussion with a group that has come in to talk to them and a suggestion is made, one senior civil servant will say to another very senior civil servant, “We’ll never get that past so-and-so”, naming a SpAd. That is a grotesque system. It all comes from the nature of the structures. Tomorrow we are discussing the spirit and values of the Good Friday Agreement. Perhaps we will go into some more detail at that point. All that provides the context in which these problems have arisen.

Mr Bell talked about the £85,000 a day and what that could do in the health service and so forth. It is an easy argument to make, but there is a bigger one. I am not objecting to that argument; it is just an obvious one to make. When I say “ordinary people”, I mean people who come from the area where I come from. Raymond McCartney comes from the same area. Loads of us are from areas where people struggle day to day. They know that, if they ripped off the state for a relatively small amount of money, if they claimed and took more in social security than they are entitled to under the rules and regulations, they might well be up in court being named and shamed in front of their neighbours as reprehensible people for a couple of hundred quid. They then read in the newspaper that relatively vast sums of money are sloshing about at Stormont and are being siphoned into the pockets of particular individuals. They also read that people here, whether politicians or officials, are tipping off their mates to join the scheme. What are they supposed to think? Of course they are raging mad. That is what has given rise to

the chaos in the DUP and the pressure from below on Sinn Féin, which has led to the collapse of the institutions. That is what caused it.

This is not an election meeting, but the fact is that, if we have another Assembly with the same relative result for the major parties and so forth, we will have solved nothing whatsoever. You advised me, Mr Speaker — you were absolutely right — to stick to the point. When it comes to dealing with this matter, is it sticking to the point to say that all this is an attempt to weaken unionism or for Sinn Féin to make a similar point in reverse to the DUP? How is that relevant to the debate? That tells us that those parties have suffered and are uncertain about whether their ideology has been maintained and is still as strong as it was. They are retreating to particular positions in advance of 2 March. The DUP says, “You’re damaging unionism. Vote DUP or the Union is under threat”. Sinn Féin says, “Vote Sinn Féin for progress towards a united Ireland”, which it claims will be achieved —

**Mr Speaker:** Mr McCann —

**Mr E McCann:** — and all the rest of it.

**Mr Speaker:** I ask you to come back to the regulations.

**Mr E McCann:** I will come back —

**Mr Speaker:** Now.

**Mr E McCann:** OK.

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

**Mr E McCann:** I will certainly give way.

**Mr Carroll:** Does the Member agree that the scheme has done serious damage to the valid and legitimate case for renewable heat energy? Alternative forms of energy are really needed, given the threat of climate change. Does he find it ironic that the RHI scandal, which has done serious damage to the case for renewable energy, was the fault of a party that has long and often denied the existence of climate change?

**Mr E McCann:** Absolutely. It is one of the sadder aspects of all this. As anyone who has campaigned on environmental matters will know, one of the big hurdles when you are arguing for the need for something like the renewable heat incentive scheme in terms of energy efficiency, controlling CO<sub>2</sub> emissions and all the rest of it is that people think that environmental things are just too expensive, are not practical or do not bring jobs and all the rest of it. The little saga that we have had here will make that much more difficult. The RHI scheme was, on the face of it, intended to make a contribution to protecting the environment and might well have done so. The controversy that has arisen, mainly because of the DUP — I keep saying, “Sinn Féin and the DUP”, but let us be clear about it: there is no equality of arms in this. The DUP is the star of this production. Sinn Féin may be in line for an award as best supporting actor, but this whole thing is a DUP production. They are responsible for it and for the damage done to environmental campaigning.

### 6.30 pm

It seems to People Before Profit that we do not need just a proper investigation into what happened or just the regulations, although they are a little better than nothing. We can deal elsewhere with the question of the 2005 Act

under which there will be an inquiry. That is not a perfect document either — far, far from it.

Can I just throw this in, with your indulgence, Mr Speaker? No, I will leave it.

We need a different type of politics here if we are to avoid debates, scandals and issues like this in another mandate. I know that I have said this before, but the perception that RHI was a racket has added and contributed to a perception that Stormont itself is a racket. That is what is out there. People have a cynicism about this place. We might have thought a couple of months back that it could not get any deeper or darker — well, it just has because of this. We are undermining trust. I am not too worried about undermining the status of the Assembly because of the regulations and the RHI. Every time you look down, Mr Speaker, I mention the regulations to remind you that I am being relevant with all this. What I am saying is that we believe that we need a different type of politics that does not need the separation of Departments into silos or to be policed by SpAds and spivs. We need a system of government in which the interests of the people come first. To my mind, that requires a socialist approach; others might disagree and will not go the whole hog with me. The fact of the matter is that we need a different type of politics in Northern Ireland, and, if we do not get that after 2 March, we are doomed — doomed — to go through this little circle of hell yet again and to make no progress. Surely after all these years and all this time, we can say to the people, as we say to the people — Catholic, Protestant or anything else — “Vote for a change. Voting the way you have always voted is how the problem arose. That is where the problem is rooted in the first place”.

I believe that we are better than this. I believe that the people of the North are better than this. The working class of the North are 10 times better than the sordid shenanigans going on here. Give the people working-class politics, as People Before Profit is trying to do, and we may not have to go through this nightmare again.

**Mr Allister:** Mr Speaker, I am sure that you will be relieved to have a Member who is much easier to control than the last. *[Laughter.]*

**Mr E McCann:** Will the Member take an intervention?

**Mr Allister:** Yes.

**Mr E McCann:** I take that as an absolute compliment. *[Laughter.]*

**Mr Allister:** You are very welcome.

Are the regulations a fig leaf, or are they a solution, even an interim solution? I hope that they are the latter, but I fear that they are the former. They show many signs of being a fig leaf for the DUP to get it through the election arising from, in the terminology of one of its members, the “omnishambles” of RHI and to create the aura and impression of something being done about it: “It is sorted. Nothing to see here. Move on”. The suspicion that it may indeed be a fig leaf comes from two sources: the timing and the dubious nature legally of what is being tried.

The problem has been known about for months upon months upon months in the Department and maybe even longer than that.

It is only now, however, in the teeth of an election, that a proposal — any proposal — has come forward to attempt

to ameliorate it. Indeed, if we had not had the BBC ‘Spotlight’ programme, would we be having this debate? I suspect not. If we had not had the vigorous, persistent, necessary, worthwhile investigative journalism of Sam McBride, Stephen Nolan, Conor Spackman, Allison Morris and others, would this matter have continued to be swept under the carpet because it was too embarrassing to deal with? I suspect so.

The fact that the regulations come at the time that they come at suggests to me that they are indeed more of a fig leaf to get us beyond 2 March, but fig leaf or not, the regulations contain a mammoth embarrassment for the DUP. Belated beyond description, they seek to put into the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 the very thing that Arlene Foster, when she was Enterprise Minister, took out of the GB template. The regulations put in what should have been in there in the first place. They put in what was in —

**Mrs Little Pengelly:** Will the Member give way?

**Mr Allister:** In a moment.

They put in what was in the GB regulations, which was tiering in the tariff. That is the essence of the regulations now before us: to put in retrospectively, with impact for one year and one year only, for now, that tiering. Of course, that is the most crucial thing that gave rise to this scandal: the taking out of tiering in the first place. We are told by some, “Well, that was not the Minister’s fault. That’s how she was advised”. If it is how she was advised, what sort of a Minister is it who, when given advice that you do not have to bother with the tariffs that are in the GB scheme and that you can run it at the top-tier tariff in perpetuity, does not ask, “Why would we want to do that? Why would we not want a safety net in case this scheme runs away with itself? Why would we want to over-incentivise the scheme in such a way?” What sort of a Minister would not ask that question? It would have to be one asleep at the wheel. Even if some dim-witted civil servant advised that we need not bother with tariff tiering, a Minister with any wit would have known to interrogate the issue and not to let it rest there, and, if she did not, the Finance Department would, because this scheme, before it ever got off the ground, had to be approved by the Supply officers in DFP. The Supply officers in DFP had to consult their economists and ask this question: is this scheme value for money? That question has to be answered. Not only did the Economy Minister fail on the most fundamental component of this scheme, but it seems that the Department of Finance also failed by approving this scheme through its Supply division.

**Mr Agnew:** I thank the Member for giving way. He made mention of the Minister being asleep at the wheel. Is it not a sad state of affairs when, in defence of that Minister, her own party says, “Our Minister is not corrupt. She is merely incompetent”?

**Mr Allister:** Yes. Incompetence now seems to be a refuge, and is it not amazing —

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

**Mr Allister:** In a moment.

Is it not amazing that, in all of this, not a single civil servant, if they failed, not a single consultant, if they failed and certainly not a single Minister has paid any price whatsoever? What a



contemptuous approach to this scandal towards the public, who are expected to pay the price.

**Mr Aiken:** Thank you very much indeed for giving way. I ask the Member to reflect on the fact that, if incompetence is a defence for what has gone on, maybe we should reflect on the complete incompetence of this whole Fresh Start Sinn Féin/DUP Government. If incompetence seems to be the lead for what we are trying to achieve going forward, it is best gone and gone now.

**Mr Allister:** I think that it is gone and, hopefully, it will never have a resurrection. I do not want to offend Mrs Pengelly, and she did indicate that she wanted me to give way.

**Mrs Little Pengelly:** Albeit belatedly because the point has rather moved on. The Member stated a number of times that Arlene Foster removed the tariff tiering from this. The evidence thus far to the PAC and elsewhere has absolutely clearly indicated that that is not the case. The recommendation to the Minister did not have tariff tiering in it. On what the Member — who sits in the Chamber also as a barrister and as somebody who has been in the courts for a very long time — has just said about people paying the price, he knows that the proper process should be that the evidence is heard, the judgement is given and, after the judgement, there are the consequences. That is the appropriate way to deal with this, not for people to be hounded before that evidence is heard and due process takes place.

**Mr Allister:** There are two points there. On Mrs Foster's culpability, the reality, indisputably, is that the GB scheme that was first produced had within it tiering in the tariffs. The Northern Ireland scheme, based on that template, is almost identical in every dimension save the tiering in the tariffs. Therefore, a conscious decision was taken in Northern Ireland to remove from the template that they had from GB the tiering in the tariffs. The one person, the one Minister, the only Minister who is accountable for that is the Minister who signed off the scheme. The Minister who signed off the scheme is Arlene Foster. There is no hiding place for her on this. That is indisputable, and it is no excuse to say, "No civil servant told me that I should not sign off a scheme that had taken out the tariffs". If she had been across her brief at all and was asking questions at all and was not just thinking of the next photo opportunity but was thinking about what the job was about, she would have been interrogating the issue of why we were doing this. Surely, she did not fall, as was the contention that was made somewhere, I think to the PAC, for the juvenile belief that there was that this was free money.

Surely, as a Minister, she knew that once you tamper with a national scheme to make it more expensive regionally, you pay the difference. There is no such thing as free money in those circumstances. Surely she did not fall for that, or did she?

**6.45 pm**

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

**Mr Allister:** Yes.

**Mr Wells:** I had the opportunity, along with Mr Girvan, to sit through most of the PAC hearing in the Public Gallery on Wednesday. He will note that, on at least three occasions, various members of that Committee asked the permanent secretary, Mr McCormick, "Did Mrs Foster act

honourably, or did she do anything untoward throughout this entire process?". His reply was that she did not do anything untoward; she acted honourably throughout the entire process. How does that tie in with the accusations he is making at the moment?

**Mr Allister:** I do not think the word was "honourably". I do not think that was what was in the scripted questions that were asked of the permanent secretary. I noticed his rather hesitant reply but, yes, he agreed that there was nothing untoward. I must say that I beg to differ with the permanent secretary. Unless the whole Civil Service is in such an embarrassment about this that they do not want to put the finger on anyone, I do not understand how a permanent secretary, as accounting officer for his Department, could say, "It was OK; it was not a fault and it was not a failing to sign off a scheme which had this huge massive flaw in it". By anyone's book, that is a fault.

**Mr Lunn:** I thank Mr Allister for giving way. The question that Mr Wells refers to actually used the word "wrongdoing". The person who I cannot name was asked if he thought that Mrs Foster was guilty of wrongdoing, which has a completely different connotation.

**Mr Allister:** I am grateful for that. I could not actually, on my feet, remember the exact word, but I knew that it was not "honourable".

**Mrs Long:** I thank the Member for giving way. One of the most frustrating elements of this — I am sure the Member will agree — has been the complete inability for people to accept that, while there may be no evidence that the Minister did something that was inappropriate and wrong, there is every evidence, given that this scheme went through, that the Minister did not do what was required of her in office, which is to properly scrutinise the advice, to weigh that advice and to make her own judgement as to whether or not it was an appropriate way forward. That is a fault in itself. It does not require her to have acted out of any improper motive for it to be a failing on her part.

**Mr Allister:** I think the Member puts it accurately; that is correct. A Minister's job is not just to sign off whatever is set in front of them. They are there as guardians to interrogate the issue, to make sure that the right decision has been taken and to ask the hard questions. My goodness, if you have a situation where the tiering is being taken out of the tariffs and the hard question is not asked as to why we would want to do that and not keep a safety net, then that is a failing by a Minister. In my book, it is, and that is what has led to this sorry pass that we are in today.

**Ms S Bradley:** I thank the Member for giving way. I take note of what you are saying. I referred earlier to Emma Little Pengelly's contribution that we are all human and error can happen. Does the Member, travelling through this logic, then raise concern when somebody — a member of the public — actually takes time out to point out the errors that have been made? Is that not a continued failing and a deeper, darker hole that this Minister fell into?

**Mr Allister:** Yes. The whole aspect of the whistle-blower and, particularly, the second email to the Minister's personal or political office account — whichever it was — the failure to convey that to the Department. I would have thought that was something that might have struck the permanent secretary as a failure which put the Minister at fault in failing to do that. That robbed the Department of the opportunity to waken up to this issue and to get proactive with it. Yet, that

email, which seems to have been fairly explicit about the fault lines in the scheme, never made it out of the Minister's inbox. Surely, that is a significant failure.

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

**Mr Allister:** Yes, although I will have to stop doing this.

**Mr Agnew:** I thank the Member. I will try to make this my last intervention. Will the Member acknowledge that there was a further opportunity to introduce cost-control measures when her Department consulted on the proposal to introduce regression? As was confirmed to me by the head of energy division in a February 2016 meeting of the Committee for Enterprise, Trade and Investment, the Minister made a policy decision — I am paraphrasing here — that we wanted to get the domestic scheme up and running. That, and not regression, was the priority.

**Mr Allister:** I think that regression was another missed opportunity, and that has compounded the situation. There was also the missed opportunity that when DFP originally signed off on the scheme and approved the business case, it declared that it needed to be reapproved by 1 April 2015. It did not happen because DETI did not send it back to DFP, and DFP did not ask for it. It only came back belatedly to DFP in the autumn of 2015 and was then, amazingly, signed off for a second time at the height of the spike in October 2015, by which stage Mrs Foster was then the Minister of Finance.

There were repeated failures in this, and that is what has led us here. Yet, to listen to some, it is no one's fault. It is certainly not a Minister's fault. We could not have that. It is no one's fault. Well, it is, and the public knows that, in government, the buck stops with the Minister or, at least, it should, but there have been such contortions in this to avoid the buck stopping with the Minister that, frankly, it is embarrassing that, as politicians, there cannot be a facing up with the public on this issue.

I asked whether this was a fig leaf because of the genesis of it and how it was delayed. I also wanted to ask whether it was a fig leaf because of the dubious legal nature of it. Never mind being a fig leaf, these regulations, in the heat of litigation, could turn into a chocolate fireguard; they could melt very quickly because they defy a number of principles enshrined in this area of law.

What is involved here is the state seeking to derogate from something that it has granted to members of the public. There is a legitimate expectation created with the beneficiaries of the scheme that they are tied into a scheme upon which there is commitment to deliver: if they fulfil their side of the bargain, the Government will fulfil their side of the bargain. Indeed, article 3 of the original 2012 regulations expressly says that the Government must — must — make these payments. So not only do you have a contractual-type situation created in the acceptance of the letters of offer, but you have, in the statute, a solemn obligation on the Government that they must make these payments.

That has created contractual rights and legitimate expectations, which were of course underscored by Mrs Foster's letter to the banks. In her letter to the banks, Mrs Foster went out of her way to highlight just how guaranteed these schemes were. She stated:

*"Tariffs are 'grandfathered' providing certainty for investors by setting a guaranteed support level for*

*projects for their lifetime in a scheme, regardless of future reviews."*

"Regardless of future reviews" — guaranteed. In the letter's penultimate paragraph, she states:

*"The government support, on offer through the incentive schemes, is reliable, long term and offers a good return on investment."*

Not only have we got letters of offer and regulation 3, which says that the Government must pay, we have the very Minister promoting the scheme by lauding it to the highest and underscoring the certainty of the guarantee of payments. It is indisputable that legitimate expectation has been created in respect of the beneficiaries of the scheme.

Yes, it used to be the case that, in the law, Parliament could do what it liked, so to speak, and, yes, if you go back to some of the older legal authorities, you will find, for example, quite a well-known statement by a legal scholar called Greenberg, which says that no person has a right to demand compensation for something that was done by or under the authority of statute. That is how it used to be, but then we signed up to the European Convention on Human Rights. Article 1 of protocol 1 came in, which indicates:

*"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."*

That introduced a radical change and constraint on the right of Parliament to do what it liked with regard to dealing with the property and possessions of individuals. It is indisputable that the rights and possessions that people have under the RHI scheme qualify as property rights in the law.

I remind the House that, back in 2013, I brought a special advisers Bill to the House to remove some people from office. The House will recall that, of necessity, within that Bill, were two safeguard provisions. One guaranteed compensation to anyone who was removed. Why? They were having removed from their property or possession rights, so they had to be compensated. Indeed, the Attorney General gave evidence during the hearing of that Bill in the Finance and Personnel Committee that it would be unlawful to remove possession rights without compensating. Unlawful; that was the evidence of the Attorney General. That is because of article 1 of protocol 1 of the European Convention. Yet, these regulations have no compensation within them.

**7.00 pm**

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

**Mr Allister:** Yes.

**Mr Stalford:** This is a genuine question, as opposed to some of them. *[Laughter.]* I am happy to bow to the Member's obviously superior legal knowledge. Can the Member outline for us, in the context of what he has said, how the actual mechanism of vesting exists, if people's land and property can be vested by the state within the framework he has outlined?

**Mr Allister:** No one's land can be vested without compensation. Indeed, you bring me on almost to the second point. Where you are not satisfied with what is

offered to you in the vesting, you have the right of appeal to the Lands Tribunal.

The second thing, I remind you, that was in the SpAd Bill, was not just that there had to be compensation for anyone removed but that anyone so removed had a right of appeal for what they had lost to the arrangements set up by the Bill. Again, there is no right of appeal within these regulations for anyone, on hardship or other grounds, such as Dr Capper has suggested, in consequence.

So, it does seem to me that these regulations are very likely to be challenged, and they are not obviously judge-proof. We will see what happens to them, but I would be fearful about their probity, because they so directly negate the rights that come from the protocol to the European Convention — it is just not there. We will see what happens.

I fear that the regulations are further at risk because of the process that has been deployed to get us to this point. We know in this House — I raised it — that we have essentially bypassed Standing Order 43, in large measure. We know, and the Minister certainly knows, that there is a document that governs these matters. The Minister will be familiar with it from his time in the Department of Finance, if not before. It is the document, 'Managing Public Money Northern Ireland'. It is quite a volume that sets out the requirements including for when you are changing the law. At A.2.2.1, it says:

*"In preparing all legislation, departments must always consult and get DFP agreement ... before any proposals for legislation with financial implications are submitted to the Executive for policy approval".*

These regulations, whether it is positive or negative, have financial implications. Certainly, they have financial implications for the beneficiaries. They fly in the face of the requirements of 'Managing Public Money', which requires that in their preparation the Department of Finance must have been consulted and must have agreed. Perhaps it was consulted, but it does not seem to have agreed. We have a flagrant breach of 'Managing Public Money' arise. Where that is relevant is that, when it comes to a legal challenge to these regulations, the court will be entitled to look behind how they were made and at whether they were adequately and properly made.

This also arises where it says, within that same paragraph of 'Managing Public Money', that you must prepare, consult and get DFP agreement on an explanatory and financial memorandum. They have not done that either.

It says:

*"The financial implications of subordinate legislation should be explained in the Explanatory Memorandum".*

**Ms S Bradley:** Will Member give way?

**Mr Allister:** Just let me finish this point. Let us go to the explanatory memorandum that has been issued with these draft regulations. Under "Financial Implications", the very thing that 'Managing Public Money' says must be articulated — "explained" is the word — in the proposals, it says:

*"The Financial implications will be further examined as part of the next stage."*

There is nothing whatsoever in the explanatory and financial memorandum that deals with financial implications, something that, according to 'Managing Public Money', is required to be there.

**Ms S Bradley:** I thank the Member for giving way. On that point, it was suggested in Committee that that agreement may still be forthcoming. Does the Member share my opinion that, before any vote is taken on this, the House should be fully updated on whether such an agreement has been arrived at and, if not, when and where communications broke down?

**Mr Allister:** It is very disappointing that the Finance Minister, who has a critical role of having an input to this, has ignored the House on the issue. I read on Twitter today that he is still not happy with these proposals. Why are we not being told that in the House? The Economy Minister can tell us, when he comes to respond to this debate, whether he has received clearance or approval from the Department of Finance. We really should have been hearing it, I would have thought, in these circumstances from the Minister. The Minister who is here needs to tell us that.

Another potential weakness in the process of the regulations is the fact that there was no consultation. The stakeholders have a common law right to be consulted before their circumstances are changed, yet there has been no consultation whatsoever with them.

I fear that the regulations will be rigorously tested, and I do not have the confidence of some that they will pass that test. It might be said that they are only for one year, so we will invite the court to ignore, as it were, our failings, breach of property rights etc. It will be interesting to see whether the court is prepared to go down that road. They have all the signs of draft regulations that may not deliver. I said at the outset that I hope that they do because this situation needs to be resolved, but I have severe doubts as to whether they will.

The one group of people whom the regulations will greatly affect are bona fide applicants to the scheme. I have no interest in any rip-off merchant who abuses the scheme, but there are genuine people who did no more than become aware of a Government scheme and applied for it in good faith. Now, Government is about to say, "Never mind all our platitudes, undertakings and promises, we are about to pull that rug from under you, in the public interest". Some of those people are at their wits' end. I had one of those farmers with me last week. Interestingly enough, this farmer was introduced to the scheme by the then DUP special adviser Stephen Brimstone, no less. I will come back to Mr Brimstone. This farmer — a genuine, large-scale farmer in the poultry industry in the north Antrim area — applied in the early days of the scheme, made his commitment, spent tens of thousands of pounds and, assured that he had a 20-year return, used the collateral of that with his bank to increase his investment in his farm. Now, he finds that the rug has been pulled from under him, yet his scheme is a perfect operation of this. He goes through the seven- or eight-week cycle of rearing day-old chicks through to the broiler stage. The audit shows that in the first week, when the heat is needed the most, his use is at its highest, and it begins to dwindle as the chickens need less and less. By the time you get to the end of the cycle, the heat use is significantly less than what it is in the first week, thus confirming that he is a bona fide user of the scheme. When that person asks me, "What about us?", I do not have an

answer for him. When that person asks, "What's going to happen to the fact that I am relying on this promised return to pay off my bank? What am I to say to my bank manager, Mr Allister?", I do not have an answer for him. That is replicated many, many times across this country.

There are others, of course, who saw this as a way of making a quick buck or as a means to heat their house. One of the flaws in this scheme is that there is a right to use the heat, it seems, for what should be an ancillary purpose of heating your home —

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

**Mr Allister:** Yes.

**Mr Swann:** Further to that point, when Ofgem was in front of the Public Accounts Committee, it declared that, in its reading of the scheme, it would be OK to use up to 99% of the heat generated from a non-domestic boiler to heat a house. That is how obtuse that part of the scheme was.

**Mr Allister:** How ridiculous it is. That is the scheme that our Ministers approved and signed off, and that is the scheme that Mr Stephen Brimstone is benefiting under — heating his house on the non-domestic boiler scheme. Did he claim that he had a few sheep and was a sheep farmer? Does he have sheep? One thing is for sure: he is heating his own house. Is that right? Is that how things should be under this scheme? Was this scheme so lax and so perforated that that was an OK thing to do? Even if the individual thought it morally the right thing to do, does this scheme permit that? If it does, is that not one of the loopholes that the Minister should have addressed in these regulations? It is scandalous that someone can purport to qualify for the non-domestic renewable heat scheme and devote the greater bulk of the heat that they produce to heating their own house, and to do it with considerable forethought. Mr Brimstone built a new house some years ago. He had a biomass boiler in it, but he took it out to qualify for this scheme, because you had to have a new boiler.

He put in a new non-domestic scheme boiler under the scheme in order to qualify. That is the sort of rip-off that brings disrepute to all of the scheme and, sadly, causes great injury to the bona fide users.

### 7.15 pm

This is a scheme that, in a collective sense, covers the House with shame, because it brings the entirety of the process into disrepute. It is quite shocking that this squander, made not by some distant, uncaring, disconnected direct rule Minister but made in Stormont, has inflicted upon us this mammoth potential financial loss — and then to pretend that it is nobody's fault to the point that anyone should pay with their job.

**Mr Hamilton (The Minister for the Economy):** The clear purpose of the regulations before the House this evening is to introduce cost control for the non-domestic renewable heat incentive scheme. The reason for these regulations — I want to make this clear from the outset and remind the House of why we are here — is to prevent a budgetary shortfall in the region of £30 million in the next financial year. There are many other issues surrounding the RHI scheme that absolutely need to be investigated, and I join other Members of the House in welcoming the announcement of a public inquiry. I look forward to that

getting under way soon and concluding as quickly as possible. Today, though —

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

**Mr Hamilton:** Let me make some progress. Today —

**Mr Aiken:** I will be brief.

**Mr Hamilton:** Well, OK; I will give way.

**Mr Aiken:** Minister, one of the key questions that we are going to have going forward here is whether the business case has, in fact, been received. Will the Minister address that now before we go any further, because that will probably colour some of the remarks?

**Mr Hamilton:** It is a good question and it is one that I am happy to address now. I have not yet received approval for the business case that underpins the regulations before us, and that is deeply troubling. I submitted the business case to the Department of Finance some 11 days ago, which, I appreciate, is shorter than is usual. It was, though, given priority by the Finance Minister — comments that he has made in public and in the House. My understanding is that it was making good progress in the Department. Indeed, I understand that departmental officials recommended it to the Finance Minister for approval. I and my Department have cooperated fully with the Department of Finance. We have answered all questions and queries, and we have provided all requested information. Yet, no approval has been forthcoming.

The business case process is there to assess value for money and regularity. I understand that there have been no issues raised in respect of either. I know that the Finance Minister is just coming into the House, and I would be happy to give way to him if he were to offer approval for the scheme. The question that the Member and, I am sure, the House will want to ask is this: why is there no approval? That is a question that only the Finance Minister can answer. Unreasonably withholding approval could be unlawful, and it is certainly contrary to the commitment that was made to make the assessment politics free. I have been told that it will likely be approved but not today. I think that that says it all, and the House can reach its own conclusions.

**Mr Ó Muilleoir (The Minister of Finance):** If the Minister wants to take an intervention —

**Mr Hamilton:** I am happy to do so. I would more than welcome an intervention if he is going to indicate his approval for the business case.

**Mr Ó Muilleoir:** I would like to be more helpful tonight, but we are not there just yet. The area of concern remains that we do not have state aid approval. I know that the European Commission has been contacted, and I have some concerns in that regard. The scheme cannot kick off on 1 April without the state aid approval. That is an added difficulty for us, and we need to do more work in that regard. I am committed to speak to Colette Fitzgerald again tomorrow, and I hope that we can make some progress there.

As the Minister knows, there are also major concerns around the inspection regime. He will accept — I am sure it will be in his narrative later — that without rigorous, robust, 100% inspections, this interim solution will fall. I do not have a business plan for the inspections regime. I think that it is like a horse and carriage; both go together. I am confident that I am applying myself today, tomorrow and



the day after that, if necessary. Without repeating what I have said previously, the assessment, as the Minister said, will not only be politics-free but will be accurate and will stand up. When I sign off on the business plan, I will be able to say not only to Members but to the public that it stacks up financially and legally and that I can have confidence that it will be implemented. In that regard, those two stumbling blocks remain. I hope that we can make progress on the lack of clarity around state aid and, of course, on the fact that I still do not have in my possession or on my desk a business plan to approve the inspection regime.

**Mr Hamilton:** I commend the Minister for highlighting and illustrating, once again, his flair for the dramatic. He knows that state aid approval cannot be sought and will not be given unless there is approval from the Department of Finance and approval from this House. I am reluctant to say that it is almost a chicken-and-egg situation, given the issue that we are debating, but it is. The Minister is also well aware of our intentions in respect of bringing forward a tender for a 100% site inspections regime. I will give him a commitment to continue to work with his officials, so long as he responds to that in good faith and keeps this issue politics-free. Unfortunately, at this stage, that is not a conclusion that I can reach.

I will go back to what I was saying —

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

**Mr Hamilton:** No, let me make some progress.

Today is about bringing in cost controls that are outlined in the regulations that are before us. To permit the current situation to continue would be grossly irresponsible. We have a situation where an average rate of return for recipients of the non-domestic RHI scheme is 60%. It is estimated that over 80% of recipients are earning over 12% rate of return. That is more than the original state aid approval for the scheme. I do not believe that any of us can allow that to continue, especially when we know the consequences to the public purse. I accept that the process has not been perfect, but we need to act urgently.

I want to address the range of questions and points that have been raised by Members today and last week. The first point that I want to touch on is the issue of timing and why we are coming forward with the proposals when we are. There have been all sorts of suggestions as to why that is the case. It has been described as rushed, fast-tracked and a frenzy. In the Committee last week, Mr Chambers described it as going at a rate of 100 mph. I absolutely and fully accept that it is not ideal to bring forward regulations in the way that they have been. The haste in bringing them forward is not, of course, of my doing. I would have by far preferred to do so in the normal process. That is what was originally intended. I originally intended to bring these regulations to the Committee and the Assembly in the normal fashion, and I was planning to do so. Circumstances, though, have clearly changed.

Some argued that we were going too slowly; now they argue that we are going too fast. I would argue that Members who make those arguments cannot have it both ways.

**Mrs Long:** Will the Minister give way?

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

**Mrs Long:** The Minister said that you cannot have it both ways, but you can. You can contrast the pace of change in February 2016, when the scheme closed and nothing appeared to happen, with the period since the 'Nolan Live' broadcast and the 'Spotlight' show, when suddenly there was a frenzy of activity to address the underspend. Members can have it both ways, because on one you dragged your heels and on the second you rushed into this. That is why we are now up against time. If this had been started in February of last year, we would not be in this situation.

**Mr Hamilton:** What I was going to say before the Member's intervention was that the Department for the Economy had not been inactive in addressing issues with the RHI scheme — far from it. I want to give a flavour of some of the things that the Department has been engaged in on the issue. When I took up post, I initiated site inspections on behalf of the Department by PricewaterhouseCoopers to investigate and examine accusations of fraud and abuse. Some 20% of installations have been inspected; that is a total of 295 installations. That work has been greatly useful in informing our work on cost control, particularly on the modelling of use. We also commenced an internal fact-finding investigation looking specifically at why warning signs were not heeded and particularly at what happened with the concerned citizen. That has impacted on the Department's capacity to undertake this important work. There has been a need to rebuild that team, and I outlined last week how we intended to do that. There has been ongoing, almost constant, work on a range of cost control options that has conversations with the Department of Finance and the European Commission, and, at times, that work has focused on different options. Options were favoured and worked up, and other options were then considered and moved above them. The accusation that the Department has been doing nothing on RHI, never mind in respect of working on cost control measures, is nonsense. It was always my intention to bring forward regulations such as these at around this time of the Assembly session, although I accept that it would be preferable had it been earlier. Obviously, circumstances have changed, and we are now doing so in a fashion that, I freely admit, is far from ideal.

Another issue raised is that this is a short-term solution. This is a two-stage approach, and it is deliberately that for good reason. First, we need to stop the losses to the public purse; hence the time-limited solution before us. Secondly, it creates the time and space to work on and agree a suitable long-term solution to the problems with RHI. That will be done initially by a consultation to commence very soon. It will examine, as you would expect it to, the full range of long-term solutions that could be brought forward. I believe that there are benefits to a two-stage approach. First, we can consult those who are affected to find the right long-term solution. We can look at a full range of options. We can test them, model them, take account of things and decide on the best way forward. Secondly, I believe that it improves the legal robustness of this approach rather than proceeding, as some have advised me, to a long-term solution now. The Examiner of Statutory Rules points out that benefit in paragraph 6.12 of her report.

Another point raised is that the costs of the scheme are not zero. I would be the first to point out that I never said that they would be zero. My public comments on the plan were that it would reduce costs to effectively zero or, in

effect, zero. The estimated cost to the Northern Ireland Budget in 2017-18 is £30 million. This plan will have a cost of between £2 million and £2.5 million. *[Interruption.]* Some Members might not want to hear it, but that is a 92% reduction in the cost to the Northern Ireland Budget. I have said that it is “effectively zero”, because I do not believe that that is where it stops. First, I believe that there will be behavioural change. The business case that underpins this has a conservative estimate of the behavioural change that will be caused by the introduction of tiering. I believe that that could go further and, indeed, may already be happening. Secondly — this is the very important point — I believe that the cost of just over £2 million will be reduced significantly further because of the bearing down on fraud and abuse. There will be a further bearing down on fraud and abuse that will produce cost benefits through the 100% site inspections that I referred to in response to the Finance Minister.

### 7.30 pm

**Dr Farry:** I am grateful to the Minister for giving way. I will park making a flippant comment about the difference between “zero” and “effectively zero”, but will the Minister recognise that the comment that he is making is highly speculative and is, in fact, at odds with the evidence that his officials gave to the Committee last week, when they were very clear in saying that the figures presented did not take it down to zero and there would be a residual £2 million to £3 million and, indeed, that they were presenting a model and, in practice, there is a margin of error in that model that could go either way by quite a considerable margin? That is what they stated at the time. Therefore, he is in danger of overstating the prospects of this becoming zero on the basis of the factors that he is suggesting, and that is at odds with the caution that his officials gave to the Committee last week.

**Mr Hamilton:** I do not believe so. The important point — I will reiterate it for the Member and for the whole House’s benefit — is that we have already undertaken significant work on site inspections. As I said, 20% of sites have been inspected, and that has produced some interesting results. As a result of that, some 33 companies on the scheme have had their payments suspended. I caution that you cannot take that 20% and multiply it, because the initial inspections were heavily targeted, but there is substantial work still to be done even on the 20% that have been inspected and on the remaining 80% that will be inspected, and I believe that that will highlight further potential fraud, further abuse and other things that should not be happening in the scheme. We will bear down on that, and that will reduce costs even further from the £2 million.

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

**Mr Hamilton:** No. I accept that it is not as low as we would want it to be, but it is significantly lower than the £30 million that the cost overrun will be if nothing is done. If the House does not support the regulations that are before us, the cost will be £30 million, and that will be no laughing matter at all. What is before us is a significant reduction with the potential to have it reduced even further. I am very hopeful that those inspections will root out fraud and abuse and, indeed, save us much more.

In her contribution, Claire Hanna — it seems a long time ago; it was last week — talked about Her Majesty’s Treasury and the potential loss of the money that comes

through annually managed expenditure. As well as turning off the tap of the flow of public funds, the intention of the regulations is to continue to keep the scheme in place and to take the scheme back to the original intention of the scheme living within its annually managed expenditure envelope. Over the 20-year lifetime of the scheme, the Barnett share of the Great Britain scheme is estimated to be £660 million, and the importance of having a scheme continue in place by whatever means that is in the long term is that that will be utilised and will not be lost to Northern Ireland.

Some have suggested that we should focus on the audit that I talked about in response to Dr Farry’s intervention and said that, to reduce costs, we should focus on audit and inspection rather than tariff reduction. I will make several points in that respect. First, in my view, they are not mutually exclusive and nor should they be. Secondly, audit and inspection are essential if we are to stamp out abuse, which we cannot tolerate. As I said, the PwC inspections have inspected 20% of sites, which is 295 installations in total, and I repeat the point that I made some moments ago that payments to 33 installations have been suspended. Work is advanced on issuing a tender for 100% site inspections. That is much needed to further instil public confidence.

It would have happened as part of the scheme administration over the lifetime of the scheme anyway, but I believe that it needs to be accelerated.

Thirdly, no one should expect the sort of supernormal profits that they are getting from the scheme as it is currently constructed — that is, returns of 30%, 40% or 50%-plus. As I said before, over 80% are earning more than a 12% return, which is above what was in the state aid approval, and the average rate of return is 60%. Trevor Lunn made the point about bona fide operators and that was repeated by, I think, Mr Allister. I agree with the comments that they made about bona fide operators. There are many. There are some who are not, but many — indeed, probably the majority — are bona fide. In my view, it is not bona fide to have returns of 50%-plus from the scheme.

I was troubled by comments made by Michael Doran from Action Renewables in ‘The Irish News’ on Saturday. When asked by the newspaper why no one in Action Renewables relayed concerns about the operation of the scheme, Mr Doran said:

*“That’s not what we were employed to do.”*

What we have is an organisation that helped 550 applications and that is now on the public record as saying that it would be:

*“improper to then undermine that application by trying to have it withdrawn”.*

I think that there is something seriously wrong if an organisation that helped with over a quarter of applications knew that there were flaws but ploughed on and did not, as far as I am aware, alert the Department.

Another argument that has been made is that the proposals do not stack up economically for those who are on the scheme —

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

**Mr Hamilton:** I will give way, yes.

**Mr Dickson:** I thank the Minister and acknowledge the comment that he has just made about Action Renewables. I and, I am sure, many others were very concerned about the remarks that were made in 'The Irish News' on Saturday. To that point, Minister, I inform you that I have today written a letter to the chief charity commissioner for Northern Ireland to ask him to investigate that charity in respect of those comments.

**Mr Hamilton:** I thank the Member for his intervention. I think that the action he has taken is sensible, and I thank him for doing that. I think that he and, I am sure, most Members, if they reflect on those comments and go away and look at the article, will agree that it is deeply troubling. The implication of the comments is that there was an understanding that there were serious flaws, yet nothing was done to alert the Department to those.

Some have argued that the proposals do not stack up economically for those who are on the scheme. That point was raised by the Renewable Heat Association and some Members during last week's debate, if not today. To reiterate the point: the proposed tariff is not new. It is the same as that which was introduced in November 2015. The proposals put all participants on the scheme onto the same regime. The November 2015 tariff was still considered an attractive incentive for many, and over 300, including many in the poultry industry, applied for the tiered-tariff scheme in the three- to four-month period that it was available before the scheme's ultimate closure in early 2016.

Whilst the Renewable Heat Association has said much and given evidence to the Committee, it has offered no real solutions beyond the audit and inspection point that I made before, which is, of course, going ahead. They have made no suggestions to tackle overcompensation or the fact that the rate of return is well beyond what was approved in the state aid approval and there are supernormal profits of above 50%. None of us can allow that sort of overgenerous subsidy to continue.

Some have asked why the measures contained in the regulations are not being introduced immediately. I would like to have had an immediate implementation of the regulations, so that we could immediately start to bear down on the cost to the public purse, but there are two practical considerations. First, Ofgem, the current scheme administrators, need some time to make the necessary administrative changes for enacting the new tariffs. Secondly, there is the issue of EC state aid approval. The proposal seeks to reduce state aid and better align it with the level originally intended. Discussions with the European Commission are ongoing and have been positive to date. It is likely to be approximately two months before approval is received. A long-term solution would take longer for state aid approval to be given. A slight delay in implementation is inevitable, which is why the dates are in the regulations.

This is probably an opportune moment to talk a little bit more about state aid approval. I know that I have already addressed it in response to the Minister of Finance. The proposal, as I said, seeks to reduce state aid and better align it with the level that was originally approved. I believe, therefore, that it is compatible with state aid, and all the advice that I have received would suggest

that it is. Officials have been working hard with their EC counterparts to ensure that state aid approval is secured. Those discussions have been positive, but, obviously, we will not know for sure until it is submitted. The clear message from informal discussions with the Commission in December was that doing nothing was not an option, and I agree with that. It is important to stress that it is clear in the regulations that they come into effect only if the Commission gives state aid approval.

**Mr Nesbitt:** I very much appreciate the Minister giving way. If I heard him correctly, he is suggesting that, while state aid will not be an issue, it will delay the initiative beyond 1 April. Do you have a date?

**Mr Hamilton:** The regulations mean that the initiative will come into effect by 1 April or on the date it receives state aid approval, whichever is the later. The Member will recall that last week, before the Secretary of State announced the date of the election and, therefore, the date of dissolution, one of my concerns was that any delay in passing the regulations would impact on the time frame for getting state aid approval. My understanding from the positive discussions that we had with the EC is that it takes around two months to get approval. I still fully imagine and believe that it will be 1 April when the regulations are enacted. I do not foresee any reason why state aid would be denied, not least because of the point I made at the outset that this is in effect reducing state aid. State aid was sought because it was an incentive. Support being given to businesses is reducing that, so I do not envisage any particular problem.

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

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

**Mr Allister:** I do not disagree with the Minister that it is reasonable to anticipate that there will be approval in respect of state aid. However, did he not tell the House earlier that you cannot even seek it or obtain it without Department of Finance approval for the scheme? Therefore, it could fall at the first hurdle. Without Department of Finance approval tonight, is he content to ask the House to approve the regulations? If they proceed without Department of Finance approval, whatever the politics of it, has he any concerns about what that does to undermine the probity of the regulations?

**Mr Hamilton:** Rather than turn this into some party political pantomime — we have had enough of that — I will take the Minister of Finance's intervention at face value — some might caution me against doing that — and assume that work is ongoing and that approval will be granted. I regret that that approval is not in place this evening; I see no reason for it not to be in place. It is deeply regrettable that it is not. Clearly, it would be ideal to have that approval in place, which would allow us to go to the EC with some confidence. I welcome the fact that the Member agrees with me — I note the date and time — that it will not have any difficulty in receiving state aid approval. However, he will understand and appreciate that, until it is formally approved by the House — clearly, we want Department of Finance approval as well — we cannot proceed to go to the EC formally. We have had informal discussions, and they have been positive.

I turn to another area that Mr Allister laboured in his contribution, which is the legalities of the proposals. I have taken extensive legal advice on the regulations, and that

supports their robustness. Work started on cost controls some time ago, contrary to what some have suggested or may believe that this has been done only in the last number of weeks. It has been done over the last several months.

Two particular areas have been considered. They were both the focus of Mr Allister's latter contribution. The first was legitimate expectation.

The regulations are consistent with the well-stated original intention of the scheme in terms of its rate of return, even if that original intention, in its construction and how it worked through the scheme, was wrong. Excessive returns and supernormal profits, such as those that some are receiving, are not, were not and could not have been a legitimate expectation.

#### 7.45 pm

Mr Allister talked about article 1 of protocol 1 of the European Court of Human Rights (ECHR). My understanding, from the advice that I have received, is that the court has been much less solicitous over the future income loss than taking away currently owned property. There is — the Member did not focus on this in his contribution — a public interest override. I believe that that is clearly the case. In a situation in which we are losing between £20 million and £30 million to the Northern Ireland Budget, there is a clear public interest for the Assembly to act in the way that I am advising this evening. There is a clear imbalance between public and private interests. The Examiner's report deals with this issue in paragraph 16.1.9:

*"It may be argued that these regulations are nonetheless a proportionate means of achieving that legitimate public interest objective."*

Mr Allister quoted from article 1 of protocol 1 of the ECHR but stopped short. Beyond what he read into the record, the article states:

*"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"*.

There is a right to property, and the court is much less solicitous about income derived from that property than the taking away of property itself, but, importantly, the same article in the ECHR states:

*"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"*.

Mr Allister and other Members raised the point about compensation. Recipients of the non-domestic RHI scheme are being, and will continue to be, compensated. They will get a return in the range of 12%, as was originally intended. It is not in the region of the supernormal profits that the flaws in the scheme permitted. It is not like taking property off someone and not compensating them. The scheme remains in place, and members of the scheme are compensated as originally intended in terms of the rate of return.

It was Mr Aiken, I believe — it was that long ago; I think that it was last week — who mentioned, as he did at the Committee last week, the need for a renewables audit.

Whilst the focus of this debate has been on the RHI scheme, some have raised issues or concerns about other schemes. Whilst there is no evidence, or none has been produced, I understand the supposition that some will make that, if mistakes have been made in one renewable scheme, that could be the case in others as well. I have ensured that some concerns that have already been brought to my attention have been investigated, but I will formalise that by initiating an audit of all renewable schemes. I have also signalled my intention to establish, in my time left in post, a new strategic energy team in the Department. That will draw on experience from the public and private sectors to strengthen the quality of the advice that the Minister — whoever that is — receives.

The details of the businesses in receipt of the non-domestic RHI scheme should be published. I understand the concerns of many recipients, but there is also an overriding public interest in the matter. Last month, I wrote to all non-domestic RHI recipients, indicating my desire to publish details. The Department had to undertake a process that was consistent with section 10 of the Data Protection Act to assess the objections that were received against a public interest test. That work has concluded, and I wrote to all recipients again today indicating that it is the intention of the Department to publish details this Wednesday. I want transparency on the names — on the details, rather — of non-domestic RHI scheme recipients. I imagine that it will reveal members and supporters of — I just caught Mr McCann's eye, so maybe not quite all parties — many parties in the Assembly. Indeed, I note that today the UUP indicated that Sandra Overend has an aunt and uncle who are recipients of the scheme and that former MLA Neil Somerville is a recipient. I believe when publication happens it will show that it is not just, as some would seek to portray it, DUP members or supporters who are benefiting from the scheme.

In conclusion, the way in which these regulations have come forward is not ideal. I would far prefer full scrutiny and more time and to take them through the House in the normal way. The imminent dissolution of the Assembly has necessitated the approach I have adopted. I was planning to do it conventionally, but circumstances have dictated otherwise.

A lot has been said about various aspects of the RHI scheme, and there will be a time and a place to address and answer all that. That time and that place is the public inquiry. The choice today is simple: bring in the cost controls these regulations allow for; or fail to take this final opportunity — indeed, this is the only opportunity — to control the costs of the RHI scheme.

The House can support the regulations, or it can permit up to £30 million to be lost to the Northern Ireland Budget next year. I hope Members view the regulations in that context and support them. I commend the regulations to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.*



## Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017

**Mr Hazzard (The Minister for Infrastructure):** I beg to move

*That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 be approved.*

The order I am bringing forward extends the power for my Department to pay a grant to NI Water in lieu of domestic water charges. The current powers to pay a grant will expire on 31 March 2017, and the Water and Sewerage Services Act 2016, which was passed by the Assembly in January last year, provided the power to extend that date by an order laid before and approved by resolution of the Assembly.

The Assembly will be aware of the commitment of the Executive to not bring in water charging. It is the intention of the Executive to continue to bear the cost of water charges on behalf of domestic customers for the next five years. My Department had a timetable for implementing this order that would have enabled it to complete the draft affirmative resolution process in adequate time prior to the expiry date of 31 March 2017. However, the imminent dissolution of the Assembly means I have decided to bring the draft order here today.

The grant provides NI Water with the funding to enable it to maintain drinking water supplies and deliver sewerage services. Without funding, NI Water would quickly run out of cash and those services, which are fundamental to public health, economic growth and environmental protection would be put at risk.

I commend the motion to the Assembly and ask that it approve the order.

*(Madam Principal Deputy Speaker  
[Ms Ruane] in the Chair)*

**Mr McAleer:** I take this opportunity to commend the motion to the House this evening. This is a good news story, and it is certainly in line with our party's position of opposing domestic charges in the North and, indeed, across the island.

It is particular good news for the thousands of householders who would otherwise be faced with an average bill of £400 for water, which they already pay for in their rates. Indeed, as a result of the grant to NI Water, they also pay for it in their taxes.

Our party position is that access to water is a basic right. We welcome the continuation of the policy against water charges. As I said previously, it will be particularly welcomed by hard-pressed families struggling to make ends meet.

In commending the motion, I state that we as a party are fully committed to opposing and resisting water charges. By bringing the legislation to the House this evening, along with his decision prior to Christmas to cease the practice of installing meters in new homes, the Minister has demonstrated his commitment and, indeed, our commitment to the implementation of the policy against domestic water charges.

**Dr Farry:** It is a shame that this debate is coming quite late in the evening after the renewable heat initiative, because the consequences of the decisions that the Assembly takes this evening may be as deep and far-reaching as the need to have mitigation measures for RHI; indeed, they may go further.

This is being presented as a good news story by Sinn Féin, which is keen to get the order rushed through ahead of an election campaign. I fear, however, that they are not fully thinking this through and are making a commitment that may not stand up to wider scrutiny or be a wise one to make. I will make a number of points in that regard. First, Sinn Féin claims that it is trying to give certainty over water charges. That raises the question of why they want to go as far as 2022, especially when I am not sure — I would welcome any clarification to the contrary on it — that there has been formal Executive approval of this. Certainly, this commitment has been made ahead of the formal agreement of never mind a one-year Budget but what should be a three- or four-year Budget on the part of the Executive. The Minister is potentially making a long-term financial commitment on how resources are to be used by the Executive. It may well be that most parties are perfectly comfortable with that, but there are consequences that flow from it. There is also the issue of the extent to which the Minister has the capacity to bind future Assemblies — I stress that I mean multiple Assemblies — given the potential risk of elections into the future.

The main points that I make concern the substance of the order. There are probably three aspects that the Minister needs to address properly before the Assembly, and they really relate to what other options he has. Great play has been made that we do not want to pass on additional domestic charges to people and we do not want them to pay water charges per se. It may well be that we do not want to raise any additional revenue from people, but, if we were simply to shift resource that we currently raise through the regional rate and instead raise that through a water charge entirely on a revenue-neutral basis and if that were linked to a change in the governance nature of NI Water, it would have the capacity, based on the collection of a water charge, to move onto a stronger footing to borrow commercially. In turn, that would open up the potential for further investment in our infrastructure at no further revenue cost to the Northern Ireland block grant. I fear therefore that we are forgoing a major opportunity to bring in additional resource to invest in our crumbling water and sewerage infrastructure across Northern Ireland. We are conscious that, in Belfast, there is a major issue with the sustainability of the infrastructure — something that may inhibit our ability to attract inward investment in coming years.

The approach that the Minister has taken — it builds on what has happened previously — of treating Northern Ireland Water as essentially a non-departmental public body stands in contrast to the concern that has rightly been voiced about the potential reclassification of housing associations by the Office for National Statistics and the consequence that will flow from that in terms of their restricted ability to borrow.

Therefore, we get a sense that, on the one hand, this is a big deal for housing associations in that it is important that people who are trying to do a public good by building houses should have the maximum ability to borrow

money but that, on the other hand, for Northern Ireland Water, for the political reason that water charges are a massive taboo that no one is prepared to take on, we are forgoing the ability to look at the governance issue around Northern Ireland Water and allow it the ability to borrow commercially.

Potentially, we have an opportunity cost in resource per annum that is on a much greater scale than the current liability from the overcommitment from the renewable heat incentive scheme. That is to put that point into context. If people want to go out and make a big fuss about what we are doing about renewable heat and cracking down on corruption and the waste of resources, they need to be consistent about that and look at something that stands right before us.

### 8.00 pm

Leaving aside the opportunity that flows from a potential reclassification of how we raise the same amount of money, there are also issues that the Minister needs to address around the approach that we take to VAT treatment, which may leave us open to tens of millions of pounds of additional charges to the block grant from HMRC. I appreciate that we are on schedule to leave the European Union, but, like the Minister, I am determined that we should do our best to remain and seek some form of special status. However, there is a running risk of infraction proceedings to Northern Ireland from our failure to adopt a different approach to how people pay for water.

There are three major substantive issues that I do not believe have been properly aired on this: VAT; European Commission infraction proceedings; and, most important, the opportunity foregone to revisit the classification of Northern Ireland Water and the ability, through a separate water charge, to allow it to borrow commercially and therefore have a much greater resource that can be reinvested in improving our infrastructure. In making those three points, I re-emphasise that all of that can be done without our having to incur any additional revenue in net terms from households. It can be done by shifting the same buck that we raise through the regional rate but instead raising that buck through a water charge. In essence, we get a bigger bang for our buck if we are prepared to be creative. The Finance Minister was here previously, and he in particular has made great play of his willingness to be creative and to push all the boundaries to make the best use of the resources available to the Northern Ireland Executive. Particularly in these straitened times when we have to squeeze out the maximum efficiency from every pound and every penny, I am slightly confused and bewildered about why, for superficial political reasons, we are not prepared to be a little more creative and innovative about how we manage our money.

**Mr Humphrey (The Chairperson of the Committee for Infrastructure):** I welcome the opportunity to speak as Chair of the Committee for Infrastructure on the statutory rule relating to the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017. The purpose of the rule is to extend the period during which the Department will pay a subsidy to Northern Ireland Water in lieu of domestic water charging. The Committee considered the proposal for the statutory rule at its meeting on 12 October 2016 and agreed the proposal, with the dissent of one member, Mrs Kellie Armstrong. The

Department for Infrastructure wrote to the Committee on 10 January 2017 requesting that the rule be considered by the Committee as a matter of urgency in order to facilitate the scheduling of a debate in the Chamber. The letter stated:

*“Due to the uncertainty around the restoration of the Assembly, it is important to get this legislation through the Assembly process urgently to ensure that NI Water can carry out its functions from 1st April 2017”.*

On 10 January 2017, the Examiner of Statutory Rules considered the order and indicated to the Committee on 11 January 2017, just before the Committee meeting commenced, that she had no issues to raise.

In light of this, the Committee considered the statutory rule on 11 January and, again, agreed the rule. Again, with the dissension of only one member, Mrs Armstrong.

**Mr Hazzard:** I thank those Members who have commented on the motion this evening. Some general issues and several specific points have been raised.

I will turn first to Mr Farry's question: why, for the period of time? Members will be aware, obviously — we have made a public statement about this — that the Executive have made a commitment not to introduce water charges in the current mandate for domestic customers and this time was due to run out in 2021. The extension to 2022 was required to give the new Executive time to consider that position on water charging. In addition, NI Water estimates that it would require two to three years from any change in the position before it could introduce a charging system for domestic customers; but that will not be happening.

The second point that Mr Farry raised was around governance issues and the way forward. They are all issues that I have given thought to and that, I have no doubt, would have featured in the mandate in the time ahead, but we are not at that point today. The Assembly is about to be dissolved. The measures that we are taking here tonight are to ensure that NI Water does not dissolve in front of our very eyes too and that customers are then asked to pick up the burden for that decision. So, that is the position that we are at. I am more than happy to state that we will not be introducing domestic water charging.

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

**Mr Hazzard:** Yes.

**Mr McCartney:** The Minister has alluded to the fact that the Assembly is about to dissolve, and we will all go to the doors in the coming weeks. I commend the Minister. Certainly, when we go to the doors, many issues will be raised, and it will be good for us, as Assembly Members, to be able to say to people, “No water tax”. That was a guarantee given over many years and one that is being delivered yet again.

**Mr Hazzard:** I welcome the comments. I am not sure if the Alliance Party members are upfront and honest with the people on the doors when they say, “We are against all of this, but, at the end of the day, do you know that we also want to introduce water charges?”. I am pretty sure it is something that they keep off their election trifolds.

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

**Mr Hazzard:** Yes.

**Dr Farry:** The Member will be aware that all the points I just read out were, essentially, in our Assembly manifesto last year. Indeed, I answered the questions around that in quite considerable detail on 'The Stephen Nolan Show'. I do not want to bring back memories to the Minister of 'The Stephen Nolan Show' on elections.

While I have the Floor, I just want to clarify something with the Minister. He is saying two different things. He is saying that he appreciates that there is a need to look at the issue of governance, and, if that is the case, I would accept him perhaps extending the current subsidy to NI Water for a year or two years while he or his successor conducts a review around governance. However, that is at odds with giving an extension through to 2022, which, essentially, means maintaining the status quo for another five or six years and forgoes the opportunity to have that wider review of governance, which, I stress, if done properly, could bring in tens of millions of pounds every year beyond what we currently have to allow us to invest in our infrastructure.

**Mr Hazzard:** I am delighted that the Alliance argument around water charges does not chime with more of the electorate and that the particular reason does not hold sway, because this Executive certainly are not for turning on this issue. There will be no water charges for domestic customers, and we have ensured that.

I am very aware that article 9 of the water framework directive requires member states to have water pricing policies that provide adequate incentives for users to use water resources efficiently. NI Water already charges non-domestic users. Also, a proportion of the domestic rates contributes towards the cost of domestic water charges. The Executive have undertaken not to introduce household charges, and I believe that runs in tandem to that. I believe that this order will reinforce the Executive's commitment not to bring in water charging for households, and I thank the Members for their support.

In conclusion, I would also like to thank the Examiner of Statutory Rules, the Committee for Infrastructure for its speedy consideration of this order and the Business Committee for its assistance in enabling me to bring this important legislation to the Assembly today. I ask the Assembly to approve the order.

*Question put and agreed to.*

*Resolved:*

*That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 be approved.*

## Private Members' Business

### Good Friday Agreement Values and Principles

**Madam Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who speak will have five minutes.

**Mr McGrath:** I beg to move

*That this Assembly calls on the British and Irish Governments to convene all-party talks to identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to strands one, two and three of the agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.*

I rise this evening to propose the motion about the principles of the Good Friday Agreement. The people of Ireland, North and South, overwhelmingly endorsed the Good Friday Agreement in 1998 after the talks that were the culmination of the peace process, which brought ceasefires to our communities, saw violence removed from our streets and brought hope to the people of the North. In that moment of hope, people were led to believe that we would deliver a future that was free from the shackles of the past.

We must acknowledge and never lose sight of where we are now and just how far we have come, but the process is always fraught with dangers and worries. Only last night, one of our police officers was shot whilst carrying out his work trying to deliver a safe and welcoming community in north Belfast. Last night, people believed that it was acceptable for them to head out of their homes, pick up weapons and seek out a young police officer and target him with death. Nothing could be further from the principles of the Good Friday Agreement, and I offer him my best wishes for his recovery. What happened last night was a failure of some to live up to the core of the Good Friday Agreement and to ensure respect, parity of esteem and, indeed, equality. However, I note that where we are in society now is not where we could be.

We have consistently asked for a political process not a security process, a political solution not a paramilitary one. If you were to ask us if we would have the Good Friday Agreement again, our reply would be yes, yes and yes. For sure, we would do it again. It has been and remains a sound road map to the society that we want and the type of community that wider society needs. It is an agreement that addresses the people of the North: that is strand one. It addresses the relationship between the people of the North and the rest of Ireland: that is strand two. It addresses the relationship between the people of Ireland and Britain: that is strand three. Those three strands were underpinned by the basic principles that must always extend in any civil society: respect, parity of esteem and

equality, to name but three. Those strands and principles should have been the standards of the past. They should be the principles of the present, and, for us, they are still part of the vision for the future.

The SDLP has warned that real damage has been done to the concept and practice of the Good Friday Agreement, particularly in the last 10 years. We warned that the spirit and substance of the agreement were being degraded. We said that the DUP was attempting to reconfigure the agreement in the image of the old world that it knew and loved. We were public in saying that Sinn Féin was agreeing to government on DUP terms. Where did all the new roads go? Where do they not go? Where is the equality Bill? Where is the Irish language Bill? Is there a dedicated anti-poverty strategy in the Programme for Government applauded by the DUP and Sinn Féin only eight weeks ago? The DUP has tried hard to diminish the value, contribution and substance of the Good Friday Agreement. Sinn Féin has been weak and has been powerless to prevent them. Where is the equality? Maybe it is a different slant on the Trojan Horses that we hear about.

### 8.15 pm

The SDLP spoke straight with the people of Northern Ireland. We said that 'A Fresh Start' was not what it claimed to be. Others were not straight, and 'A Fresh Start' has proved to be a false start. We were straight with the people of Northern Ireland. We told them that we would not go into government on DUP terms. Others did so with no firm commitments on equality, language, North/South bodies or equal marriage and nothing on addressing the deep concerns about public finances and how they are managed. We were straight when others were not. In the last weeks of last year, the DUP and Sinn Féin said that they were working hard for people, with articles in the 'Belfast Telegraph' and briefings about how great things are. Now we know the truth. We were straight with the people of Northern Ireland when others were not.

The question now, of course, is this: how does Northern Ireland keep going? Do we go in the direction of failure, or do we affirm the Good Friday Agreement, its values and ambition? One of its core principles, by its very nature, is that it accommodates different ambitions and identities and gathers us all round the right values. In essence, it is about the radical middle, because that middle is needed for all of the Good Friday Agreement and its institutions to work to the optimum. For its ambitions to be realised, the agreement needs the people and parties who are fully committed to its values and outworkings.

Ten years of DUP rule with Sinn Féin consent has failed us and will continue to fail us. We have a different ambition: we call on people to get back to the heart and soul of the Good Friday Agreement. We call on government to affirm the heart, soul and practices of the agreement. We call for all-party talks that embed and do not erode the value of the Good Friday Agreement and grow and not sideline any of strands one, two or three, none of the requirements that deal with all the unresolved issues, and help us to address the horror that is coming down the line with Brexit.

That is no easy task, but the SDLP has never gone down the easy road. We faced down state violence and paramilitary terror. We argued for political accommodation, for policing reform and for government that knew that much of its business would be jobs, houses and health.

**Mr Stalford:** I appreciate the Member giving way. He refers to the new start on policing. He also referred to equality. Does he agree that it was hardly fair or decent that people were actively discriminated against on the basis of their religion when applying for a job?

**Mr McGrath:** Many things had to happen as a result of the Good Friday Agreement that addressed tens if not hundreds of years of imbalance. Some things had to be swallowed in order to give us a fair and equal society.

We now say to the two Governments that they must show their good authority and have all-party talks across the full range of current requirements. Sinn Féin has, in a panic, rushed us to the ballot box. Even its core constituency could no longer accept government on DUP terms, including RHI on DUP terms. In order to catch up, Sinn Féin has panicked and gone for an election. Let us be careful, because that election could end up giving London more power here to do its worst — a London Government who will be, all at once, hard unionist, hard Brexit and hard Tory. We cannot allow London, Sinn Féin or the DUP to do any more damage to the democratic will of the people of Ireland and to our agreement.

**Mr Agnew:** I beg to move the following amendment:

*Leave out from "all-party" to the second "agreement" and insert*

*"a constitutional convention, including politicians and other citizens, to review, reform and revitalise the Good Friday Agreement with a view to the future,".*

The Green Party believes that the traditional parties have wasted the opportunities of the Good Friday Agreement. This was the people's agreement. I say that with a degree of personal passion because I turned 18 in the year of the referendum. I would not say that I was political at the time. I was passionate about many things but not those reflected in Northern Ireland politics, and I did not come from a political family.

For the first time, however, we were discussing politics around the table at home. We had a real debate in the house, and, without betraying family confidentiality, not everyone voted for it — it was a divided house in that regard. It was genuine engagement, and it really did feel like we had a say and a stake in the future of Northern Ireland.

Then, when the traditional parties got power, they guarded it jealously. It stopped being the people's agreement and became about what politicians in Stormont wanted and how they wished to interpret the Good Friday Agreement. Now, from some parties, we have proposals: one is to cede power back to Westminster; and there is even one for joint power with the Irish Government. The Green Party will reject that. We believe that it is absolutely the wrong direction of travel and takes the people's agreement further away from them. The Green Party proposes instead to have a constitutional convention, devolve power back to the people and give citizens a real stake in what happens here.

If we go back to 2007 and the St Andrews Agreement, we see that one of two things happened. Either, as the DUP claimed, the agreement was fundamentally changed — it had opposed the Good Friday Agreement but supported this one — but, if so, I ask the DUP what, given that 72% of people voted for the Good Friday Agreement, gave it the right to change it? You did it after an election, not before. Where was your mandate to do that? Alternatively, as



some suggested, it was tinkered with, and the institutions remain largely unchanged. Either way, I have always argued that there has been a democratic deficit since.

Since St Andrews, we have had the Hillsborough agreement; the Haass talks; and Fresh Start, or “false dawn”, as some now refer to it.

**Mr Ford:** I will claim the credit for that.

**Mr Agnew:** It was David Ford. I give credit to Mr Ford for the term “false dawn”. Each of these agreements involved secret negotiations behind closed doors, without the light of public scrutiny, and each has chiselled away at the Good Friday Agreement — the people’s agreement. That is why I support the intention behind the SDLP motion, but, equally, I recognise that this is 20 years on. As an 18-year-old, I got to vote in the referendum on the Good Friday Agreement, but there will be voters in March who cannot remember 1998, never mind had the opportunity to vote.

It is not just about going back to the values and principles. We need to go back to the agreement. We need to review, reform and revitalise it, and then go forward with a new agreement. We need a new deal that is suitable for today and, indeed, the future, because we cannot keep having crises. We cannot keep having crisis talks year after year — at one point, it seemed to be the annual Christmas tradition. Institutions and agreements that are continually in crisis need to be looked at again with today’s context in mind.

Yes, we should go back to those principles and values, but we must go forward with a new agreement endorsed by today’s generation. We sometimes use the term “ugly scaffolding”, and I am sure that someone will enlighten me as to who came up with it.

**Mr McGrath:** Mark Durkan.

**Mr Agnew:** I was going to say Seamus Mallon, so I am glad that I did not. We talk about the ugly scaffolding of the Good Friday Agreement, and there is no doubt that it was of its time and of its context. It was about getting peace on the road, but I hope that we are some way down that road now. It is time to look again at the ugly scaffolding to see whether we can make it that bit more beautiful.

The Green Party proposes a constitutional convention. The idea is to bring citizens and politicians together in order that citizens become part of the decision-making process. It would be a time-bound process, so it does not have to be lengthy. We can put a deadline on it and come to conclusions on issues that these institutions have found intractable but could be resolved, I believe, with the right structures in place. When we bring the public in, we stop having the fears that all parties have about watching their vote, watching their back and watching what their rival parties will do. Ultimately, at the end of any process, there should be a referendum; so you let the people decide. In that, cynically or otherwise, you have political cover.

What issues could we address? My party would like to start with the community designation that enshrines sectarian division in our institutions and, tied to that, the petition of concern that has led us to some of the crises and continues to frustrate progress in the Assembly. I also believe that, as part of a new, or at least updated, constitution for Northern Ireland, we need to enshrine transparency of political donations. If 1998 started the normalisation of politics in Northern Ireland, this is an essential part of continuing that normalisation. There

seems to be an increasing degree of support for voluntary coalition. These are the types of things that we can put to the electorate, engage with them, seek their views and include them in the process.

There are other issues that many have highlighted as remaining unresolved from the Good Friday Agreement; Irish language legislation is an obvious one. It has never been more important that we discuss the issue of a bill of rights in the light of a possible exit from Europe. As well as that, there is the Civic Forum. Again, it does not have to be about bringing something back but looking forward to how we engage citizens on a continual basis and make sure that the people’s agreement is exactly that, an agreement for the people, so that they have a continued stake in decision-making.

In the model that works, we have a template in the Irish Convention on the Constitution. Unlike Northern Ireland, the Irish constitution cannot be changed without the citizens’ consent. That is what I would like to see here. I can honestly say that the Irish Convention on the Constitution, which I was very privileged to be a part of, was one of the best pieces of deliberative democracy that I have ever seen. It was genuinely something to see true engagement between politicians and citizens and see people have a say that made a difference. Ultimately, the Republic of Ireland was able to tackle, for example, what was sometimes seen as the politically divisive issue of equal marriage. It was able to resolve that in a dignified way and put it to a public vote, with the result — unsurprising to me but perhaps more surprising to those looking in from the outside — that so-called Catholic Ireland supports equality for the LGBT community. I believe that the people of Northern Ireland do also.

It is my view that we can bring forward proposals, through engagement with the public, to bring these institutions up to what we expect in the current context. The process should be open and transparent, as it was in the Republic, and that contrasts with dodgy deals such as Fresh Start. The current constitutional crisis presents us with an opportunity for change, and we should not waste it.

**Mr Stalford:** Listening to the last Member speak, I was delighted to hear a strong and robust defence of referendums, the integrity of their outcomes and how they should be protected. I hope that he abides by that principle.

I listened to the person who moved the motion and noted that the words:

*“the old world that it knew and loved”*

were used in reference to me, as a member of the Democratic Unionist Party.

I can talk only, I suppose, about my family experience and my family background when he talks about “the old world that they loved.” I am quite proud of the fact that, on my mother’s side, no one has voted for the Ulster Unionist Party since the foundation of the state. They were Northern Ireland Labour Party people. They were Northern Ireland Labour Party people because they saw the Ulster Unionist Party as the Tory Party. They were trade union people — working-class people who worked in the shipyard. They came from the bottom of the Newtownards Road, and they were very supportive of the Northern

Ireland Labour Party. They would never have voted for what they saw as the Tories. I remember asking —

**8.30 pm**

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

**Mr Stalford:** Just one second. I will, yes; I will give way to a modern-day Tory. I am happy to give way in a second.

I remember asking my granny, “Why did you always vote Labour?”. She said, “Because they gave us the NHS.” So, when you talk about “the old world”, you might well be talking about aristocracy and unionist gentry, but, let me assure you, that is not my people and that is not who I come from. That is not an old world that I look back on or want. I want us to use devolution in order to improve the lives of the people that we are sent here to represent. Devolution is a valuable tool for us to improve the lives of the people that we are sent here to represent.

**Mr Nesbitt:** I thank Mr Stalford for giving way. I did not pick up whether your parents are still alive. If they are, can you tell us what they have said, and, if not, what you think they would say, about your party hosting a champagne reception at the Conservative Party conference?

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Stalford:** My father is no longer with us, but, in truthfulness, my mother would say that it is in the interests of unionism to make friends in all the political parties and not to hitch ourselves to one, as you did in UCUNF, which prompted your political career.

**Mr Ford:** How is Jeremy Corbyn?

**Mr Stalford:** Not while Corbyn is the leader, but afterwards, hopefully. People talk about 10 years of failure. I have made this point previously: for nine and a half of those years, you were part of that Government as well. I think that, over the course of that 10 years, your party, the Ulster Unionists, Alliance, Sinn Féin and ourselves have had achievements that we can point to that have materially improved the lives of our constituents and made things better for the people that we are sent here to represent. If devolution is not about making the lives of our constituents better, then of course people are going to question the value of it or why we should have it.

You talk about the values of the Belfast Agreement. One of the issues that I have already put to you relates to the destruction of the RUC. As a consequence of that, Protestants from Northern Ireland were the only people whom it was legal to discriminate against in the entirety of the European Union on the basis of their religion. Whether or not you make an argument that that was about addressing historical imbalances, it was the reality. So I am very glad that you mentioned St Andrews. I am very glad that, at St Andrews, that was negotiated away, and once the percentage reached 30% of people in the PSNI, the discriminatory 50:50 recruitment rule was done away with. I do not think that those are the sorts of values that we as a society should embrace, celebrate or support.

Mention was made of moving to talks and of the ugly scaffolding. I am up for that; I absolutely am. I would welcome that because I think there are things about the way in which this system works. Some of them are hangovers from 1998, and some come from 2007

onwards. I am absolutely up for fundamental reform of the way in which government operates here. I think that that is in keeping with the mood of where our people are, and, despite where we are heading, I believe Northern Ireland and our people are at a point where we no longer need enforced mandatory coalition. We are mature enough as a society. There will be no going back. No matter what happens as a consequence of where we are presently, no one seriously thinks that Northern Ireland society will slip back to where it was when I was born, in 1983. No one thinks we are going back there.

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

**Mr Stalford:** I will. I think that we are in a better place, and I think that our people are up for fundamental, root-and-branch reform. I would welcome the opportunity to participate in that. In my last four seconds —

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

**Mr Stalford:** If you would just give me one second, I was about to wish you all the best.

**Madam Principal Deputy Speaker:** The Member's time is up. I call Gerry Kelly.

**Mr Stalford:** I was about to wish you all the best in your retirement, but fair enough.

**Madam Principal Deputy Speaker:** I would like to call Gerry Kelly.

**Mr Kelly:** I wish you all the best as well.

I will begin by repeating something that Martin McGuinness said a few days ago:

*“All of us in political life have a duty and a responsibility to stand up for all sections of society.”*

For me, that is what the Good Friday Agreement is all about: mutual respect, equality and parity of esteem are the core principles of the Good Friday Agreement. They are fundamental principles that should inform not only our day-to-day interactions and decision-making but, if embraced with confidence and commitment, can lead us all out of the mire of past antagonisms and perhaps into a better shared future. It is worth remembering, however, certainly at least by way of context, that, for almost 80 years, despite what Christopher Stalford says, nationalists living in the North had to endure unionist and British political domination and endemic discrimination in a deeply unequal society. So, mutual respect, equality and parity of esteem — that handful of words — mean such an awful lot. They also, I suppose, ask a lot of us. They ask us to reach out to our fellow citizens in a spirit of tolerance, yes, but also with a measure of acceptance of the cultural, political and religious differences that exist between us; acceptance of different sexual orientation and gender identification and different family formations and life choices; and acceptance of racial and ethnic differences and so much more.

However, what none of us should ever accept is the idea that those differences can ever justify inequality and disrespect. We collectively need to give full effect to the Good Friday Agreement provisions, including the establishment of a single equality Act, a bill of rights for the

North of Ireland, and the creation of an all-Ireland charter of rights.

In 1998, as Members who spoke previously said, through a process of dual referenda, the Good Friday Agreement was democratically endorsed by an overwhelming majority of voters. So, while the Green Party talks about a new agreement and about the people having their say, the people, North and South, have already spoken on this. That was a hugely important moment in our shared history. The agreement envisaged a bill of rights particular to the circumstances of the North. The clear import of that was to have a maximum approach to rights protection.

**Mr Agnew:** I thank the Member for giving way. He says that the people have spoken, but I point out that that was almost 20 years ago. On the issue of a border poll, for example, would he be content that it be changed to every 20 years? I suspect that he would not see that as being frequent enough.

**Madam Principal Deputy Speaker:** Tá nóiméad breise ag an gComhalta. The Member has an extra minute.

**Mr Kelly:** The people have spoken and said that it should be every seven years, but that aside.

The core problem that we face now is not in the agreements reached through negotiations but the obstacles that have continually been put in place in the implementation of important aspects of the agreements — not only the Good Friday Agreement — by unionists and the British Government. Those issues include an Irish language Act — Acht na Gaeilge — an all-Ireland charter of rights, the single equality Act, the Maze/Long Kesh peace centre and, more recently, the legacy of the past structures.

This is still a society of many inequalities and great divisions. As many as one in five people has a disability, and people with a disability are twice as likely to be unemployed; one in three children here lives in poverty; a third of those who are economically inactive have no qualifications; sectarian and racist attacks still happen all too frequently; and homophobic attitudes and hate crime remain part of our experience. And, of course, the gender pay gap continues. Yet, despite those difficulties, the will to change is already out there, and it is in our communities. That, unfortunately, is not reflected in political unionism.

A survey carried out by the Equality Commission found that 91% of people in the North support equality laws. So, my view is that it is time for a step change, and the Good Friday Agreement is fundamental to that. To have a properly functioning, power-sharing Executive and Assembly, there needs to be a belief in, as well as a commitment to, mutual respect, equality and parity of esteem. Let me say again that, whether you are talking about legislation or agreements, while you can get the best agreements in the world and the best type of equality legislation in the world, it is not enough.

It gives you a structure on which to build, but if you do not have the political will, all those will fall. You can put it to the people, and you can have another agreement, but if there is not the political will, then it will fall. I will finish with this: with political unionists, the question is whether they will eventually step up to the plate.

**Mr Nesbitt:** I am glad you are still here, Madam Principal Deputy Speaker; good luck thereafter.

I support the motion but not the amendment, because I believe that, after 2 March, the responsibility of the 90 who come back here, in very well-paid jobs, is to get on with it and start governing and offering an effective opposition. I fear that to simply say that our first act would be to throw it back to the people sends out the wrong signal.

Yes, talks now seem pretty much inevitable and, perhaps, worth it if short-term uncertainty brings us longer-term stability. But, I will put in this very important proviso: when we come back after 2 March, we will be very close to the Prime Minister triggering article 50 and a two-year negotiation on the exit from the European Union, and it is critical that we start making our voice heard. This Executive are folding without having published a single A4 sheet of paper about the vision for Northern Ireland beyond the European Union or the plan for how we maximise the advantage to us or any asks. Nothing; not even the priorities and whether we think they clash with or complement Mrs May's priorities. I am sure that we are in no doubt that some of our priorities will clash with hers; what are we going to do about that? How are we making the case, and what are the communication channels?

Yes, there will be negotiations and a return to the values and principles. Sometimes, some Members confuse values and principles with actions. There were actions associated with the 1998 agreement, which were transitional arrangements and which were painful, particularly for unionists. Mr Stalford tried to imply that the agreement wrote in the destruction of the RUC. That is not quite right. It wrote in a review, which led to Patten, which led to the recommendation that we reform. If you really support the police, would you not be listening to somebody like the Chief Constable, who was a proud member of the Royal Ulster Constabulary, saying he is now proud to lead the PSNI and very grateful of the fact that it commands more support than the RUC ever could have, for whatever reason.

Last week, Mr Stalford referred to the painful early release of prisoners, but no prisoner would still be in prison. Unless I am very much mistaken, one of the prisoners who availed himself of early release was Dee Stitt, that darling of the DUP. Let us get away from the transitional arrangements and start focusing in on the values and principles.

Paragraph 2 of the agreement states that:

*"We must never forget those who have died or been injured and their families. But we can best honour them through a fresh start".*

A fresh start. Those are the words in the agreement:

*"in which we ... dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust".*

I am afraid that in my assessment of the last 10 years, while the DUP and Sinn Féin have shared the space that is Stormont Castle, there has not been enough effort to achieve those values and those principles.

Paragraph 2 says that:

*"The tragedies of the past have left a deep and profoundly regrettable legacy of suffering."*

Indeed, at the beginning of those 10 years, I and three others were called to the castle by the then First Minister, Ian Paisley, and the then deputy First Minister, Martin McGuinness, and asked to set up a commission for

victims and survivors. It was incredibly challenging to ask four people co-equally to take that forward. As it turned out, one was an ex-member of the SDLP, one had an association of some undefined depth with the DUP, one had lost a brother who had been an IRA man who was shot dead by the Army, and the fourth, who had no political affiliation at the time, is now leading the Ulster Unionist Party. *[Interruption.]* There was certainly no public declaration of support. That was a very, very challenging thing to be asked to do, and yet we got on with it.

I will tell you what is different between what we did then and what happens in here. We argued but you never heard us argue. We argued behind closed doors, and we found a position that we could take out positively and unitedly to the public. Here, we do just the opposite. I remember being in UTV. There were arguments on live television and then we would take the politicians upstairs to the green room and they would crack open a Budweiser and say, "How is your big son getting on at uni?". We do it the wrong way around.

8.45 pm

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

**Mr Nesbitt:** Let us get back to the values and principles of the agreement. Principal Deputy Speaker, I wish you well as you open the next chapter of your life.

**Dr Farry:** It is clear that we are going to have a talks process after the election. That needs to be both an intensive and very focused process in which we need to address a range of very difficult and challenging issues and, indeed, to look at some of the structures that have been holding us back over the past number of years. I am glad that the motion refers to the values and principles of the Good Friday Agreement, because I think that it is important that we recognise that those are very durable. They are something that we should constantly remind ourselves of and return to on a regular basis, particularly at times of political difficulty.

It is important that we make that distinction between the values and principles and the specific structures. While my party was supportive of the Good Friday Agreement back in 1998, at that time, we expressed some reservations around the very detailed nature of the proposals and how those could, in due course, destabilise Northern Ireland and prevent us from realising our full potential. We have been very much vindicated in that analysis. However, even if you dispute that particular point, looking back almost 20 years to the Good Friday Agreement, it is clear that our structures have been holding us back in more recent times and that there is a need for some degree of change.

I concur with the remarks made by both Mike Nesbitt and Gerry Kelly that, ultimately, power-sharing can only work if there is trust, mutual respect and partnership between those who are attempting to share power. In practice, what we have had in many of our attempts at power-sharing is more of a power carve-up, where we have an almost transactional approach towards the Executive rather than a genuine partnership where we are looking to a common vision of Northern Ireland and moving ahead in a coherent manner.

The structures matter. If designed correctly, they can further incentivise cooperation, but, when they are drawn incorrectly, they can disincentivise cooperation or, indeed, provide blockages. It is worth referencing three particular

aspects in this regard: the fact that we have mutual vetoes in the Executive; the fact that we have the petition of concern; and the fact that we have institutionalised sectarianism most clearly demonstrated through the use of designations in the Assembly but also permeating through some wider aspects of our public policy and an inability to address that.

I have to say to Sinn Féin, which is making a great play about its demand for equality now, that it is stressing the term "now" because it has passed up opportunities to address equality issues in the past. We have made much of the fact that, when we were offered the opportunity to take on the Justice portfolio back in May 2016, we had what we viewed as five reasonable demands. The first was a reform of the petition of concern to take it back to the original intent when it was designed in 1998. It was clear at that stage that Arlene Foster banged the table and said, "No, never. We are not doing that. That is a way whereby we are going to have to fold on equal marriage: it's not happening".

At the same time, Sinn Féin was also very clear that it was not for budging on the petition of concern. There is this notion that Sinn Féin is seeking to force through equality issues through talks process after talks process. The far better way is to ensure that we are able to address equality and human rights issues on an ongoing basis through the provision of a natural process of deliberation and building sufficient consensus, where there is not the risk of a veto being used inappropriately.

If they are serious about addressing equality issues, albeit belatedly — I draw their attention to the fact that there has been virtually no progress on equality issues under devolution over the past 10 years — they have to be serious about the reform of structures and not just make demands as to what they seek to do.

In closing, I want to make a point about Brexit. We heard a comment that Brexit in itself does not challenge the formal structures of the Good Friday Agreement. In a way, that is correct, if you take it in the extreme, literal sense, but it does challenge the underlying assumptions that empower the Good Friday Agreement whereby people can move freely on a North/South and east-west basis. Brexit creates barriers —

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

**Dr Farry:** — and interferes with people's scope to have open, mixed and multiple identities, and it puts people back in their single identities, which goes against the whole spirit of what we are trying to achieve under the Good Friday Agreement.

**Mrs Cameron:** Obviously, my party was not a signatory to the Good Friday Agreement because, at that time, we were not fully persuaded that all the conditions that we believed necessary to satisfy our concerns were in place. It turns out that we were, in fact, right about that. Whilst many individuals went forward in good faith and paid a heavy political price, others who were signed up to the agreement continued to live double lives. They were peacemakers in public but remained wedded to paramilitarism in private, and all the things that we were led to believe were left behind were, in fact, still in place. Paramilitary command structures were still in place, and possibly remain in place to this very day, and acts of terror and violence against communities or former comrades were carried out when deemed appropriate. This was not just the inability of



an organisation to rein in a few loose cannons but was an organisation whose most senior leader continued to shield paedophiles and oversee the clean-up operations of continued paramilitary murders. I refer to the cases of Paul Quinn and Robert McCartney to name but a few. That may be uncomfortable listening for some, but they are the facts and those facts are partly the cause of a reluctance in unionism to fully function in a partnership government. That is not to say that we do not wish to be partners in government; it is only an illustration of why there remains a difficulty over issues of trust.

I do, however, accept that trust goes both ways. As far as I am concerned, I do not think that I have ever caused any personal offence to any individual Member or party in the Chamber. It is not how I want to do business. I am very happy to sit down with Members of any party on any issue that moves this society forward. I accept that some positions that my party takes on certain issues are unpopular in some quarters and may be seen as disrespectful or intolerant, but I will never be found wanting when it comes to listening to the concerns and views of others.

In concluding my remarks, I will say that it is deeply regrettable that the institutions have collapsed and that we are heading to an election. I would have preferred all the facts around all the issues to have been fully investigated and any appropriate blame to have been apportioned before deciding to collapse the very institutions that are capable of ensuring that the investigation takes place. The president of Sinn Féin may believe that equality is merely a Trojan Horse, but that is not my view and it never will be my view, and, if I am fortunate enough to find myself back in the Chamber at some point in the future, I will be only too happy to be reminded of that pledge. I hope that others can make that same commitment.

Finally, is it not possible to recognise that the Good Friday Agreement was almost 20 years ago? We have had subsequent agreements and elections, and things have moved on. This is a time when we should be focusing on the future. Let us look at solutions for 2017 as opposed to rehashing 1998 over and over again.

**Mr Maskey:** A Phríomh-LeasCheann Comhairle, I also wish you well in the time ahead as a republican activist.

It is fairly ironic in its own way that, in the last hours of this Assembly, we are debating the principles and values of the Good Friday Agreement. On behalf of our party, I hope that, when we come back after the elections, people apply all of themselves to the full implementation of the Good Friday Agreement. Quite clearly, part of the problem and part of the reason why we are where we are today is the very recent financial scandal around RHI, which is at the end of a long list of other financial scandals that have brought public confidence in the institutions to an all-time low. Alongside that, and, maybe, at times, more importantly, power-sharing and the concept, principles and values of the Good Friday Agreement have not been adhered to by parties in here. I am speaking in particular about the DUP. It was interesting to listen to our colleague Pam Cameron, who, in fairness, acknowledged that the DUP, for whatever reasons — whether we agree with them or not — has difficulties with power-sharing. We agree that the DUP has difficulties sharing power. The DUP, to its credit, opposed the Good Friday Agreement. It never supported it and did everything it could to thwart it. That was its position, which it was entitled to have. Fortunately,

all the other parties involved in the all-party talks, both Governments and, more importantly, the people, in referenda across this island, voted overwhelmingly to endorse the Good Friday Agreement.

Sinn Féin and I would argue that all parties, all participants and all communities made major compromises to agree to the Good Friday Agreement and to subsequent agreements in the ensuing number of years. We would argue very clearly that we are working under the auspices of the Good Friday Agreement. We are very disappointed that many key elements of it have not been adhered to over the last number of years, and my colleague Gerry Kelly referred to a number of those. I think that it has been made very clear that you can legislate, set up institutions and all the rest of it within a particular framework, but, if people chose and choose not to embrace the principles and concepts, it will not work. Coming from a divided society that has been in conflict for generations, you cannot expect the garden to be rosy all the time. That is why safeguards and checks and balances need to be built in. That is why we have mechanisms such as the petition of concern and mutual vetoes, which, when used on a positive basis, are about requiring cross-community support on key issues of governance.

The fact that some will abuse the petition of concern does not mean that it is not a necessary mechanism for a whole range of issues. Over the last number of years, we have all been challenged in the things that we had to do and in the agreements that we had to reach and were challenged to adhere to. Nevertheless, when people have worked in the spirit of partnership and sharing power, this place and this and previous Executives have produced much better work. When people work together having embraced the concept of sharing power rather than simply trying to divide it out, this place has produced much better results for the wider public and for society as a whole. It is when people resile from the concepts of sharing power, treating people with respect and affording equality to other citizens that we become not fit for purpose and not fit to be in position.

In recent times, there has been an increasing abuse of the likes of the petition of concern, which, as I said, was built in as a safeguard to make sure that, if there was sufficient concern that mustered the marshalling of 30 signatures, that denoted that there was a serious problem that needed the matter under discussion to require cross-community support.

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

**Mr Maskey:** No, thank you. I do not have that much time, Chris. Sorry about that.

The fact of the matter is that the petition was a safeguard, but people are now using it as a veto — in other words, as a block to other people's rights. Once you start using it to block other people's rights, that is a complete and utter flagrant abuse of its use. People need to return to what the petition of concern was about. It was about protection, and it was one of the mechanisms intended to make sure that one community or one set of parties does not abuse or discriminate against another.

**Madam Principal Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Maskey:** They are positive mechanisms. We appeal to all the parties that come back after the elections to

embrace the spirit of partnership. If we sit down together — it is not about having a whole new negotiation — and simply work to —

**Madam Principal Deputy Speaker:** The Member's time is up. I call Phillip Logan.

**Mr Maskey:** — implement the agreements, we will serve the people far better.

**Mr Logan:** I was nine years of age when the Good Friday Agreement was signed and, to me, it feels like a long time ago. I remember reading the Good Friday Agreement and its outworkings at Cullybackey High School and googling a lot of its attributes. Some of it was quite amazing, and I can understand why people struggle to understand a lot of it. When you google the names of those who were let out of prison and read their histories, it is very difficult to understand. That is from someone who was not really around in those times and certainly was not able to understand such things at the time.

### 9.00 pm

To be fair, in the Chamber, as we have discussed this, there is consensus that we all want the best for Northern Ireland. We make that claim. As an optimist, I assume that most of us mean it. The problem starts, as has been said, in that we all differ in what we think and, by extension, what our electorate think is best for Northern Ireland.

The Good Friday Agreement was, understandably, an attempt to move Northern Ireland forward regardless of those political differences. This party, over the last 10 years, has made a huge effort to move Northern Ireland forward in the right direction, even though it is very difficult to do business with a party that we do not want to do business with and, as one of our party members quite rightly said, when sometimes we have to hold our noses to do that business. I am sure that people can understand our difficulty. Mr Maskey is right to say that he understands how difficult that is. I appreciate that. We have always taken steps to try to move Northern Ireland forward. I think that we were making —

**Mr Stalford:** I appreciate the Member giving way. Does he agree that when people talk about making sacrifices or compromises, it is not much of a sacrifice or compromise to stop killing people or stop bombing the place and come up to the same basic democratic standards that everyone else who participates in politics has to abide by? That is not a compromise; that is meeting basic, minimum requirements.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Logan:** Thank you. I thank the Member for his contribution. He is absolutely right. It really should not be an expectation to ask for those things. It should just be part and parcel of life and human decency.

I think that we were making progress. It was slow and laboured; nonetheless, I think that we are making progress. I had hoped, when I entered politics and for the last number of years, that we were able to discuss positive policies rather than engage in political point-scoring. However, our counterpart in government decided that it was not getting enough out of the deal. It started to get selfish and lost sight of the greater good, something that the former deputy First Minister Mr McGuinness had

formerly embraced. He worked with Ian Paisley, Peter Robinson and, more recently, Arlene Foster for a short time. We were making real progress, but no more.

To be honest, I have no idea what lies ahead after an election. I have no doubt that there will be talks, as the motion indicates, whether it is about building on what we have already attempted to achieve or maybe on a new way forward. There will need to be genuine effort made on all sides. One side cannot throw in the towel if it decides that it is not getting quite enough. It has to be talks and negotiations, and they have to be fair. We need to work on finding a way on things that we do not agree with and on things that are not mutually exclusive or contentious. We have already begun to comprehensively and conclusively address the RHI issue. However, as I said last week in the House, RHI is not the real reason why Sinn Féin has pulled the institutions down. We heard in Mr Kelly's contributions that it was the Irish language, a united Ireland and equality.

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

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

**Mr Nesbitt:** Just on the renewable heat incentive, if I heard you aright you said that you are now addressing "comprehensively and conclusively" the renewable heat incentive debacle. Did you not listen to your Minister? This is a 12-month stopgap.

**Mr Logan:** Was the Member in when Simon Hamilton outlined the plan? I see this as a way forward. This is positive. There was a problem, and we have addressed it. That is what the people of Northern Ireland want. Elections will not fix this or make it right, but we have put in place steps to do that.

Sinn Féin has used the Irish language, a united Ireland and equality. Those are some of the things cited as factors in this election. It is no secret that we will not give an inch on some of the issues that Sinn Féin would like us to. I believe in equality. Let me make that clear. But, I do not believe in Sinn Féin's definition of equality in the form, as I said last week, of a Trojan Horse. A united Ireland is decided by the people. Everyone, including Sinn Féin, knows well that there is absolutely no appetite for a united Ireland. Some of the issues that are cited under equality are being used as pawns. Let us talk about them and not polarise people with different opinions. I want to focus on all the people of Northern Ireland. I may sound frustrated, and I have said it before, but let me repeat it: I am frustrated because I want to protect the interests of the people of Northern Ireland, those who elected me and those who are in need of help. We need to come in after the election and move forward, not go back to the past. We will certainly have no attempts to rewrite the past.

**Mr Beattie:** I was overseas when the Belfast Agreement referendum took place. My father held my proxy vote, and I remember speaking to him about the referendum. My dad spent 22 years in the Royal Ulster Rifles and then another eight years in the Ulster Defence Regiment. He never talked politics or religion. He never apportioned blame. He understood that, in any conflict, there will always be competing narratives. He said to me, "Douglas," — he always called me Douglas — "there are many aspects of this agreement I don't like. In particular, I don't like releasing terrorists from prison until they've completed their sentences. I don't like it that we're not decommissioning first. They've been responsible for the

murder of our family, our friends, our colleagues and our neighbours. But, for Northern Ireland — for our children, for your children, for the ability for you to come back to Northern Ireland and live again — we have to take a chance. This is a once-in-a-generation time to have peace in Northern Ireland”.

He voted in favour of the Belfast Agreement. I wonder what he would say today. Would he have voted for the Belfast Agreement had he known about the on-the-run schemes and the comfort letters? What about the unbalanced justice systems that we are seeing now, where the Director of Public Prosecutions can direct the PSNI to investigate state forces and ignore the terrorists? Would he have voted for the Belfast Agreement if he knew that, after releasing the terrorists from prison and dismantling the Maze and the special treatment, all we would do was set it up all over again? One party openly supports dissident special treatment, while another party in the Executive does not have the courage to end it. What would he have said if he had heard a unionist politician thanking a former terrorist for not killing us any more?

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

**Mr Beattie:** Not just yet.

As honest and as open as that was, I would have stopped short of thanking him, especially when former soldiers are in the dock and dissidents are having their bail terms changed. We have a 75-year-old veteran being classed as a flight risk. It is unbalanced and unfair. I will give way.

**Mr Maskey:** I thank the Member for giving way. I really did not want to interrupt, because I know that he is passionate about the points that he is making. If I remember correctly, the Ulster Unionist Party leader said a couple of months ago that, if the Good Friday Agreement was up for debate now, the party would not support it. I hope that all the parties will come back here, as I have said previously, with a commitment to delivering on the Good Friday Agreement. Our problems are not because we had the Good Friday Agreement; they are because we have not fully implemented the agreement. Is your party still committed to the Good Friday Agreement? If we could get that consensus in the Chamber tonight, it would be a good start.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Beattie:** Thank you.

To answer your question, Alex: absolutely. Hopefully, you will understand that my blood and thunder might diminish slightly in a moment or two.

It is clear to me that the political parties presently in control of our Executive, and, therefore, our country, do not know how to govern. They do not understand that mutual respect and equality was at the heart of the Belfast Agreement. As we have heard today, they work together because they have to, not because they want to. That lets down the Belfast Agreement; you have to be in there and want to govern. We want to be the largest unionist party. We want to work with the willing —

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

**Mr Beattie:** No, I will not. Sorry.

We want to work with willing partners. We want to show respect to all who live in Northern Ireland and their identity,

culture and traditions. Many people raise their eyes when I say that I am Irish. I am Irish. If it is comfortable for you, prefix that with “Northern” if you want. I am also a proud Ulsterman, and I am a fiercely proud Brit. However, I am Irish. The Belfast Agreement allows me to say that. It allows the people to decide that Northern Ireland will remain part of the United Kingdom.

The power is with the people, not with this Chamber. Let us be clear: my identity is represented by the Union flag, ‘God Save the Queen’, the Twelfth of July, Ulster Scots and the monarchy; it is also represented by the shamrock, St Patrick’s Day, the GAA, Irish dancing and the Irish language. They are all part of me.

Before I run the length of myself, I have to say to everybody that it is all about the language that we use and how we have to be careful of it. People would be far happier embracing, talking or having a conversation about the Irish language if we did not have —

**Madam Principal Deputy Speaker:** Can the Member bring his remarks to a close?

**Mr Beattie:** — people throwing things in our face by saying, “Every word of Irish spoken is like another bullet fired in the struggle for Irish freedom”. That does not help; it is a bad statement. I support the motion. I support dialogue; we need dialogue.

**Mr O’Dowd:** Go raibh maith agat, a Phríomh LeasCheann Comhairle. I also wish you all the best for the future.

I start my speech how I ended my last one in the Assembly on 19 December — that infamous day that, in my opinion, was part of a series of events that brought this Assembly to an end. I said on that occasion that if the party opposite did not work the Office of the First Minister and deputy First Minister as a joint office, I doubted that there would be an office. The attitude displayed since has confirmed to me that the party opposite, and others, believe they are almost returning to a unionist state — a state where the Good Friday Agreement does not exist or matter and where power-sharing arrangements are an inconvenience rather than a legislative and political responsibility on all parties. Mr Stafford said during his speech — I will not quote him, because I cannot remember his exact terms — that there is no going back. He is absolutely right: there is no going back. The only way government will operate in this state is under the terms of the Good Friday Agreement.

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

**Mr O’Dowd:** I will shortly.

There may or may not be talks in the future, because it is clear that relationships have broken down. However, talks will be required at some stage in the future. The Good Friday Agreement will be the foundation on which we build a society. Anyone who has it in their head that they are going to take apart the Good Friday Agreement is sorely mistaken. The only way any of us, if re-elected, will be standing in this Chamber or in a future Executive will be on the principles of power-sharing, respect and mutual understanding. That is the reality. I will give way to Mr Stafford quickly.

**Mr Stafford:** I did say that we would not be going back to the dark days of the past, and I hope that that is a conviction shared by everyone. I will tell you something else we will not be going back to: we will not be going

back to the days of you boys trotting in and out of Downing Street. I know that this is hard to believe, but you are not the centre of the universe any more.

**Madam Principal Deputy Speaker:** First, the Member will have an extra minute, but I also ask that Members make comments through the Chair.

**Mr Stalford:** I apologise.

**Mr O'Dowd:** I have never believed myself to be the centre of the universe, but I am, currently, an elected representative, and my party has a significant mandate across the island of Ireland. That brings me to Mr Logan's comment that some unionists — maybe it was himself; I do not know what he said exactly — have to hold their nose to share power with Sinn Féin. I do not care what part of your anatomy you have to hold to make yourself feel comfortable, but I will tell you what you will not be doing: you will not be looking down your nose at us, and you will not be looking down your nose at the people whom I represent or the people whom we represent. That is part of the difficulty.

If you look at another section of society, whether in the Chamber or outside it, and you believe that they are your lesser, what chance have we for our society? You referred to the fact that, at the age of nine, you learned about the Good Friday Agreement in school or that it was signed then. At the age of nine I was burying two of my cousins and an uncle who were shot dead by state forces operating under the guise of the UVF. You can tell me that they were a few bad apples — they were bad apples — but there were members of the RUC and the UDR in that gang. That was the now infamous Glenanne gang. You said that you had googled names of people who were released from prison. I can google the names of members of that gang. None of them — not a single one of them — went to prison for dozens of murders in the north Armagh area.

### 9.15 pm

We have all hurt. We have all had pain. We all have those sorts of things going on. As republicans 20 years ago, however, I and others had to make a decision, and we did, after long deliberations. Did we believe that the Good Friday Agreement was an honourable way forward for republicans? Was it a way forward on which we could build peace, and, yes, could we still move towards our ultimate objective of a united Ireland? People often say that unionists had to compromise to come into the power-sharing institutions. Republics compromised. This is a huge compromise for republicans, but was it the right thing to do? Of course it was the right thing to do.

I do not hold my nose to share power with anyone. I hold my head high. As a former Minister in a power-sharing Executive, I am proud to say that I shared power with my Protestant and unionist neighbours. I am proud of that. We get a lot of personal and, at times, physical abuse from so-called dissident republicans. I have stood in front of many of them and told them that I am proud to have shared power with my Protestant and unionist neighbours, despite our history, despite the conflict that we have been through and despite the pain that we have gone through. Despite all those things, I am proud to have done it. Therefore, when Members on the other Bench can look in the mirror and ask themselves whether they are proud to have tried to share power with their nationalist and republican neighbours, and when they can answer that question

honestly in the positive, there is hope for this society into the future. But, be under no illusions: that future has to be on the basis of equality and mutual respect. It has to be on the basis —

**Madam Principal Deputy Speaker:** I ask the Member to draw his remarks to a close.

**Mr O'Dowd:** — that we are all equals with a very sad past behind us. None of us can look at the other and say, "It was all your fault".

**Madam Principal Deputy Speaker:** Before I call Richie McPhillips, I remind Members to speak through the Chair.

**Mr McPhillips:** I welcome the opportunity to contribute to this evening's debate on the values and principles of the Good Friday Agreement. I do so as the parent of three now adult children who were the young generation following the Troubles. I, like many others, thought that the agreement meant a better future for them.

The SDLP is a party that was born out of the civil rights movement. It was instrumental in the creation of the Good Friday Agreement and is totally committed to its core principles. The party is tied to the principles of social justice, reconciliation and prosperity. There have been many great people involved in the peace process, all of whom played an instrumental role in changing the political and social dynamics of the North of this island. It is important, however, that we in this very Chamber also remember people who do not always get the headlines: women such as Pat Hume and the late Gertrude Mallon also played a pivotal role in the agreement.

It is true that the North has come a long way since 1998. Despite recent events, people are no longer being murdered on our streets en masse. It is fair to say that the agreement has undoubtedly saved thousands of lives that would otherwise have been taken by British state forces and various paramilitaries. The Good Friday Agreement was about much more than peace and ending tribal warfare in our society, however. It presented a better, clearer vision for the future — a vision of settled relationships and prosperity, and one that put the need of both sections of our community first. It was meant to bridge the gap that has unfortunately only widened since the devolution of powers to this institution. It was meant to provide political stability in a region that suppressed rights rather than enforced them.

Here we are, almost 20 years later, and I have yet to see this Assembly gain its legislative spurs, to start delivering for everyone in our society and to start making amends for the grievous injustices that went on in the past. Rather than have mature politics, the political parties in this Government have abused power to the benefit of their own. The renewable heat incentive scheme, the social investment fund, Research Services Ireland, Charter NI, Red Sky, community hall funding and the decision to stop the Liofa bursary funding have all recently laid bare the ineptitude of this institution and this Government.

It is green and orange politics that delivers for no one and does not conform to the principles that underpin this agreement. Later, the Assembly will debate the rights of victims and survivors who have campaigned for justice for the horrendous crimes that were committed against them by the state, yet this institution has once again failed those individuals who have waited so long for justice. These



institutions have also failed the victims of the Troubles who have been unlawfully killed and maimed. There are still no answers for those families and individuals who have been wronged by the grievous crimes committed against them.

In the midst of the current political uncertainty and the fall of these institutions, we have hanging over all of us the growing shadow of Brexit, which will disproportionately hit the North of Ireland. Wales has a plan, and Scotland has a plan, but this Executive have been found wanting once again. The borders of the past will be constructed and erected across border counties, and this will impact on travel, trade and investment. It will be the people of the North who will suffer and not the fat cats who advocated a "Leave" vote in the first place. That is an indictment of this institution, and it is also an indictment on the Good Friday Agreement, which calls for cross-border collaboration. If article 50 is triggered next month, we will have no seat at the table. We will have no one advocating the best interests of the people of the North.

It is clear that immature politics takes precedence over political and regional stability. This Assembly needs to be realistic about what is truly important. We can no longer go on carving up budgets, one piece orange and the next piece green. We need to start delivering for the best interests of the people of the North. We cannot continue with scandal after scandal and suspension after suspension. We need mature politics, and we need to deliver here and now.

Madam Principal Deputy Speaker, I wish you all the best for the future.

**Madam Principal Deputy Speaker:** Before I call David Ford, I have to let you know that you have only four minutes and that, if you choose to take an intervention, you will not get an extra minute. Apologies for that.

**Mr Ford:** Thank you, Principal Deputy Speaker. I will still wish you well for the future.

There is a certain irony that, almost as we approach the end of this Assembly term, we are debating the issue of the fundamental principles of the Good Friday Agreement, the values and principles that are supposed to underpin everything that we do but which have been sadly lacking for some time. I think that there are still a dozen of us, including three or four who are in the Chamber at the moment, who were here in September 1998 when we first came into this place and remember that as a time of hope, a time of optimism and a time of belief that things were really changing. It was a time when we were actually looking at three sets of relationships that defined the people of Northern Ireland and these islands and how we managed together.

However, there is absolutely no doubt that, since that time, the eyes have been taken off the ball of some of the fundamental issues. We are going to need some significant reforms if we are to restore public trust in the ability of the Assembly and the Executive to deliver for the people of Northern Ireland. Part of that problem is because of the watering down of the fundamental principles of the Good Friday Agreement that we have seen on a number of occasions over the last 17 years. For example, the St Andrews Agreement removed the issue of the First Minister and deputy First Minister being elected jointly. It may only have been optics, but it was significant optics that they were seen to have the confidence of the House.

The fact that, in those early days, David Trimble and Seamus Mallon sat beside each other at Question Time on alternate sides of the Chamber was optics, but it was significant optics, and the watering down at St Andrews by the DUP and Sinn Féin and the two Governments took away a lot of that positive engagement and left us in difficulties there.

Of course, 14 months ago, we had the so-called Fresh Start, which Stevie Agnew credited to me as the false dawn document. In fairness, I only said that it was a false dawn for victims on the day, but, a year on, it is pretty clear that it is a false dawn for absolutely everybody. Again, that was a stitch-up between the two Governments and the two largest parties, rather than what is referenced here in the motion, an inclusive process that would engage all of us. It was when all of us had the opportunity to be engaged in the run-up to Good Friday that we made some difference.

I do have to say to my friend Colin McGrath, who was not here in the early days, that it was not actually perfection in the days when the Ulster Unionists and the SDLP were the two largest parties. We only have to take Séamus Mallon's recent article as an example of what was not even covered by the Ulster Unionist Party in those days and the way that he felt treated. I can personally remember saying on one occasion that we would give a Programme for Government seven out of 10 if we were Scotland or Wales, but the Alliance group voted against it because it did not address the fundamental issues of overcoming divisions and building a united community in this society, which had been left out completely. We have had things like the watering down of the engagement of Committees in the budgetary process since last May. There is also the fundamental issue that, when we talk about Committees being there to advise and assist Ministers, if Ministers do not allow that to happen, they have lost us that in the current Executive as well.

Steven Agnew highlighted a number of the issues that we need to address. We need to address openness around party funding. We need to address some way of moving towards a more normal voluntary coalition with a suitably weighted majority. We need to do something to ensure that the petition of concern is triggered only on fundamental issues and not on every social reform that the largest party does not like. We need to do something to get away from the designations that divide us rather than unite us. A lot needs to be done if we are to make a real difference. If we do not find some way of getting into serious talks when we come back here, we will not be delivering for the people of Northern Ireland.

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close.

**Mr Ford:** Like John O'Dowd, I am proud of what I did as a Minister, but I am certainly not proud of the way that this Assembly has been treated by the Executive over the last eight months.

**Mr Agnew:** Mike Nesbitt made the point that he did not want to see a constitutional convention and our going back to the people after the election. The 90 MLAs should come back and get on with the job. I suppose that it is a fundamental difference between representative democracy, whereby we go to the electorate and say, "Elect us and we will reflect your views", and a participative democracy, which is a continual engagement whereby

we continually seek the views of the electorate. It is not enough to go once every five years for a mandate; it has to be a continuing dialogue. The recent referendum on Europe is an example, and Gerry Kelly made the point that the people spoke 20 years ago. People deserve more engagement than that. It is what went wrong with the UK in relation to the European Union, whereas the Republic of Ireland, where there were changes to what it signed up to, went back to referendum, whether Lisbon, Maastricht or whatever.

**Mr Stalford:** I am grateful to the Member for giving way. He cites the Republic of Ireland and its relationship with the European Union and referenda. We know, of course, what happened there: when the political elite got the wrong answer, it simply had another referendum until it got the answer that it wanted.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Agnew:** I thank the Member. They went back to the people, and the people gave a different answer. People are entitled to change their mind and have done so. The point is that Ireland, through various referenda, has shown itself to be a country that supports its position in Europe. In the UK, where people were told, "We sorted that issue in 1975. I do not care if you were born since then, you do not get another say. We have changed it. The EU is good — like it". I support the EU but I do not support that disengagement. It is no wonder that we talk about Europe as if it is separate from us rather than our being part of it and it happened to us rather than being something we are part of. Indeed, our MEPs and Ministers helped to shape that.

We need something that is more participative in our democracy. I see it as a preventative measure because we have had continual crises. Every time you list them — the Hart talks, the Haass talks, Stormont House, Hillsborough or St Andrews — you wonder whether you have left one out because there have been so many. I have been in full-time politics only since 2007, and I counted that the current crisis was my fourth. I just rolled my eyes and thought, "Another one". We need something to change. We cannot go on like this. For me, it is not direct rule at the other side of the election or some form of joint government; as a number of people have said, it is likely to be negotiations.

### 9.30 pm

Those negotiations should, however, be open and transparent and engage our citizens. Negotiations should not be kept from citizens until we present some form of agreement, and they have no say on whether it is the agreement that they wanted. They will elect their political parties and be told, "We represented you in those negotiations". We cannot see that. There is no transparency, and I do not think that it is enough.

There are a number of issues, and Stephen Farry and David Ford highlighted some that I highlighted with community designation and the petition of concern. Even some of the language that is used has shown us that we may be 20 years on, but, at times, it can feel as though we are no further on. I do not believe that. We are, I believe, in a better place, but, at times, when I still hear the language of two communities, I feel that we live in a very diverse Northern Ireland. That is not the language of today; that is the language of 20 years ago. Whilst we still have parties

that say, "We represent the whole of Northern Ireland", yet seek their vote from one section of Northern Ireland —

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

**Mr Agnew:** — I think that we will continue to have problems. I will give way.

**Mr Allister:** Has the Member not put his finger on part of the malfunction and something that will never function properly in the Belfast Agreement, namely that, in fact, by virtue of the system that it has created, it entrenches sectarianism? It entrenches one block to play off against the other, which defeats what is supposed to be its purpose.

**Mr Agnew:** I agree with the Member. I think that it enshrines sectarianism, and we need to move on from it. I suspect that we would disagree on how we would do that. I would, however, like to disagree with the Member in a constitutional convention that includes our citizens and come to a conclusion that gets the endorsement of the people of Northern Ireland, as the Good Friday Agreement did.

To finish, Madam Principal Deputy Speaker, I, too, like everyone else, once again, wish you well. People are looking at Stormont at the minute and thinking —

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

**Mr Agnew:** I will. People are looking at Stormont and thinking, "I could do better. We could do better". I agree with them. Let us give them the chance.

**Madam Principal Deputy Speaker:** I call Claire Hanna to make a winding-up speech on the motion.

**Ms Hanna:** Thank you, Madam Principal Deputy Speaker. Like others, I wish you well in life after this Assembly, and I hope that we will not all join you in life after this Assembly in the next couple of months.

I thank all who participated in the debate, which has been an important review of the principles. As Members have said, it is a bit sad perhaps that we are restating and discussing those principles only now. I feel old because Phillip Logan was only nine years old back then, and I was just coming 18, but I remember that sense of possibility and optimism, which, it is fair to say, has not been present in this Building in recent months and is absent from our politics, but we do not believe that it has to be, and nobody will lose sight of how far we have come.

Nobody said that it was perfect, and I think that that is very clear. I am not quite old enough to be able to dig out memoirs of Oliver Napier and Brian Faulkner, who, I suspect, had their relationship difficulties as well in getting things up and running, but I do not think that we can ignore the external context in those early days of devolution, which was the overplaying of the decommissioning hand and the DUP screaming in the windows of the Assembly. I think that Mallon and Trimble did an incredible job with the progress that they made at that time.

Colin McGrath, when moving the motion, referred to the appalling shooting last night of a public servant and member of the PSNI as an illustration of what we have failed to eliminate and what we are definitely not returning to, but, as we said, that opportunity has been squandered. That is a lot of the story of the last 60 years of politics here, and certainly the last 20 years. We think that that is due not to the fundamental design but to the failure to live

up to the spirit and substance of the agreement in a lot of the everyday decisions; the failure, over the years, on the big picture stuff around weapons, policing, respect and parity; and the failure to make any meaningful progress on North/South, with the North/South Ministerial Council now watered down on the sidelines.

**Mr Ford:** I appreciate the Member giving way. Does she agree that there is an issue between the values of the Good Friday Agreement, the architecture of the agreement and the way in which it was implemented, and that there were failings in the second and third elements?

**Ms Hanna:** I do agree; I was going to come to that. Stephen Farry raised a number of points about the ugly scaffolding. We have said that there can and should be an evolution of that. I think that John McCallister did us all a service when he put some of those mechanisms on the table. We all engaged with that in good faith. It is something that can be revisited. However, I have to agree with Alex Maskey: I do not feel that we can eliminate some of those mechanisms. I believe that the proof of the pudding has been in the eating; how government has been done and how minorities have been treated. We are up for that discussion but I have not seen a perfect alternative proposal yet.

We definitely appreciate the intention of the Green Party amendment and are for maximum civic participation, including the re-establishment of the Civic Forum and engaging people in the ways that we can; but we do feel that the period after the election is do or die. We do not have a very long time. We need to get governance back up and running to deal with a lot of the issues that we have been discussing, not least Brexit and delivering for survivors of abuse and victims. With the best will in the world, even though the model in the South has been very constructive, we do not see how a constitutional convention can be enacted and delivered within the very narrow window that we have.

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

**Ms Hanna:** Yes.

**Mr Agnew:** I take your point but at no point did I say that it should be within that three-week window. Regardless of whether we get through the three weeks and these institutions are up and running, we still need to have this. As you pointed out, there are issues such as victims, for example, which have not been solved since 1998. If it takes a year, that is very little time in comparison.

**Ms Hanna:** In the context of the motion's being about the talks that will follow the election, and to prevent there being a second election simply because if this one will not solve anything, another one certainly will not, we do not feel that there is a window of opportunity. We are very happy to come to come back to it, hopefully, in these refreshed institutions.

I just want to pick up on another few points. Chris was in quite constructive mode but still probably failed to grasp the fundamentals of the equality that was envisaged in the Good Friday Agreement in his rejection of 50:50 recruitment, which, as Mike Nesbitt said, resulted in a Police Service that the whole community has been able to buy into. Again, that is something that I think that we could not do without.

Mike Nesbitt and Stephen Farry were among a number of Members to raise the key issue of Brexit and its potential

to do fundamental damage, obviously not just to our economy, but to our politics. I think that tomorrow morning, around 9.30 am, we will probably be a lot clearer on some of the political and constitutional issues. Obviously, we hope that the Supreme Court reinforces the authority of the devolved institutions here and elsewhere. If it does, and I hope that it does, it would be an appalling dereliction of duty if we were not here to take up that responsibility and give that voice. Any talks that follow —

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

**Ms Hanna:** Yes; I would be happy to.

**Mr Stalford:** The lady, to be fair to her, has been consistent; consistently pro-European. She and I clashed repeatedly during the referendum but, I think, always in a generous way. Does she agree that it is absolute rank hypocrisy for members of a party that is collapsing these institutions to continue to refuse to go to Westminster, where it would have a vote, I suspect, on the issue of leaving the European Union?

**Ms Hanna:** I speak for the SDLP only. I agree: I do not feel that anybody who is elected here to any of the 18 Westminster seats is a better Irishman than Parnell, Davitt or many other Irishmen who went and represented at Westminster. Wherever our future is being discussed, the SDLP will be there to deliver on our pledges.

As I said, Stephen Farry raised the issue of ugly scaffolding. We are up for dealing with that as well. Gerry Kelly gave a very spirited defence of the Good Friday Agreement and all that has not been realised that would have rung a little bit truer had it not been from a party that has not been driving the Government for the past decade.

Colin McGrath made the point that, despite the disappointment and the stop and start of progress, if we found ourselves 20 years back, we would still push to try and deliver the Good Friday Agreement, because the fact is that the core analysis of John Hume's three strands still stands. Its delivery and relationships within Northern Ireland and on an east-west and North/South basis have not been fully implemented. If we could return to those principles, we would be in much better shape. Those principles have not been in evidence in the Government because, effectively, the Government have been driven by people who never really bought into them. The DUP has — and, at least, has been open about it — been attempting to rewrite and remake those structures for its own purposes.

We just do not feel they have been adequately defended by your enablers in Sinn Féin. While all structures can evolve, the various degradations in Stormont House, St Andrews and so on were not agreed by all parties, and certainly were not endorsed by the people North and South of these islands as the Good Friday Agreement was. Those parties thought they knew better and decided to go it alone. We saw the outworkings of that in the Programme for Government negotiations in May, and we are now seeing the very grim final outworkings when all of the criticisms we made of governance and how it was and was not being done here are now being restated by those people who dismissed our criticism.

Looking ahead, it is difficult to see where we go from here, but we believe the foundation stones are still there in the three strands of the Good Friday Agreement, and in the unwritten fourth strand in my head about the European

dimension. The alternatives just do not bear thinking about. We are not going back to what we had last night, and we certainly do not want to go back to direct rule by this Government.

Briefly, I will reference the SDLP's joint authority proposals — joint authority, not joint sovereignty, because we firmly respect the principle of consent. I will be very clear that our first, second, third, fourth and fifth preference before that is to re-establish power-sharing and local administration here. The agreement and its outworkings, driven by those people who want to work them, could deliver a very different future.

I did take some hope from Mr O'Dowd's comments that he has been proud to share power. I think that has been lacking — parties wanting to share power and who see power-sharing as a virtue and not just something they do because, as Mr Douglas Beattie has said, the law told them they had to do it. To make it work, we have to restore mutual trust. That was what the Good Friday Agreement was about: the belief that getting around the table and working together in all our common interests would build up trust. We have not seen that trust build up over the last 20 years, but we believe it still can —

**Madam Principal Deputy Speaker:** Will the Member bring her remarks to a close?

**Ms Hanna:** — and the electorate have the opportunity to make that choice.

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

#### 9.45 pm

*Main Question put.*

*The Assembly divided:*

*Ayes 54; Noes 31.*

#### AYES

*Mr Agnew, Mr Aiken, Mr Allen, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Boylan, Ms Boyle, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Chambers, Mr Dickson, Ms Dillon, Mrs Dobson, Dr Farry, Ms Fearon, Ms Flynn, Mr Ford, Ms Gildernew, Ms Hanna, Mr Hazzard, Mr Kearney, Mr Kelly, Mr Kennedy, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCartney, Mr McElduff, Mr McGrath, Mr McGuigan, Mr McKee, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Maskey, Mr Milne, Mr Nesbitt, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mrs Palmer, Ms Seeley, Mr Sheehan, Mr Smith, Mr Swann.*

*Tellers for the Ayes: Mr McGrath and Mr McNulty.*

#### NOES

*Mr Allister, Mr Anderson, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Miss McIlveen, Mr Middleton, Lord Morrow, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr Robinson and Mr Stalford.*

*Main Question accordingly agreed to.*

*Resolved:*

*That this Assembly calls on the British and Irish Governments to convene all-party talks to identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to strands one, two and three of the agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.*



10.00 pm

## Historical Institutional Abuse Inquiry Report

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

**Mr Nesbitt:** I beg to move

*That this Assembly welcomes the publication of the report of the historical institutional abuse inquiry under its chair, Sir Anthony Hart; notes his recommendations for redress for victims and survivors of institutional abuse and deplores that political impasse means that the report is not being actioned.*

The inquiry was, I believe, one of the first major acts of the Executive in the last mandate. It represents these institutions working at their best. The Executive took a decision to do something about some vulnerable people who had been badly abused over a long period. They brought forward proposals to what we often call their scrutiny Committee, and we know that the role of the Statutory Committee is to assist and advise Ministers. The Committee took a consensual view across the five main parties that there were things that could be improved in the draft legislation, particularly the date at which Sir Anthony would start to look at issues. The original proposal was 1945 — the start of the health service. We said that we should go back to the start of the state, and that was accepted by the Executive Office — OFMDFM as was. I think that I heard Sir Anthony say that that meant that eight people came forward who would not have been able to come forward had the Executive stuck with the 1945 date.

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

Reflecting on participatory politics, which was brought up in the last debate, I think that the other thing that we felt was wrong was that it was only for institutional abuse. We felt that on the basis that the same abuser could abuse boy A in an institutional setting in the morning and boy B in a domestic setting in the afternoon, and boy A would have access to the inquiry but boy B would not, even though perhaps it was the same man committing the same abuse; the differential was where it happened. That is not equality. We were arguing that point when some victims of institutional abuse and their supporters came to us and said, “Yes, we get it, but please do not halt progress towards this inquiry being set up. We have been waiting a long time for it. Let this inquiry begin, and then do something for those who will not have access to it because their abuse did not take place in an institution”. We listened and said, “Fair enough. We will let this go ahead”.

On Friday, along with some other MLAs, I was in the hotel in south Belfast when Sir Anthony made his report. I listened to him talk about systemic failures, irresponsible decisions and homes with insufficient staff levels and staff who were inadequately trained. I heard him talk about how the organisations that ran the institutions where the abuse occurred consistently prioritised the reputation of those institutions over the welfare of the children whom they were supposed to protect. There was one word that he repeated, repeated and repeated: the word “systemic” or “systematic” was used by Sir Anthony Hart 41 times last

Friday. He identified systemic failures 41 times. Imagine sitting in that hotel room as a victim and survivor of that abuse and hearing 41 times a reference to systemic failures. Is it any wonder that those victims and survivors emerged from that hotel saying that they felt vindicated?

As a commissioner in the commission for Troubles victims, I listened to a lot of victims. There was a common theme: when the horrible event happened, there was an expectation that the state and the agencies of the state would form the wagons in a circle and that anything they needed would be provided. If they needed to get their children to school, needed help with some health issue or needed some money, the state would look after them. The experience was quite the opposite. In this case, the institutions were the wagons. These children, through no fault of their own, were placed in care. The expectation was that they would be nurtured, protected and loved, but the experience was that they were abused sexually, mentally and psychologically.

In the motion, we say that we should note the recommendations of Sir Anthony but, of course, the motion was penned before we knew what those recommendations were. Now we know that they are apologies, a memorial, help and financial redress. I simply ask colleagues in the House this: who are we to gainsay Sir Anthony Hart? Who are we to say, “Let us have a debate about the level of compensation”? Let us remember that today, as yesterday and tomorrow, we are wasting £85,000 of public money because of that renewable heat debacle. If we need to find money for these victims and survivors, let us simply commit to finding it. Let us also remember that this is intergenerational and that we are talking about people who have been denied opportunities and have lost opportunities in life for employment, education, holidays and, above all, for social inclusion and the creation of solid families built on love and all the values that you and I endure and enjoy. There have been huge lost opportunities, so we must do what we can for them. Tantalus-like, the report that they have waited for for decades is now just out of reach. The report was commissioned by OFMDFM, Sir Anthony presented it to the Executive Office and, to all intents and purposes for the victims and survivors of institutional abuse, that office is shut. That is the ultimate obscenity of the failure in Stormont Castle after 10 years of those two parties.

The Committee for the Executive Office has written to the head of the Civil Service asking him if there is any way in which the report could be retrieved from the Executive Office and passed either to Communities or Justice for actioning. I fear that the answer is no, but I think that we are right to ask. I also hear that, after 2 March, 90 MLAs will be returned but an Executive is unlikely to be formed. I hear word that we could be in for a long period of suspension. Surely, if the head of the Civil Service cannot do this before dissolution or when we are in election mode, surely the 90 who come back can find a way of actioning the recommendations for the people across the divide who were abused through no fault of their own and have waited decades for us to act on their behalf. Surely there is a way that we can do just that and prioritise the people over our squabbles and disagreements.

Sir Anthony went through a long list of institutions on Friday, institutions run by Churches and charities. He also talked about failures by other organisations such

as the police, the Ministry of Home Affairs, as it was in the old Stormont set-up, the Department of Health, local government and some statutory institutions. We know that, in his recommendations, he has called for apologies, so, Mr Deputy Speaker, let me say this in conclusion: if it is the case that any unionist politician or Minister in any way added to or failed to prevent the abuse and suffering in those institutional settings, I offer my and my party's unconditional apology.

**Some Members:** Hear, hear.

**Mr Poots:** I appreciate the opportunity to speak on this important issue. I welcome the fact that it has been tabled and congratulate the proposer of the motion for doing so.

Around five years ago, someone called into my office and related stories of what was going on in Rathgael, both at that time and in the past. Ever since then, I have been working with victims of institutional abuse to get justice, and I welcome the fact that the inquiry was set up. I commend Sir Anthony Hart for the work that he did. I do not know how he sat and listened to the stories day after day, but he did and he did so in a very fair way. More importantly, I want to congratulate the people who told their stories at that inquiry. It took many of them back to the circumstances of what had happened in the first instance and was hugely traumatic.

I want to relate a couple of stories very briefly, because we do not have time to give the stories justice, to tell them in full or to tell them as well as the people themselves. There was a young lad in Rathgael who was not sleeping well at nights and so forth and had a few problems. He was taken out at 6.30 am and made to jump off the pier into cold, icy water. That caused huge flashbacks for that individual, and, ultimately, he had an early death as a result of it. A young girl went into a Sisters of Nazareth home. From the age of eight, she was sexually abused by the priest who was supposed to be looking after confession. She was made to clean the toilets with her bare hands — to carry faeces out of blocked toilets with her bare hands— and to bath in bleach after a priest had abused her. That is the scale of what was happening to children in our society in this western, civilised country, not 100 or 200 years ago but 20, 30 or 40 years ago. It was right that the victims had their voice, and it was right that that voice was heard and acted on. It is immensely regrettable that we do not have a functioning Executive Office so that we can respond to the Hart report. That is absolutely critical.

I appeal to everybody in the House. We are in an election — the die is cast, so that is that — but I appeal to everybody in the House to get round the table and get things resolved quickly — I mean not over months but over weeks — and get back to dealing with issues like this. If you are talking about equality, here are people who need equality.

Where is the fairness in the victims not having their voice heard — not having a response made to them on these important issues?

#### 10.15 am

Lord Justice Hart made a series of recommendations. Some of them are about finance. We will have to get our heads together, look at all those issues and seek to respond as quickly as possible. What I am absolutely clear about is that Ireland, North and South, has a mark of shame on it as a result of abuse of children by a range of people from various

organisations. I want a line drawn under this, where we give victims recognition and take every step possible to ensure that new victims do not appear.

Our social care system has improved dramatically, but I do not believe for one instant that we have taken every circumstance out where a child can be abused. Let us have zero tolerance of child abuse in this society. For far too long, people turned a blind eye, covered it up and created the circumstances where child abusers could go from one place to another to carry out their abuse. That is just wrong. We as a society can do so much better. I appeal to the Assembly to give victims all the support possible to get resolution and to draw a line under this very important issue.

**Ms Dillon:** First, I would like to acknowledge that some of the victims and survivors are with us tonight. They have had a long wait because this debate was to happen a lot earlier in the day, but it is very short in comparison with the wait they had for the report and the acknowledgement.

I was at the launch of the report on Friday. The feeling, when I came out and spoke to people, was that the important thing for them was the acknowledgment. It was the recognition that, as has been said by other Members, they were the innocent victims. They had not done anything wrong. Finally, there was some acknowledgement that there were people who did do wrong, and did it to them. It was done by the very people who were supposed to care for them and protect them as a parent would. I do not think that very many parents would do to children what was done to these children in these institutions. I certainly hope not.

Speaking as someone who has a close personal connection to the issue, I have some understanding of what it means to the victims and survivors. My husband's mummy, Patsy, who I was extremely close to, suffered at the hands of nuns in one of these institutions — Nazareth House in Belfast — from the ages of four to eight. I will not go into the details of the story because it is her story, not mine, and she is no longer with us, but I am well aware of how she and her three sisters suffered. In fact, one of them died there and did not make it out. I feel that there needs to be some acknowledgment also of those who never made it out of these institutions and died within them. There probably is a failing in not recognising them. I wish to acknowledge them today, because some of their brothers, sisters and family members will still be with us. I spoke to Gerard and his sisters before I mentioned this tonight, because, as I said, it was her story and her children. They understand the impact it had on her throughout her life. It is very personal to a family, and I would not have spoken about her tonight without her children's permission. Whilst they were very emotional, they said, "Our mummy did nothing wrong. She has nothing to be ashamed of". This needs to be exposed and talked about. Thank goodness for Anthony Hart's report. All the things that happened to these children are being exposed and talked about.

The system failed the children — and their families, because these children grew up and had families. The impact was not just on the individual; it was on their families. It is generational; it did not end with that one person who suffered the abuse. I am glad to see these victims and survivors being acknowledged. As you would expect, the abuse suffered by the victims and survivors left its mark on their lives; it impacted on their lives and on those of their families. I welcome that the report

acknowledges that and that there are recommendations in it to address that. I also welcome the recommendation that there be financial redress for victims and survivors. It needs to be made clear that this is not about compensation, it is about allowing those people to get access to services that they may not otherwise be able to get access to. It is an acknowledgement that a lot of them did not get the education that they should have and that they suffered hardship in adulthood because of things that happened to them as children.

The motion outlines the fact that the current political situation may delay the implementation of the recommendations. Whilst it cannot be denied that there is a knock-on effect of there being no Executive Office, which is extremely regrettable, no one tried harder to ensure that the political institutions remained in place and delivered for the people than Sinn Féin. We will work day and night. I hope that Edwin means what he said in the Chamber tonight. I hope that we can all get round a table. If there is a change of attitude and a real willingness to work towards equality and serve all the people, we will be able to move this thing forward. However, we all have to work together. There has to be a change of attitude. I take what you said tonight in the Chamber at face value and hope that you will work honestly with us to move this forward.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude her remarks.

**Ms Dillon:** It is extremely unfortunate that we are in this position. However, I have been assured by the Finance Minister that some of the recommendations can be acted on and that he will work —

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

**Ms Hanna:** I thank all those who have spoken. Like others, I attended the launch of the report on Friday and have spent some time since reading it. I think that, for everybody there, it was a very difficult few hours — even for those of us who did not live through those experiences. It has to be said how much the strength, dignity and determination of the campaigners came through on Friday, as it has for many years. It was clear that, for a lot of people, that experience opened up decades of suffering. It must have taken incredible bravery to go to that inquiry and tell your story. That has to be commended, as have, as Mr Poots said, those who facilitated and worked in the inquiry.

Friday's report was a very long time coming; it was my mother, Carmel Hanna, who proposed the motion here in 2009 to set up an inquiry. That was over seven long years ago and after many years of campaigning by the survivors. They saw the inquiry as the next piece of the jigsaw after the Ryan report, which detailed grotesque and systematic abuse in over 200 institutions in the Republic. That report was a watershed moment in Irish politics; it led to a fundamental changing of the relationship between Church and state, and it set the ball rolling for some of the redress that is required here. It provided some catharsis in society by allowing people to have their story heard.

The Hart report, like Ryan, is a horrifying account of so many children's lives being shattered. I read it as a mum, as a Catholic and, like most people, just as a human. What those children were put through is an absolute inversion of the values that most people here will try to put into practice in their faith life or home life. The thought that

so many people who perpetrated that abuse did so when they were entrusted as faith institutions makes it all the more appalling, as was the evidence that, in some cases, congregations knew about the abuse and failed to stop it.

**Mr Ó Muilleoir:** Will the Member take an intervention?

**Ms Hanna:** I am happy to.

**Mr Ó Muilleoir:** Since you have met many of the survivors and victims, do you agree that we are all in awe of the inspirational heroism of the survivors of that abuse? I have had meetings — I am sure that the Member has had likewise — with many of the survivors and victims. Their thirst for life, their redemptive qualities, their lack of interest in revenge, their commitment to community, their often strong faith and all those things are great examples for all of us as we work on the many healing projects that we are involved in.

**Ms Hanna:** I agree with that, and I agree, of course, that —

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

**Ms Hanna:** — it is so important we let the people who have put all those qualities into the public discourse know they have been validated and that the redress they are entitled to is delivered to them. They were children who were entrusted into the care of the state and deprived of that very fundamental human need for love, and they suffered the systematic sexual, physical and psychological abuse that others referred to.

Justice Hart's recommendations were very clear and reasonable, and it is important we deliver on them as soon as possible, a public apology is given by an Executive and those institutions involved and a memorial is built here, hopefully, in the grounds. I think that would be a symbol of society's public and permanent repentance, but I understand it would be difficult for many survivors to come to see. I think it is important as a reminder of that failure and of the idea that this cannot happen again.

Sir Anthony Hart made specific recommendations for practical provision in health, education and social support, which many people will require. He recommended the need for a commission and an advocate to make sure that those who need that support can access it. He also made recommendations for financial redress, and, as others said, literally no sum could compensate people for the life opportunities and the happiness that were denied them. But it is very long past time they had some comfort and the security of that financial compensation.

The publication of the report is a moment survivors have waited too long for. I think the possibility that we will show them the answers and leave it out of reach for much longer is not acceptable. The state has let them down too many times before and cannot continue to do so. The publication of the report and the direction of travel of the recommendations will not come as a surprise to any of us. The Executive commissioned the report, and I think the provisions should have been enacted, as should the proposals to widen the scope of inquiry to people who were abused in clerical settings outside institutions and those in mother-and-baby homes, which were not in the scope of the inquiry.

In finishing, I commend absolutely those who had the bravery to tell their story, and I hope they feel vindicated.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude her remarks.

**Ms Hanna:** Everybody in the Chamber has to finish the job and deliver the redress and support that Sir Anthony Hart made clear they are entitled to.

**Ms Bradshaw:** I do not intend to speak for very long this evening. I think the time for talking is over. It is a time for action, implementation and healing. I put on record the absolute support of the Alliance Party for the recommendations in Sir Anthony Hart's inquiry report. I am particularly saddened for the victims of abuse who have campaigned for justice with the utmost dignity and courage. The Executive have now collapsed, and we are heading into a needless election, and this inquiry report, along with many others, is left waiting urgent attention from the new Executive when they get up and running.

When the victims and survivors of historical institutional abuse and their supporters came to Parliament Buildings last June — I had the pleasure of meeting Margaret McGuckin, who is in the Gallery this evening — they came to tell MLAs and their supporters that Sir Anthony Hart's report was planning to include a recommendation for a process for redress. It could not have been clearer that the most sensible course of action at that time was for the two Executive parties to ensure it was provided for within the Programme for Government and that an associated budget was included. So, eight months ago it was clear the report was going to come out in January and the chair of the inquiry was going to make the recommendation for redress, amongst other things. If the structure and resources for redress had been worked up behind the scenes, instead of us debating the recommendations of the inquiry report this evening, we would be discussing our support for the programme of redress and its immediate implementation. This is to the shame of the Executive parties, which had the power and, more importantly, the opportunity over the last eight months to make this happen. I do not want to make political points tonight, but I think we have wasted eight months, because we knew exactly what Sir Anthony Hart was going to recommend.

### 10.30 pm

In conclusion, I put on record the Alliance Party's thanks to Sir Anthony Hart. We appreciate his diligence and tenacity in producing such a balanced and fair report. As well as the programme for redress, we support the recommendations for a public, unconditional apology, the creation of the position of a commissioner for survivors of institutional child abuse and the delivery of a memorial. I ask Members here that, unlike with so many other things in Northern Ireland, we do not make the memorial a contentious issue. The last thing that we want to do is fight over where it is located, its format and other such issues.

On the far side of the election, it is incumbent on each and every person re-elected to push for the report's recommendations to be implemented immediately. The victims and survivors of this abuse have been let down time and again, and it is time for that to end. No more talking: it is time for action.

**Mr Stalford:** Along with other Members, I sat in the Ramada hotel — it is not called that any more — listening to the report as it was presented. Like my colleague Claire Hanna, I found it difficult. There were three people going

through my head: Trinity, Oliver and Cameron Stalford, my children. Listening to a litany of failure, abuse and torture, I thought to myself how I would feel if my children had been subjected to it. It is not that hard to imagine how this happened. These were children who were taken into care maybe because their parents could not support each other or could not support themselves, or because they were born outside of marriage. For whatever reason, they were taken into care. The state — this state — handed over to sadists and rapists children for them to look after.

**Mr Poots:** I thank the Member for giving way. I omitted to mention when I was speaking the tenacious work that Margaret, Marty and the SAVIA team did to bring this forward. On the subject that he is talking about, does the Member agree with me that we have got some honesty but that we could also do with justice? The PPS and the police should be pursuing the sadists that he is talking about.

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

**Mr Stalford:** Thank you, Mr Deputy Speaker. I absolutely agree with that.

At the launch of the report, I sat next to a man who said to me, "They tortured me and my brother. They beat us every day, and they shoved bars of soap into our mouth". That man was probably 10 or 15 years older than me. When he was describing what had happened to him as a child, you could see that he was regressing in his mind to that time and to what had been done to him so many years ago. He was still living with it all the years after he had left the Church-run institution that he had been sent to. At every level of the state, this was a litany of failure to ensure the good care of vulnerable children and young people. Almost everything that could have been done incorrectly was done incorrectly.

The report presented by Sir Anthony Hart must be actioned. I listened to some contributions, and I have to say that I did not get involved in politics to bring shame upon myself or to let anybody down. I want to see the report actioned. I think that it was right that we waited for its publication. None of us could have foreseen circumstances in which there would not have been an Executive to implement it, but I want to assure the Member from my constituency that I want to see this report implemented every bit as much as she does, if not more so.

I am involved in politics because I want to help people. In my time on the Executive Office Committee, which is chaired by the leader of the Ulster Unionist Party, there was not one word of disagreement around these issues. We all recognise the seriousness of the situation and the gravity of the suffering that was inflicted on people who should have been protected and looked after. No one has argued or had a disagreement about the nature of the memorial. I have not heard a single person put forward differing ideas. I want us, either in the grounds of this Building or in this Building, to have a memorial that reflects that this shame is an echo back to an era when children were cared for less, when the state took the children of the vulnerable and the poor and pushed them onto the sidelines.

For whatever reason, those who were entrusted with overseeing these institutions decided that it was not worth their time to do so. Here we are, a few generations later, tasked with — I cannot say repairing the mess or cleaning up the mess because that is not right — helping those



who have suffered. I want devolution to be used to help those who have suffered. I believe that it is right that there should be an apology for the role that the state played, and I believe that a memorial is a good idea and that financial redress should also be called for. Whilst the state had and should have a role in putting together a financial package, let there be no doubt that the Churches are some of the wealthiest organisations in this land, with the vast reserves of land and property that they sit on. Any Church that had a role in the systematic abuse of children should be made —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Stalford:** — to use its assets to bring redress to the people who suffered under its care.

**Mr Sheehan:** I also welcome the opportunity to speak in the debate, and we welcome the findings of the Hart report. What is important in a general sense is that it acknowledges the hurt and suffering of so many and the wrong done over many years. I suppose that I, like most of us, grew up in a happy family where our parents cared for us. When we had needs, they looked after us and helped us. They ensured that we got a good education. We were kept clean and tidy, and they did all the things that parents do. I pay tribute to all the victims and survivors who came forward and shone a light on the abuse of children in care.

Like others, I was in the Crowne Plaza hotel listening to Anthony Hart read out his report, and it is the stuff of nightmares. For the victims in all those homes, it was not just a nightmare but a reality. I commend them for their courage in coming forward. There is absolutely no doubt in my mind — I agree with Edwin Poots on this point — that we will probably never be able to eradicate abuse in the system completely, but future generations of children will be safer as a result of the actions that the victims and survivors have taken and their determination to ensure that the truth was told. All of us with any leadership role in society or the community owe you a debt of gratitude, and I thank you for your relentless pursuit of justice for all those who suffered in institutions. Your actions have exposed what Judge Hart described as “systemic failures”.

We also know that there are many victims who did not or, more likely, could not come forward to give their testimony, and our thoughts should also be with them today. Sinn Féin wants the recommendations of the historical institutional abuse report to be implemented as soon as possible in order to address the needs of victims and survivors. The state and the institutions in question failed in their duty to protect vulnerable children in their care.

It is important that, as Judge Hart recommended, victims and survivors receive compensation for the abuse that they suffered. Of course, no amount —

**Mr Ó Muilleoir:** Will the Member take an intervention?

**Mr Sheehan:** Sure.

**Mr Ó Muilleoir:** I am the first person to say that budgets are very tight, but does he agree that we will and must, as a Government, and whatever way this comes back, fulfil our obligations. Certainly, it is our intention today. I have said previously and publicly that we will fulfil our obligations to those who suffered. They are entitled now, to complement the truth that they have received, to get the justice that is redress. Does the Member agree that, despite straitened budgets, there has to be a significant

contribution from a future Government — if there is to be a future Government here — to meet their needs? I hope to meet SAVIA next week — some of our colleagues are here from SAVIA — to start that discussion. Someone should start the discussion that has to take place about the quantum involved in the overall compensation. Also —

**Mr Deputy Speaker (Mr Kennedy):** I remind the Member that interventions should be short.

**Mr Ó Muilleoir:** Someone has to start the conversation about what the compensation will look like and what the overall quantum will be. Someone also has to start a conversation with the Churches and institutions that also have to make a very significant contribution.

**Mr Deputy Speaker (Mr Kennedy):** The Member had an additional minute.

**Mr Sheehan:** I thank the Member for his intervention. Of course, I agree with everything that he said. No amount could compensate for the loss of one's childhood or innocence, but it is only right that any incoming Executive should make funds available for compensation as an acknowledgement of the wrong that has been done and the suffering caused. Equally, the institutions and organisations that were responsible for the children under their care and let them down should make funds available.

For around two and a half hours, I sat listening to Judge Hart, and I can only imagine the rollercoaster ride that it must have been for the victims and survivors sitting in the packed hall. Anyone who was there will attest to the palpable emotion in the room. I spoke to a number of victims and their families afterwards, and the overwhelming mood was one of vindication. They had told their story, and, in the beginning, no one listened, but they were relentless and persistent. They did not give up. They have now been vindicated.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Sheehan:** Your fortitude, tenacity and courage are an inspiration to us all.

**Mr Irwin:** I fully welcome the publication of the report. I thank everyone involved, not least Sir Anthony Hart, in the setting up and running of the process of the inquiry and acknowledgement forum through to the publication of the final report. A huge tribute must also be paid to the many people who came forward to give their account of abuse. No one can be unmoved by the plight experienced by the victims of institutional abuse in Northern Ireland and how it has profoundly affected their lives.

It has clearly been a very detailed and thorough inquiry. It was fully supported by Government in order that those tasked with its operation had all the necessary resources to enable the process to be wholly adequate and robust. The absolute focus must always remain on the victims and the impact of the abuse on the many victims throughout the years. The effect of the abuse was not isolated to the time that victims spent in the place where the abuse occurred. Leaving the institution did not mean the end of their suffering. The horrendous acts perpetrated against the vulnerable and the innocent have stayed with the victims to this day, and the memory of the abuse they lived through is a daily source of pain for them. An important aspect of this inquiry has been to give those victims, who were so deeply and terribly affected by the abuse, a voice and to say to

them that Northern Ireland recognises their pain and wants to help to lessen that pain. The inquiry has been a very important process for the victims in this regard.

#### 10.45 pm

Another tragedy in the ongoing trauma for the victims is the fact that, as children, they were not listened to. This is a very concerning fact, especially given what the inquiry has found. It is all the more terrible that young vulnerable children, when they needed assistance most, were pushed away, rejected and disbelieved. It is unacceptable enough that children suffered at all, let alone that they suffered —

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

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

**Mr Stalford:** The Member talks about children being pushed away. Does he agree that it is absolutely astonishing and appalling that they were literally shipped to the other side of the world to Australia where they could be abused by people who were supposed to be caring for them?

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

**Mr Irwin:** I thank the Member for his intervention. It is almost unbelievable that that happened, as one Member said earlier, not that many years ago. It is unacceptable enough that children suffered at all, let alone that their suffering was disbelieved and their concerns minimised and dismissed. That is a shameful state of affairs.

I fully support the publication of the report. It is absolutely important that its recommendations are carried forward. The fact that we now have a period of uncertainty with regard to the future of the Assembly is ridiculous. That fault lies squarely with Sinn Féin, which, for its own agenda, has triggered an election only months after the previous poll. It is deplorable that this long-awaited report has been delivered and now the House cannot move to respond proactively to the recommendations. The victims deserve better, and Sinn Féin must face up to the knock-on effects of its decision to bring down the Assembly, a result of which has been to cause further upset to historical institutional abuse victims.

**Mr Beggs:** On Friday, survivors of historical institutional abuse had their day that many had waited decades for. It was a day of public recognition of their suffering. What happened to them was wrong. It should never have taken place and should have been picked up much earlier through investigations by various statutory bodies. Sir Anthony Hart and his team lifted the cover off the 73 shameful years in our history in which some of the most vulnerable in our society — children — were exploited, degraded and abused by those who had been trusted to care for them. I will pick up on what my party leader said earlier. There are 41 references in the report to systemic failures that should not have happened. As the Member for South Belfast said, some were transported to the other side of the world alone, only to face further abuse.

Those who survived to see Friday saw not only verbal recognition but a list of concrete measures recommended by Sir Anthony Hart. They received recognition that the abuse they had suffered did not just affect their childhood; it scarred them and may have limited their opportunities throughout their lives. Had they been dealt a different set of circumstances, they could have walked another path

of better educational, social and economic opportunities. I would highlight that the suffering affected children from throughout Northern Ireland, including my constituency. Adjacent to it is the Bawnmore children's home, Barnardo's Macedon and the Sharonmore project, each of which was investigated as part of the programme. Like other MLAs, I, too, have met a constituent who had been placed, in this occasion, in Lissue hospital. He attended the hearing to report the abuse that he had endured whilst under care.

The package of recommended financial compensation recognises the long-term effect on the potential of these people and the abuse that they suffered, and it attempts to put right some of what was wrong by providing some financial certainty. I also agree that significant compensation should be sought from those bodies in whose care these vulnerable young people had been placed. They, too, have a responsibility.

The judge also put in place a number of other measures that would create a legacy to prevent this from ever happening again. That is perhaps the best legacy that all of us should ensure happens.

There should be a permanent memorial in Stormont to ensure that those who suffered are always in our thoughts as legislators. There should be a commissioner to advocate on behalf of survivors to ensure that their needs are met.

In the cruellest and most callous of twists, survivors find themselves able to see the end point, but not able to grasp it. Why? Because of the toxic politics of the Executive. We enter an election period without the full publication of the report or even a 2017-18 budget in place to address the recommendations for compensation. I have heard on the radio and TV victims who should now have finally had some certainty expressing their frustration that they have anything but certainty. The recommendations that were made by the historical institutional abuse inquiry are now left in limbo and have been handed to the Executive Office at a time when we do not have a First Minister or deputy First Minister in place to take them forward. Indeed, there is no one sitting in the ministerial chair tonight to respond to the debate and say what will happen. What legacy will we as politicians and an Assembly leave? There will be an onus on those who come after the election to ensure that something is put in place to deliver on the needs of these vulnerable people.

I urge what remains of the Executive to do one thing in the coming days: to be honest. Survivors have walked a long road, where their hopes have repeatedly been raised and then dashed. The Executive ought to be honest with survivors and tell them what they can and cannot deliver. Finally, as an Assembly, it is important that we pause to recognise —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Beggs:** — the strength of those who fought for this day, being forced to relive the terrible memories and be re-traumatised. It is important that they did it in order that lessons could be learned and to ensure that it does not happen again. I salute the courage of those who provided evidence and contributed to these recommendations.

**Mrs Cameron:** Obviously, the motion starts by welcoming the publication of the report of the historical institutional

abuse inquiry. It is a sad day when we are having to welcome such a report, but of course we all give our thanks to Sir Anthony Hart for the valuable work that he has done while chairing the inquiry into institutional abuse; abuse which is abhorrent in all right-thinking minds. That the mistreatment and sexual abuse took place within church and charitable organisations, which we all rightly expect to hold in high esteem and much trust, is utterly deplorable and should be condemned by all in the Assembly. That includes being present to see through any appropriate recommendations that follow the inquiry.

The motion also speaks of noting the recommendations for redress for victims and survivors of institutional abuse. No one could argue against that desire to see redress for these most innocent of victims, who have had their childhoods and indeed lives destroyed by the most vile offenders — people who were put into positions of trust and were to care for our children. I completely agree with my party colleague Christopher Stalford that the scale of failure to protect the most vulnerable children is astonishing and does indeed represent a complete failure by the Ministry of Home Affairs, the DHSS and the criminal justice system. Children and young people were placed in these homes with the certainty that they would be well cared for, nurtured and looked after, particularly because of the regard in which charities and Churches were held.

This is yet another example of some of the most heinous crimes that have been uncovered in Northern Ireland. Of course, we are not alone: we know that paedophiles, in particular, all across the globe will place themselves in positions of trust and power in order to ensure that they fulfil their own disgusting and warped needs. It is right and proper that we should be repulsed by their actions.

The latter part of the motion speaks, of course, about deploring that the political impasse means that the report is not being actioned. You will certainly have no argument from me on that. The decision by the party opposite to pull down the Government in order to fulfil their political wish list disgusts me. We have recently seen again that party's lack of interest, demonstrated by either empty or virtually empty seats. Election preparations are obviously well under way, because its Members have decided to turn up today.

We cannot ease the pain and anguish from which the victims will never be free, but it would at least show and demonstrate that the Government care about their suffering and recognise fully the wrongs that were committed against these individuals if we took certain action on the back of the report. Mr Deputy Speaker, it is a very sad day when the Government receive a report such as this and are unable or, indeed, unwilling, as in the case of Sinn Féin, to give it the attention and action that the victims of historical institutional abuse deserve.

**Mr Lyttle:** I welcome the opportunity to speak in the debate tonight. I start by commending my Alliance colleague and Member for South Belfast Paula Bradshaw MLA for her contribution, which goes to the core of the message that needs to be sent out tonight. Given the gravity of the HIA inquiry report, it is now time for action. That, for me, is the key message being sent out this evening.

There is no First Minister or deputy First Minister. However, the victims, survivors and their supporters have been signposting the likely recommendations of this report for months, if not years. We have a Health Minister and

a Justice Minister, and if the Executive Office were able to issue a statement about this report on Friday, I genuinely like to think that one of those Ministers could have been here this evening to respond to this extremely important debate and to provide a progress update on the recommendations to the victims and survivors in our community and, indeed, to those who are here tonight.

Deputy Speaker, this has been one of the most challenging issues on which I have worked as an MLA. It has been a privilege to meet the victims and survivors and, indeed, the many people who have supported them along the way. Carmel Hanna has been mentioned, but I also think of Conall McDevitt, Patrick Corrigan of Amnesty International and Professor Patricia Lundy of the Ulster University who were part of the panel of experts that has supported the victims and survivors. It is the courage, the dignity and the perseverance of victims and survivors that drove the campaign and progress towards the truth and redress that they deserve. It is for those victims and survivors that I commend the work of the HIA inquiry led by Judge Hart and welcome the comprehensive recommendations that it has made.

It took a two-and-a-half-hour statement and a 2,300-page report — 10 volumes in total — to set out unequivocally how the action — and inaction — of the state and Church organisations charged with protecting children and young people exposed them to the most heinous systematic institutional emotional physical and sexual abuse. I pay tribute to the victims and survivors of that abuse who have had to fight with courage and dignity to achieve the long overdue acknowledgement and truth that they deserve.

Mr Deputy Speaker, sitting at the launch of the report on Friday, one of those victims and survivors turned to me, after every bit of detail that had been put forward, and asked me simply, "Do you think that means that they believed us?". That was the most important issue to him, and I am glad that he has been believed in complete detail. It is crucial that the details of those recommendations, the public apologies, the memorial, the services to meet the individual needs of victims and survivors, and the redress and compensation payment are actioned as a matter of urgency. We need to hear an update as to how that will be achieved.

If it is the truth that these recommendations cannot be progressed in the absence of the Executive, victims and survivors deserve to hear that truth. There is an urgent obligation to implement the report; that alone should serve as a reason for a functioning power-sharing Executive to be put back in place.

As an MLA for East Belfast, I mention the reference to Kincora boys' home in the report. The report found that Kincora residents were exposed to numerous acts of sexual abuse of the gravest kind. Judge Hart gave reassurance that he had access to all the information that he required, but I remain concerned that key individuals appear not to have felt able to give oral evidence to the inquiry.

That remains a concern. I also acknowledge the ongoing need for investigation into clerical abuse of victims outside of institutions and mother-and-baby-home abuse as well.

**11.00 pm**

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr Lyttle:** We need to hear what the Executive have been doing to progress the need for truth and redress for those victims and, of course, the moral obligation on all those in authority to deliver for the victims and their needs.

**Ms Bailey:** As someone who has worked for Nexus, an organisation that works with the victims of sexual abuse and rape, I know fine well that this type of abuse has long-lasting and horrific consequences for victims and survivors. More often than not, it takes decades for them to find the space to speak their voice and reach out for some help. We need to ensure that these types of organisations are properly funded in order that they can continue to offer this avenue of help for those who need it.

It is impossible not to welcome this report. It is truly awful, as has been mentioned, but it is being debated in an environment where our government is crumbling by the day and the Executive are not here to move forward on it. I believe that the victims and survivors deserve much more than a half-empty Chamber and a non-existent Executive to move forward with what, I believe, they have probably just started.

I also share the concerns raised by Chris Lyttle about Kincora and those who did not feel that they could come forward and take part in this investigation and their reasons for doing so as well. I want to try to offer a bit of hope to them, that this report is just the first platform or step, and much more needs to be done, and we can be doing much more, to help.

I also think that the campaigners have done much more than wait for this report. They have fought, suffered and struggled to be believed and heard for most of their lives. I also believe that this House has wasted much more than eight months. We have to acknowledge that we have wasted most of the victims and survivors' lives in bringing this to where it is, and it is still not resolved.

When we hear the words "systemic failure", know that this institution is a major player in that system. I have untold admiration for the campaigners, and we can never again say that we do not know, or did not know, because we know.

We need to say sorry; and I am deeply sorry. I am also deeply sorry to every child in this country who is currently living with this fear and abuse. I want to do all I can to make sure that each and every one of them knows that we are listening and going to take action. We are coming to an election. When we go out with our pledges to the public, make this your number one pledge, because this crime did not end institutional abuse. This crime is prolific in our society. It is happening today, it will happen tomorrow and it happened yesterday. This is our shame.

The real tragedy of all this is the fact that, because of the failures of this Executive, these victims are still not seeing the justice that they deserve. Stormont is fast becoming a byword for corruption, and today its legacy of redress for these victims is certainly nothing to be proud of. This whole suffering is our entire shame.

**Mr E McCann:** I want to say first that, having sat here and listened to the debate, there were one or two occasions when I felt a wee bit uneasy. Those were occasions when quite spirited attacks were made on the Sinn Féin party for its actions which contributed to the suspension of the Assembly or the crumbling of the institutions. The suggestion seems to be that, somehow, Sinn Féin was — or seemed to be — less than wholehearted in handling this

issue, because it had left us with nowhere to go with it now the institutions are gone. The issue was used in relation to a debate that is going on in the Assembly and society that has nothing to do with child abuse or anything like that. It is simply inappropriate that Members from the DUP over there made those points. I think it is right that somebody other than a Sinn Féin Member should stand up and say that, and I am very pleased to say it.

The singer Christy Moore wrote a song called 'Middle of the Island' back in the 1980s. It had a refrain that he kept repeating: "Everybody knew, nobody said". It was about child abuse, but child abuse in a slightly different context. It was about a young woman, a girl called Ann Lovett, who, on a January day in 1984, came out of school and went to the grotto of Our Lady:

*"O clement, o loving, o sweet Virgin Mary",*

— in the outskirts of Granard in the county of Longford, lay down and gave birth. She was 15 years old. This was Christy's point: "Everybody knew, nobody said". She suffered in silence. She gave birth, lying there. The child was born dead. She died within a couple of hours. There is a direct connection between that and what we are talking about.

The destruction of truth and honesty in relation to sex in our society is a contributory factor to all this. In some ways, the understanding was absolutely right. Everybody has spoken compassionately about the victims of this — you cannot have an excess of compassion — but, sometimes, it leads you to speak in a way that does not ascribe blame or point the full blame at where it belongs.

I talked about Christy and "Everybody knew, nobody said". I can remember, when I was growing up on Rossville Street on the Bogside, my mother deciding at one point that we should be one of those family-rosary families and say it every night. So, we did. Every evening, she spoke the phrase — only Catholics will understand this entirely — "The fifth decade of the rosary. We'll say this decade for the home boys. God help them". Other people used it too. That was the phrase: "We'll say this decade for the home boys. God help them". The home boys were the boys from the Termonbacca home, just above the Letterkenny Road on the outskirts of Derry. You used to see them. People talked in whispers about the home boys and the terrible things that were done to the home boys. Everybody knew, and they were decent, kind people. Why did they not speak up? Here is the point I am getting to. It was reverence for the Catholic Church, combined with the oppressive power of the Catholic Church down upon them. The Catholic Church has an awful lot to answer for, and it is not just little, individual instances. It is because of that role and the way in which it was perceived in society that people were afraid to speak out. You did not speak out against the priest. That is one of the reasons why clerical sex abuse lasted for so long and they got away with it.

Peggy Gibson, a woman from Deanery Street in Derry, now living in Queensland, is an example of the result of all of that. She is living in Queensland because she was one of the kids who was exported from this country, North and South, but mainly the North. How did that happen? Why was a five-year-old child taken to Australia? One of the questions that came to me when I was writing about these things was, "What travel documents were involved?". Who gave permission? I finally got it. Jon McCourt, who is in the Gallery, finally came to me with a document that showed



what had happened. A priest signed a document certifying that a named nun was in loco parentis and would have the authority to take the child away; the nun countersigned that; the Home Office in London approved it; and off they went. There you had the entire thing. This is a criminal conspiracy. The state colluded in all that. The Catholic Church wanted wee Catholics out in Australia to build them up. The Australian Government wanted English-speaking white kids as part of the "White Australia" policy, and, sadly, sir, nobody in authority in Northern Ireland — in those days, the unionist state —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude his remarks.

**Mr E McCann:** — was too worried about wee Catholics disappearing from the Termonbacca school. They disappeared. These people were in the custody of the state. I could give you other examples, but I do not have the time. We have to —

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

**Mr E McCann:** Yes. We should do all the things that are said here. We should also draw certain conclusions about certain institutions.

**Mr Deputy Speaker (Mr Kennedy):** I call Mr Richie McPhillips to make a winding-up speech on the motion. He has up to 10 minutes.

**Mr McPhillips:** As a member of the Committee for the Executive Office, I welcome the opportunity to contribute to this evening's important debate, which was brought to the Assembly by non-Executive parties and concerns the publication of the historical institutional abuse inquiry report. I will start by putting on record my thanks to Sir Anthony Hart for publishing the report before us today. I also want to record my appreciation of all those who worked as part of the team that enabled the publication of the report, which has provided vindication for so many victims. I will also take the opportunity to commend the many individuals and organisations that have tirelessly campaigned for justice for the victims of historical abuse. They have run a relentless campaign, and it is important that we give them due recognition today. I know that, for many victims of abuse, the giving of evidence was no easy feat, and I fully commend those people for engaging with the inquiry.

The publication of the HIA report was long overdue. For the survivors of these horrendous crimes, the report represented the hope that they would see justice, their accounts would be vindicated, the conspiracy theories would be verified or dispelled and the whole investigation would be conducted without prejudice. I am glad that that vindication has finally come to those survivors in a report that reveals evidence of systematic failings in the 22 state institutions and homes that were investigated and of the unjustifiable sending of children to Australia for labour.

The authorities failed many, many victims and individuals across a number of institutions, but, most worryingly, the inquiry found that those institutions were seemingly more concerned about their own reputation and protecting the perpetrators than about looking out for the best interests of some of the most vulnerable children in our society. In many cases, those deliberate oversights enabled the continued abuse of the children. In hindsight, it raises this

question: what impact would timely intervention have had on these cases? The failure of the authorities is a heinous crime in itself, and the state duly owes an apology to all the individuals affected. I am glad that various organisations that have been investigated and found to be at fault have come forward over the past few days to offer such an apology.

The report makes clear recommendations, including the establishment of a commissioner for victims and survivors as well as a much-needed tax-free compensation scheme. It also recommends putting a memorial in the grounds of Stormont to show respect to those who were wronged by the state. Those are welcome developments, along with other recommendations in the report.

Just as we get to the end of the line after a decades-long wait for justice for these people and just when redress has been achieved through the inquiry report, it has been taken away from them by the childish actions of those who currently occupy what is meant to be the Executive of the Northern Ireland Assembly. These individuals and their families have suffered long enough, and it is issues of abuse that really put things into perspective as to where the Assembly is today and who it is that we serve. It is now important that the recommendations be brought forward without hesitation, and the compensation scheme must be prioritised to give immediate redress. Following the election, budgetary resources for the scheme must be found, and those funds must be ring-fenced. We need that commitment from any future Executive.

I turn to some of the comments made by Members. The proposer of the motion, Mr Mike Nesbitt, talked about the 41 systematic failures highlighted in Sir Anthony's report. Claire Hanna's mother was the first person to propose a motion of this type to set up an inquiry and get it running. Paula Bradshaw expressed her disappointment at the collapse of the Executive, which, as I pointed out, means that there will be a future delay and a big disappointment that no redress programme has been put in place. Mr Stafford pointed out that there was never any disagreement on the Committee for the Executive Office. That is true in one sense, but, on a number of occasions, I asked the First Minister and deputy First Minister why there was no redress scheme and what was being done and they kept saying that they were waiting for Sir Anthony's report. It is just a pity that nothing was put in place; if it had been, we would have been able to action it now. Mr Roy Beggs talked about the toxic nature of politics here and the message that we send out with no Minister being present to take part in the debate. Chris Lyttle talked about a victim at the report launch who was looking for affirmation that his story was being believed. Clare Bailey talked about the half-empty Chamber, which is very disappointing in many respects.

I commend the motion to the House and acknowledge the people in the Public Gallery. It is unfortunate that they have had to wait so long to view today's debate.

**11.15 pm**

**Mr Deputy Speaker (Mr Kennedy):** I will take the unusual step, on behalf of the entire House, of acknowledging the presence and the dignity of those in the Public Gallery who have listened to the debate.

**Some Members:** Hear, hear.

*Question put and agreed to.*

*Resolved:*

*That this Assembly welcomes the publication of the report of the historical institutional abuse inquiry under its chair, Sir Anthony Hart; notes his recommendations for redress for victims and survivors of institutional abuse and deplores that political impasse means that the report is not being actioned.*

## Assembly Business

### Assembly Commission

**Mr Deputy Speaker (Mr Kennedy):** I wish to inform the Assembly, as required by Standing Order 79(4), that Mr Ross Hussey has given notice of his resignation as a member of the Assembly Commission with immediate effect.

*Adjourned at 11.16 pm.*



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# Northern Ireland Assembly

Tuesday 24 January 2017

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

*Members observed two minutes' silence.*

## Speaker's Business

**Mr Speaker:** Members, today is our last sitting ahead of the election in March. In the circumstances that this Assembly has not completed the full expected term, the normal conventions at the end of a mandate do not seem to be appropriate. However, as Speaker, the one tradition that I want to ensure is maintained at this last sitting is to place on record our thanks to the staff of the Assembly.

It is important to acknowledge that it has fallen to Assembly staff to deal with the wide range of pressures since last May. I also want us to recognise that, in these recent times, when there are increased political tensions, that has an unintended impact on the atmosphere in which the Assembly officials work. However, I want to express our thanks to all the staff working in this Building through all of that, no matter their role, for their efforts and professionalism. I know that they have an unwavering commitment to wanting to see a strong and active Assembly and that they will be ready to assist every single Member following the election, regardless of the outcome.

Let me also express thanks on behalf of all of us to those others, including staff working for Members and parties in the Building or, indeed, in their constituency offices. Their role also deserves recognition, as every Member relies upon them to fulfil their Assembly duties.

To every Member who has declared that they are not seeking to return, I want to acknowledge their public service on behalf of the House. While it brings privileges, the House also involves sacrifices, and we want to thank you all for your commitment. There may be difficult times ahead, but I wish every Member well, whether seeking re-election or not, whatever their future might bring.

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

**Mr Speaker:** Can you just let me get through some of the procedural business, and then we will take the point of order?

## Assembly Business

### Public Accounts Committee

**Mr Speaker:** I wish to inform the House that I have received the resignation of Mr Robin Swann as Chairperson of the Public Accounts Committee with effect from 11.58 pm on Wednesday 25 January 2017.

**Mr Nesbitt:** On a point of order, Mr Speaker. On behalf of the Ulster Unionist Party, I want to put on record my thanks to the staff on this estate — every single one of them — for their unflinching professionalism and courtesy, and to express regret for any disruption to their professional lives that may be caused by the current political impasse. Thank you for your indulgence.

**Mr Allister:** On a point of order, Mr Speaker. First of all, I join in thanking the staff, as you properly did, and associate myself with those remarks.

However, on a point of order, as Members of this House we are, as I understand it, under an obligation to declare all relevant interests. As Speaker, you, too, have oversight of the Committees of this House. What are the ramifications of Ms Carla Lockhart, as a member of the Public Accounts Committee, failing to declare a family link to the renewable heat incentive (RHI) scheme at a time when that same Committee was investigating the RHI scheme?

**Mr Speaker:** I thank Mr Allister. That is not a matter for the Speaker to deal with; it is a matter for a Member to declare his or her interests on the appropriate register.

**Mr Swann:** Further to that point of order, the PAC still meets tomorrow afternoon, so there will be an opportunity to clarify that matter.

**Mr Dickson:** On a point of order, Mr Speaker. Just very briefly, I also wish, on behalf of the Alliance Party, to be associated with your words of thanks for the dedication of staff in this Assembly.



## Assembly Commission Membership

**Mr Speaker:** The first item on the further revised Order Paper is a motion regarding Assembly Commission membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Before we proceed to the Question, I remind Members that in accordance with Standing Order 79(3), this motion requires cross-community support.

*Resolved (with cross-community support):*

*That, in accordance with Standing Order 79(4), Mr Robin Swann be appointed to fill a vacancy on the Assembly Commission as of 11.59 pm on 25 January 2017. — [Mrs Overend.]*

## Assembly Members' Pension Scheme

**Mr Speaker:** The next item on the further revised Order Paper is a motion to appoint a member of the board of trustees of the Assembly Members' pension scheme. It will also be treated as a business motion, so there will be no debate.

*Resolved:*

*That Mr Roy Beggs be appointed to the board of trustees of the Assembly Members' pension scheme. — [Mr Swann.]*

## Private Members' Business

### Cavity Insulation: NIHE Properties

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

**Mr Easton:** I beg to move

*That this Assembly calls on the Minister for Communities to hold the Northern Ireland Housing Executive to account for its failure to address the lack of, or poor quality of, cavity insulation within many Housing Executive properties; and calls on the Housing Executive to formulate a plan of action to ensure that all its properties have adequate and proper cavity insulation.*

I ask Members to indulge me for a few moments to explain why I have proposed the motion and the reason for its wording. Cavity wall insulation has been raised many times in the last few years by nearly all of us in the Chamber in some form or other, and it has been debated recently in the Assembly, lastly in November 2013. Sadly, little has changed since then.

Roy Beggs, Andy Allen, Pat Sheehan, Patsy McGlone and Steven Agnew have all expressed interest with Assembly questions, have met the industry and various residents, and have had the seriousness of the issue explained to them. I hope that I will have cross-community support for the motion.

It is acknowledged that there are UK-wide issues with regard to the deterioration of certain insulation materials, such as fibre, over time, exposure to water, and the quality of workmanship. That is a problem not only for the Housing Executive, but across the total housing stock. In the mid-1980s, the Housing Executive carried out an extensive programme of insulating cavity walls across a housing stock that was twice what it is today. In many ways, that programme was ahead of its time, but nearly 30 years have passed and many problems are now coming to light.

In November 2013, I tabled a similar motion in the Assembly on the topic. After a lively debate, the motion received all-party support. The debate covered many of the issues around fuel poverty, the health issues from living in cold, damp homes, and the opportunity to create jobs and reduce consumer bills. Therefore, I wish to focus on what actions have occurred since the motion was passed and update Members on my views of progress to date.

Following the motion, several Members enquired about progress, including the current Minister. We were all referred to a study that had been commissioned by the Housing Executive: the South Eastern Regional College (SERC) report. We were told that the report would determine the condition of the insulation in cavities and that the Housing Executive would:

*“carry out an evaluation of the results to determine whether there is substandard insulation in its properties and will develop whatever action plan is indicated with new strategies and policies.”*

We were further told that the project would provide an evidence base to underpin a programme of remedial work if required. It all sounds good so far.

The study was commissioned and a report duly completed. Two hundred and six properties were thoroughly investigated, and the report was completed in March 2014. It found that 39% of cavity walls were in severe and critical need, 26% were unsatisfactory with grave needs, 11% were in significant need, 14% had specific needs, and only 9% were fit for purpose.

The report was then suppressed by the Housing Executive and published only after questions in the Assembly. It was finally released with two important provisos and its publication included a letter from the then director of regional services for the Housing Executive. It stated that:

*"As a result of the findings contained in the report, a much larger survey is being commissioned as part of the stock condition survey of Northern Ireland Housing Executive properties commencing in the autumn of 2014. This will inform the future strategy and programmes required to address the issues in the report."*

The letter refers to the report as "small", yet the 206 sample houses had all been included in the 2011 house condition survey (HCS) and were noted as being in good condition. The HCS provided robust data to inform on fuel poverty, energy efficiency, quality of housing stock and state of repair. It is quoted extensively throughout government, yet the sample that was used in it was only 0.18%. In comparison, the SERC sample was 0.31%, which is nearly double the size. It also appears that we were misinformed as to the purpose of the study, as it has now become a small-scale exploratory research study aimed at providing an initial indication.

The director of regional services added:

*"As a result of the findings contained in this report, a much larger survey is being commissioned as part of a stock condition survey"*.

So, the SERC report was condemned to the dustbin, but at least a bigger survey would be done. The larger survey is commonly known as the Savills report and, thanks to questions from other parties, we now know that it cost £4 million.

It was a holistic, detailed, formidable body of work. Over 22,000 houses were examined for thermal efficiency and other issues, and over 22,000 lofts were examined.

**10.45 am**

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

**Mr Easton:** Not at the moment.

Amazingly, not one single cavity wall was inspected or borescoped. So a much bigger, more expensive study was completed. Yet, for some reason, the Housing Executive chose to ignore the findings of the SERC report and not to investigate further.

In reply to questions about cavity wall insulation over the last year or longer, the Housing Executive has now put forward a consistent response regarding the issue, namely, that it intends to investigate further through its external cyclical maintenance (ECM) schemes, to carry

out samples with borescopes when deciding a programme of works and to deal with individual houses on a response basis. The ECM programme that the Housing Executive has referred to includes roofs, walls, fences etc. It is my understanding that the specifications for this work have already required inspections of walls, but I am glad to hear that the Housing Executive is now saying that it is committed to carrying out these inspections.

This answer is a reasonable approach, which has some merit, until you dig in further and ask what is actually happening. In October of last year, Roy Beggs asked how many cavity walls had been surveyed under the ECM programme. He was told that:

*"as this intrusive inspection approach has only commenced recently, the Housing Executive is unable to provide the information requested."*

Would the Member like in now?

**Mr Beggs:** I find it quite astonishing that the answer could not be given. What I also find quite astonishing is that, having known from the report on the smaller sample that there were major defects in cavity wall insulation, Savills was not required to carry out any further investigation or commissioned to ensure that would happen.

**Mr Easton:** I totally agree with the Member: it should have included that.

So, it appears that they still have not started this yet. Likewise, the claim to deal with individual houses on a response basis seems hollow. The SERC report identified 135 houses across other constituencies that had serious deficiencies with their wall installation. In answer to questions from the Minister, the Housing Executive has stated that two houses have had remedial work carried out over the last three-and-a-half years. Not very responsive by any definition.

In 2005, I asked, via the Minister, how many claims have been made against the Housing Executive for substantial cavity wall insulation problems. I was told that the information was not available under that classification but was included under dampness and that over 200 claims have been dealt with. The Housing Executive often use the term "lifestyle issues" to explain damp on walls. In many cases, it is much more likely to be a lack of, or poor, cavity wall insulation. As such, in December 2006 I asked another question through the Minister. This time I asked how many cases of damp had been reported to the Housing Executive over the last four years. The answer horrified me: 25,000 cases.

In my constituency I see this repeated time and time again, but I am totally frustrated by the approach of the Housing Executive. I have been involved in trying to resolve a complaint for a tenant in the last few months, and it highlighted the approach adopted by the Housing Executive. The usual excuses were lifestyle choices, condensation and not using heating properly and airing the house. The real reason was that there was no cavity wall insulation in the property. I will read out an excerpt from a letter written by a lady after the Housing Executive had fixed her problem. She told me:

*"Until you live in a house with insulation problems, you will never know how much stress and worry I had. I am trying to keep a nice home, only for it to be eaten up"*

*by black, dangerous mould. I have had to constantly strip back wallpaper, wash walls with antifungal and redecorate."*

She then went on to say, once the Housing Executive had actually bothered to resolve the situation:

*"I feel like a weight has been lifted off me, as I will no longer have to worry about the mould making us sick and will no longer have to redecorate."*

In closing, I understand that the Housing Executive has financial restraints and must prioritise its budget, but having a warm home, free from damp, is at the top of everybody's wish list. From my experience and that of my constituents, the plan is not apparent, and very little progress appears to have been made on the motion agreed in the Assembly over three years ago. That is why I believe that the Minister needs to ensure that this is remedied, progress monitored and the Housing Executive held to account. A plan has to be developed and not a quick fix; it may take a decade. We need a plan, and it needs to be delivered.

**Mr F McCann:** I understand that a lot of this stuff is based on Savills, but, if my memory serves me right, back in 2007 or 2008, Savills came in again and was heavily critical of the Housing Executive for what it called over-maintaining homes. It brought them up to the decent homes standard-plus. After that, there was a reduction in the level of maintenance that it carried out in homes. The issue has its genesis back in 2008. I always thought that that was a foolish decision that was made at the same time. We cannot over-maintain our houses; the better they are, the better for the tenants who live there.

Cavity insulation, and all insulation, is crucial to maintaining the fabric of any home and the well-being of those who live there. Although I support the motion, I am sorry that it does not include the thousands of people who own their home but, because of their financial circumstances, cannot afford to insulate or upgrade it.

I understand that, some years ago, when the SDLP had the Ministry, it removed a number of grant options that allowed grants for people to renovate and upgrade their properties, which would have included heating, new windows and the upgrade of the fabric of their homes. That ill-thought-out decision by the SDLP Minister at that time has ensured that people, some of whom are the most vulnerable in our community at present, see their homes continuing to deteriorate. It is quite likely that they will be the slums of the future, thus costing more to put right in the end.

In recent times, people living in relatively new homes are suffering the consequences of poor insulation. I think of people who live in Lagmore, where contractors did not adequately insulate the homes. There is an onus on the Housing Executive, which had those homes constructed, to pursue those who made the mess. If that is not possible, there is a duty on the housing provider to put right that problem.

Insulation is non-existent in many tower blocks. People in the flats are living in freezing and damp conditions. The only advice that they are given, as you said, is to leave their windows open. Several months ago, the Minister for Communities visited Divis Tower. He saw the flats for himself. They are well-kept by the tenants, but the complaints are the same: the lack of insulation makes

them a cold house to live in. It is a place where tenants sit wearing heavy coats while watching TV. Of course, those are not the only flats that suffer those problems; I am sure that many in the House see the same conditions in their own areas. The Minister looked at those conditions and spoke to tenants. I thank him for his visit. I believe that he had a great deal of sympathy for the plight of tenants.

The Housing Executive board, which met several weeks later, had on its agenda for that meeting a decision on the strategy for the future of all tower blocks, which included options that would see the demolition of those that it wanted rid of. Also included was investment in those blocks of flats that needed immediate investment. I understand that Divis Tower was included. What did the board do? It fudged the matter by putting any decision back a number of months. Tenants in tower blocks were waiting on good news at Christmas. Instead, they got a slap in the face.

The board is looking at removing all tower blocks over a period of time because it says that they are not financially viable and so should be demolished. It has missed the fact that we are dealing with people and their living conditions, not a strategy. Any demolition could take over 25 years to unfold. It would take that length of time before they get to Divis Tower. It did not look at the chronic problems faced by tenants. It did not discuss how tenants felt or whether it would be in a position to house people from Divis or any other tower block. In fact, people are happy living in Divis —

**Mr Sheehan:** I thank the Member for giving way. Does he agree with me that residents in Divis flats have had problems from the day and hour that that tower block was built?

**Mr F McCann:** Yes.

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

**Mr F McCann:** There were a number of attempts in the past; the repairs carried out at that time did nothing to remedy the problems that exist. It is poor heating, no insulation and a serious problem with dampness.

If people looked into the flats and decided they were surplus to requirements, where would they put the tenants? West Belfast has the longest waiting list in the North, with over 4,000 people looking to be housed. What would they do with the tenants in the other blocks who wished to remain in their locality, which is often the case? Have they properties to move them to? The decision taken by the Housing Executive board to not proceed with investment in Divis Tower has condemned tenants to live in a never-ending nightmare. The replacement of windows and heating systems along with proper insulation could transform those flats and the life of those who live there.

**Ms Gildernew:** Will the Member give way?

**Mr F McCann:** Yes, certainly.

**Ms Gildernew:** Does the Member agree with me that, while the situation in the tower blocks is dire, many homes in rural areas are solid wall with no cavity wall insulation — indeed, no insulation at all — and that something needs to be done to rectify that, especially given that COPD, asthma and other respiratory conditions can result from it?

**Mr F McCann:** Yes, I certainly agree with that.

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr F McCann:** The Housing Executive sits today with roughly 88,000 houses in its stock. Many of those are 20 years old, and some are far older. The point is well made by the Member; often, when we speak about housing, we forget about the serious problems in rural areas.

**Mr Allen:** I take this opportunity to thank the Members responsible for bringing this important motion before the House, and I thank the Minister for coming today to listen to the concerns of Members from across the House.

If we look at the Department for Communities's statutory minimum fitness standard for housing, we see it outlines that one of the criteria is that a home should be:

*"free from dampness prejudicial to the health of the occupants".*

It further states:

*"Under the fitness standard a dwelling is fit for human habitation unless, in the opinion of the relevant authority, it fails to meet one or more of the above requirements."*

Further on, under the heading, "Reasonable degree of thermal comfort", it states:

*"Associations should take the opportunity to improve the energy efficiency and install insulation that meets current NI Building Regulations standards. Providing a reasonable degree of thermal comfort requires efficient heating and effective insulation."*

The Northern Ireland energy strategy, which was updated on 18 January 2017, states that one of its goals is:

*"To achieve substantial progress towards a 34% improvement in the energy efficiency of the housing stock in Northern Ireland over a ten year period."*

There is no doubt that energy efficiency is the best way to tackle fuel poverty.

We are told in the Programme for Government that there is a major desire to tackle fuel poverty, and one of the key ways of doing that is to address the lack or poor quality of cavity wall insulation in Housing Executive homes. At the time many of the homes we are talking about were built, often the highest industry standard was used, but, as the years have progressed, those standards have improved and the materials used then have become not fit for purpose.

We have, on many occasions in the House, discussed the need for new social housing; indeed, we point to the 40,000-plus people on the social housing waiting list and demand that the Minister does more. Although the House is coming down and the Minister leaves office on 1 March, I welcome that he committed to building 9,600 new social starts and to funding 3,750 co-ownership homes. It is important we build new homes and invest in new homes for people, but it is also vital that we invest in our current stock to bring it up to a standard where they are fit for purpose and habitation.

Mr Speaker, I have attended many constituents' homes —

**Mr F McCann:** I am glad you raised the point about the 9,600 houses, which are essential to try to deal with the long waiting list, but we need to be adventurous in what we look at in housing and houses that are being built. Recently, I saw an item on TV about a number of factories

opening in England that make pre-packed houses that have the highest energy standards, are well built and put together and could provide an alternative at half the price of a normal house.

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

**Mr Allen:** Thank you, Mr Speaker. I thank the Member for his intervention. Whilst I realise the Minister said that building 9,600 homes is an ambitious target, I would like to see it go beyond that. Indeed, if we look at the housing growth indicators in the regional development strategy, we see it points to 6,000-plus units per year being needed to address the housing shortage. I believe the 9,600 target is ambitious, and I commend the Minister for setting it, but I do not think it goes go far enough. I believe we need to challenge ourselves to set those targets higher.

#### 11.00 am

As I was saying before the Member's intervention, we hear often in the House about the need to improve our current housing stock to ensure that it is fit for habitation. Indeed, I have attended many constituents' homes and have seen pictures of homes of a shocking standard.

Is the Member looking to come in there? No? Sorry, my poor eyesight means that I could not tell whether you wanted in.

Quite often, constituents are being informed by Housing Executive staff, who are often operating under severe financial constraints, but that is not an excuse. We cannot afford to take our eye off the ball and allow constituents to live in houses that are not up to the fitness standard. I have seen walls and ceilings that are completely covered in black moss, and, as Mr Easton rightly pointed out, people are often told that that is down to lifestyle choices, the lack of heating, too much heating, a lack of ventilation or condensation developing. In many cases, it is a result of the lack of cavity wall insulation. It is important to recognise that having poor housing was often not the intention. No one set out to provide poor housing, and no one set out to provide housing with a lack of cavity wall insulation or housing made with poor materials that would deteriorate over years. Housing was provided to the best standards of the time, but we have progressed, moved on and advanced. It is important that we adapt and overcome the difficulties in front of us.

There is no denying that, over the next 20 years, as stated in the Savills report, the Housing Executive will face severe financial constraints in maintaining and bringing its level of housing stock up to a fit-for-purpose standard. It is important that we as Members do all that we can to challenge the Minister, and it is also important that we constructively add to the debate and the argument and that we support the Minister on Statutory Committees and in the House through coming up with alternative ideas and options that can be taken forward to maintain our housing stock.

In finishing, I share with the House a recent constituent enquiry that I came across. It concerns the affordable warmth —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Allen:** Will the Minister give a commitment to meet me to discuss an issue that I have discovered with the affordable warmth grant scheme, where a constituent on low income is being penalised because —



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

**Ms Mallon:** I support the motion. My view on the critical importance of housing and the intrinsic role that it plays in successfully tackling disadvantage, driving economic growth and job creation and creating a better environment and a healthier, more equal shared society is well-documented, and I have articulated it several times in the House. It is also well known that I believe that there are five human rights. People have the right to food, to healthcare, to education, to work and to a home, and access to a secure, affordable and good-quality home is the anchor. It is the glue that holds other aspects of an individual's and a family's life together.

We know the extent of the problem that the motion is trying to address. We see it every day in our constituency. In North Belfast, the vast bulk of my constituency work is housing-related. I do that almost daily, and I see daily the intrinsic connection between health and housing, which is perhaps most starkly laid bare in the motion before us and the issues that we are debating today. The extent of the problem, and its prevalence in social housing and in the private-rented and homeowner sectors, has been well-documented by other Members, so I do not intend to repeat the statistics. Like many Members, I could paint the walls of the Chamber with photographs of the homes of my constituents that are black with mould and damp, where, in little children's bedrooms, the corners are completely black, where parents are spending a fortune trying to clean the walls and decorate over the mould, and where their children are suffering a series of respiratory conditions as a result.

Like many Members, I can share my story of the bureaucratic battle that we have on a daily basis. When a constituent comes to us for help, we contact the environmental health team in the respective council area and then engage in a protracted debate with the Housing Executive over what is at the root of the problem. The case continuously put forward by the Housing Executive is that it is, in fact, a ventilation or condensation issue and that the solution lies in simply opening the window.

I want to make it clear that I am not using this opportunity to level universal criticism at the Housing Executive or at the many good people who work and deal with me and with many of us in the Chamber. I believe, though, that there is reluctance to accept the real reason for this issue, which is one of resources. They simply do not have the resources to deal with the problem and therefore there is a reluctance to acknowledge it in the first instance. As a result, the cost is paid by the individuals and families who live in these homes. They pay that cost through their health and when they try to clean and redecorate, and they pay it through fuel and through the warmth that is lost from their homes. The cost to these families is unacceptable.

It brings me on to my second point on the issue of fuel poverty, and a number of Members have touched on this. We have the highest rates of fuel poverty on these islands and we urgently need a more effective and coordinated fuel poverty strategy that properly deals with the issue; it should be a critical strand of it. It will not only try to address our fuel poverty crisis but will create employment opportunities and opportunities in the construction sector that could benefit our economy across the North.

I am very frustrated that, on the final day of the Assembly, we are debating an issue that impacts on so many homes

across Northern Ireland. I am really frustrated that we have a housing crisis. I am really frustrated that we are not able to move forward on reform of the common selection scheme.

**Mrs Palmer:** I thank the Member for giving way. Does she agree that competing priorities and the lack of funding to address the issue of cavity wall insulation are factors? The cost to the public purse would be around £140 million, which does not seem to be money that is readily available in the current circumstances.

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

**Ms Mallon:** I agree with the Member. It is regrettable that it seems that money can be found quite easily by this Executive for other things and maybe not so easily when it comes to issues that impact on homes and are detrimental to children's health.

We have a housing crisis and we need to stop tinkering around the edges. We need to actually deal with the problems, we need to be creative and we need to be courageous. We do not need to be stuck in political paralysis. A price is being paid by our constituents who are living in homes that just are not fit for purpose.

**Mr Dickson:** I welcome the opportunity to speak on the motion today and I thank Mr Easton for raising the matter. For the last number of years — quite rightly so — the impact on the poor and the people who live in Housing Executive houses has been manifest and is being clearly demonstrated by others in the debate this morning.

Housing has been and remains a sector that moves from one crisis to another in Northern Ireland. Over the last number of months, we have debated the need for improvement in the housing selection scheme, the recent reclassification of housing associations by the Office for National Statistics and the need to protect the vulnerable from unscrupulous landlords in the private sector. Today, we return to the issue of the lack of, or poor quality, cavity wall insulation in Housing Executive properties. On the surface, this might seem to be a fairly innocuous issue, but when you look at Northern Ireland's context of having — as others have said — the highest rate of fuel poverty in the United Kingdom, at 42%, and rising excesses of winter deaths at 11%, we see the positive role that effective insulation can play in protecting the vulnerable in our population.

Over 30 years ago, I was elected to Carrickfergus Borough Council on the back of many local campaigns. I can proudly state that I was a tenant of two Housing Executive properties in my early married life. I know exactly, at first hand, what it was like — probably over 40 years ago — to live in Housing Executive properties that suffered from that type of damp.

I also saw kids chase the plastic beads down the street many years ago when the first cavity wall insulation schemes were introduced. This is an issue that I have known about for virtually every single day of my political career, both as a councillor and as an MLA. People have come to me, and I understand at first hand the serious problems of health and of the damage that the failure to be able to live in a decent, warm home can create for many people in our communities.

This issue, as I have said, is nothing new. Many properties that were built between the 1940s and the early 1990s are

no longer fit for purpose because people struggle to heat them. The statistics reinforce this —

**Mrs Palmer:** I thank the Member for giving way. Will the Member agree with me that, in trying to address the fuel poverty situation for our families in their homes, a project was put before the Department from the Housing Executive to fit photovoltaic panelling, which would have allowed our homes to have been heated at a lesser cost, and that would have gone a long way towards eradicating fuel poverty, but, unfortunately, the Department kicked it out?

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

**Mr Dickson:** I thank the Member. What she has raised is an important issue. There are many creative and innovative ways in which we can deal with the problems around fuel poverty and the serious issue that the lack of cavity wall insulation or failed cavity wall insulation, as is quite often the problem today, causes for many.

This is not just about bashing the Housing Executive here today, because I am a staunch supporter of the Northern Ireland Housing Executive. I believe that it has done an amazing job with its hands tied behind its back by many politicians, some of whom are represented in this Chamber today. As stated in the motion, it is not just appropriate to hold the Housing Executive to account. This issue is well known to previous Social Development Ministers — Lord Morrow, Nelson McCausland and the Minister today. I wish the DUP was as consistent in its approach to heating homes as it is to heating sheds.

It is important to remember that the Housing Executive carries out a vital role in dealing with properties on behalf of tenants. Recent figures have stated that the Housing Executive requires somewhere in the region of £6.7 billion over the next 30 years to address maintenance issues and raise its properties to an acceptable standard. Moreover, the reclassification of housing associations has added more debt on the Housing Executive and placed it in an unhelpful situation.

I am clearly someone who supports the work of the Housing Executive, and I believe that where we have headed over many recent years has been away from support for the Housing Executive. I value the work that housing associations have done, but what should be core to providing safe, good-quality public housing in Northern Ireland should be the Northern Ireland Housing Executive. I do not agree that it should be prevented from building more homes in Northern Ireland. That may sound controversial, but I believe that the Northern Ireland Housing Executive should be given the opportunity to build more homes. Today, we need to see environmental health officers, building control officers, the Housing Executive and the Department coming together to help us build homes fit not just for the future but for today.

**Mr Beggs:** I support the motion as far as it goes. It highlights the failure to date to address the defects and poor quality of cavity wall insulation, but there is a need to go further. The Department for Social Development and its Minister and, indeed, the Department for Communities and the draft Programme for Government have a key role in enabling the Housing Executive, through resourcing, to address the failings. What did previous Social Development Ministers McCausland and Storey, and the current Minister with responsibility, Paul Givan MLA, do about it? Very little, it seems.

Fuel poverty is identified when more than 10% of a household's income is spent providing heat for the home. Northern Ireland has one of the highest rates throughout the United Kingdom, at some 42%.

#### 11.15 am

Fuel poverty is influenced by household income, the cost of energy and the domestic energy efficiency of the home. The only one of those issues directly under the responsibility of the Minister and the Housing Executive is energy efficiency. There is a responsibility to address that issue when there are difficulties.

Walls form the largest surface area of any home and have the greatest potential to radiate or lose heat from the house. To date, the major defects in cavity wall insulation have not been addressed. Since the publication in March 2014 of the cavity wall inspection report produced by the South Eastern Regional College in conjunction with the Northern Ireland Housing Executive, it has been known authoritatively that there are major defects with cavity wall insulation in Northern Ireland Housing Executive homes and indeed many private sector homes that may originally have been Housing Executive homes. The issue of cavity wall insulation was not examined in detail by the housing conditions survey. In answer to Assembly question AQW 9010/16-21, the Minister acknowledged that, despite the millions of pounds' worth of work spent on the Savills housing survey, the current quality of cavity wall insulation was unknown.

The cavity wall inspection report advised that some 206 homes throughout Northern Ireland that had previously been surveyed in housing condition surveys in 2009 and 2011 were examined in detail using physical investigative methods. Holes were drilled and borescope cameras inserted to see exactly what was inside the walls. What were the results? Thirty-nine per cent had severe and critical needs; 26% were unsatisfactory with grave needs; and 11% had significant needs. Major problems were identified.

The report also highlighted that BuildDesk software analysis of blown-fibre insulation questioned its use in Northern Ireland. This is a private sector analysis of methods of insulation provision in homes. We have a damp, wet climate in Northern Ireland, and it is widely known that blown fibre can present difficulties in such climates. Unfortunately, a very high proportion of Northern Ireland Housing Executive homes has blown fibre that was installed in the 1980s; it may be as high as 60% or 70%. We have a very high risk of difficulties in those areas.

It is also widely known that, originally, poor techniques were used in installing such fibre and that there were voids and poor quality control. Add to that the damp that can occur and, instead of the insulation's providing a warm home, it acts as a thermal bridge and conducts the heat from the homes of many of those who are suffering from fuel poverty to the outside world, so they end up living in cold, damp homes. Indeed, I have visited the homes of constituents in Carrickfergus where damp has been highlighted as a problem. Constituents have assured me that they regularly keep their windows open for circulation

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Beggs:** — but officers and landlords frequently blame tenants' lifestyles for the damp, whereas the real cause may be damp blown-fibre insulation. That is why we need a detailed survey. We need to use modern technology, thermal imaging and borescopes —

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

**Mr Beggs:** — to deal with this problem.

**Mr Speaker:** I call Mrs Kellie Armstrong.

**Mr Beggs:** We need funding from the Department to deal with it, which regrettably is not what has happened to date.

**Ms Armstrong:** I will not speak too long on this because many people before me have confirmed what we already know: that, unfortunately, Housing Executive homes that are of quite an age are in such poor repair that we are letting down our community. Poor insulation causes health issues; it creates social stigma and leaves people angry and alone, often coming to us politicians as a last-chance option.

I was fortunate to go along to a beautiful development in Comber where I saw at first hand the type of energy-efficient home that I would love our community to live in. The energy-efficient solutions that were put into those homes meant that those people would be able to heat them for as little as £5 a month. How much money do the people living in Housing Executive homes with cavity wall insulation problems pay per month to try to heat their homes? It is definitely not £5.

Housing Executive stock has homes that are substandard. There is mould and poor insulation. As many have said here, I have been in homes, across my constituency, where wee white insulation balls blow through the wall vents into the homes. They are not insulating the homes, they are being chased around floors with brushes and vacuum cleaners and being hoovered up out of the way.

Maintenance is not good enough. I completely appreciate that the Housing Executive maintenance teams are under terrible pressures, but that does not forgive the attitude of poor customer service. That is what we tend to forget: the people who live in these homes are customers. It is perceived that they have no choice and they will simply put up with mould, draughty homes, disgusting condensation and children living in bedrooms that you would not put animals in. The attitudes shown to some of my customers leave them sitting in my office in tears and leave them wondering whether they are going to heat the house or eat. Many of the people we hear about who are forced to choose whether to eat or heat live in the Housing Executive homes that we are talking about today.

Perhaps today the Minister could be very clear on what plans he has actually taken forward to make sure that the Housing Executive maintenance has enough money and actually have a good enough plan to stop this happening across our countryside?

**Mr E McCann:** Will the Member give way?

**Ms Armstrong:** I will.

**Mr E McCann:** Every single Member so far has mentioned the financial constraints on the Housing Executive. Does the Member agree with me that there are ways out of this problem of a lack of resources to deal with cavity wall insulation, damp and mould, which affects houses in every constituency? One obvious way forward, which is

not being explored, is to give the Housing Executive the power to borrow money on the markets — it has never been cheaper to borrow — and also to stop the madness of lowering corporation tax and give the money, probably £300 million, according to some estimates, to the Housing Executive to finance a crash programme of building social housing. Can we also stop the gradual, surreptitious privatisation of the Housing Executive and its stock, which is changing the housing market for the worse?

**Mr Speaker:** I remind the Member that it should be a brief intervention. The Member has an extra minute.

**Ms Armstrong:** Thank you very much, Mr Speaker. I thank the Member for bringing this up. My very next point is about this. Fresh Start had £500 million set aside for integrated education, shared education and shared housing. How much of that money has been spent on shared housing? Our people do need these new homes with better insulation, better heating options and which are more energy efficient. How much was spent? Of course, the Minister does not believe that shared housing is important.

I support the motion before the House today, and I thank Mr Easton for bringing it forward. It is unfortunate that it comes on a day when the Chamber is empty, because I am sure every single politician in this Building worth their salt actually has Housing Executive tenants who are complaining.

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

**Ms Armstrong:** I will.

**Mr Beggs:** Is the Member aware that virtually the same motion came forward almost four years ago, and what has happened since then?

**Ms Armstrong:** Absolutely nothing, as I can see from my tenants, because their complaints have been going on for, not four years, not five years but maybe ten years. It is very disappointing to find it back in front of this House with an almost empty Chamber today.

I do support the motion. I acknowledge the difficulties facing the Northern Ireland Housing Executive and I call on it to formulate a plan of action to address the issues so this Assembly can get to work on making it a reality. I hope that, after the election, we will actually have someone who will take it forward.

**Mr Carroll:** As people have already said, this is a very important issue. Everybody knows that people are living in homes that are not warm enough. We know that people have to pay a fortune on their gas and electricity bills just to heat their homes. We know that people think twice about turning the heating on. Fra McCann mentioned people putting on coats and extra jumpers indoors because they are watching the meter. They are literally watching their meter. Tragically, we know that people have died in their homes because they are unable to heat them. This is the reality in 2017.

We also know that 35% of heat in a home is lost if there is no cavity wall insulation installed in the house. If you put £200 of oil in an oil tank, you lose £70 right away because there is no cavity wall insulation.

That needs to be publicised and emphasised more, because it is a colossal waste of money and it is hitting people, who cannot afford it, in the pocket. Contrast that

with taxpayers' money going to funnel heat into empty sheds with seven or eight heaters on full blast. It seems to me that there is one rule if you have connections in Stormont and another for everybody else.

This is a very serious issue. We have to ensure that people have heating and are warm and comfortable in their homes. We also have to ensure that people are not robbed blind by spiralling energy costs because their homes do not have cavity wall insulation. I sincerely hope that that is the intention of the motion, and it is not, as Mr McCann alluded to, an underhand attempt to further undermine the Housing Executive. In the past, we have witnessed attempts to undermine the Housing Executive to try to delegitimise it and break it up with stock transfers of housing from the Housing Executive to private associations. Definitely not on our watch.

I really hope that this motion is about providing support to tenants, and to get the Housing Executive to do what is expected of it as a public body and provide cavity wall insulation to tenants who badly need it.

As well as that, we have to state that the Housing Executive should be allowed to borrow money and should have the capacity to bring all its homes up to standard. Over the next 30 years, it needs around £5 billion to do that. It should be allowed to do that and all the barriers that currently exist and prevent it from doing so should be removed. It is a clear point; it is an investment in housing for the future and also will ensure that present housing is adequate for tenants.

Obviously, the motion is about Housing Executive tenants, and there should be no delay in ensuring that cavity wall insulation is implemented for Housing Executive tenants. However, it would be remiss of me not to mention tenants in private housing associations. They have been referred to already. People living in housing association properties also struggle to afford to heat their homes. They have to pay higher rents on average, compared with those in Housing Executive accommodation. Provision for cavity wall insulation should be extended to people in private housing associations as well.

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

**Mr Carroll:** I will.

**Mr Dickson:** The Member and others around the Chamber have made a number of references to cavity wall insulation. This perhaps takes the debate in a further direction. Who should install that cavity wall insulation? Does the Member agree with me that this is an ideal opportunity both to return to and to continue to allow social enterprise organisations to take the lead when it comes to the delivery of cavity wall insulation?

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

**Mr Carroll:** It could; but it could also use the expertise of the Housing Executive to do that.

It should also be mentioned that, last week, in my constituency, in the Riverdale area, the tenants of Victoria Housing held a meeting organised by a resident to hold the housing association to account. For decades, minimal maintenance work and upgrade was done. In most cases, the tenants themselves were forced to pay for work to be done on the properties, on top of rent increases year-on-year. Despite the organisation claiming to be a charity,

the tenants were forced to pay through the teeth for rent, and they included pensioners and young families. The lesson there — the reason I mention it — is that they have shown what to do. If you are not getting maintenance done, or work is not being done by the House Executive or the housing associations, you have to get yourselves organised and fight and campaign until demands are met.

I also pay tribute to residents of Conars Court in Derry. Having been denied essential health and safety installation work for years, they organised and held an occupation of the office of the housing association. They demanded to meet the chief executive. Initially, he refused to meet them, but the residents said that they would not leave until he met them. Eventually, the chief executive came down, and the work on residents' properties has since been completed.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Carroll:** That shows that occupations and sit-ins work, and we need more of them.

**11.30 am**

**Mr Givan (The Minister for Communities):** I welcome the motion, and I thank my colleague Mr Easton for bringing it forward. It gives me the opportunity to discuss not just cavity wall insulation but the long overdue investment in Housing Executive stock.

Defective cavity wall insulation is not a problem limited to social housing; it can affect all tenures. The issue is complex, and a full understanding of the issues is only beginning to emerge. Addressing it may require substantial funding. I make the point up front that the Housing Executive has a substantial maintenance and investment backlog. Before taking remedial action, it will have to consider cavity wall insulation in the context of all the other priorities identified by the stock condition survey, which was part of the DSD/Housing Executive joint asset commission. All these other priorities, including rewiring, kitchens, roofs and bathrooms, need to be addressed as part of the Housing Executive's asset management strategy. The Housing Executive has an investment requirement over the next 30 years of around £6.7 billion. That cannot be covered by rents alone, and the Housing Executive, therefore, has an investment backlog that is large and getting larger. Indeed, the Housing Executive ideally needs to double the amount it is investing in its stock for the next 10 years to get back on track. So, when Members are talking about everything they ideally want the Housing Executive to do, it is worth bearing in mind the responsibility of the Assembly to enable it to meet that investment requirement.

The stock condition survey involved a comprehensive survey of over 25% of the Housing Executive stock, which is around 22,500 properties. It has given the Housing Executive a holistic understanding of its long-term investment needs. As I said, that stands at £6.7 billion over the next 30 years. The survey allows the Housing Executive to plan and prioritise investment over the long term. Again, I would not be so brave as to tell the Housing Executive to ignore its professional advice and thorough and comprehensive survey data and to instead take an entirely different approach to investment planning. The planning of investment is an operational matter for the Housing Executive, and, as housing Minister, it is not my



place to ask it to push one scheme or type of work ahead of another.

**Mr E McCann:** Will the Minister give way?

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

**Mr E McCann:** Given what the Minister just said, does he agree that all the problems in housebuilding and maintenance would be eased and ameliorated if the Housing Executive were given the right power to borrow money on the market to fund the work we all know needs to be done urgently? Does he agree that should be done? If he does not agree, why not?

**Mr Givan:** The point is well made about the resources required to meet the demands the Housing Executive presents. That is a decision that, ultimately, the Assembly takes when budgets are allocated by the Executive and subsequently voted through in the House. That is something that, obviously, Members need to always be cognisant of whenever these decisions are made. The Housing Executive has the legal power to build, but, of course, we know that, because it cannot borrow on the markets, that is not a financially attractive option, given that housing associations are able to do that. For the Housing Executive to be put into the same position as housing associations, a change to the Housing Executive would be required, and that is something that, ultimately, Members will need to consider in the future. They will need to consider what framework they want the Housing Executive to sit within. It also ties into the reclassification issue the Assembly is having to deal with. That is an issue that is going to have to be grappled with, and, ultimately, Members will need to take decisions about where they believe the Housing Executive should sit and the type of functions it should be delivering upon. That is a decision now and an issue that will need to be grappled with by the next Assembly, obviously. But the Member raises very valid points.

**Mr Attwood:** I thank the Minister for giving way. When I was housing Minister in 2010-11, I conducted a fundamental review of the Housing Executive. It was based upon a number of principles, including protecting the institution of the Housing Executive, its legacy and name. One of the intentions behind that fundamental review was to prepare the ground to enable the Housing Executive to borrow from the market. That review concluded in March 2011. It was shared with the then Finance Minister in March 2011. It is now approaching March 2017. Given the preparatory work that was done, which is guarded against the DUP doing damage to the Housing Executive, can you explain why the issue Mr McCann raised repeatedly today about borrowing against Housing Executive assets not been resolved?

**Mr Givan:** I do not know the detail of what went on in 2011, but let me make it clear that no one is interested in damaging the Housing Executive. I have the greatest admiration for the work that I see done day in, day out by the Housing Executive. I have responded to Members when they have raised issues about the way in which points are allocated. There was a motion to do with intimidation points. A review was announced of how we can go about seeking to ensure that we have a selection scheme that is fit for purpose.

As for the question about 2011, I am not in a position to give the answer. What I can say is that, since I have come into post, I have recognised the challenge for the Housing

Executive. Ultimately, the challenge is that we have to provide the homes that our people need and find the best way to go about doing that. The Assembly will have to grapple with that in the next mandate.

As I said, the Housing Executive has a substantial stock investment backlog to deal with, and there are many other investment requirements. Some of those may be a higher priority than replacing cavity wall insulation, for example, and, on foot of that, I will make one key point. It must be remembered that the Housing Executive owns around 10,000 properties of non-traditional construction with solid walls. It also owns perhaps another 5,000 other solid wall properties, such as rural cottages and older terraced properties. The thermal performance of those properties is poor, and the vast majority have not benefited from any improvements to their wall insulation at all. The insulation of those properties is the worst in the Housing Executive portfolio, and they are an obvious priority when it comes to improving the stock.

On the topic of cavity wall insulation, the Housing Executive has acknowledged that some of the cavity fill carried out in the 1980s and 1990s could now be improved on. Some of the insulation has degraded through time, some of it was badly installed, and some of it might have been put into unsuitable cavities. No surveying of Housing Executive stock has been carried out that properly determines how that affects different types of stock. Different types of cavity filled in different ways with different materials at different times will have aged differently. The first step that the Housing Executive will take is to understand how much of a problem there is.

Going forward, the Housing Executive proposes to commission an independent, comprehensive research project based on a survey of 1,000 cavity wall insulated properties. That will determine the impact that degraded or inconsistent cavity wall insulation presents for thermal efficiency and potential health issues.

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

**Mr Givan:** Yes.

**Mr Beggs:** The Minister talks about remedial action and how to improve things. I have a pensioner constituent — an ex-serviceman, as it happens — who complained about his cold house. The Housing Executive acknowledged prior to September that there was no cavity wall insulation in it, so why is he having to wait right through the winter until after April before his home is insulated as part of a scheme? Where such a problem is identified, the work should be carried out much more expeditiously.

**Mr Givan:** If the Member wants to give me the details, I will be happy to follow up on that to provide him with an answer that he can then provide to his constituent. Again, maintenance is an operational decision taken by the Housing Executive, but I am more than happy to follow that up for the Member.

**Mr Beggs:** I have already written to the Minister on the issue.

**Mr Givan:** We will get a response to you.

The research will also consider the suitability of properties for cavity wall insulation on the basis of location and construction type. The data will help to develop a robust methodology to deal with the problem in the long term.

In the meantime, I am sure, we will all know of cases where cavity wall insulation has failed and the issues are urgent. Cavity wall insulation can fail to such an extent that it causes problems for the householder, such as damp or mould, and, in some cases, could affect their health. The Housing Executive has undertaken to address such problems immediately and without delay. Over 200 houses have had their cavity wall insulation replaced this way over the past two years. It will be done either through response maintenance or, if relevant and sensible, through ongoing planned maintenance schemes over the next few years.

The Housing Executive is committed to addressing both the energy efficiency of its properties and fuel poverty affecting its tenants. The Housing Executive will carry out a survey of the cavity wall insulation in its stock and use that to develop a longer-term strategy to address any systematic issues found in its stock. In the meantime, serious issues that emerge will be dealt with through response or planned maintenance. Any major programme to remove and reinstall cavity wall insulation broadly across the Housing Executive's stock would require substantial investment. It would have to be considered against other investment requirements, including the 15,000 homes without any wall insulation whatever.

**Mr Attwood:** I thank the Minister for giving way again. Do you acknowledge that, if we ever get to the point where the Housing Executive can borrow against its stock, the fact that there are now issues and that borrowing from the European Investment Bank will become problematic because of the Brexit decision will impede the Housing Executive's capacity in future to borrow at cheap rates to do the work that you have just referred to?

**Mr Givan:** That is certainly an issue that I have raised directly with London in respect of the negotiations that will take place around Brexit about any impact on potential investment through the European Investment Bank. That has been raised.

**Mr Stalford:** I appreciate the Minister giving way briefly. He will be aware that the way in which the European Investment Bank is constructed allows it to invest not only in European Union countries but in countries that are on the periphery of the European Union. Once Brexit happens, the United Kingdom will be on the periphery of the European Union but still eligible for funding from the European Investment Bank.

**Mr Attwood:** Will the Minister give way again?

**Mr Givan:** No. I am sure that the Brexit debate will be played out over the next six weeks. In fairness, I have been pretty generous to everyone who has asked me to give way.

I thank Members for the contributions they have made. During the period in which I have been the Minister responsible for housing, I have met a number of MLAs. Fra McCann brought me to Divis tower — somewhere that I did not ever necessarily anticipate getting to visit. I have to say that the people there are the salt of the earth, and I could see at first hand the situation that they have to live in. I met Nichola Mallon, and she brought a family to see me to talk about their serious housing need. I have engaged with other MLAs on housing issues, issues on which we can all find common ground.

Yes, we will debate and, at times, disagree on the best way to meet those needs, but we all, ultimately, want to

achieve the same objective, which is to provide housing that people want to live in. There is excellent housing in Northern Ireland provided by our housing associations and the Housing Executive. It is maintained to an excellent standard, but there are people who are in houses that are, frankly, deplorable. I have been in them, and I have witnessed at first hand the mould on the walls and the consequences of that for the individuals' mental health and physical health.

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

**Mr Givan:** In all these things, it is vital that we collectively recognise the issues. I hope that, in the next Assembly, we will identify all the things on which we have common ground. Yes, there will be things that we will disagree with and differ on. We need to work through them and tackle those obstacles whenever they arise. When it comes to housing, however, it is about meeting the need that exists and providing the best possible standards that the people expect us, as politicians, to provide.

Mervyn asked me to give way; I will do that and then I will finish.

**Mr Storey:** I thank the Minister for giving way. As a former Minister for housing, I concur with his comments on the issue. Comments have been made today about lost opportunities. As the Assembly comes to an end, let us face reality: it is most likely that we will not be back in this institution in the way that it was formed and the way that it is. Let us all bear the responsibility for what has happened over the last number of weeks. There was one lost opportunity — the Members on the opposite Benches know about it — when I endeavoured to ensure that we found a solution to housing. If there is one thing that we need to sort in Northern Ireland it is to give our people good homes. I concur with the Minister's comments, and I look forward to a day when the people of Northern Ireland, across the piece, will share the benefit of good homes.

11.45 am

**Mr Speaker:** I remind the Member that interventions should be short. Can I check that the Minister has now finished?

**Mr Givan:** Yes.

**Mr Speaker:** The Minister has finished.

**Mr Lyons:** Some in the Chamber have alluded to the reasoning behind having this debate being to have a go at, or in some way discredit, the Housing Executive. That is certainly not the intention behind this motion. As a constituency representative, I am in contact with the Housing Executive daily, and I very much appreciate the work that it does and how responsive it is when we raise issues or queries.

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

**Mr Lyons:** I will give way.

**Mr Allen:** Will the Member not agree, then, that they should perhaps have reflected on the wording of the motion, because it certainly comes across as pointing to a failure on the Housing Executive's part?

**Mr Lyons:** No, I do not. I think that I can praise and appreciate the work of the Housing Executive while, as a public representative, wanting to hold them to account

and highlight where there are problems. That is our job as public representatives in this place. Yes, it is to support the work of our public services wherever they may be, but we also have a duty to hold them to account in the same way as we have a duty to hold our Ministers to account, but I want to make it clear that this is not an attack on the Housing Executive.

I thank the proposer of the motion, Mr Easton. He has certainly been consistent and persistent on this issue. He and I have met different people in relation to this. We have met previous Social Development Ministers including, most recently, Lord Morrow when he was in post. This is an issue that Mr Easton and indeed all Members clearly care about. The tone of today's debate has been largely positive, because there has been agreement amongst Members and we understand that there is an issue here that needs to be dealt with and that party politics should be pushed to the side.

The South Eastern Regional College report was clear. Over two thirds of Housing Executive properties that it surveyed have either critical or severe needs, and only 9% are fit for purpose. We all have personal experience of going into constituents' houses and seeing the problems that there are with damp and cold. We all have constituents who tell us that they never really feel the warmth in their homes. That should be of concern to all of us.

To go back to Mr Allen's point, I want to hold the Housing Executive to account when it repeatedly tells my constituents that the reason that their homes are damp or that they have problems is because of lifestyle issues and that they do not air out their homes. Another reason why some of my constituents find it so hard to heat their homes is because they have to keep windows open in order to get rid of the smell of damp. This is an issue that needs to be addressed. We should be saying to the Housing Executive, "Action needs to be taken here". I do not think that anybody is under any illusions as regards the scale and cost of the work that needs to be carried out, but that does not mean that we should not press on this issue and seek to ensure that it is addressed.

There are a number of reasons why we need to tackle the issue of cavity wall insulation, or the lack thereof. The first is the fuel poverty that is experienced in this country. I know that it is an old figure, but 42% of people in Northern Ireland are classified as being in fuel poverty, which is far higher than in the rest of the UK. It is estimated that almost 290,000 people here are living in fuel poverty. If we can take some action to address that by improving insulation in homes, surely we should be doing it.

As other Members have already said, this can also cut costs in the long term. If our homes are properly insulated, people will have to spend less money on heating and will have more money to spend on other things. Of course, keeping people warm also prevents health problems. I have seen children in my own constituency who are suffering as a result of the conditions in which they are living. We need an assessment of Housing Executive properties and of the ways in which that can be tackled.

The Energy Saving Trust said that:

*"Cavity wall insulation is the single most cost-effective, low risk energy efficiency measure available for the existing housing stock, after loft insulation."*

Here we have a real ability to help our constituents. Indeed, in addition to that, it has been estimated by the Energy Saving Trust that the cost of these insulation measures can be paid back in as short a time as two or three years, so it is an area in which we should, of course, take action.

I do not want to spend time going over all the points that Members raised, one of the reasons being that they were repeated again and again. I think, however, that, time and time again, we realised the scale of the problem and that action needs to be taken.

Nichola Mallon and Andy Allen raised the issue of housing being a human right. Not only should we provide and make sure that people have homes but the homes that we provide should be of the right standard, as Mr Allen outlined.

Mr Dickson's contribution was largely positive. He lowered the tone slightly at one point, but we will move beyond that. He showed his age by telling us how long he has been married and how long ago he was elected to Carrickfergus Borough Council. He raised the point that cavity wall insulation has consistently been an issue over many years.

I thank the Minister for —

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

**Mr Lyons:** I give way to Mr Dickson.

**Mr Dickson:** I take it as a compliment that the Member acknowledged the length of time that I have been a locally elected representative. Does he agree with me that it is a terrible shame that we have had to wait — indeed, continue to wait — that length of time to see any genuine action? That is the sad reality of what we are talking about today: very little action and a great deal of annoyance caused to people whose property suffers in this way.

**Mr Lyons:** Well of course that is why we tabled the motion and that is why we are calling for action to be taken. I agree with the Member that we would love this to have been addressed a long time ago. He had the same issue 40 years ago when he was first elected, and it continues to be an issue today.

I thank the Minister for his comments. He brought to the debate, as Ministers need to do, a realism about the financial constraints, and we recognise the constraints that he is working under. However, we have already mentioned the opportunity to create long-term savings by investing in this way, and that is not —

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

**Mr Lyons:** Just one second. That is not limited to the Housing Executive; it extends to other savings that can be made across public services, including, of course, health. I welcome the fact that the Minister said that we need a longer-term strategy, and, in response to that, planned maintenance. If substantial investment is required, it is incumbent upon us to make sure that it can be found so that our people can live in homes that are fit for them and not detrimental to their health.

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

**Mr Lyons:** I just want to say one more thing before I finish. Mr Storey has already mentioned that we are in the last hours of this Assembly and will soon —

**Mrs Palmer:** Will the Member give way?

**Mr Lyons:** No. I want to finish my point. We will soon vacate this place as we head to an election and do not know what will come next. I have been in the House for about 17 or 18 months, and we have had numerous debates in that time. However, a debate such as this one today shows, in my opinion, the importance of having devolved government and not direct rule. As locally elected Assembly Members, we can come into this place, raise our concerns and impress upon the Minister the issues that our constituents bring to us. If we do not have a devolved Government in this place, we will be worse off for that. I welcome the fact —

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

**Mr Lyons:** — that we have been able to bring the motion to the House and am pleased with the response. I hope that all Members will support it.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister for Communities to hold the Northern Ireland Housing Executive to account for its failure to address the lack of, or poor quality of, cavity insulation within many Housing Executive properties; and calls on the Housing Executive to formulate a plan of action to ensure that all its properties have adequate and proper cavity insulation.*

## Review of Bail Policy in Cases of Terrorism and Murder

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

Members, before I call Mr Beattie to move the motion, I am sure that you are all aware that there are active legal proceedings in relation to a man suspected of involvement in the murder of prison officer David Black who has failed to answer bail. I do not want to inhibit the discussion on the operation of bail policy in cases of terrorism and murder, which is a matter of public interest, but, in accordance with my responsibilities under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contributions in today's debate that might in future prejudice the outcome of proceedings relating to Mr Black's murder. Members who deliberately flout the sub judice rule will be asked to resume their seats.

Members should also recognise that anything they say that contributes to a substantial risk of serious prejudice to these criminal proceedings may be a contempt of court at common law, to which privilege in the House affords no defence.

**Mr Beattie:** I beg to move

*That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of prison officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.*

I will attempt to keep in lane, keep my lurgy inside and not cough over the Justice Minister, who might want to stay back.

Northern Ireland has been scourged by terrorism for far too long. Yes, it has diminished since 1998, and we had a good debate on the Belfast Agreement yesterday, but it is still here. It is beginning to feel like part of the fabric of this country, and that is extremely sad. We have, of course, tried to minimise the effects of terrorism and have changed the words: we use the terms "paramilitary activity" or "dissidents", but it is terrorism and they are terrorists. They terrorise all our communities, and west Belfast has suffered far more than most. They force their will on others through threats of violence, and they shoot, maim and kill our elderly, our children — anybody in society. It is the worst of crimes because it undermines the state. It attempts to promote a cause — any cause — through terror. It must be stopped, and it must be seen to be stopped. Therefore, we must have robust structures for dealing with those linked to terrorism or, indeed,



those charged with terrorist offences, including strict bail conditions or stopping bail if we believe somebody is involved in terrorism. We need our independent and impartial justice system to have a look at its processes.

### 12.00 noon

Recently, we have seen a case of a suspect from Lurgan — a suspect — who was possibly involved in a terrorist offence, being given leave this year to go on holiday to Spain. A suspect in the murder of prison officer Black — I fully accept what you said, Mr Speaker — due to face court this year has had his bail conditions varied and his electronic tag removed. He previously had to report seven days a week but that has been reduced to just five days a week. Last year, he was given leave to change his bail so that he could go on a three-day spa holiday. That same individual has now not been seen since 18 November, and I will touch on that slightly later. Can you imagine how the Black family feels at this moment in time? Completely let down by the justice system. I will put this in unashamedly and I mentioned it yesterday. I will do it because it is important to me. You have to contrast those two examples that I have just given you with that of a 75-year-old veteran who has been investigated twice already. He has now been charged and, at 75, has been classed as a flight risk and has not been allowed to vary his bail conditions. You can see that there is a perception to many that our impartial justice system needs rebalanced.

The Chief Constable is under pressure on many fronts. He and his force are doing a sterling and fantastic job, but they are concerned about the imposition of bail conditions. The Chief Constable said so yesterday. Their job is to gather evidence and present the evidence, and it is for the justice system to take the lead thereafter. If the justice system allows bail, it is up to the PSNI to impose those bail conditions. The PSNI has questions to answer. Why did it take them so long to realise that a suspect in a murder who was on bail had done a runner and that they had not seen him since 18 November? They did not realise until 23 December. It is embarrassing to say the least, and the PSNI needs to look at its structures.

Our justice system must realise as well that, if it disregards what the PSNI is saying to it, it undermines the duty of the state to protect those living in it. What do I mean by that? If the PSNI opposes a terrorist suspect going on bail and the justice system says, "Nah, not listening to you. We are sending him on bail", then it is undermining the PSNI and undermining the state.

Detective Chief Superintendent Murray said only this month:

*"In terms of the ability of police to keep track of offenders according to bail conditions it can be very, very difficult."*

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

**Mr Beattie:** Yes.

**Mr Allister:** I understand entirely the point that is being made about the courts' attitude to bail undermining the PSNI, but is there also not, sadly, in the instant case, an indication that the PSNI undermined itself by not checking for over a month why someone who was meant to be signing five days a week had not signed and where they

were? Is there not a big burden on the PSNI, when there are bail terms, to make sure that they are imposed?

**Mr Beattie:** I thank the Member for his intervention. You are absolutely right, and I said as much. The police have questions to answer because it is an embarrassing failure for the PSNI not to have noticed that that individual had absconded and that they had not seen him for over five weeks. You are absolutely right. I do not think that any of us should shirk from pointing the finger at the police and saying, "You must have a look at your structures". I am certainly in favour of that.

The motion asks that we address the safeguarding of our society. The moment we have a suspect in a terrorist case — we talked about terrorism at the very start — and release him on bail without strict bail conditions, we are putting society at risk. Suspect terrorists should remain in custody when the evidence supports the allegation or for as long as possible to allow the justice proceedings to be completed. For me, that makes absolute sense. If the evidence is there, keep him in jail and let justice run its course.

For those who say the speed of justice is far too slow in Northern Ireland, that is a completely different issue, and I ask the Justice Minister to look at and address that speed. But that does not counter the fact that we are releasing out into the country somebody who is potentially dangerous. If he was a danger to children — if he was a paedophile — we would not think twice about not releasing him back into society. We would hold him until justice had dealt with him. I have to say that I view them as virtually one and the same.

We must review bail conditions in cases of murder or terrorist offences. Bail must be an exception. They must give the reason why they are going to give them bail. I ask everybody to think about how we need more stick than carrot sometimes here in Northern Ireland.

**Mrs Hale:** I thank the Member for giving way. Would the Member agree with me that the burden of proof should be on the judicial system to say why it would forgo the PSNI and intelligence to let these people go free on bail?

**Mr Beattie:** I thank the Member for her intervention. You are absolutely right, and you probably put that far better than I could have. I totally agree with you.

We stood here yesterday and condemned the attack on a police officer in north Belfast. We all condemned the attack and stood united, and I was happy to stand with everybody in the House to condemn that. Those responsible, if caught, should not get bail. If you believe that is the case, you must support the motion.

**Mr K Buchanan:** I support the motion. David Black, a member of my constituency, left his home, like we all did this morning, on 1 November and drove to his work. I worked with David many times in the voluntary sector back in the late 1990s. He was a true gentleman, father and public servant.

There are concerns among many in our community, especially in mid-Ulster, about the criminal justice system, in particular the case of the man accused of involvement in the murder of David Black. That was a brutal ambush, planned and carried out by terrorists and cowards who targeted and shot a family man who had for over 30 years served Her Majesty's Government in the Prison Service. Many believe bail should never have been an option for someone accused of such a serious offence.

Following the recent disclosure of the breach of bail conditions by the individual charged with offences in connection with the murder of Mr Black, I and my Policing Board colleague Nelson McCausland sought a meeting with the Chief Constable back on 13 January. Mr McCausland and I met the Chief Constable, Assistant Chief Constable Stephen Martin and Detective Chief Superintendent Raymond Murray, head of the serious crime branch, and we were able to ask direct questions about this issue. This was the second time the bail conditions for the man accused of this offence had been questioned. In August last year, his bail conditions were relaxed to allow him to reside in a luxury hotel from 7 August until Tuesday 9 August.

During that time, he was photographed with a convicted republican terrorist at a city centre parade. It has been reported that McLaughlin volunteered as a steward at a dissident republican march in Coalisland on Easter Sunday. Kyle Black, son of David Black, said in August 2016 that he wished his father still had his basic human right of living, never mind being able to go away on a luxury weekend break. On too many occasions, the human rights of the accused are considered. We must keep in mind the human right —

**Mr Humphrey:** I am grateful to the Member for giving way. Given the point that was made about the attempted murder of the policemen in north Belfast, who, I am pleased to say, is making good progress, will the Member agree with me that stories such as the one that he has outlined to the House completely undermine public confidence in the judicial system? Frankly, that confidence is eroded daily when people hear that convicted criminals are treated in such a way by this state.

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

**Mr K Buchanan:** I thank the Member for his intervention. I agree 100% with that. The criminal justice system does not give confidence to the community. When people are involved in an attack, such as the one the other night in north Belfast, justice has to be served, and that signal has to be sent out.

David Black lost his human rights that November. They were taken away by a coward who drove up alongside the man on his way to his work. That is not the only case in which bail conditions have been breached by those charged with serious terrorist offences. The person who has been charged with the murder of Adrian Ismay has breached his bail conditions no fewer than five times. Five times. Those cases must be reviewed, and we need assurances from the judiciary that those failings will be investigated and addressed.

It must be stated that the police are forced to deal with the bail conditions granted by the judiciary. It must not be forgotten that suspects across the rest of the United Kingdom who are accused of such serious crimes would not be granted bail. The granting of bail would simply not be considered in equivalent cases in Great Britain, but, despite repeated breaches, that is still happening in Northern Ireland. Although we recognise the difficulties that the police face, questions remain about why action was not taken more quickly when it became clear that Mr McLaughlin had not reported to a police station. I was pleased to hear that efforts had been made to track down that individual, and particularly that there had been

cooperation with other police forces across Europe. It is important that the issue is being investigated by the Police Ombudsman.

**Mr Butler:** I thank the Member for giving way. Will he agree with me that, when you look at that instance and the continued segregation of dissident republicans, the judicial system is potentially weighted in favour of that section of the community?

**Mr K Buchanan:** I agree with the Member. That section of the community seems to get more lenient trials and sentences. There is absolutely no doubt about that.

The fact that the Chief Constable stated that the Police Ombudsman had started an investigation without a complaint being made underlines the seriousness of the case. Although the investigation will not impact on the root cause of the problem — whether bail is granted — it will identify any failures in how the police have handled the case. The Member who spoke previously referred to the five- to six-week delay in the police investigating the breach of bail conditions.

Having raised serious concerns regarding bail conditions with the Justice Minister in September, I have also written to the Lord Chief Justice on the issue. In her response to my correspondence on 12 October 2016, the Minister of Justice stressed that the judiciary is independent of government and that the monitoring of bail conditions is the matter for the PSNI, which, again, has complete operational autonomy for the day-to-day running of individual cases and operational decisions. I will continue to press the police and the judiciary about their actions. The public and, in particular, the families of those who have suffered at the hands of terrorists —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr K Buchanan:** — deserve to know that proper action is being taken to bring those who are responsible for such serious crimes to justice. The police and judiciary should keep them where they belong until they stand trial, and, if they are convicted, they should serve a time that is relevant to the crime.

**Mr Kearney:** Beidh Sinn Féin ag caint in éadán an rúin seo inniu. Sinn Féin opposes the motion. It is now just shy of seven years since we had the transfer of policing and justice powers to the North. That is an ongoing work in progress to ensure that our justice system is democratically reformed, is made transparent, acts in the interests of all sections of society and, most importantly, is predicated on a human rights framework. Unfortunately —

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

**Mr Kearney:** I have only started. Unfortunately, the motion from the UUP pushes back on that work. We are not opposed to a review of bail policy, but we are opposed on human rights grounds to the proposed blanket ban that emerges from the motion for anyone charged with scheduled offences or the offence of murder.

**12.15 pm**

I want to set out briefly the context or basis of bail law. What must be paramount in all our minds and in the House is that for all citizens there is a presumption of innocence until proven guilty. Bail law in this place is governed by article 5 of the European Convention on Human Rights,

which protects the right of liberty and security of the person. No one should be deprived of their liberty in an arbitrary fashion, and a blanket ban throws up that connotation. Every individual application for bail should be judged on its own merits and should not be subject to any type of blanket ban. A prisoner on remand should be tried within a reasonable period and every prisoner on remand has a qualified right to release pending a trial.

The difficulty is that many prisoners have experienced inordinate and unacceptable delays while on remand in custody awaiting trial. This has been highlighted by numerous judicial figures and civil liberties organisations here in Ireland and abroad in recent years. It has created the perception of a form of legalised internment by remand or — under another description — by some form of administrative detention. The difficulty with that perception is that it directly and explicitly undermines the profile of our justice system in the North.

It is rather ironic that the motion has been tabled by the UUP, the very party that introduced internment without trial in 1971.

**Mr Butler:** Thank you for giving way. At the start, you mentioned our seven-year journey. I am 44 years old. I have been on a journey in this country for 44 years. We have seen no peace and no real stability in this country for 44 years. Can you tell me, as spokesman for your party, how long this journey will take? I do not find seven years acceptable, never mind 44 years.

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

**Mr Kearney:** Thanks for the intervention. The key, Robbie, is that we build the peace and we build the peace together and collectively by restoring public confidence in these institutions, working together to ensure that we entrench democratic reform on the journey of change that we are all on and ensuring that every citizen in this society enjoys justice before the law and that the rights of all citizens are protected under the law and with due regard to human rights.

The logic of the UUP position, if considered, and I go back to what Doug said in his opening remarks in relation to the —

**Mr Wells:** On a point of order, I understand that the honourable Member for South Antrim is new to this Chamber, but could he please refrain from referring to Members as “Doug” or “Robbie”? He should address them either by their proper title — the Member for whatever constituency — or their full name.

**Mr Speaker:** I agree with the Member who raised the point of order. We should refer to Members by their position or their proper title.

**Mr Kearney:** Thanks for that unhelpful intervention from the Member on the other side of the House.

The point I was making was that the logic of the UUP position is that bail should not have been granted to the British army veteran charged in connection with the fatal shooting of John Pat Cunningham in Benburb in 1974. That is the difficulty when we begin to take an arbitrary or piecemeal approach to these issues.

There are, of course, conditions and circumstances in which bail can and should be denied, but the court must be satisfied that there were and are reasonable grounds for continued detention before a denial of bail can be justified. There are potential grounds for the denial of bail, such as

a danger that the defendant might fail to attend for trial, interfere with evidence or interfere with witnesses, and so on. Let the court decide the terms of bail with judicial impartiality and not through direct political interference.

The police, who have responsibility for the monitoring and governance of bail conditions, have been rightly criticised in relation to the case mentioned in the motion today. The difficulty with police monitoring of bail conditions extends way beyond this case and relates to their failure in their duty of care to monitor defendants on bail, ranging from alleged death drivers to those charged with murder. That is a real source of anger in working-class communities that suffer the worst antisocial behaviour.

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Kearney:** In conclusion, the motion has been badly framed. It undermines the core assumptions underpinning bail law. If its corollary is followed, its effect would be to hollow out —

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

**Mr Kearney:** — the human rights framework of our justice system.

**Mr Speaker:** I remind Members who wish to use examples in their contribution that sub judice rules apply to active criminal proceedings in which there has been an arrest.

**Mr Attwood:** Mr Speaker, on the very last point that you raised, I do not intend to cross any lines in respect of due process and the rule of law at any time, including in relation to the ongoing proceedings arising from the murder of David Black. I say that for all the reasons of principle but also reasons of humanity. Like other Members in the Chamber, I attended the home of the Black family and the funeral of that prison officer. When you travel down the M1 heading south and west, you pass the place where that murder took place. Given that experience, I certainly will not cross lines in respect of the rule of law and due process, so as to maximise the opportunities for a successful prosecution in that case for anybody who may be involved.

There is a danger — we have heard it in one or two comments that have been made in the debate — that, whatever the criticisms may be of the police and the criminal justice system in this case and others, we do extravagant damage to policing and criminal justice. In earlier interventions, there was an exchange that included the phrase that the case completely undermines confidence in the administration of justice. In a separate exchange in the debate earlier, there was a claim that the criminal justice system is weighted in favour of one community over another when it comes to sentencing and bail policy. Those are extravagant claims that are not justified based on the evidence. Whilst this case is a bad one and a hard one, and whilst there may be others like it, we should not draw conclusions about the character of the police —

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

**Mr Attwood:** I will shortly.

— and criminal justice systems in the way that some of the extravagant language has suggested today.

**Mr Humphrey:** I thank the Member for giving way. I made the assertion to the House that some of the decisions in terms of bail being relaxed undermine confidence. I stand by that comment. My colleague from Mid Ulster pointed out

that there are criminals released on bail who have that bail relaxed so that they can stay in luxury hotels or attend and help to organise dissident rallies, or indeed speak at those rallies and inflame people who attend them. Surely that is proof that that sort of thing can happen. I was not making any assertions or sweeping statements across the community about one community being given preference over another, but clearly such actions undermine confidence. When people come through your constituency doors or contact your office, you see that that undermines confidence.

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

**Mr Attwood:** Thank you, Mr Speaker. Yes, there will be cases, in all our experience and in all our communities, that undermine confidence. However, to assert, on the far side of that, that that completely undermines confidence and that the criminal justice system code sees one section of the community getting more lenient trials than the other — that is not based on fact, and we must base our assessments on fact. I agree that there is upset and exasperation around this case, but I do not agree with the extravagance of some people.

In my view, the most enduring change since the Good Friday Agreement has been what was achieved in relation to policing and criminal justice. The policing change has slowed down since 2007 — the big great work of policing reform was done between 2002 and 2007 — and I want to see more radical reform when it comes to the criminal justice system, but I do not take away from what has been achieved in both regards.

I certainly do not take away from the contribution being made by the judiciary in Northern Ireland to framing a society that upholds the right principles and applies human rights standards across the board without fear or favour.

There are two issues with bail. One is police bail, which nobody has commented on so far. There is a sense that, when somebody is apprehended, they are given police bail too quickly. You can go into parts of west Belfast where the experience of the police and police bail in certain cases has led to a sense in the community that the state does not work on behalf of them or to their benefit. The police have to tighten their processes on police bail in appropriate cases.

I am sure that the judiciary can hear this debate, and I am sure that they have heard the criticism. I have no doubt that the Lord Chief Justice will act on legitimate public concern, but that is what we should allow to happen: a response to legitimate public concern. However, we should not invert the rule of law and bail procedure, as per the part of the motion that says:

*“terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed”.*

That means that a suspect in custody for a lesser offence —

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

**Mr Attwood:** — will not be granted bail. That is disproportionate.

**Mr Lunn:** I support the motion, even though we have some minor issues with the wording. For instance, it calls on the Minister of Justice to:

*“ensure that steps are taken to see that the suspect is returned to custody”.*

That places an onus on the Minister that she will not be able to fulfil. I do not know what steps the sponsors of the motion have in mind beyond the obvious.

The motion also states:

*“terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed”.*

There has to be a measure of discretion allowed to the judiciary to allow cases not to be put back ad infinitum without the threat that the accused may have to be released from custody if the case is not brought forward. I am not going to defend Mr McLaughlin in any way, but I note that his original bail was set in May 2014. I cannot help thinking that, if he had been remanded in custody, we would be having a different debate. I would query keeping someone in custody pending trial for almost three years. He has obviously breached generous bail conditions, which allowed him to take holidays, and it seems to have taken the PSNI far too long to realise that he had disappeared. As we speak, he is still at large. So, with the caveat that I mentioned, the question is this: “Why should a terrorist murder suspect have been given bail in the first place?”. What message does it send to the family — in this case, the family of David Black — that someone accused of complicity in the murder of their loved one should be allowed to move freely, to take holidays, to put up minimal surety, to have their tag removed, to have their conditions of reporting to the police varied in their favour and then to abscond? What message does that send to a family?

This is not the first time, as others have mentioned. In the case of the murder of Adrian Ismay, the suspect — Christopher Robinson — did not have his bail revoked despite numerous breaches. In my opinion, there were two breaches, but Mr Buchanan said that there were five. It was only finally revoked because he put something inappropriate on social media.

As somebody else said, this would not be tolerated across the water. People over there do not understand why a terrorist suspect over here would ever be released on bail; it just would not happen in the rest of the UK. We are talking about different types of terrorist, but it just would not happen there.

Going back to the recent case of Damien McLaughlin, he apparently disappeared on 18 November, and it was not noticed, it appears, until 23 December — five weeks later. A further two weeks elapsed before it was brought to the attention of the court. How many times was he supposed to check in during that period? All that reinforces the thrust of the motion, which is that terrorist suspects should not be granted bail initially and a full review of bail policy — something that, I understand, the Minister has said she has instigated — should be thorough and meaningful.

## 12.30 pm

I look forward to the Ulster Unionist Member winding up the motion and the Minister's response, and I think the main objective of the motion, subject to the caveats that I have expressed, is to err on the side of caution in terrorist-related situations. The motion is well made and is worthy of support. I hear the comments from Sinn Féin about human rights and the European Convention and so on. In the real world, frankly, it makes no sense to release terrorist



suspects into the community, but I express the cautionary note that, frankly, you cannot keep them there for ever if the case is not coming forward. In this case, we go back to the fact that, if Damien McLaughlin were on remand in custody now, we would be having a different debate. Three years to bring a case to court is too long, and that goes back to the slowness of justice that Mr Beattie mentioned.

**Ms Armstrong:** I thank the Member for giving way. Does the Member agree that it is disappointing that we have come to this stage in the Assembly? Obviously, we are where we are, and the Minister is still in post until 2 March. Does he agree that this review needs to be done as soon as possible to give those family members and victims confidence that the review will actually go forward?

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

**Mr Lunn:** I will leave it to the Minister to give us an update on the progress of whatever review she has instigated, but I agree with the point. There is a question of reassurance here for victims, survivors and bereaved family members, and I do not think that our history on this has been one of dealing with it well. We have to err on the side of caution but with proper safeguards. We will support the motion.

**Mr Douglas:** I rise as a member of the Justice Committee to speak in the debate, and I thank Douglas Beattie and his colleagues for bringing the motion to the House. I am here to support the motion.

I was first elected to the Assembly in 2011, and, during this time, it has been a roller-coaster experience for me with the good, the bad and the ugly. Unfortunately, there have been too many times when it was the bad and, at other times, the ugly. One of the most traumatic and saddest experiences that I experienced was visiting the home of Adrian Ismay, the prison officer who died after a cowardly booby-trap bomb attack last March — I think that it was 4 March. He died later of his injuries — I think it was on 15 March. It was claimed by the so-called Real IRA, and, as my colleague mentioned, the accused has broken bail conditions on five occasions.

There has been talk in the debate about human rights. I support human rights, but what about the human rights of the families who hear that someone who has been accused across the board in a number of incidents of murder or attempted murder has been dealt with leniently by the court in setting their bail conditions. There have been serious incidents linked mainly to dissident republicans during my time as a Member of the Assembly. Concerns have been raised across the community that bail is often granted despite police objections. The police have objected on a number of occasions.

**Mrs Hale:** I thank the Member for giving way. Will the Member agree with me that those who operate outside the law and feel that they are above the law should feel the full force of the law?

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

**Mr Douglas:** Thank you, Mr Speaker. I certainly agree with my colleague about the full rigour of the law. The Assembly should be tough on crime and tough on the reasons behind crime.

After the cowardly gun attack in north Belfast last weekend in which a community officer suffered gunshot wounds to his arm, the Chief Constable, George Hamilton, said:

*“the criminal justice system needs to be linked up”.*

He raised the whole issue of bail policy and concerns; this is the Chief Constable, as well as us today. He went on to say:

*“Our job is to gather the evidence, to present that evidence to the prosecutor for the prosecutor to take that through the courts and for the courts to decide on things like bail and sentencing and so on.”*

Certainly, in the midst of his comments, there is a frustration. That frustration has been there for many years, not just recently. I agree with the Chief Constable. My experience, during my time as an MLA, is that often the courts will go ahead and grant bail to people who have ended up in court on serious charges despite police objections. That happens even in my area of east Belfast.

Someone quoted Gandhi the other day — I think that it was Mike Nesbitt or somebody. I want to quote the Apostle Paul, who said:

*“Abstain from all appearance of evil”.*

Avoid the appearance of wrongdoing. There is a sense out there that what is happening, over the last number of years, is wrong. The courts are too lenient and even the PPS is too lenient. William Humphrey said earlier that it undermines the criminal justice system. I agree with William.

In closing, I want to say that I have been here for five and a bit years and this is my last debate; I am stepping down from the Assembly. I want to thank the Justice Minister for being here. I want to thank you, Mr Speaker, and your officials. I also want to thank the cleaners, the Committee staff, the people in the canteen and the security men. I would like to see, in the future, a debate on how good the staff across the Assembly are. They do not get the recognition that they deserve.

**Some Members:** Hear, hear.

**Lord Morrow:** We, as a party, will be supporting the motion before the House today. I welcome this debate; it is very right and timely that it should happen. Damien McLaughlin is charged with aiding and abetting Mr Black's murder, having a car for use in terrorism, preparing a terrorist act and belonging to a proscribed organisation, namely the IRA. However, it seems that this is still not serious enough for him to be denied bail. I have spoken and lobbied vociferously on this issue and raised serious concerns in the past over persons charged with serious offences and their bail terms. The absconding defendant has been a sharp wake-up call to all agencies involved in the judicial system.

The Minister is aware that I have submitted a number of questions, perhaps more than any other MLA, on this particular issue. I have also written to the Chief Constable to ask the following questions: on what date was a bail breach first noted; why was a bench warrant not sought immediately when a bail breach was realised; what attempts were made to speak with the defendant's legal team to ascertain if they knew of his whereabouts; why was action not taken to have the matter made known to the first available court sitting, as opposed to waiting until the next scheduled court hearing pending trial; why was a statement not released earlier to the media and indeed at the first opportunity upon a bail breach being known and

unsuccessful efforts made to locate the defendant; which agencies were advised of the position and on what dates; and, in addition, on what dates were ports, airports and the Garda Síochána alerted to this case. To date, I have received an acknowledgement, but I have received no details to any of those questions.

In reference to the list of court appearances, the defendant was first charged on 20 December 2012 — imagine, we are going back to 2012 when he was initially remanded in custody. Just think about the date: 20 December 2012. That is over four years ago, pushing on to the fifth year. The previous Minister contended that significant moves were under way towards speeding up justice, but that does not fit in this and many other cases that I have taken an interest in.

Due to the inordinate length of time the case was taking, by May 2014 McLaughlin had successfully applied for release at the High Court citing human rights legislation on the grounds that he had been held in custody for too long. The judge in question was required to consider bail favourably and, indeed, did so. On 18 December 2014, the defendant successfully applied for a trial variation. Three months later, on 30 March 2015, a further variation was granted. All in all, the judge clearly looked at the defendant's appearing to be conforming with bail terms, and each variation relaxed the very safeguards designed to protect the due process.

Then, it appears that carelessness set in, and compliance was exploited. None of us, including the victim's family, who are the most important people here and who have been treated absolutely shamefully, have been given any cogent explanation.

Two factors, in my view, contributed greatly to this. The first is the ridiculous length of time getting to trial, often delayed in part by the utilisation of preliminary investigations at the behest of the defence. This is not the first time I have raised those. They are something I have been lobbying long to be abolished as this is the only part of the United Kingdom I am aware of that continues to use them. The second factor is that bail under human rights legislation appears to be granted.

**Mr Speaker:** I ask the Member to conclude his remarks.

**Lord Morrow:** There is not much regard given to the Black family's rights. Furthermore, when I challenged Sinn Féin on where it stood on the issue, what was its response?

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

**Lord Morrow:** It said, "That is a police matter; we do not comment on those things". Not half, it does not.

**Mrs Overend:** On this, the last day the Assembly will meet in this place, I thank my colleague Mr Doug Beattie for proposing this important motion. I express my deep concern and share the anger of many people from my constituency of Mid Ulster at the management of the bail conditions for the man who was charged with offences linked to the terrorist murder of my constituent prison officer David Black.

I was shocked to learn through media reports that the accused in this case has not been seen by the police since November. It is absolutely disgraceful that this man was allowed to disappear while on bail. Indeed, as we previously heard, this is a man who already made

headlines when the authorities previously allowed him to attend a spa break in Fermanagh.

The facts of the case have been rehearsed. It emerged that, having failed to sign in with police on 18 November, it was not until 23 December when police called at his bail address that they found the flat had been cleared out, and, in fact, evidence suggested he had been gone a few weeks by that stage. The accused was supposed to check in at a police station five times a week, yet he had not been seen by police in seven weeks.

Over time, judges cut the number of days per week the accused had to sign in with the police from seven to five and ordered that his electronic tag be removed. It goes without saying that he must be returned to custody immediately. Unfortunately, those responsible for this inexcusable situation have demonstrated a total lack of respect towards the family of the late David Black.

I am regularly in contact with the Black family, and I know they feel, as Kyle Black said publicly:

*"Let down, hurt and betrayed by the justice system."*

My thoughts are with the Black family, who have been put into the public eye once again due to the failings of the judicial system, the very system in which David served so faithfully.

The appalling failings in this case have understandably caused much anger across mid-Ulster, an area that has suffered more than most at the hands of terrorism. Faith in the justice system has been damaged, particularly amongst victims.

Unfortunately, this case is not the only example of a man charged in connection with a terrorist murder being allowed to breach his bail conditions. Christopher Robinson, the man charged with the murder of prison officer Adrian Ismay, was granted bail in May 2016 but was subsequently rearrested a number of times for allegedly failing to comply with terms set by the court.

Again, that should not have been allowed to happen. Our thoughts must also be with the Ismay family because of the hurt that has been caused to them by those failures.

#### 12.45 pm

To allow this type of situation to occur once could be seen as being careless. For it to happen twice in the same year is clear evidence of a culture that needs to change and of a policy that needs to change. Bail is seemingly too easily given out and not stringently enough managed. There does not seem to be any understanding of the sensitivities of cases involving murder and terrorism. There needs to be a strong deterrent to breaching bail conditions. The public should not be put in danger as a result of the lax supervision of suspects. The rights of the accused appear to take precedence over the rights of the families of the victims in these cases. Of course, that causes people to question just whose side the justice system is on.

There is an argument that suspects have an entitlement to bail due to the length of time that they spend on remand. However, the answer to that must be to speed up the process of administering justice and not to grant bail in such cases. It is my firm belief that terrorist suspects should remain in custody for as long as is necessary to allow judicial proceedings to be completed.

I find myself astounded at the events that have been referred to today. Terrorist suspects and anyone who is involved in a murder case should not be granted bail unless there are exceptional circumstances. Recent events have had a very negative effect on trust and confidence in both the police and the criminal justice system. The system is not working and needs to be changed. I refer to today's 'News Letter' article about bail policy concern, in which the Chief Constable, in reference to the dissident threat —

**Mr Speaker:** The Member must conclude her remarks.

**Mrs Overend:** Members will be able to read that for themselves. I join my colleagues in calling for the Justice Minister to reflect on the failings that have clearly been identified and to review policy urgently —

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

**Mrs Overend:** — through a joined-up approach.

**Mr Frew:** I support the motion on what is a very serious matter and one of concern out there for the public. It is one of those really burning issues in the community at present. People want to know why things have gone wrong and are broken.

I have been the Chairperson of the Committee for Justice since the election. I must say that I have learnt a lot in that time. Having previously been on the Committee, I feel that I have learnt more as Chair and from meeting more people in one-to-one situations. I have the utmost respect for the Justice Minister in that time, Claire Sugden, and also for the Lord Chief Justice, the judiciary, and all its organisations and functions. However, we are public representatives. We speak on behalf of the public. At present, this is a massive issue in our communities. There is absolutely no doubt about that.

I hear what Members have said. I do not believe that our debating the issue will damage in any way the criminal justice system or confidence in policing. It would do an injustice to those bodies if we did not debate a matter that is very topical out there. We have to try to fix this. As politicians, we surely have a role to play in trying to fix the system. It is not good enough to say that we should not talk about it because those people are independent of political interference. That is correct. It something that I will uphold as long as I am a politician, but we also set law in the House and ask the judiciary to implement that law. It is only right that we look at policies around bail. It is quite satisfactory that we do that. I am sure that the Lord Chief Justice would welcome that and any other investigation, inquiries or prospective laws that we bring to the House. That is our function.

I must say that it really annoys me when republicans and nationalists talk with forked tongue about moving on a journey, making it right and having maximum confidence in the police. They say all those good things to entice unionists into thinking that a united Ireland would be some sort of utopia — a great place in which to live — when we all realise that it would not.

Then, the very next day, they will stand side by side with hardliners with placards outside Knock HQ demanding the release of a prisoner. People who have been charged need to be very carefully managed. It is true to say that people are concerned about the low level of surety required for bail and the length of time taken for the PSNI to realise that someone has absconded.

The question I put to Sinn Féin is this: why have you been quiet on this issue? What if Mr McLaughlin has disappeared — “disappeared”, does that not concern Sinn Féin? We have had a past history of disappearance. I am putting that out there.

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

**Mr Frew:** Yes.

**Mr Douglas:** Does the Member agree with me that the issues debated today and yesterday are major issues that are going to be left to the side? There is an onus on all the MLAs who will be coming back here to sit down, crack a few heads and get this resolved. We are going into a black hole and I doubt whether we will ever come back again to the Assembly.

**Mr Frew:** I agree with my colleague Sammy Douglas on that point. We are not coming back here any time soon. We have seen a massive sea change in the attitude and demeanour of Sinn Féin Members even in the last couple of weeks, even in the corridors and even in the canteen. We have seen it. We are not coming back here any time soon. Do you know something? I do not want to come back to a place where one party can walk away and hold the institutions of this country to ransom. We are not coming back to that. Let me tell you that now.

What happens when a terrorist absconds? They go on the run. Is it not sexy for a terrorist to be on the run? Throughout the years, have we not seen how folklore has developed when terrorists go on the run? I do not see anything sexy about lying in a cattle shed on a concrete slab or in the attic of a sympathiser's house. To me, that is not at all sexy; but it is how these people think. Then, in a couple of years' time, we will realise that they are in Colombia, America or Cork, and then they will be lauded in a public meeting in west Belfast or Dublin, and people will cheer and fists will be raised in pumps. I do not want to live in that sort of society.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Frew:** That is not the sort of society I want my children to live in. I ask Sinn Féin and the republican movement to wise up.

**Mr E McCann:** Mr Frew has just referred to people campaigning with placards demanding the release of this one and that one. He characterised it as standing side by side with extremists. It is not standing side by side with extremists to call for the release of anybody — certainly not.

I hereby repeat my call for the release of Tony Taylor. Tony Taylor is a republican from Derry who was released under the Good Friday Agreement but was arrested again early last year. He is presently in Maghaberry prison. He was arrested because the then Secretary of State, Theresa Villiers, signed a document saying that she believed that he was involved in activities which made it proper and acceptable to send him back to prison. When asked what these activities were — “I am not telling you.”; “Who gave you to believe that he was involved in these activities?”; “The security services”; “Did they give you the information?”; “Yes, they did”; “Will you tell us?”; “No, we will not tell you”.

What am I to say — what is anybody to say — to Lorraine Taylor, Tony Taylor's wife? She does not know how long he is going to be in as it is open-ended. Will it be a year, two

years or three years? His wife and family have not been told why.

Mr Speaker, this cannot be right. It cannot be right that citizens are detained by the state without them, or anyone else, being given a reason why. Due process has to mean something. Let us look back to the occasion in our recent history, in the last half-century, when the denial of liberty to citizens without charge or trial resulted in a booster shot to violence in Northern Ireland such as we have had from no other particular incident.

I refer, of course, to internment in 1971. Occasionally, here and outside, we refer to the major atrocities that have taken place. I include, just for the sake of the record and in case anybody suggests I would think otherwise, Enniskillen, Teebane and the dreadful, unjustified and unjustifiable atrocity in Birmingham in December 1974, when innocent people were blown to bits. When we talk about atrocities visited on citizens, I am not being exclusive about it; I am saying that our horror at such things, our empathy with the grief of those left behind, must not spill over into saying that any measure is acceptable to deal with this sort of thing and stop it. Actually, it does not stop this sort of thing.

The main conclusion that we could draw from the introduction of internment without trial all those years ago is that it did not stop any deaths or terrorism, however you define it. On the contrary, it gave a boost to it. Think of the atrocities that I mentioned before. What I have in mind is Ballymurphy, which happened on 10 and 11 August 1971, in the immediate aftermath of internment. Think of Bloody Sunday. The Bloody Sunday march was a march against internment and for due process. People had placards saying, "We want somebody to be charged and tried before being put in jail. We cannot have it on the basis of a Government in Stormont, Westminster or anywhere else saying, 'We think this is a dangerous person and they should be put into prison'."

I am struck by the fact that none of those who have spoken in favour of this motion have even admitted that this might be a difficulty. When you say that those responsible, if they are caught, should not be given bail, how do you know that those are the people responsible if they have not been taken to court and the evidence produced against them? I am sorry that nobody supporting the motion has admitted that there is a grave difficulty involved, not from a left-wing or republican point of view, but simply from that of ordinary, common or garden justice. There is a problem here. We can argue about what the solution to the problem is, but it simply was not acknowledged. That says something ominous about the attitudes we have towards people —

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

**Mr E McCann:** Yes.

**Mr Carroll:** The Member is concerned that the tone of the debate suggests that the justice system is balanced against one community. Does he agree that this ignores the reality that stop-and-search happens predominantly in what are perceived to be nationalist communities, particularly in north and west Belfast?

**Mr E McCann:** That certainly is the perception, and of course —

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

**Mr E McCann:** Thank you very much. When there is such a perception, and it is based on material reality, that is a real problem for law and order in any society.

Yesterday, we voted for the motion in relation to the attempted killing on the Crumlin Road. We did that because we are against the strategy of "armed struggle", as republicans call it. We are not against it since the Good Friday Agreement; we say that it was always wrong and futile and was never going to deliver anything commensurate with the investment of pain — pain inflicted as well as endured. It was never going to deliver a return commensurate with that. We were against it from day one, and we are still against it. The remarks that I make today in standing up for civil liberties and —

**Mr Speaker:** The Member will conclude his remarks.

**Mr E McCann:** — bail conditions do not associate me with armed struggle or anything else, but with the basic principles of justice.

**Mr Speaker:** Before Mr Jim Allister speaks, I have to inform him that he has four minutes.

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

**Mr Allister:** There patently is a systemic problem in the administration of bail, and I think that there are proper criticisms to be made arising from the case that most recently evidenced that problem, the McLaughlin case. However, we have to recognise where the source of this problem is. The source is the European Convention on Human Rights. Under article 5, the European convention creates a presumption in favour of bail. The prosecution has then to displace that presumption by proving that one of five matters is a good reason to deny bail — that is, that the accused may abscond, reoffend, interfere with witnesses etc. It is that tilting of the balance in favour of the person accused and against the police that has created the situation that has evolved. Our judges have to work with that.

**1.00 pm**

I have a criticism of our judges. Judges in Northern Ireland are more timid and more generous in their attitude to the European Convention and, therefore, more generous in their granting of bail, I perceive, when contrasted with those elsewhere in the United Kingdom. The Justice Minister could do a useful piece of work by having a study conducted to compare and contrast the attitude to bail, which operates under the same European Convention, in Northern Ireland as opposed to GB. The journalist Ben Lowry has done some good, insightful work on this that indicates that there is a problem. The Justice Minister could have a good piece of work done on that.

We have to go to the source to recognise that, not for the first time, the European Convention on Human Rights has got its balance wrong. If the United Kingdom Government reviewed the Human Rights Act, that would be one fruitful area in which they could and should review its operation.

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

**Mr Allister:** I am told that I have no extra time, so, not on this occasion. Sorry about that.

Yes, we need to scrutinise carefully what our judges are doing, as I think that they are too generous in their



interpretation. We also have to ensure that when bail is granted it is properly policed. One of the most scandalous things about the subject case is the indifferent attitude to the policing of that bail and how that person was able to be out of the jurisdiction, we presume, for a month before anyone realised. What was the point in asking him to sign, five days a week, if no one was following up on the fact that he had not signed? That is a scandalous dereliction of duty.

The other contributor to too much free bail —

**Mr Deputy Speaker (Mr McGlone):** Will the Member draw his remarks to a close, please?

**Mr Allister:** — is the delays in criminal trials, which accentuate the burden on the judiciary to give bail.

**Ms Sugden (The Minister of Justice):** I welcome today's motion and debate. I thank the Ulster Unionist Party for bringing it to the House. Generally, I understand, appreciate and, certainly, sympathise with the ethos of the debate, but there are a number of aspects that make it difficult for me to support it. That said, coming from the premise of the victims, which is something that I have always championed as Justice Minister, I am sympathetic to the motion.

The motion is concerned with bail issues, which is an important aspect of the justice system, but it is also important that the Assembly send crystal-clear messages to our justice family and to the community that it serves. Whilst this might seem out of context, Mr Deputy Speaker, I ask you to allow me to reiterate some of the points that I made yesterday. Spraying a garage forecourt with automatic fire is sickening; shooting at young officers in a public place is nothing short of repulsive; putting the public at risk, and a community in fear, is not in the furtherance of a political cause — it is an act of wanton aggression.

I want to send two very clear messages to our justice colleagues and to our community. To our justice colleagues, I say this: we support you in your work; we welcome what you do to keep us safe, and we are grateful and indebted. To our police officers who are keeping people safe, to our prison officers who are working hard to rehabilitate offenders, and to our probation officers, court staff and everyone in the justice sector I say this: thank you. The Assembly, I hope, wants you to know that you have our support. To the officer injured on Sunday night, to his colleague who was with him, to the first responders and to the officers investigating this crime, again, we send our heartfelt best wishes and, indeed, thanks for the work that you do to protect our community from harm.

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

**Ms Sugden:** Yes.

**Mr Douglas:** Minister, you alluded to north Belfast. Have you looked at the statements by the Chief Constable, who has questioned the linkages that may be undermining the whole criminal justice system in situations like that?

Also, I want to pay tribute to you. I think that you have been a great Minister. You have had all this dumped on your young shoulders, and I think that you have done an excellent job. Thank you very much.

**Ms Sugden:** I thank the Member for his intervention and his kind wishes; he is going to have me welling up.

I have very much acknowledged what the Chief Constable has said about the events that happened in north Belfast on Sunday. I have never shied away from the fact that the criminal justice system needs to be looked at. We need to reevaluate what we need to do to better serve the public in Northern Ireland. I will get on to some of the areas that I, as Justice Minister, was keen to try to progress, albeit I have been limited in the time that I have, but we can see what happens in the next mandate. Certainly, I appreciate the Member's comments.

I just want to tie up my comments about Sunday. I thank the community as well for the support that it expressed for the officer, his family and his colleagues. We need to send out a united message in the Assembly and across Northern Ireland that we reject those who want to take us back to the past. They need to realise that it is over. It is over, and no one wants the activity that they are trying to bring forward. I am sickened not only by the injuries inflicted on the officer but by what might have happened in a public place, with citizens going about their business, in a garage, on a main road. It is beyond any rational explanation. There is no possible logical narrative that justifies what happened on Sunday night.

I will return to the detail of the motion because it raises some important issues that absolutely resonate with the current situation and what has happened in the past couple of days, which is why I saw fit to relay my concerns about that. The motion has been tabled following the disappearance of an individual who was on bail and was charged with a serious offence. The public is concerned about the case, and rightly so. The Assembly is concerned and so am I as Justice Minister. I have therefore written to the Lord Chief Justice, the Director of Public Prosecutions and the Chief Constable about the issue.

As I said, we are right to be concerned. This case is connected to the murder of prison officer David Black, a public servant murdered in the line of duty. His family, friends and community have lost their loved one; the Prison Service has lost a colleague. I welcome the fact that today's debate has given us an opportunity to extend again our heartfelt sympathies to the family of David Black not only for their loss but for the ongoing hurt that they feel and, indeed, for the hurt that they will feel because we are debating this and talking about their loved one today.

The only person charged in connection with David Black's dreadful murder can now not be found. He was due to be tried in accordance with his rights, but, as of today, the justice system cannot produce him for trial. There are reviews under way. The PSNI and the Police Ombudsman are looking into the issues, and I welcome that because that is, indeed, necessary.

There will, I am sure, be lessons to be learned — I almost hate using that phrase because I think that we need more than that. There are broader issues for the justice system to reflect on, too. It is entirely right to ask whether it is focusing on delivering for victims and, indeed, defendants, communities and citizens. It is legitimate to reflect on whether it has the right structures and priorities and a meaningful connection with the people whom it serves, and I was, indeed, giving that much thought.

I had already announced a review of the courts, which I referred to as Courts 2020. I had made progress on areas of responsibility under the Executive's Fresh Start

action plan, and I had made tackling domestic violence and abuse my top priority. This motion focuses on bail, however, and it is my strong view that improvement to the operation of the bail system cannot be made without wider systemic improvements to the criminal justice system as a whole. That is why my Department's work under the speeding up justice programme, which touches on bail-related issues, is so vital.

Speeding up justice is delivered alongside justice partners. It incorporates legislative reform, as well as operational improvements consisting of administrative and procedural reforms. Those reforms are crucial, and the Justice Act (Northern Ireland) 2015 is integral to delivering them across a number of priority areas to help speed up justice. We are now, thankfully, finalising plans to implement those major provisions.

Changes initiated by the introduction of sections 88 and 93 of the Act, which deal with early guilty pleas and PPS summons respectively, have already come into operation and have been effective since 1 April 2016. The PPS summons changes, in particular, will help to streamline procedures and reduce the time taken to issue and serve summonses, contributing to the overall measure to speed up justice.

Work is also ongoing to finalise regulations to enable the provisions on statutory case management, with implementation scheduled to be in place by September 2017. The regulations will impose duties on the prosecution, the defence and the court in the management of criminal cases with a view to ensuring that cases are progressed in the most effective way possible, whilst maintaining a focus on the paramount need to secure justice. Subsequent regulations will impose a general duty on anyone involved in criminal proceedings to reach a just outcome as swiftly as possible. This approach couples a statutory change in working practice with a requirement to work towards speedy and just outcomes. I believe that this will have a positive impact on the whole justice system including bail, which can be affected by case delays.

In my programme since becoming Justice Minister, I had a focus on people: on women and on young people in the justice system; on the harm and vulnerabilities that we see in the justice system, whether that be offenders, victims, or indeed justice practitioners; on mental health issues; on older people and their fear of crime; and on those who live in our rural communities. This has been my focus, and I had planned to speak in more detail about these issues today. I had started to think about the performance of the overall system in the context of today's citizens' expectations. I had started to think about confidence and about harnessing the invaluable efforts that are made by all those who work so hard in law enforcement and in the justice system every day. I wanted to make a deeper connection with the problems faced by citizens through the Programme for Government, and I wanted to start a process whereby outcomes and confidence would be central and valued above processes, practices and structures through my problem-solving justice initiatives, but these are issues, regrettably, for another day.

I would also like to say something for the record about the bail regime and it is important to outline how it currently works. It is, indeed, as Mr Allister described it. The operation of the bail framework is underpinned primarily by article 5 of the European Convention on Human Rights

— the right to liberty and security. Article 5 requires that a person charged with an offence must be released pending trial unless there are relevant and sufficient reasons to justify continued detention. The starting point for all pretrial remand decisions is the presumption of innocence. This is a fundamental tenet of and protection in the law and it is consistent with the principle of the right to a fair trial.

Bail can only be refused if one or more of five broad conditions have been met. I am quite happy to outline these conditions. They include the risk that the accused will fail to appear for trial if they are released on bail; that the accused will interfere with the course of justice while on bail; that they will commit further offences while on bail; that they would be at risk of harm against which they would be inadequately protected if released on bail; or that they pose a risk to the preservation of public order if the accused is released on bail. Mr Allister is entirely right that one of those five conditions has to be satisfied in order to refuse bail — that would be at the time of their first being granted bail or not. The grounds for refusal do not include that the accused has been charged with a serious offence, although, naturally, the seriousness of the offence may be a factor in determining whether one of the five grounds for refusing bail exists.

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

**Ms Sugden:** Sure.

**Mr Allister:** Is one of the concerns in the implementation of that regime that it appears, as time goes on and someone is longer in custody, that the courts become easier satisfied on the granting of bail? They may have refused it on the basis that the person might interfere with witnesses or not turn up, and then suddenly, a year down the line, they release that very person whom, hitherto, they had made those findings against because they had been longer in custody. Is it not a concern that it seems to dilute the requirements as time goes on?

**Ms Sugden:** I thank the Member for his intervention. I am concerned that the longer people are in custody, the more difficult it is to satisfy certain conditions. Indeed, there are issues around remand, which Mr McCann alluded to. Essentially, we need to speed up justice, but we also have to look at how bail conditions are applied. I am quite happy to take up Mr Allister's suggestion of doing a comparative model to see whether there are differences between what is happening in Northern Ireland and what is happening in GB.

I have been clear that it is not my role as Justice Minister to comment on the availability or conditions of bail in the specific case that has prompted this debate. These are, essentially, matters for the courts. Every application for bail is unique and depends on the relevant factors relating to the individual circumstances of the offence and of the accused.

That is why it is right that it is for the independent and impartial judiciary to make decisions on the granting of bail.

**1.15 pm**

I do, however, recognise that there is a perception that bail may be more readily available in Northern Ireland than in other jurisdictions in the United Kingdom, which is why I am quite happy to take forward Mr Allister's suggestion on doing a comparative model so that we can be fully informed should this issue be raised in the next Assembly.

The panel recommended a review to determine the facts and, if required, bring forward measures to improve the situation. As I said to the Assembly before, that review is under way. It will establish facts about bail decisions in Northern Ireland. It is an important review. I do not want to speculate on or pre-empt its outcome, but I hope we will find a conclusion to it in the coming weeks. It is vital that Northern Ireland has an effective framework for bail that appropriately balances the needs of defendants, victims and the wider public. I have asked my officials to do all they can to complete this work as soon as possible, as I said, in the coming weeks. Where concerns or areas for improvement are identified, a second phase of work will be taken forward to address them.

As I said, I welcome today's debate on the substantive issues raised in the motion, but I also recognise and welcome that the Assembly has been concerned with other matters too. We are concerned about our justice colleagues and the community they serve. That is the vital message we should send out. When the next Assembly resumes — hopefully, that will be sooner rather than later — I encourage all Members to focus on the issues that matter to people on the ground. This motion has captured the interest of the public because it concerns their safety and the safety of their loved ones. I think that is what we should be putting our focus on today, so it has been my pleasure to respond to the debate.

**Mr Beggs:** There is widespread concern about our criminal justice system in Northern Ireland, the bail conditions and some of the sentences that have been given to those who have been involved in violent and terrorist activity. It is important that everybody appreciates that because, if we are to retain public confidence in our justice system, they must have a feeling that it is fair, proportionate and doing everything reasonable to protect them. Whether it is violent dissident republicans or the south-east Antrim UDA, which is involved in a feud within my constituency, we need the same standards of justice to be delivered to everybody. We are not asking it to be picked out for one group or another, but the public need to be protected.

The Fresh Start Agreement set up a three-person panel to report on the disbandment of paramilitary groups in Northern Ireland. That panel produced a report dated May 2016, some seven months ago. There are two relevant paragraphs within it I want to highlight, as they have not been mentioned to date. Paragraph 4.19 states:

*“the Department of Justice, the Courts Service and the Public Prosecution Service should implement the case management improvements throughout Northern Ireland, particularly in respect of those offences linked to terrorism or organised crime groups (Recommendation A12).”*

That is an issue that has been mentioned by my colleague Sandra Overend and by Lord Morrow, Trevor Lunn and even the Minister, but what has been the progress on it?

There is another paragraph relevant to bail conditions. Paragraph 4.52 advises:

*“The UK Government, the Executive and law enforcement agencies, working with their partners in Ireland, should ensure that tackling organised criminal*

*activity is an integral part of their efforts to deal with Northern Ireland related terrorism”.*

We need to ensure we are working consistently.

I acknowledge that some of the issues have been highlighted, but it appears we are going forward very, very slowly. I know the wheels of justice can be slow, but the wheels of the review of justice seem to be even slower. Because of that and my disappointment at the lack of progress, I put down a number of Assembly questions for written answer. I have to say that the answers, which came in just this month, were even more disappointing. When I asked the Minister what meetings have been held in connection with when to offer bail or give guidance, she advised:

*“I have not had meetings about offering bail or guidance for setting bail conditions in specific cases.”*

I was not asking about specific cases; I was just asking for general conditions. We were also advised:

*“A workshop is arranged for 15 February 2017.”*

Remember, however, that the report came out in May 2016. We are moving far too slowly.

I also asked a question about differences in bail conditions, which is another issue that Members highlighted in the debate. The Minister's response states:

*“Bail law in Northern Ireland is a mix of common law and statute, whilst other jurisdictions have in place consolidated bail legislation.”*

Northern Ireland therefore lacks a single bail Act. The Minister's response also states:

*“England and Wales however, have a reverse presumption, that is that bail will ordinarily not be granted in some where a defendant has been charged with an offence of murder, attempted murder, manslaughter, rape or a serious sexual offence, if he or she has a previous conviction for the same offence; or where a defendant has been charged with an indictable offence”.*

We all seem to be operating under the European Court. However, the legislation deemed to be satisfying it in England and Wales deals severely with those involved in violence in order to try to protect the public — not so in Northern Ireland. We need that to change.

I turn now to the comments of Members who addressed today's debate. I thank Doug Beattie for tabling the motion. He pointed out that terrorism continues and that we need to be consistent in our message that we are against it. He highlighted the case of David Black, which was very poignant, given the violent attack on police officers in north Belfast just this week. We need to think about how we deal with those who, hopefully, will be charged with that murder and brought to court through the criminal justice system. Will we treat that case with the seriousness that it deserves? I agree with the Member that we need to question why bail is given in such situations. Where bail is given, there is a clear need for very strict bail conditions and for them to be rigorously implemented.

Doug Beattie contrasted the offer of bail conditions to someone accused of the murder of prison officer David

Black with not allowing a 75-year-old veteran to vary his bail conditions to go on holiday. You would not think that there was a high risk of a 75-year-old veteran absconding to another jurisdiction. The public are concerned at the inconsistency in our criminal justice system, and a single bail Act might help the situation.

In connection with the same case, a major review of the role of the police was needed. I welcome the fact that it has happened, and we will wish to hear a more definite outcome, to ensure that, when someone breaches his bail conditions on 18 November, it will not take until 23 December for that to be spotted. If someone is required to sign in at a police station and fails to do so, on that same day, it should be reported as a breach of a bail condition.

Keith Buchanan highlighted the case of someone charged in connection with the murder of Adrian Ismay. He breached his bail conditions five times before bail was revoked.

**Mr Nesbitt:** I thank the Member for giving way. I am sure that everybody will agree that the signatories to the 1998 agreement brought forward an amazingly inclusive political process, and, 19 years on, the attempted murder of police officers this week proves that there are those who will never accept inclusion and choose to exclude themselves. I hope that the Member will agree that that proves that the public deserve maximum protection. They demand actions, not words, that ensure that we give primacy to the human right to life, above those who try to deny it. If that means tightening up bail, so be it. It was the choice of those who committed the criminal acts.

**Mr Beggs:** I thank the Member for his intervention, which moves me on nicely to the next contributor to the debate, Declan Kearney. He said that you could not tighten up bail conditions because of the Human Rights Act. Let us remember that human rights are balanced: rights and responsibilities. We must protect the rights of the ordinary citizens who will be exposed to risks from the release of those accused of being involved in terrorist activities, particularly if they are released on very flimsy bail conditions that they ignore.

Alex Attwood visited the family of prison officer Black and shared his sympathy with them. He highlighted the fact that damage is being done to the criminal justice system but pointed out that it has to be balanced.

Trevor Lunn indicated his support for the motion, for which I thank him. He also highlighted the excessively long time that it is taking to bring this case to court, which is a valid concern. Our Court Service and our justice system must get that sorted out, because it may have contributed to this case. As I said, this was highlighted in May last year, and what has happened? Very little, it would appear. We need to move forward and make sure that we do not get into a situation where those accused of serious offences are granted bail.

Lord Morrow highlighted the unusually long time taken before cases come forward, which, again, is very valid.

**Mr Deputy Speaker (Mr McGlone):** Will the Member please draw his remarks to a close?

**Mr Beggs:** I thank my colleague Sandra Overend for sharing the concerns of the Black family and her constituents at the release and how that has brought the case to the fore again. I also thank Members whom I have not managed to mention for their contributions.

*Question put.*

*The Assembly divided:*

*Ayes 51; Noes 33.*

#### **AYES**

*Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Beggs, Ms P Bradley, Ms Bradshaw, Mr K Buchanan, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Lunn, Mr Lyons, Mr Lyttle, Miss McIlveen, Mr McKee, Mr McQuillan, Lord Morrow, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Poots, Mr Robinson, Mr Ross, Mr Smith, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Beattie and Mrs Overend.*

#### **NOES**

*Mr Agnew, Ms Archibald, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Mr Carroll, Ms Dillon, Mr Durkan, Ms Fearon, Ms Flynn, Ms Gildernew, Ms Hanna, Mr Kearney, Mr Kelly, Mr Lynch, Mr McAleer, Mr E McCann, Mr F McCann, Mr McCartney, Mr McGrath, Mr McGuigan, Mr McMullan, Mr McNulty, Ms Mallon, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Seeley.*

*Tellers for the Noes: Mr Kearney and Mr McAleer.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Ms Sugden*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of prison officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.*



## Ministerial Code: Independent Investigation of Alleged Breaches

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

**Mr Agnew:** I beg to move

*That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct.*

We need an independent, open and transparent process for investigating Ministers. I have always failed to understand the opposition to that from some in the House. Given recent events, if the Assembly was to oppose it again today, there would be public anger. We have institutions that are at the point of collapse because we have had, by necessity, trial by media of the former First Minister. It was by necessity because there was no formal process for the allegations against the then First Minister to be heard. This will be the last decision made by this Assembly. I call on Members not to waste the opportunity to send a clear signal on the standards of accountability that we expect of the next Executive.

MLAs are rightly expected to adhere to the Assembly code of conduct: the Green Party asks no more and no less of Ministers. If an MLA is alleged to have breached the code, a member of the public can write to the standards commissioner and have their complaint investigated in an independent manner. The result of any investigation is published and can, if required, lead to a debate in the Assembly so that all the issues can be aired. The process is open, transparent and just. No such process exists for Ministers. If a member of the public wishes to complain about a Minister, the only avenue open to them is to write to the party leader. As we have seen on many occasions in Northern Ireland politics, leaders protect their Ministers; indeed, when the complaint is about the leader, the leader protects herself.

In 2014-15, the majority of the complaints received by the Commissioner for Standards were against Ministers. They were deemed inadmissible because his current powers do not allow him to investigate alleged breaches of the ministerial code of conduct or alleged breaches in which an MLA is deemed to be acting solely in their role as Minister. I am pleased that the commissioner has confirmed to me his support for an expansion of his role so that he can investigate alleged breaches of the ministerial code of conduct.

1.45 pm

I would argue that it serves neither the Minister nor the public well that we do not have such a process. An individual who seeks to complain will be left frustrated if they feel that their concerns are ignored by those in office, who are supposed to act on their behalf. Having written to a party leader, an individual may feel that that leader is acting in the interests of their party colleague rather than in the interests of good governance.

Equally, Ministers who face allegations will most likely hear them debated through the press in what I have referred to as "trial by media". The press have a job — holding Ministers to account — and have shown that they are well capable of doing it. Nonetheless, the recent RHI debacle has highlighted the need for a better process. Whilst we may disagree on the various issues — indeed, we had a six-hour debate about them yesterday — I do not think that any of us would disagree that there has to be a more dignified way of managing such complaints. The processes, in my view, are currently lacking.

For another example, I go back to 2011, when I accused the then Enterprise, Trade and Investment Minister, Arlene Foster, of breaching the code by failing to declare that her husband owned land in an area that she licensed for fracking. Interestingly, she argued that it was not her who licensed the land; it was her Department. To this day, I maintain that she was in breach of 1.5 (ix) of the code of conduct, which provides that any Minister must:

*"declare any personal or business interests which may conflict with their responsibilities."*

Arlene Foster, of course, denied that the code was breached. We have never concluded the issue because there was no process through which to do so.

I raised this issue through questions for oral answer a number of times since May. On each occasion, by chance it was the deputy First Minister who answered, and he seemed to have some sympathy with the proposal. I took the opportunity that he offered to meet with him to discuss the matter, and he confirmed that it was a meeting with the joint office. Again, the deputy First Minister seemed sympathetic to my proposals. One of his concerns was that I seemed to be the only one pushing for this; whilst he could see the argument, he did not feel that there was enough of a drive to support the proposal. He also asked, quite legitimately, what sanctions would be in place should a Minister be found to have breached the code of conduct.

As I mentioned, the Commissioner for Standards supports this. When we debated it back in October, in relation to an amendment that I tabled to a motion, all the non-Executive parties supported it. I put that to the deputy First Minister in writing. There are a number of options available for sanctions similar to those for breaches of the Members' code of conduct. A Minister could be required to apologise. They could be censured by the Assembly, suspended or, in the most extreme cases, expelled from their role as Minister.

Unfortunately, due to the illness and now retirement of the deputy First Minister, we did not get to conclude our conversations, and I wait to hear whether Sinn Féin will support my proposal today. Equally, while I was told that my meeting was with Mr McGuinness in his capacity as deputy First Minister and with the consent of the First

Minister, I do not yet know the views of the DUP and whether they have changed since October, when it and Sinn Féin opposed this proposal.

I maintain that we need an open, transparent and accountable Government. As I said, this is the last decision of this Assembly. Let us not waste it. Let us begin the process of restoring some confidence in politics in the eyes of our public.

**Mr McGuigan:** I thank the Members for bringing the motion forward. I have no difficulty supporting it and the sentiments within it. Sinn Féin is in favour of openness, transparency, the accountability of the Assembly and the accountability of the Executive and Ministers. Ministers, as with other Members, should be required to act to the highest possible standards. We need adequate procedures to make sure that is the case. Ministers must also act in the public interest. The ministerial code of conduct states, among other things, that Ministers must:

*“observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds ... operate in a way conducive to promoting good community relations and equality of treatment ... not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests”.*

Obviously, it says more than that, but I chose to read those paragraphs out because I think the public will be surprised to hear that is how all Ministers are supposed to behave and make decisions, given all that has happened over the last couple of months with regard to some DUP Ministers.

I am stating the obvious when I say that public confidence in these institutions has diminished in recent times. The key reason for that is that the public do not agree that certain DUP Ministers and certain decisions they have taken have abided by the sentiments that I just read out. Leaving aside Red Sky and the National Asset Management Agency (NAMA), purely because of time constraints —

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

**Mr McGuigan:** Yes.

**Mr Attwood:** I welcome that you have responded to Mr Agnew's question about whether you will support his proposal. How do you reconcile what you are saying now and your commitment to the motion with the way you voted less than 18 months ago, when the exact same proposal came before the Assembly and Sinn Féin and the DUP opposed it? Will you explain why you have changed your mind — I anticipate why — and why you opposed this very proposal less than 18 months ago?

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

**Mr McGuigan:** I note that the proposer said he had ongoing discussions with the deputy First Minister, from my party, who said in the Chamber that we were open to the discussion of this motion no less than a few months ago. I will come to the more important reasons and the revelations that have been made recently.

Leaving aside Red Sky and NAMA, recent decisions by, in particular, the Minister for Communities, Paul Givan, on

the allocation of funds to marching bands, the community halls fund and the removal of funding to Líofo were nothing short of disgraceful and indefensible. They showed a total lack of balance, transparency and attempt to promote good community relations or equality of treatment.

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

**Mr McGuigan:** Go ahead.

**Mr Stalford:** The Member criticises funding for community halls and the lack of balance. Does he include in that the halls attached to, for example, the Ancient Order of Hibernians?

**Mr McGuigan:** The Member knows as well as I do that, if he looked through the list of those that received money from the halls fund, he would see it was obviously imbalanced towards one section of the community in a great way over and above the other section.

As I said, those decisions were disgraceful and indefensible. They show a lack of balance and transparency and of any attempt to promote good community relations or equality of treatment. I could not tell you how many people have stopped me in the street prior to and after Christmas to ask how Paul Givan and the DUP could get away with the decisions they are making. Any one of those issues was serious enough, but the three coming in close succession displayed for everyone to see that he has no concern for the ministerial code of conduct. They are examples of a blatant sectarian distribution of funds by the DUP. Indeed, the nature and tone of his letter withdrawing the Líofo funding on the day before Christmas Eve was bad-mannered in the extreme and unbecoming of anyone taking on the role of Minister in this institution.

Add to that the recent revelations about the renewable heating incentive (RHI) scheme, which was set up and designed by a DUP Minister and overseen by DUP Ministers. There are allegations that DUP advisers delayed the closure of the scheme, which has the potential to cost the ratepayers and taxpayers of the North up to £500 million. Those allegations, which continue to grow daily, are further examples of the need to ensure that Ministers, in conducting their business and making their decisions, are held to account by proper procedures.

I welcome the inquiry to be set up by Máirtín Ó Muilleoir to deal with the issues around the RHI scandal and get to the bottom of it. That scandal is a clear and obvious example of why the work of Ministers needs to meet the highest standard. There has been arrogance, stubbornness and disrespect to Members, the general public and public finances recently from DUP Ministers. That is not how Ministers should conduct their business.

**Mr Deputy Speaker (Mr McGlone):** I ask Members to take their ease while we prepare for Question Time, after which the next Member called to speak will be Pam Cameron. Pam, I apologise, because I should have called you first. That was a bit of a slip on my part, but you will maybe forgive me for that this time.

*The debate stood suspended.*

2.00 pm

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

## Oral Answers to Questions

### Communities

#### Councillors' Code: Review

1. **Mrs Overend** asked the Minister for Communities for an update on the consultation on the review working group report on the 'Review of the Northern Ireland Local Government Code of Conduct for Councillors'. (AQO 960/16-21)

**Mr Givan (The Minister for Communities):** A revised Northern Ireland local government code of conduct for councillors was issued for consultation on 21 December 2016, together with the report of the code of conduct review working group. The consultation will run until 28 February 2017, and a synopsis of the responses to the consultation, along with any response from my Department, will be forwarded to the Committee for Communities for consideration prior to publication. Any amendment to the current code of conduct for councillors will require the approval of the Assembly before it may come into operation. Just for the record, I declare that my dad is a councillor.

**Mrs Overend:** I thank the Minister. Does he agree that a revised code of conduct for councillors must draw a distinction between strict regulations for councillors involved in quasi-judicial decisions, such as members of planning committees, and areas where councillors must have more freedom to represent the concerns of their electorate?

**Mr Givan:** I do, and the consultation reflects that, but, clearly, where there are quasi-judicial decisions to be taken, for example around planning or to do with licensing, it is important that the code of conduct as it currently applies will continue to be that way. Obviously, local government reflective of all of the political parties raised issues around other aspects of council activities and councillors and committees and decision-making processes and felt that the current code of conduct presented challenges around that. This is a two-pronged approach: one very clearly having the quasi-judicial aspect and then the consultation that reflects the changes to do with the other aspects of the council.

**Mr Ford:** Building on Mrs Overend's supplementary question, there certainly have been questions raised in the past, including when the Assembly passed the Local Government Act, about the transparency of political donations, particularly in the context of planning decisions. Will the Minister agree that it is time that large donations were made public?

**Mr Givan:** Obviously, our party has been very clear on that. Donations will be made public when the Northern Ireland Office decides that it will release them, so that decision is in the hands of the Secretary of State. When the time is right to do that, there should be no one hiding from making that information available to the public.

**Mr Irwin:** Why was part 3, which is on the principles, reviewed?

**Mr Givan:** The principles in the current councillors' code mirror those that were set out in the previous MLA code, which was in force when the councillors' code was being drafted. When the councillors' code was brought before the Assembly for consideration, the MLA code was being reviewed, and, during the Assembly debate on the motion to approve the councillors' code, the then Minister of the Environment indicated that, following the outcome of the ongoing review of the MLA code, consideration would be given to whether any changes to the councillors' code would be needed. The review working group considered the changes to the principles in the revised MLA code. The principles in the proposed councillors' code, which is being consulted on, mirror those in the revised MLA code. The proposed councillors' code also frames the principles as aspirational and not enforceable on their own, which is in line with the MLA code.

#### Housing Executive: Transfer of Ownership

2. **Mr E McCann** asked the Minister for Communities, pursuant to AQW 4374/16-21, to outline his Department's scrutiny of discussions by the Strategic Investment Board and the Northern Ireland Housing Executive in relation to the transfer of ownership of Housing Executive buildings. (AQO 961/16-21)

**Mr Givan:** The Member has raised this issue before in a question for written answer. As I advised him in my earlier reply to that question, the only discussions that the Housing Executive has had with the Strategic Investment Board about the transfer of ownership of buildings have been in connection with the Department of Finance's reform of property management programme. The Strategic Investment Board is supporting the Department of Finance with the delivery of the reform of property management programme. This programme has been established to improve the management and reduce the cost of the central government office estate. Changes might include exiting leases, developing more efficient office accommodation and transferring ownership of property to the control of the Department of Finance. The Housing Executive has kept my Department informed of the discussions that have been held.

**Mr E McCann:** As the Minister noted, I have raised this question a number of times in my stint here. The question that I am asking here goes to the heart of the matters which I have raised in questions and letters that I have sent to various people involved. When I read the minutes of the meetings of the Strategic Investment Board (SIB), I read discussions about the Housing Executive stock and whether it should be transferred in bundles of 1,000 or 2,000. What I am asking the Minister is very simple: at what point and in what form is there democratic scrutiny of the process by which Housing Executive stock is being transferred?

**Mr Givan:** Mr McCann is very ably showing where democratic accountability is by raising these questions. With regard to discussions between the Housing Executive and the Strategic Investment Board around the transfer of residential properties, there have not been those discussions with the SIB when it comes to the Housing

Executive. It has been in the context that I outlined in my original answer.

In respect of housing transfer stock, yes, the Housing Executive has undertaken to transfer 2,000 of its homes to housing associations, and that is to deliver £100 million of investment. The small-scale voluntary stock transfer programme is not part of the DOF reform of property management programme, and no residential properties owned by the Housing Executive will transfer to housing associations without the agreement of any tenants.

**Mrs Palmer:** Will the Minister outline what discussions he has had with senior members of staff of the Northern Ireland Housing Executive on the future of the Northern Ireland Housing Executive, and where that is?

**Mr Givan:** Discussions that I have had will have been purely with the chief executive. However, that has been very limited because, obviously, it was a matter for the Executive first of all to look at in terms of whatever future changes, or not, there will be with the Housing Executive. There had been no agreement reached on what would happen to the Housing Executive. Once the Executive, through Committee consultation and scrutiny and the Assembly, identified a clear pathway for the Housing Executive, then, obviously, we would need to engage with the Housing Executive as to what shape that would take, or whether there would be any change at all. There have not been discussions of that nature with the Housing Executive at that level.

**Mr Durkan:** I think I heard some semblance of an assurance there, but I would like to draw a bit more from the Minister. What assurance will the Minister give to Northern Ireland Housing Executive tenants in, for example, the Rossville Street area of my constituency that ownership of their homes will not be transferred to a housing association against their wishes?

**Mr Givan:** That allows me to elaborate a little bit on what Mr McCann said about the democratic accountability. Any transfer of stock from the Housing Executive to a housing association requires the agreement of tenants. A ballot takes place. It would be the same, for example, if the Housing Executive, at any point in the future, decide that it would become a housing association or — the other option that needs to be looked at in terms of what other people have put forward — that Housing Executive stock could go to other housing associations. There has been some thinking around that aspect. For example, if the Housing Executive — to free it up or to allow it to borrow to build houses — was to become some kind of housing association model, and there are various ways to do that, the tenants would have to vote for that. That would include every single tenant that currently exists for the Housing Executive. If they did not agree to it, it could not happen.

**Mr Deputy Speaker (Mr Kennedy):** Mr Gerry Mullan is not in his place. I call Mr McNulty.

### Housing: Barnett Funding

4. **Mr McNulty** asked the Minister for Communities for his assessment on whether the £176.4 million in Barnett consequentials received from Westminster's home building fund should be ring-fenced for social housing. (AQO 963/16-21)

**Mr Givan:** I am acutely aware of the issues in relation to housing need and high demand for social housing in Northern Ireland. That is why, in the Programme for Government, I am committing to building 9,600 new social homes here by 2021. As the Member may know, new social housing is delivered with substantial government grants to housing associations. In the current financial year, my Department has made £106 million of capital funding available to deliver a target of 1,600 new social homes. My officials will continue to liaise with the Department of Finance to secure the necessary capital funding for the rest of the Programme for Government period through the normal budgetary process. The home building fund to which this funding has been allocated in England does not directly apply in Northern Ireland. The UK Government's home building fund is loan funding for private sector organisations to build homes for rent or sale. Barnett consequentials are not ring-fenced when they are made available to Northern Ireland. The Executive are responsible for deciding how best to allocate the available capital budget, including any additional funding through Barnett consequentials that are based on local needs and priorities.

**Mr McNulty:** I thank the Minister for his answer. Has he made a commitment to use the funds to build over and above the 9,600 houses that he has agreed to build in this mandate?

**Mr Givan:** Where Barnett consequentials flow, as I have indicated, it will be for the Executive to decide how the money should be spent. In the past, where there have been Barnett consequentials as a result of housing changes in England that the Executive have got money from, that money has been used to go into housing. Ultimately, however, it is at the discretion of the Executive — whoever makes up an Executive after the election — to decide how Barnett consequential moneys are spent.

**Ms Lockhart:** Has the Department previously received money for housing through the Barnett consequentials, and, if so, how has the money been allocated?

**Mr Givan:** Some examples of Barnett consequentials derived from Get Britain Building and other housing-related funding announcements in GB. That money has been allocated to support housing associations to provide new, affordable homes through the co-ownership scheme and two new pilot schemes: the affordable home loans fund pilot and the rent-to-own scheme. Collectively, the schemes are targeted at providing nearly 3,500 additional affordable homes across Northern Ireland.

**Mr Dickson:** Minister, what other funds have you explored to support social housing in Northern Ireland, in addition to potential Barnett consequentials? During your time as Minister, what efforts have you made to secure funds either for the Housing Executive by allowing it to go to the market and borrow or by looking to housing associations to develop schemes like living over the shop (LOTS)?

**Mr Givan:** The LOTS scheme, for example, was successful and could have been brought back in, and I commissioned work in the Department to look at a revised LOTS-type scheme that we could have brought in. Since I have been in office, we have announced significant investment from the European Investment Bank and the Bank of Ireland. Again, there has been a clear demonstration that, under my tenure, ambitious goals have been set for new social homes to be built, evidenced in the



Programme for Government — 9,600. This year, moneys are being spent and houses are being built, and, under my watch, I have been pushing very hard at that.

### Social Sector Size Criteria: Mitigation

**5. Ms Mallon** asked the Minister for Communities to outline the mitigation measures he will put in place by 20 February to protect tenants from the social sector size criteria. (AQO 964/16-21)

**6. Ms Bradshaw** asked the Minister for Communities to outline how he plans to ensure that mitigation schemes for the social sector size criteria are implemented for the 2017-18 financial year. (AQO 965/16-21)

**Mr Givan:** With your permission, Mr Deputy Speaker, I will take questions 5 and 6 together. The social sector size criteria are due to be introduced in Northern Ireland on 20 February. My officials have been preparing the necessary systems and processes to ensure that no claimant in Northern Ireland suffers any negative financial impact as a consequence to the changes in how housing benefit is calculated.

Urgent measures have been taken to ensure that the Department has the legal powers to mitigate the impact of the social sector size criteria. The necessary legislation was approved by the Assembly on 16 January to give the Department powers to make accurate and timely payments to the estimated 34,000 housing benefit claimants who may be impacted by the introduction of the social sector size criteria. The legislation sets out in detail all the measures that my Department will be taking to mitigate the social sector size criteria.

Claimants who are eligible for a welfare supplementary payment will be paid four weeks in arrears, and the first payments will be made in the current financial year.

**Ms Mallon:** I thank the Minister for his answers. I recognise the fact that this will be his final appearance in Question Time in this mandate and put on record my thanks for his help in some constituency matters in respect of housing.

Given that Fresh Start was launched with much fanfare on 17 November 2015 and the mitigation package in respect of the protections against the bedroom tax was heralded as one of the critical successful elements of that, why then has the bringing forward of the regulations to protect people been left so late? In fact, it was left to just a few weeks before the introduction of the bedroom tax itself.

**2.15 pm**

**Mr Deputy Speaker (Mr Kennedy):** I think we have the question. Can we have the answer?

**Mr Givan:** Let me thank the Member for her kind words in respect of my tenure as Minister. I know that she has been a very strong advocate for her constituents and has brought cases to me consistently in respect of their housing needs. I am sure that that will be recognised.

Obviously, the mitigation measures did not just include the social sector size criteria, or bedroom tax. We have had to introduce a whole range of mitigation measures to the introduction of welfare reform into Northern Ireland, bedroom tax being one of them. All the plans to have them introduced were being run through according to a

proper time frame. In the normal course of the business of politics, there was no risk whatsoever of our not having the legislation in place to mitigate that. Ultimately, when we explored all the options, that is why I was able to lay it down through the urgent route, directly into the Assembly, to get it done. Nobody could have legislated for the actions that Sinn Féin took to pull down the Executive. Of course, I am relieved that we were able to find a way, and Members supported me in that approach, to mitigate that so that the most vulnerable people are not impacted by what has happened to this institution.

**Ms Bradshaw:** Thank you, Minister. The issue that is front of us is very reminiscent of that which is facing the Health Minister on waiting lists in that a lot of the responses to these crises are, as Nichola mentioned, very late in the day. Are you satisfied that, in the eight months that you have been the Communities Minister, you have influenced the 9,600 builds, as you outlined, so that they will be future-proofed against this sort of thing happening again, there will be different housing types across different tenures for the future and people will have the right sized houses to suit their needs?

**Mr Givan:** I set a very clear direction of travel. The foundations have been laid in respect of the commitment to build social housing, which would have been, over the course of the mandate, five years, a very challenging target to reach. Of course, housing is a real challenge for people with regard to building what we need; not just social housing but, of course, in the private sector. A course of work was being looked at in respect of how we would free up the Housing Executive to allow it to do the things that it does best and also allow access to the private markets. Obviously, that will have to sit in abeyance, and the next Executive and Assembly will have pick up where we are in respect of that.

As regards meeting the challenges around the pressures on supply, again, I had been undertaking a course of work with the private sector which I was going to chair — a stakeholder group to identify all the issues around that. It is not just to do with the actual building of houses, it is about identifying the availability of land, navigating in some communities where they do not want to have houses built and how you go through all that process linking in to community planning. There are certainly pieces of work there that I am confident a future Minister will be able to pick up and develop, but that will ultimately be a matter for the next Executive and Assembly to deal with.

**Mr Dunne:** Can the Minister outline how welfare supplementary payments are to be calculated?

**Mr Givan:** Welfare supplementary payments under the bedroom tax are calculated to offset the financial disadvantage that the claimant incurs as a result of the application of size criteria to their housing benefit entitlement. The amount of welfare supplementary payment that a claimant receives will be dependent on the claimant's housing benefit entitlement and their degree of under-occupation. Housing benefit claimants who are affected by the bedroom tax will see a reduction in their housing benefit component calculated by a reduction of 14% of the total eligible rent for under-occupancy by one bedroom and 25% of the total eligible rent for under-occupancy by two or more bedrooms.

## Community Halls Programme

7. **Mr Poots** asked the Minister for Communities to outline the demand and uptake for the community halls programme. (AQO 966/16-21)

**Mr Givan:** The community halls capital grant pilot programme was launched on 19 October 2016 and closed on 23rd November 2016 with 860 applications being received. Following a robust, transparent and accountable assessment, up to 90 projects were selected for financial assistance in 2016-17. Providing this assistance to these applicants will result in expenditure of £1.9 million in the 2016-17 financial year.

**Mr Poots:** I thank the Minister for his reply and for his hard work over the last eight months. Was this scheme only for Orange halls to apply to? I notice some of the media are putting it out there as some sort of sectarian scheme. Was it available to all of the community? Maybe the Minister could tell us some of the organisations that benefited from this scheme.

**Mr Givan:** The answer very clearly is absolutely not. The programme was open to all types of facilities with a hall that is used by the local community. Applications were received from church halls, GAA clubs, Masonic halls, community groups and many others. This funding cannot be used to purchase sporting infrastructure, such as nets or pitches, but sports clubs have applied for money to improve the fabric of their halls to benefit the local community. The scheme was very much open to everybody to apply. Criteria were used to determine which applicants were successful.

**Mr McGrath:** I ask the Minister this question without any malice. Can he understand how, because of the way a number of funding schemes in his Department have rolled out, there is a perception from some in our community that the decisions are sectarian?

**Mr Givan:** It is in the very point that the Member raises — it is a perception when it is not actually grounded in fact. When I was out in the community, people were saying, “We have a need”. Applications were put into a pilot scheme that I recognised as very important for those groups. When we look at the way in which the funding for community halls was allocated, we see that we have the GAA benefiting, the Ancient Order of Hibernians benefiting, and parochial halls within the Catholic Church benefiting. So, any suggestion whatsoever that this in any way had a sectarian agenda is completely false. I, as Minister, had no role whatsoever in assessing any of the applications. I only became aware of the successful applicants after they had been made aware of it.

**Mr Allister:** Can the Minister give any explanation as to how it was that St Saviour's Church in Connor, in my constituency, received a letter advising them that they had been successful under the community halls scheme, which brought them great joy, only to be followed by a telephone call from the Department to say it was a mistake? Can that matter be most thoroughly investigated before church representatives and I meet his departmental officials tomorrow?

**Mr Givan:** That is the first that I have been made aware of the situation that the Member has brought to my attention, and of course I would expect how anyone can be informed of a successful application only to have it then

subsequently withdrawn to be thoroughly investigated. Obviously, I want to find out the reasons for that.

**Mr Humphrey:** The Minister's answer indicates very clearly that this was a scheme that reached across the community and the country. I am sure that he will be disappointed by the remarks made by the leader of the SDLP in describing this as a sectarian scheme. I congratulate the Minister for finding the extra money that allowed some halls in my constituency to get some funding. Given the amount of interest and the potential funding required to meet the demand that there clearly was from applications across Northern Ireland, would the Minister recommend to his successor — if a new Executive is ever established in Northern Ireland, with a new Government — that such a scheme be put in place?

**Mr Deputy Speaker (Mr Kennedy):** I have counted at least four questions, and the Minister is entitled to answer only one.

**Mr Givan:** The fact that we had 860 applications — it was heavily oversubscribed; we were able to support up to 90 — is a demonstration of the need that exists. When we look at the organisations that were successful, we see that we have 17 churches. Then you have 27 community organisations to which you could not ascribe any particular affiliation, for example, Kilcooley Women's Centre. Then there are other successful organisations such as sports clubs and a Scouts club.

To me, that demonstrates that these are facilities that our community very much values, particularly in rural areas, where, often, the availability of halls is limited. It is churches, Orange halls and other community-based organisations that have these facilities and want to make them available to everyone to use. I think that is something to be encouraged. I hope that, in the future, the scheme can be taken forward in the inclusive way I was able to develop it.

## Review of Arm's-length Bodies

8. **Mr Middleton** asked the Minister for Communities for an update on his Department's review of arm's-length bodies (ALBs). (AQO 967/16-21)

**Mr Givan:** I am keen to see the review of my Department's arm's-length bodies progressed quickly so that the delivery of services to the citizens of Northern Ireland can be as efficient and effective as possible. Consequently, I have put in place a small central team to take forward the first stage, focusing on two key themes: exploring the scope to rationalise and consolidate the numbers and functions of our various ALBs; and examining the opportunity to extend the use of shared-services arrangements across the various bodies. I have written to my Executive colleagues, the chairpersons and chief executives of each arm's-length body, as well as the relevant trade unions, to advise them of the review and of my intentions going forward.

My officials have arranged meetings with the chairpersons and chief executives of the bodies to initiate early engagement and consultation, and they will also be meeting with trade union representatives. A public consultation on the identified options for delivery is planned for the summer.

**Mr Middleton:** I thank the Minister for his answer. Will he outline whether the current political situation will have

much of an impact on this proposal that he wants to carry out? Will he give some indication of a time frame for when such a consultation can be completed?

**Mr Givan:** Obviously, the work I have commissioned has started and will continue. Ultimately, it will be up to the next Executive and Assembly to deal with the outworkings of that review when the findings come through. Consider that this Department alone has 21 arm's-length bodies, and that does not include the Northern Ireland Housing Executive, which has not been part of the review. Collectively, there is a combined annual budget of the order of £78 million. I think it is only prudent that this review is carried out to ensure the services we are, ultimately, delivering to the public are being delivered in the most efficient and effective way possible. That is the spirit in which this review has commenced. Obviously, I hope it is something that can be developed in the future.

**Mr Butler:** I thank the Minister for his answers and welcome the chance to ask him a question in the final meeting of this mandate. Will the Minister give an update on the future plans for Sport NI, given the recent disruption and controversies that have affected the organisation?

**Mr Givan:** There were a significant number of recommendations for Sport NI, and this Department had a team that was helping to provide support for the administration and the way in which the organisation is run. I am very pleased that my permanent secretary and deputy permanent secretary have been able to give me assurance that that work has enabled Sport NI to develop in a way that means it can start pooling the additional support the Department has been putting into Sport NI. I think that is a demonstration that this is an organisation that has turned a corner and, ultimately, will deliver what we all want, and that is to the benefit of people who engage in sport and in those sporting organisations.

## Women in Sport

9. **Ms P Bradley** asked the Minister for Communities what plans his Department has to increase the participation of women in sports. (AQO 968/16-21)

**Mr Givan:** This is an exciting year for women's sport, with the finals of the Women's Rugby World Cup and the finals of the UEFA Women's Under-19 European Championship, which are both being held this summer. Increasing female participation in sport and physical activity in Northern Ireland is a key priority for my Department, and those tournaments can be used as a catalyst to drive that participation. One of the key targets of 'Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation 2009-2019' is to increase female participation rates. While much work has already taken place to address that, including work by Sport NI, councils, sports governing bodies and organisations, I have been able to commit a further investment of £370,000 in the 2016-17 financial year to fund initiatives aimed at increasing female participation in sport. Some £250,000 of that money has been provided to Sport NI to work with the Female Sports Forum and a range of other organisations to increase sporting opportunities for women and girls across the Province as part of the Female Sports Forum strategy document 'Women & Girls: Active, Fit and Sporty'.

## 2.30 pm

A total of £120,000 has been provided to Ulster Rugby, the Irish Football Association and the Ulster Council of the GAA, with each organisation receiving £40,000 to take forward activities that aim to encourage increased participation by women and girls in sporting activities and to help build capacity in areas such as administration, officiating and coaching. All that funding is in addition to the initiatives already being taken forward through such Sport NI programmes as Active Communities, Everybody Active 2020, Active Awards and Active Clubs, all of which have specific targets for female participation. Those initiatives will all contribute to increasing female participation rates in sport and physical activity.

**Mr Deputy Speaker (Mr Kennedy):** Unfortunately, Ms Bradley, the Minister has talked you out of a supplementary question. I can see disappointment etched all over your face. We now move to topical questions. Mr McCrossan is not in his place.

## Jobs and Benefits Office: Cookstown

T2. **Mr McGlone** asked the Minister for Communities for an update on his proposals for the jobs and benefits and social security offices in Cookstown. (AQT 687/16-21)

**Mr Givan:** Members will know that there was a consultation on four offices. No recommendations on its outworkings have been brought to me at this stage.

**Mr McGlone:** I thank the Minister for his answer. Is he minded to close or retain those services and facilities in the Cookstown area? They serve a big rural area.

**Mr Givan:** In the time that I have held this position, I have always looked to see whether there are ways in which we can try to keep our offices open. When jobs were under threat in Armagh, Omagh and Ballymena, I sought to find ways in which we could keep those offices open and ways in which staff would be able to be as close to home as possible. On the four offices in Cookstown that were being consulted on, that is not something that has come to me at this stage, but I am always very reluctant to take decisions that would mean the withdrawal of staff from locations. However, I make the point that, as services change — as they are changing through universal credit and the changes that come through that — a reconfiguration across Northern Ireland is required on how those services are delivered. That is something that the next Executive are going to have to grapple with.

## Portrush Regeneration Programme

T3. **Mr Robinson** asked the Minister for Communities for an update on the Portrush regeneration programme in the East Londonderry constituency. (AQT 688/16-21)

**Mr Givan:** I went to meet the people in Portrush golf club about this project very early on. They sought a meeting with me, and I met them. They outlined their vision to capitalise on the Open coming to Northern Ireland. It is a hugely prestigious golf tournament, with huge economic potential for Northern Ireland, and they set out how that could benefit the Causeway Coast and Glens Borough Council area. I saw very much the opportunity that exists. That is why I continued to pursue the issue with Executive colleagues and through the Executive. I was pleased that, just before Christmas, we were able to get

Executive agreement to establish a very high level working group, the inaugural meeting of which I chaired, to drive forward the regeneration project for Portrush. As part of that, I was able to launch a £3 million urban development grant scheme that is specific to Portrush. It is envisaged that the scheme will help to unlock the vacant and underused properties in Portrush and provide long-term regeneration for the town. Applications to the Department for the scheme are due by 22 February. In addition, my Department had previously committed £500,000 to take forward the design and economic appraisal work for two key projects in the town; namely, the public realm scheme and the train station development. Designs for both those projects are under way.

**Mr Robinson:** I thank the Minister for his answer, and I congratulate him on championing the scheme. How did the process take on board the views of the locals?

**Mr Givan:** Causeway Coast and Glens Borough Council has set up a quarterly public consultation forum for people to come along and make their voice heard. The last meeting of the forum was at the start of January, and the next one is planned for the start of April. Obviously, it is critical that you get input from local people on how the town is developed. The Executive have agreed in principle to an investment of £17 million for Portrush in advance of the Open taking place. This is a real opportunity to capitalise on that event and present all that is good about Northern Ireland. We really have a jewel in the crown when it comes to the golfing potential that exists here and the landscapes that we have. The Open coming to Portrush is too important to miss, and I am pleased that there is now a clear pathway to ensure that we maximise the potential that will come from it.

**Mr Deputy Speaker (Mr Kennedy):** I call Rosemary Barton. The Member wishes us to move on.

### Regeneration Powers: Local Councils

T5. **Mr Aiken** asked the Minister for Communities what discussions he has had with the Northern Ireland Local Government Association (NILGA) and the local councils about his decision not to devolve regeneration powers to the councils. (AQT 690/16-21)

**Mr Givan:** That is an issue that was raised some time ago. A decision was taken about the regeneration powers with local government, and that has been communicated to local government. It is important that we maximise the opportunities that exist with the powers that reside in my Department and the way in which councils work to work collaboratively. I have made the point that Northern Ireland is a small place, and the public do not differentiate between local government and central government; they ultimately want to see action. There is no reason why central government and local government cannot act collaboratively to maximise that action. I outlined in a previous answer that Portrush is a prime example of central government working with the local authority to deliver something that will be very special for that part of Northern Ireland.

**Mr Aiken:** I thank the Minister very much for his words. Since we are heading into a long period of suspension, potentially, and given the current instability and uncertainty about the future of the institutions, does the Minister agree with me that this makes his decision not to devolve

the regeneration powers promised to councils under the review of public administration even more absurd?

**Mr Givan:** No, I do not. I am certainly not one who takes the pessimistic view. I believe that devolution is good for Northern Ireland, and I think that all politicians should go into the election with the mindset of wanting to make this place work, because that is, ultimately, what the people want. Yes, there are difficulties and there are challenges — that is, I think, an understatement — but, nevertheless, I think that it is what the people will expect of us. Therefore, I always take this view: better to be hopeful than negative. We should go into the election with the mindset of getting this place up and running on the other side of the election, and then we can continue to deliver on the issues that affect all our people, irrespective of what community they come from. If we take that approach, that will ultimately be what wins through on the other side of the election. Then we can tackle the big issues and get on with delivering.

### Small Capital Grants Scheme

**Mrs Little Pengelly:** Minister, you will be aware of the very good work that many thousands of small community organisations do across Northern Ireland. I know that you have been very supportive of those and have been out to see many of them. Those organisations have a significant number of volunteers, and they apply for small grants, for example. I am aware that your Department has a small capital grants scheme at the moment.

T6. **Mrs Little Pengelly** asked the Minister for Communities whether there is any intention to have a further release of successful applicants from the small capital grants scheme this week. (AQT 691/16-21)

**Mr Givan:** I know from being out with community groups, as the Member indicated, that raising the capital needed for very small pieces of equipment presents a real challenge to a lot of the smaller organisations. A scheme was announced, and applications were made to it. I hope to be in a position in the next 24 hours to authorise the letters of offer to be sent out to the organisations that have been successful in the scheme.

**Mrs Little Pengelly:** I thank the Minister for that response. He will be aware of some very good organisations, not least in my constituency, such as the Annadale and Haywood association and the Ballynafeigh community organisation. Across South Belfast, we have many great organisations. Some of those organisations applied to your Department's capital grant scheme, but, unfortunately, some were not able to do that within the timescale. Are there plans in the Department to reopen the scheme to applications next year? It was a successful and much sought-after scheme.

**Mr Givan:** The number of applications demonstrates the enthusiasm that exists. That is a scheme that any Minister would want to take forward, given its success and the demand for it. A £300,000 budget was identified for the small-scale capital equipment scheme, and we hope to announce the successful applicants, who, again, will be representative across the community. Let me put it on the record once more: I was not involved in the assessment of it, and I do not know who the successful applicants are. I will be advised of that when the groups are advised of it.



## Subregional Stadia Programme

T7. **Mrs Overend** asked the Minister for Communities for an update on the subregional stadia programme. (AQT 692/16-21)

**Mr Givan:** The consultation analysis of that issue was completed recently. Were it not for the circumstances that we now face, that is something that I would have been keen to move on. I am talking to officials about that to see whether there is any potential to push the programme forward in the days that remain for me to do that. Obviously, however, given what has happened, that has created challenges.

**Mrs Overend:** I thank the Minister for that. I wonder whether he is optimistic that he will deliver that programme in the days that remain, given the fact that clubs have been waiting since last March, when the consultation process ended. An announcement was promised before Christmas. How confident is he that there will be something for local clubs?

**Mr Givan:** The £36 million is ring-fenced money, and the Executive have already taken that decision. The money is there and is certainly not lost. We want to see an announcement about the way in which it will be allocated to allow people to make applications for it. I am currently engaging with my officials on that.

## Tower Block Strategy

T8. **Ms Bunting** asked the Minister for Communities for an update on the Northern Ireland Housing Executive's tower block strategy. (AQT 693/16-21)

**Mr Givan:** The tower block strategy was touched on in the debate earlier. The way in which the Northern Ireland Housing Executive manages the properties within its remit is entirely a matter for it. The Northern Ireland Housing Executive board has requested that its officers develop a comprehensive action plan for each tower block based on the options appraisal. It is intended to have the action plans submitted to the Northern Ireland Housing Executive board by the late summer of this year. However, I recognise that this is an issue for tenants in tower blocks, and it is one that they have been very exercised about. Obviously, the Housing Executive is dealing with that, and I hope that it will be able to expedite the matter so that people know what the plans are for the tower blocks.

**Ms Bunting:** I thank the Minister for his answer. Given the poor condition of the tower blocks, I welcome the fact that the plans will be in place by late summer, as the Minister said. When does he anticipate action starting to get remedial works under way in the blocks?

**Mr Givan:** Remedial work for tenants should be being carried out where the need is presented. The Housing Executive has advised me that, as part of its overarching asset management strategy for all its homes, it undertook to include a dedicated strategy that determined an option appraisal for all 32 tower blocks that need to be developed. That has been completed, and the initial position was presented to the board for consideration at its meeting in November. This set out the significant investment requirements for the tower blocks and the associated high management costs, which would not represent good value for money.

At the meeting, the board agreed that the Housing Executive's long-term strategy should be to decommission all the tower blocks. The board also agreed that action, as appropriate, would be taken to maintain all tower blocks to an acceptable standard until such time as they are decommissioned. The Housing Executive board requested officers to develop a comprehensive action plan for each tower based on the options appraisal and to engage with tenants, communities, and local political representatives to identify future solutions.

2.45 pm

## Public Realm Scheme: Lisburn

T9. **Mr Lunn** asked the Minister for Communities whether he knows of an anticipated start date for the public realm scheme in Lisburn and to give an assurance that the disastrous experience of the last public realm scheme will not be repeated. (AQT 694/16-21)

**Mr Givan:** As the Member will know, it is the local council that ultimately tenders and manages the project, as it was with that scheme, and it has now been demonstrated that that was the right thing to do. Like the Member, I was frustrated with the way in which it was developed and the problems that that created. This scheme is the linkage scheme to connect into all the work that has been carried out. It is a £3.7 million scheme into which the council is putting a significant investment. It will ultimately manage the outworkings of that project, but, of course, local businesses will want to know how it will be implemented. The works are planned for the end of this year, but there will be engagement with local businesses on how it will be taken forward.

**Mr Deputy Speaker (Mr Kennedy):** Unfortunately, there is no further time for a supplementary. There will be a rush to the local press, I think. Time is up.

## Economy

### RHI: Mitigation Measures

1. **Mr Dickson** asked the Minister for the Economy for an update on his plans for mitigation measures for the non-domestic renewable heat incentive scheme. (AQO 974/16-21)

### RHI: Recovery Plan

4. **Ms Mallon** asked the Minister for the Economy to outline his recovery plan to reduce the £490 million renewable heat incentive scheme overspend to zero. (AQO 977/16-21)

**Mr Hamilton (The Minister for the Economy):** Mr Deputy Speaker, with your permission, I will group the answers to questions 1 and 4.

The Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 were approved by the Assembly yesterday. When I brought the regulations before the Assembly, I stated that they were the first steps towards reducing the burden on the Northern Ireland Budget. I also outlined additional action that I was taking on inspection, audit and enforcement. My officials are progressing work to tender for 100% site inspections. The

inspection process, coupled with vigorous investigation and enforcement action, will bear down on future costs. The changes in the scheme will have effect for only one year. We can, and will, make any necessary reasonable corrections when a long-term solution is developed for implementation from 1 April 2018. In putting forward a long-term solution, we will consult and listen to the views of installation owners and other stakeholders.

**Mr Dickson:** Minister, one of the assurances that you gave the House yesterday was on the robustness of your scheme. Yet, this afternoon, we learn that some 300 boiler owners have managed to block and thwart your promise to the House and to the citizens of Northern Ireland to deliver the names of boiler owners. In those circumstances, Minister, will you publish the names of the others who are not blocked by this injunction?

**Mr Hamilton:** I thank the Member for his question. However, he is conflating two issues. I wrote to his party leader, and indeed to all Assembly party leaders, before making the announcement that I did last week about wanting to publish the details of the businesses in receipt of the non-domestic RHI scheme. It was my intention to do that tomorrow. Unfortunately, as the Member says, an injunction has been placed on those who are members of the renewable heat association. I have only just received the news. I have not seen the full judgement yet, and, as the Member and House would expect, I will wish to consider it in full before making any decision. The Member's party leader wrote to me wishing to have the fullest transparency on the names, and that is still my objective. That is what I sought to do by making the announcement that I did last week.

We had to run through a process, which the Department undertook in pretty quick time, given the volume of work. I signalled my intention to publish the names, consistent with the process as laid out in section 10 of the Data Protection Act. I deeply regret the injunction that has been sought and awarded this afternoon because that, in and of itself, prevents full transparency. I will take the time to consider what can now be done in the circumstances.

**Mr McNulty:** Minister, there are other ways of making public information that would allow us to identify details of usage in the RHI scheme. Is he willing to make public geographic information on where the scheme is being most abused?

**Mr Hamilton:** As I said in response to Mr Dickson, we will, given the judgement today, have to reflect on how we can provide the fullest possible transparency. That is what I want to achieve, and, listening to the Member, I think that that is what he wishes to see as well. He said that there are other ways in which information can be made public, and I agree that there is a range of ways in which it could be presented. It would not necessarily be the fullest transparency that not only Members but those outside the House wish to see and which is needed to instil the public confidence that is, unfortunately, lacking at the minute. I wanted it to happen, and we went down the road of a process to allow it to happen. We signalled our intention to do that, but, unfortunately, an injunction was sought and awarded today. In light of the judgement made this afternoon, I will look at the range of options that I will have to continue to pursue that goal of transparency.

**Mr Chambers:** Minister, the permanent secretary addressed the Economy Committee yesterday. He told the Committee that the formation of the mitigation plan, which formed part of the statutory rule that passed through the House yesterday, started on 30 December. He told us that it was a SpAd from another Department who came forward with the idea, but he refused to name that SpAd. I wonder, Minister, can you share that information with the House today?

**Mr Hamilton:** The Member asks the question almost as though it is a bad thing that a special adviser from any Department has a good idea. If the Member had come to me with a good idea, I might have listened to it and taken it forward, but of course he did not. The idea was developed over time before being submitted in regulations to the House last week and passed last night. We should focus not on the origins or genesis of the idea but on the fact that it is legally robust, and, now that the regulations have been passed, it will allow a significant reduction in the budgetary shortfall on the RHI scheme. It reduces the shortfall from an estimated £30 million next year to between £2 million and £2.5 million, and that is before we bear down further on the costs through audit, inspection and enforcement.

**Mr Lyons:** I thank the Minister for his answers so far and for his commitment that his Department will carry out 100% site inspections. Is he able to inform the House when that process will begin?

**Mr Hamilton:** I signalled the intention to do this a few weeks ago. The Member and the House will know that inspections of all installations would have taken place over the 20-year lifetime of the RHI scheme. Given the circumstances that we find ourselves in, particularly with accusations of fraud and abuse, I do not think that we can leave it that long before inspecting. We need to accelerate that process, which will require resource, and a tender is being drafted. The scale of inspection means that the tender must go Europe-wide, but, even though there is a legal process to go through in that regard, I expect the tender to be awarded in the coming months and the inspections to start in the not-too-distant future. I think that it is incredibly important that we do that. It is part of instilling public confidence, which is lacking.

Also critical, as I said previously, is the further bearing down on the cost of the RHI scheme to the Northern Ireland Budget. I think that a combination of more behavioural change and bearing down on cost through inspection, audits and, importantly, enforcement can reduce next year's estimated shortfall of between £2 million and £2.5 million to closer to zero.

**Mr Allister:** An interim injunction is generally granted as an ex parte application: that is, without the respondent being present or heard. Was that the situation today, or was the Department heard? If it was an interim injunction on that basis, it lasts only until there is a full hearing. When is that full hearing?

**Mr Hamilton:** I do not know the answer to the Member's second question, but I will come back to him. In relation to the first question, the Department was there and represented. Representations were made to the court on behalf of the Department.

## Air Connectivity

2. **Mrs Cameron** asked the Minister for the Economy to outline the action he is taking to improve air connectivity. (AQO 975/16-21)

**Mr Hamilton:** It is important that we continue to build our air connectivity so that it is as easy as possible for people all over the world to access Northern Ireland for business and tourism purposes. I am, therefore, encouraged by the latest air passenger statistics, which show that 7.89 million air passengers passed through Northern Ireland's airports in the year to September 2016. That represents a 9.2% increase in passengers on the previous year, and passenger numbers are at their highest since the pre-recession peak of 8.27 million in 2008. The statistics give a clear indication that growth is returning to the Northern Ireland air travel market.

We have also had a number of positive announcements of new air routes in recent times, including a new Icelandair service to Reykjavik from Belfast City Airport from June this year, as well as the establishment of a Ryanair hub at Belfast International Airport. It was deeply regrettable, however, that, earlier this month, we saw the departure from Belfast International Airport of United Airline's last direct flight to Newark. Along with the International Airport, the Executive had agreed a package of financial support last summer that was aimed at maintaining this important business and tourism route. I continue to work closely with the International Airport to explore other possible air routes to North America, and I remain hopeful that there will be some positive developments in the coming months.

In September last year, the Executive announced a £7 million package for the north-west to assist development and growth around City of Derry Airport, which includes up to £2.5 million route development support to assist the airport to launch new routes. My officials are in discussion with representatives from City of Derry Airport and Derry City and Strabane District Council on the mechanism to provide route development support.

I have also announced my intention to establish a new air routes task force that will help to identify key routes that Northern Ireland's airports should be targeting as well as identifying possible policy interventions and initiatives to attract new airlines.

**Mrs Cameron:** I thank the Minister for his answer. Will he update the Assembly on the efforts that are being made to attract new airlines to start routes between Belfast International Airport and North America?

**Mr Hamilton:** As I said, it is deeply disappointing that United Airlines made its last flight from Belfast International Airport earlier this month. I am on record in the House and elsewhere in stating my belief in the importance of having more direct routes to North America for business and tourism reasons. It is deeply regrettable that the United package did not work out and that it withdrew its flight.

Interestingly, something positive came out of that negative story — I am sure that the International Airport could testify to this — in the interest many airlines showed in coming to Northern Ireland, catalysed in part by the fact that they saw a Government here at Stormont who were prepared to roll up their sleeves, get involved and offer support when it was appropriate to do so. That has given

rise to a number of leads and significant interest from a number of airlines. In the last few weeks, I have been able to sign off and agree a recommendation from officials to offer support to an airline that proposes to offer two direct flights from Belfast International Airport to destinations in the United States of America. That is working its way through the airline's approval process, and I hope that we will see positive news in the not too distant future. As long as I am in post, I will continue to work with the airlines, and particularly with the International Airport and the other airports in Northern Ireland, to try to improve not just our routes to North America but our connectivity on a much broader front.

**Mr Ford:** Given the way in which Belfast International Airport is in direct competition with Dublin for overseas routes, can the Minister indicate whether he has had any conversations with his colleague the Minister for Infrastructure on the development of public transport links and better roads in the Aldergrove area?

### 3.00 pm

**Mr Hamilton:** I have not had any direct discussions with the Minister for Infrastructure about that, although I support the improvement of infrastructure to the airport. I think accessibility is key to improving connectivity, and I know there are long-standing issues. I saw Mr Girvan in the House earlier, and colleagues from South Antrim brought a motion not too long to the House ago calling for the reopening of the railway line and some connectivity into the terminal at Belfast International Airport. I know there are proposals to improve road access in that area, too. I think that is critically important to improving connectivity, and business passengers in particular, but also tourists, look for that to have good connectivity between the airport and where they are ultimately going. I think the International Airport has performed, as, indeed, has the City Airport in Belfast, incredibly well in difficult circumstances.

The Member mentioned the competition they have from Dublin Airport. It is a very unfair competition in my view, and I think the playing field is very much slanted towards Dublin. We have to accept that Dublin is a very different proposition and a very different city with a very different airport of a very different scale, but it has huge support because of the nature of its ownership. Through its Government, there is a lot of public support, which I think, ultimately, leads to a fairly uneven and unfair position in competition between Belfast and all the Northern Ireland airports and Dublin. I had hoped to be able to work towards rectifying that, accepting the realities of the situation, and we were, I think, on the way to doing that. Unfortunately now, the efforts I will be able to make in post will be limited, given the circumstances we find ourselves in.

**Mr Aiken:** Thank you very much indeed, Minister, for your comments so far. You will be aware of the comments today by Ryanair about the cost of the new runway at Dublin Airport. Bearing in mind that it has been funded through the state, would the Minister care to refer Dublin Airport Authority to the EU competition authority, particularly for its seeming use of state funds to build infrastructure in an unfair manner?

**Mr Hamilton:** That is an interesting idea the Member has. I suppose he is due a good idea. *[Laughter.]*

**Mr Aiken:** Come on, Simon, you are better than that.

**Mr Hamilton:** That was fairly low.

I will reflect on the comments he made, and it might be my last act in office if I was to take the Member up on his recommendation. He is, in his own particular style, making the point I was making in response to Mr Ford, which is that there are many different ways in which that competition really is not a competition. As I said before, we have to accept that Northern Ireland's airports cannot compete directly, and a lot of the routes Dublin is able to secure are probably not going to come to any Northern Ireland airports, but there are routes that could be coming here and many routes where a significant volume of the passengers come from Northern Ireland but are going on flights out of Dublin Airport. There are lots of different reasons for that, which we have discussed many times in the House, but I think the Member makes a very good point about the fact that the playing field is not always an even one between our airports here in Northern Ireland and those in Dublin.

## Tourism

3. **Mr Anderson** asked the Minister for the Economy what action is being taken to promote the tourism potential of Northern Ireland's centenary in 2021. (AQO 976/16-21)

**Mr Hamilton:** Northern Ireland's centenary in 2021 will be a momentous occasion. Marking the first 100 years of Northern Ireland will be a landmark event and something we will be proud to celebrate. In recent years, we have demonstrated our prowess in showcasing Northern Ireland on the world stage, with events such as the Giro d'Italia, the MTV Music Awards, the World Police and Fire Games and the G8 summit. We have become known around the world for our great ambassadors, whether they be sporting personalities, such as Rory McIlroy, Graeme McDowell and Darren Clarke, musicians like Van Morrison and Phil Coulter, or our football team and its fans, who did so much to promote Northern Ireland's reputation during the 2016 European Championships. The Year of Food and Drink 2016 was also a great success, highlighting how far our restaurants and, indeed, our chefs have come over recent years.

As we move closer to Northern Ireland's centenary, we do so against a backdrop of increasing tourism industry growth. That growth has seen record visitor levels to Northern Ireland over the last number of years. The most recent statistics indicate further growth in Northern Ireland's tourism industry. As well as local significance, the centenary will have an international significance for the many people living overseas who retain a strong connection with Northern Ireland. The centenary will provide a further opportunity to reflect on Northern Ireland's success.

My Department will play a key role in celebrating the centenary, and Tourism NI and Tourism Ireland will have their part to play in ensuring that the event is promoted to the fullest extent.

**Mr Anderson:** I thank the Minister for that response. Northern Ireland has a great industrial history. How can the success of its industry be promoted as part of the centenary celebrations?

**Mr Hamilton:** I am not sure whether this is the Member's last contribution in the Chamber, but it is certainly one of

his last. Of course, he announced last week that he will not be standing for election on 2 March. I beg your indulgence, Mr Deputy Speaker, to put on record my appreciation for the service that Sydney has put in down through the years.

**Some Members:** Hear, hear.

**Mr Hamilton:** I have known Sydney for a long time. My father worked with him for a time. I think that they were employed in the same place. I knew Sydney way back to the days when both of us were agitating in the Ulster Unionist Party —

**Mr Dunne:** Shame on you.

**Mr Hamilton:** — before we saw the light. *[Laughter.]*

**Some Members:** Hear, hear.

**Mr Deputy Speaker (Mr Kennedy):** I can well remember those days, too. *[Laughter.]*

**Mr Hamilton:** The Member is absolutely right that any celebration of Northern Ireland's 100th birthday should reflect on its great strengths and on what makes Northern Ireland a great place to live, work, visit and invest in. That is part of our industrial history as well. Sometimes we forget this, but we have a wonderful, rich and vibrant industrial heritage in this part of the world.

We should be immensely proud, if we are not already, particularly of the engineering prowess of people from this part of the world, and the entrepreneurial spirit that is very much evident in the Member's Upper Bann constituency.

We have to look to the future as well. I want to see us reflect on not only our past glories but the potential of the Northern Ireland economy and Northern Ireland industry. One thing that I will be instructing officials to take forward as part of our celebrations of 2021 borrows from a theme that was there in 1971 for our 50th anniversary — the Member might remember those celebrations — which was an expo in Belfast. There is a great opportunity to do something like that not just to celebrate our rich industrial heritage but to look to the potential of business, the economy and industry in Northern Ireland.

**Mr McKee:** Will the Minister agree that the tourism potential of Northern Ireland's centenary in 2021 will be easier to realise if we have a proper cross-community Government that will work for the common good of all the people of Northern Ireland? Does he realise that that is not possible under a DUP/Sinn Féin Executive Office?

**Mr Hamilton:** Well done to the Member on reading out his election material for the next month. I will not descend to the Member's level, although I take the point around having a Government. That is critically important.

Never mind 2021 and Northern Ireland's centenary, as important as that is. If Northern Ireland is to move forward, it needs a strong and stable Government here at Stormont. We find ourselves in difficult circumstances, but I know in my job, perhaps better than most Ministers, the importance of having an Administration here at Stormont to attract investment, and, as the Member highlights, to attract tourists to come here, who also want to see stability.

I hope that we can get through our present difficulties and form a Government not too far on the other side of the election of 2 March and that we continue to build on the progress. Substantial progress has been made over the



past 10 years. Whether the Member and his party like it or not, huge progress has been made. Northern Ireland is an infinitely better place today than it was 10, 20 and 30 years ago. We need to continue to build on that progress and keep Northern Ireland moving in the right direction.

## Broadband

**5. Mr Robinson** asked the Minister for the Economy how he will ensure that broadband providers do not mislead consumers when offering their products and services. (AQO 978/16-21)

**Mr Hamilton:** Misleading advertising of broadband speeds by Internet service providers has been an area of concern for me. It is less than acceptable that residential and business customers cannot get accurate information on the broadband speed that they will receive when entering into contracts with service providers.

I wrote to the Advertising Standards Authority in August 2016 to offer my full support to the call by the Local Government Association for changes to the advertising rules for broadband suppliers. That is particularly relevant to Northern Ireland, as we are a largely rural community. Therefore, I welcome the news that the Advertising Standards Authority has taken the decision to reform or change the rules on advertising broadband speeds to offer better clarity.

**Mr Robinson:** I thank the Minister for his answer. What does his Department plan to do to improve broadband speeds across Northern Ireland, particularly in rural areas such as those in my East Londonderry constituency?

**Mr Hamilton:** I thank the Member for his question. I know that it is an issue that exercises him and, indeed, his constituents. He has written to me and contacted me on several occasions about poor broadband speeds in part of his East Londonderry constituency.

As I have done many times in relation to different parts of Northern Ireland — I will do so later this evening — I accept that the speeds that some businesses and residential customers get are not acceptable. They are slower and are not as reliable as they ought to be. The Executive have put considerable investment into broadband speeds over the last number of years. Some £16 million has been put in, which has helped to unlock private sector investment from BT and others.

We have had success before in being the first region in Europe to have 100% broadband capability, and we need to get back to the days when we had a broadband infrastructure that was among the best in Europe. A commitment contained in the draft industrial strategy that has been published today is to get back to the days when Northern Ireland had an enviable broadband infrastructure.

My Department has also been working on a comprehensive and ambitious plan to look at rolling fibre out to premises across Northern Ireland, whether in urban settings or in rural areas. It was an ambitious plan that I had hoped to bring forward through the Budget process and get commitment for. Unfortunately, as we know, that has been hampered by the circumstances in which we find ourselves and that is not something that I believe we will be able to take forward in the next little while. It is an idea that is developing and growing in the Department. I hope

that we will be able to take it forward on the other side of the election.

**Ms Armstrong:** I thank the Minister for his answers so far; I really mean that. As a fellow MLA for the Strangford constituency, he will understand that our concern regarding broadband is that although suppliers may say that there is very good coverage, the speeds are quite pathetic in some areas. What measurements have been taken by the Department to discover where those difficulties are? We need to ensure that there is access to schools, where science, technology, engineering and mathematics (STEM) subjects have been limited. Businesses, rural businesses in particular, are finding that speeds are making it difficult —

**Mr Deputy Speaker (Mr Kennedy):** I think that we have the question.

**Ms Armstrong:** Thank you.

**Mr Hamilton:** I thank the Member for her question. We do not have figures on a constituency basis but the north Down and Ards area includes most of the Member's and my constituency. On a global level, speeds in that area are not that bad. Some 98% of premises are able to get two megabits per second or more; 96% are able to get five megabits per second or more; 93% are able to get 10 megabits per second and 83% are able to get 30 megabits per second. That is one of the best in Northern Ireland. Clearly, there are still those who are getting intermittent or not strong speeds and speeds that are simply not acceptable.

There is a range of different alternatives. I have emphasised to the Member and the House before, that, whilst I accept that those are not good enough — that is why we have been developing the plan — there are alternative technologies in place that can present opportunities for those who just cannot get acceptable speeds. There is support from my Department to do that and I have said to Members before that they should contact the Department about that. Fibre is the gold standard, but it is not possible to get it in all locations. I think that sometimes people think that if they cannot get that they cannot get anything. That is not always the case. There are satellite and wireless technologies that can provide a decent speed. It is not necessarily the speed that people want, but it is at least a decent speed.

The Member asked about analysis. Some analysis has been done. I will write to her with precise numbers but I think that in the range of about 30,000 premises across Northern Ireland, the majority of which are in rural areas, cannot get speeds of two megabits per second or more. That is not acceptable. I want to bear down on that and see it improved and that is why we were developing the plan. As I said to Mr Robinson, I hope that, in spite of the current political difficulties, we will still be able to take that plan forward in the not too distant future.

3.15 pm

## Economic Strategy

**6. Mr Swann** asked the Minister for the Economy to outline the timescale for the launch of the new Northern Ireland economic strategy. (AQO 979/16-21)

**Mr Hamilton:** Members will be aware that a new economic strategy was being developed to align with

the Executive's draft Programme for Government. The strategy, which sets out an ambitious, long-term vision to transform Northern Ireland into a globally competitive economy that works for everyone, was nearing the point at which it could be released for public consultation. We now face a critically important period for the Northern Ireland economy. Now more than ever, there needs to be a strong strategic framework for growth in place. I can therefore confirm to the House that I have released today, through my Department, the draft industrial strategy for public consultation. The consultation will run for 12 weeks, and I encourage all interested parties to engage in the consultation process.

**Mr Swann:** I thank the Minister for releasing that strategy today. Will it take into consideration the strong recommendations made by the Ulster Unionist Party for a manufacturing strategy, especially following the high job losses in my constituency of North Antrim?

**Mr Hamilton:** I am well aware of the manufacturing job losses in the Member's constituency. I know that they have had a devastating impact on the local community and are still working their way through the local economy. The Member, if he downloads a copy of the draft industrial strategy and reads it overnight — it is good bedtime reading for him — will see that there is a significant emphasis on the manufacturing sector in Northern Ireland. I do not dismiss for a second the impact that the sort of job losses we have seen in Ballymena has on individuals, families and local communities, but the manufacturing sector has still performed strongly across the board in Northern Ireland nonetheless. In 2015, there were around 80,000 jobs in the sector, and that is the best since 2008. Sales were up by 1.7% in 2014. In 2015, exports by the sector were up by £350 million, and output has also been performing strongly. I am immensely proud, despite the difficulties globally and locally, of the success of manufacturers across Northern Ireland, including Wrightbus, in the Member's constituency, which has the honour of being able to say that it constructs one in three of all London's famous red buses. It is that sort of prowess in manufacturing that you will see emphasised, underlined, highlighted and, importantly, supported in the new draft industrial strategy published today.

**Mr Deputy Speaker (Mr Kennedy):** That completes listed questions. We now move to topical questions.

## Tourism Strategy

T1. **Mr Attwood** asked the Minister for the Economy, given his references to the industrial strategy and record visitor numbers, for an update on the status of the tourism strategy. (AQT 696/16-21)

**Mr Hamilton:** The tourism strategy has been working its way through my Department. Like the industrial strategy, it has been nearing the point where it could be published for some time. Obviously, in the circumstances in which we find ourselves, it is impossible to get Executive agreement, so it would not be an Executive strategy. I intend to discuss with officials what might be possible. In fact, there has been communication with Tourism NI to see whether we can bring it forward with officials in the Department, because it is important, no matter what is happening politically, that we continue not only to give a clear signal on the direction of travel for the economy through an

industrial strategy but to improve our tourism, which has been performing incredibly well in recent times.

**Mr Attwood:** I thank the Minister for his answer. Is it not more accurate to say that the previous Executive failed to agree a tourism strategy, as have this Executive? We have come out of the Year of Food and Drink; we are four months from the Irish Open in Portstewart; and we are two years from the British Open in Portrush. Is this not evidence of failure? Do you recognise that the 2021 anniversary — 100 years since the creation of Northern Ireland — should also acknowledge the many who regret the partition of Ireland, as well as the many who celebrate the creation of Northern Ireland?

**Mr Deputy Speaker (Mr Kennedy):** There are a number of questions for the Minister.

**Mr Hamilton:** Quite a few. I regret that, because of circumstances, the tourism strategy will not be agreed by the Executive. Sinn Féin's walking away from the Executive has made that impossible. It has also obviously walked away from proceedings today; I am disappointed that my Question Time was not even enough to draw them back into the Chamber this afternoon. That is deeply disappointing.

I will look at how we can bring forward the tourism strategy in the circumstances in which we find ourselves. Let us not fall into the position, or belief, that the absence of a tourism strategy will inhibit tourism. It would help in setting clear targets and in focusing on key goals, but tourism in Northern Ireland has been a success story. Indeed, figures recently published by the Northern Ireland Statistics and Research Agency (NISRA) for the year ending September 2016 show that visitor spend in Northern Ireland is now at £821 million, 74% of which comes from external visitors, at just over £600 million. That is a 10% increase in overall spend year on year.

We now have 4.6 million visitors coming to Northern Ireland annually. Importantly, external visitors are up by 8% to 2.5 million, the highest on record. There is also a 10% increase in bed spaces sold. As I mentioned in response to Mrs Cameron's question, we have seen that reflected in air passenger flows going up at Belfast International and Belfast City airports.

I do not consider tourism in Northern Ireland to be a failure. I regret that the Executive have not been able to agree a tourism strategy, because of the circumstances that we are in, but tourism continues to go from strength to strength. I believe that, with some of the events that the Member mentioned, it will continue to do so.

## Brexit: Supreme Court Ruling

T2. **Mrs Overend** asked the Minister for the Economy to comment on the Supreme Court's Brexit ruling. (AQT 697/16-21)

**Mr Hamilton:** I have been following other court proceedings today, as the Member might be aware, so I have not had a chance to fully look at and study the judgement that has been made by the Supreme Court.

**Mrs Overend:** Bearing the Supreme Court decision in mind and given the lack of any agreed Brexit position by the outgoing Northern Ireland Executive, does the Minister

have any idea as to how the Northern Ireland economy will be put on the agenda in London?

**Mr Hamilton:** The Member makes a valid point. Here is an issue in terms of Brexit and Northern Ireland's position in seeking to get the best deal for Northern Ireland, which is clearly hampered by the situation that we are now in, with Sinn Féin walking away from the Executive. It is a critical time in respect of the triggering of article 50, however, and when that will be done by the Prime Minister. It is incredibly important that Northern Ireland's voice still be heard. Unfortunately, given the circumstances that we are in, that will become incredibly difficult as a result of what Sinn Féin has done in pulling out of the Executive.

The Northern Ireland Executive have, over the last number of months since the referendum result in June, bombarded Whitehall with information about the Northern Ireland economy. We have engaged at Secretary of State level with various Departments and, crucially, with David Davis and his Department, the Department responsible for Brexit. It is clear from that engagement that that message — the need for the particular circumstances that Northern Ireland faces and the clear circumstances created by our history and geography — is getting through, and we hear that verbalised by very clear support for Northern Ireland's position from the Prime Minister.

Before Christmas, I was able to engage with the Prime Minister of Malta, who is now the president of the European Council. It was significant that he acknowledged the particular circumstances that Northern Ireland faces and pointed out that, in respect of the position in Brussels, it was one of the key priorities for Brussels to deal with the situation in Northern Ireland. I think that that bodes well for a positive outcome for Northern Ireland from the upcoming negotiations.

### RHI Scheme Recipients

T3. **Ms Hanna** asked the Minister for the Economy what contingency or plan B, which would allow for transparency, his Department had in place in the event of a ruling against publishing the RHI names. (AQT 698/16-21)

**Mr Hamilton:** As I said earlier to others, including the Member's colleague, the ruling has just been made in the last hour. I have not seen it yet and will wish to study it carefully, as the Member would expect, before deciding what we do. I reiterate that I want to have the fullest possible transparency on the details of recipients of the non-domestic RHI scheme. It is with that in mind that I will look at the ruling and come forward with a decision as quickly as possible.

**Ms Hanna:** My question was about a contingency or plan B, as the challenge was entirely foreseeable. Has the Minister given any thought to publishing an anonymised list? Such a list could contain some geographical detail, the date, the output and the payment, so that we can get a sense of the levels of applicants that are credible and not credible.

**Mr Hamilton:** I thank the Member for her question, which was asked in the appropriate spirit. The whole purpose of doing this was to seek to instil better public confidence. The Member said that it was foreseeable that it was going to be challenged, and I suppose it was. From what I have heard about the judgement, it states that it not permissible

to publish the names of members of the Renewable Heat Association, which is slightly left field. However, I am happy to look at other options and will do so.

It is interesting that the Member said that something short of the full disclosure that the court is preventing may help to instil public confidence. That is what I want to do, that is what my objective is, and I will look at the option that the Member has proposed, along with others, in the hope of achieving maximum transparency whilst keeping to the aim of instilling public confidence in the scheme.

### RHI Scheme Recipients

T4. **Mr Lyttle** asked the Minister for the Economy, given that, in relation to the publication of details of the RHI recipients, he has said that he is subject to limitations and has challenges to overcome, to state whether it is his ultimate ambition to publish the names and addresses of all participants and the details of when they applied, and, if so, when he expects to do so. (AQT 699/16-21)

**Mr Hamilton:** I am not sure if the Member has appreciated or picked up the point I have been making. I appreciate that he, too, may not have seen the full judgement and will want to take a look at it. That is my publicly stated position, and it is a position that I stated in writing to recipients of the scheme. As I believed that there was a clear public interest in having maximum transparency, it was my intention to publish business details and geographical information as well as other information. I still hope to be able to do that, but obviously I will have to reflect on the judgement that has been made.

**Mr Lyttle:** I thank the Minister for his answer. There has been some reference to the application form for the RHI scheme making limitations on the information that can be made available. Can he elaborate on his assessment of the limitations of the application form?

**Mr Hamilton:** As you would expect, we have been seeking to publish details of the recipients of the non-domestic RHI scheme, consistent with a range of legal obligations. At all stages, I have sought to abide by the legal advice that I have received. Whilst I have heard many say that the privacy policy allowed for the publication of business details and some limited information, significantly some of the legal advice that I received said that anything — even a business name — that could relate back to who the individuals associated were — obviously, nobody gave permission for their names to be published — could contravene the Data Protection Act. That is why the process, which was done in fairly short order, had to be undertaken to put all of the objections received against a public interest test.

I emphasise again to the Member and the House that I still hope to be in a position to publish details at some date in the future. I will look at suggestions that other Members have made about releasing somewhat limited data. Anything done will always be done on the basis of trying to have maximum transparency and instil public confidence.

**Mr Deputy Speaker (Mr Kennedy):** I remind the Minister about the two-minute rule.

### Brexit: Special Status for Northern Ireland

T5. **Ms Mallon** asked the Minister for the Economy, given the hard Brexit stance being taken by the Conservative

Prime Minister, to state whether he accepts that the case must be made for special status for Northern Ireland and whether he accepts that, to date, his party has got it wrong and needs to urgently reassess its position on Brexit.

(AQT 700/16-21)

**Mr Hamilton:** The Member, unfortunately, has once again proven how her party has not accepted the result and the verdict of the British people. I welcome the clarity that the Prime Minister has brought to our negotiating position. I think that there was some doubt for some time as to what she was going to do or what she was going to seek, and it is now very clear what her objectives are.

**3.30 pm**

I will repeat what I said in response to Mrs Overend. I think that Northern Ireland, hampered as it is by the circumstances that we find ourselves in, will and should continue to seek a deal that reflects the particular circumstances of Northern Ireland. Northern Ireland and where it is located has a particular history and a particular geography that must be reflected, I believe, in any ultimate deal. It is regrettable that, for a while at least, the Northern Ireland voice will not be heard as clearly as it should be at a critical time in those negotiations. It is unfortunate that that is the case. As I said before, Northern Ireland's voice has been heard loudly and clearly, and Northern Ireland's interests have been heard loudly and clearly over the last number of months. I think that it is well understood by the Prime Minister and her team what those particular circumstances are and what the unique history and geography of this part of the world are. I hope that that will be reflected in any ultimate deal, and I also think that that is being viewed very sympathetically in Brussels.

**Ms Mallon:** Given that the now former First Minister, given the current political context, Arlene Foster, has previously outlined the need for the free movement of labour, how is this compatible with the position articulated by the Prime Minister, Theresa May?

**Mr Hamilton:** The Prime Minister has outlined her objectives in respect of negotiations. The former First Minister and, indeed, others in the House have emphasised the need to have the common travel area remain in place. It is welcome that one of the 10 points that the Prime Minister pointed out last week was to maintain the common travel area, which has existed since the 1920s, between the United Kingdom and the Republic of Ireland.

There is still much to do and many miles to travel on the road to the UK exiting the European Union. I am confident that, with the work that has been done to date, Northern Ireland's voice, the particular circumstances of Northern Ireland and the unique history and geography of this part of the world have been heard loudly and clearly in London. I hope that, in spite of the circumstances that we find ourselves in at this critical time that mean that our voice will not be heard perhaps as clearly as it should be, those representations that have been made to date will still be heard and be listened to and will be reflected in the upcoming negotiations.

## Question for Urgent Oral Answer

### Health

#### Spinal Muscular Atrophy Type 1: Treatment

**Mr Deputy Speaker (Mr Kennedy):** Ms Nichola Mallon has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary.

**Ms Mallon** asked the Minister of Health whether all children in Northern Ireland with spinal muscular atrophy (SMA) type 1 will be included in the potentially life-changing nusinersen drug trial.

**Mrs O'Neill (The Minister of Health):** This is a very sensitive issue, as these families are dealing with very difficult diagnoses of SMA and their children have very complex needs. I understand the concerns of those families involved and their request to have their children enrolled in the extended access programme of nusinersen, the potentially life-changing drug, to treat spinal muscular atrophy, and I am fully sympathetic to their concerns.

Clinicians in the Belfast Health and Social Care Trust made a clinical decision to use the extended access programme to provide this drug in an individual case to treat SMA. On this basis, the extension of this programme is a decision for the clinicians in the Belfast Trust. Like the Member, I am aware of the concerns of parents of children with SMA about the communication. My Department has raised these concerns with the trust, which in turn has assured me that urgent action will be taken to make contact with the families involved. I understand that direct contact will be made this Thursday with the families, offering a face-to-face meeting with the clinical team in the children's hospital.

**Ms Mallon:** I thank the Minister for her response. The Minister will know that I have raised this issue. I wrote to her twice before Christmas asking her to meet a family to discuss specifically access to the drugs. We have only four children in Northern Ireland who have this rare condition, one of whom is getting access to the drugs trial and three of whom are yet to get any decision on access to it.

Can any assurance can be given that, if those three children — Caoilte Fitzsimmons, Mia Warren and Noah Collins — meet the suitability tests, they will face the very real prospect of getting access to what is a life-saving and life-changing drug, given that the Health Department does not have to pay for it but simply provide the theatre space and medical staff to administer it?

**Mrs O'Neill:** I thank the Member for her question. Again, a member of my team has met all the families involved to discuss their individual circumstances. Obviously, everybody's condition will have different circumstances. This is a clinical decision; it is not for me to make a decision on who should get what drug or who can get access to the trial. I want to make sure that these families, who are dealing with very complex and challenging



conditions, are given absolutely every support and every lifeline possible, because that is what we are talking about.

I think there has been a breakdown in communication. We need to rectify that problem, and I have asked the trust to do that. I am glad the families will be engaged with and offered a face-to-face meeting on Thursday so that they can get the full facts and details. It is important we do not raise expectations, because you and I are not medically qualified to decide which child should have the drug or access to the trial. If clinicians decide that is the case, that is who should make the decision.

I think it is important that, because this is so sensitive, we do not raise expectations with families. I am glad the families will now have an opportunity to talk to clinicians about their individual circumstances with the medically trained people who are qualified to make the decision and give them access to the trial, if that is what is suitable for their child.

**Mr Allen:** I take this opportunity to thank the Member for North Belfast for bringing this very important matter to the Floor and the Minister for coming here today. Minister, I have also written to you on this matter, and, indeed, I am aware that your officials have been to see one of the families who engaged with me. From my engagement with the clinicians, it is my understanding that it is, indeed, resources and infrastructure that are a barrier to the other three families being offered this procedure. If that is the case, will you have engagement with the health trust to ensure resources and infrastructure are in place to offer this procedure to the other three families?

**Mrs O'Neill:** I thank the Member for his question. Again, I make the point that it is, ultimately, for clinicians to decide who gets access and to decide on the allocation of resources to provide this drug. We know there are a lot of additional needs involved in being able to provide the drug. Let us be very clear: it is not a money issue, in that sense; this is a drug that is not yet licensed for use in the North. As I said before, it has been made available to one child as part of a special programme. It is definitely not a question of there being a lack of funding to supply the drug. Decisions on the use of the clinical resources in hospitals are, quite properly, for clinicians to make.

Needless to say, these are families in very difficult circumstances and the children have very challenging needs. I am sure it is very difficult for all the families involved, so we need to be very sensitive to the issue. I can give an assurance that all those families will be properly engaged with, and if there is a route for them to get into this trial and it is beneficial medically for their child, the clinician will have to arrive at that decision in conjunction with the family.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Member for her answers thus far. It is clear in this case that there has been a breakdown in the relationship between the parents and the trust. Will the Minister tell us what is being done to rectify that problem?

**Mrs O'Neill:** That is something we can all agree on, and the concerns of parents about communication are valid. We will rectify that, and, as I said, all families will be engaged with directly by the trust and, in turn, by the clinicians on their own child and particular circumstances. They will be given the fullest information possible to allow

them to make a decision on the future health support for their child.

**Ms Bradshaw:** Minister, your response seemed very hopeful, and I hope the clinicians will come through with the best solutions for the families. It strikes me, as you said, that it is not really about resources; it is about getting people in the system. As this is your last session in this mandate, when are you going to launch the waiting list strategy you said would come out this month?

**Mrs O'Neill:** I said I would publish it before the end of the month, and I am still on course to do that. We are finalising all the details, but I will take the opportunity to publish it, as I said I would. It is part of the wider transformation programme that I have already set out and that we need to see brought through, because we have to transform the health service. We have all well rehearsed the arguments for why we need to do that. Part of the transformation programme has to be to tackle waiting lists to build public confidence. I am on course to publish the plan.

**Mrs Dobson:** I thank Nichola Mallon for tabling this important question today. I understand that, through correspondence with my colleague Andy Allen, and he articulated this earlier, limited resources and challenges are being cited as the reason. Those are not acceptable reasons for young children to be denied access to a drugs trial. Elections aside, Minister, what guarantee will you give that those children will not continue to be neglected in the weeks and months ahead?

**Mrs O'Neill:** I was very happy with the tone of the questions so far, because we have to be very sensitive to this issue, so it is unfortunate that you are trying to use it to electioneer. These are four families who are in a very difficult situation as a result of their children's diagnoses, which can be life-threatening for some of them. We therefore have to be very sensitive to the needs of these families.

Regarding the drug and getting into the clinical trial, as I said, the drug is not yet licensed. We do not want to build false hope that the clinical trial will benefit all those children, because we do not know. You are not qualified to make that assessment and neither am I, but I am very clear about that. These are clinicians' decisions to take, and that is how they should be taken. What is most important here is that the families be engaged with, that the communication issue be addressed and that they get all the information and the fullest of support that the health service can provide them with at this time.

**Mr Durkan:** The Minister is quite right: it would be ultracrepidarian of her and us to say what patients get what treatment. Those decisions should be made by the experts. I think that we heard a bit of an assurance there. Will the Minister reiterate that this decision and other decisions around patients' treatment are made on a clinical basis and not a financial one?

**Mrs O'Neill:** Yes, I can absolutely confirm that. I am not a clinician, I am not medically qualified and I would never want to make a decision on what child gets access to any life-saving drug or clinical trial. It has to be based on medical considerations, and I would never interfere in that.

**Mr Deputy Speaker (Mr Kennedy):** That concludes that item of business. I ask the House to take its ease before we move on to the next business.

(Mr Speaker [Mr Newton] in the Chair)

## Ministerial Statement

### Public Inquiry on the Renewable Heat Incentive Scheme

**Mr Speaker:** I have received notice from the Minister of Finance that he wishes to make a statement.

**Mr Ó Muilleoir (The Minister of Finance):** On my way in, my dear friend Chris Lyttle from East Belfast asked whether this will be an hour-long statement, and I said that I could do a summary at the top of the statement, which is that the type of inquiry that I would like to see — I think that it is an inquiry that he and members of the public would like to see — is a no-hiding-place public inquiry into the RHI scandal that asks, in public session, hopefully on TV, “What did you know and when did you know it?” Additionally, it would be an inquiry that follows the money, and, after all that, it would hold to account, no matter how high or low a position someone holds, anyone responsible for wrongdoing. The inquiry and its conduct will be a matter for the chair. I will move now to the formal statement.

#### 3.45 pm

Ar an 19 Eanáir, d’fhógair mé go bhfuil sé i gceist agam fiosrúchán poiblí a thionscnamh ar an scéim neamhtheaghlach in-athnuaite dreasachta teasa (SDT) — inniu, tagaim os comhair an Tionóil le sonraí an fhiosrúcháin sin a dhearbhu, lena n-áirítear ballraíocht an fhiosrúcháin agus a théarmaí tagartha. Mar sin féin, sula dtugaim faoi seo, tá sé tábhachtach go bhfanaimid dírithe ar na cúinsí a thug chun an phointe seo muid agus a chiallaíonn anois gur fiosrúchán poiblí an t-aon bhealach inchreidte chun tosaigh.

On 19 January, I announced my intention to institute a public inquiry into the non-domestic renewable heat incentive scheme. Today, I come to the Assembly to confirm the details of the inquiry. Before doing so, it is important that we remain focused on the circumstances that have brought us to this point and which now make a public inquiry the only credible way forward.

The non-domestic renewable heat incentive (RHI) scheme was introduced in November 2012 to support the then Executive’s Programme for Government commitment to renewable energy. It was conceived with laudable ambitions, and optimism, to achieve 10% of our energy consumption from renewable sources by 2020. We must focus on why the botched RHI scheme went wrong and the circumstances surrounding it rather than the environmental principles underpinning it, which remain right and proper.

It is important to acknowledge that although this inquiry will examine allegations of wrongdoing, many people did act appropriately in relation to the RHI scheme. In particular, I would like to recognise the work of my officials who, working with the Comptroller and Auditor General, have diligently and fulsomely applied the principles of financial governance and probity as set out in the ‘Managing Public Money’ requirements. It was my officials who unearthed this financial calamity and formally notified the Comptroller and Auditor General, who then reported to the Public Accounts Committee. It is worth noting that that

happened under the tenure of Minister Mervyn Storey on 19 January 2016. My officials have thus played a crucial role in bringing transparency and scrutiny to this scandal. Additionally, given the position of my Department at the nexus of government, I am ideally placed to initiate this inquiry.

The case for an independent investigation into the RHI scheme is clear-cut. In his June 2016 report, the Comptroller and Auditor General concluded that:

*“This scheme has had serious systemic weaknesses from the start”;*

weaknesses that have resulted in overcompensation, abuse and significant financial risk to our Budget and the public services it supports.

According to the Comptroller and Auditor General, the RHI scheme has the potential to cost the public purse up to £490 million over 20 years. That is money that, as Finance Minister, I would much rather see being directed towards vital public services; strengthening the health and social care system, building an infrastructure that is fit for the 21st century, and educating and training people.

In recent weeks, we have had a drip feed of serious allegations of corruption, mismanagement, incompetence and political interference surrounding the scheme. Members know my preference — it is on public record — for a time-bound, independent, judge-led investigation under new legislation. That was underpinned by two key requirements to ensure that the public could have confidence that it would get to the truth and that this would come out for all to see.

First, it is absolutely vital that any investigation has the powers to compel witnesses and evidence. Secondly, the investigation needs to be free from ministerial control or interference. The need for agreement on new legislation and the pending dissolution of the Assembly meant that it was not possible to pursue that preferred approach. But there cannot be obstacles placed in the way of truth. That would be wholly unacceptable to the public.

In that context, the only way in which to respond to the public interest now is for me to launch an inquiry, to be held under the Inquiries Act 2005, reflecting the scale of public concern on the matter. I am pleased, therefore, to inform Members on the shape that that inquiry will take.

I now have in place an independent inquiry chair, distinguished retired Lord Justice of Appeal, Sir Patrick Coghlin, who was nominated to chair the inquiry by the Lord Chief Justice. I am very pleased that Sir Patrick Coghlin has agreed to lead this inquiry. I know that he will be unflinching in his pursuit of the truth and scrupulous in his analysis of the evidence. I have agreed with Sir Patrick Coghlin that he will be supported by two panel members to get to the truth of this affair. If the panel considers it appropriate, assessors may be appointed to assist them. These individuals, to be appointed, will have relevant expertise and be from outside the North.

I turn to the terms of reference for the inquiry, which I have made as broad as possible in order to give latitude to the inquiry chair in his work. It sets the framework under which the inquiry will investigate, inquire into and report on the RHI scheme. This includes its design, governance, implementation and operation, as well as measures to

control the cost of the scheme from its conception in 2011 to the conclusion of the inquiry. While the areas it will investigate will be wide-ranging, it will necessarily include key areas in which there has been huge public interest, including the development and roll-out of the RHI scheme by the then Department of Enterprise, Trade and Investment; the signing off of the scheme by the then Department of Finance and Personnel; the issue of cost controls and tariffs; the delay in implementing cost control measures before November 2015, which led to the spike of autumn 2015; and the closure of the scheme in February 2016.

I want to thank the Assembly parties who met me yesterday for their input to the terms of reference, which has, along with Sir Patrick Coghlin's expert opinion, helped to shape a robust and balanced framework for the inquiry. I have laid a copy of the terms of reference in the Assembly Library. These will only be amended at the request of the chair. I repeat, the terms of reference will only be amended at the request of the chair. That is a power that I have under the Inquiries Act which I will not be using.

The inquiry team will begin its work on 1 February 2017 and will report as expeditiously as possible. Openness and transparency will be key touchstones for Sir Patrick Coghlin and his team. Earlier, I pointed to two key requirements, and the investigation will have the power to compel witnesses and evidence. Rest assured, every stone will be turned. There will be no dark corners where the light will not be shone.

There are shortcomings in the Inquiries Act around the potential for political or ministerial interference. Therefore, I wish to reassure the public by setting out the steps that I think must be taken to ensure absolute openness and transparency. The arrangements I have detailed in this statement are intended to ensure this. It is also important to stress the following: having been established, the inquiry will now progress entirely in the hands of the chairman. Sir Patrick Coghlin will, within the terms of reference I have set out, have absolute control over the scope and execution of the inquiry. The chair has indicated that it would not be appropriate to issue an interim report. Likewise, the chair informs me of his obligation to deliver the report to the Finance Minister. I call on all Members from all parties to join me in pledging that any future Finance Minister will immediately publish the report as received.

The inquiry will be impartial and objective. It will be tasked with getting to the truth of the RHI scheme. I will not interfere in its work. It will be entirely independent. There is an urgent need to get to the facts of the RHI scheme, to identify negligence, incompetence, alleged corruption and abuse, and to hold those responsible to account.

Tá mé feasach go dtéann an cheist RHI thar chúrsaí airgeadais chuig ceisteanna rialachais agus ionracais. Trí aimsiú na fírinne faoin scannal RHI, creidim go rachaidh an fhoireann fiosrúcháin seo, faoi stiúir Sir Patrick Coghlin oirric, i ngleic leis na saincheisteanna sin agus dá bhrí sin, rachaidh sé bealach éigin le hatógáil a dhéanamh ar mhuintir scríosta an phobail sna hinstiúidí.

Mr Speaker, I am aware that the RHI issue goes way beyond financial matters to questions of governance and probity. By getting to the truth of the RHI scandal, this inquiry team, led by the distinguished Sir Patrick Coghlin, will, I believe, address those wider issues and, therefore,

go some way to rebuilding the shattered public confidence in these institutions.

**Mr Smith:** I welcome this public inquiry and thank the Minister for his consultation on the process. Unfortunately, this is yet another failure of this dysfunctional Executive — that the Northern Ireland electorate will go to the polls without an output from this inquiry, due to the failure to set up an inquiry well over a month ago when we first called for it.

Why has the Minister not insisted on a preliminary report so that the Northern Ireland electorate can go to the polls with some relevant information on the scandal? Why has he not confirmed a timeline for publication and outlined a process for the independent appointment of the two panel members referred to in the report?

**Mr Ó Muilleoir:** Thank you, Mr Smith. I know that there is an election coming and it is, at times, difficult to appease the Ulster Unionists. I have a recent memory of the Ulster Unionist Party wanting a public inquiry into the RHI scandal: you now have one. Do not prejudge the actions of Sir Patrick Coghlin. He will act in an impartial and objective manner. He will be scrupulous in getting to the truth and unflinching in making sure that he is not deflected from that purpose.

It is my view that the best way forward is for the Minister to butt out. The chair has said that he does not think it appropriate to deliver an interim report. We should respect that. If Mr Smith believes that the Minister should start interfering with the impartial work of Sir Patrick Coghlin on day one — actually, day one is 1 February, so we are talking about minute one — he has another think coming. I trust Sir Patrick Coghlin and have confidence in him to deliver to any future Assembly a report with recommendations and observations that will satisfy the public thirst and hunger to get to the bottom — the truth — of the RHI scandal. I suggest to the Member that he should have the same confidence in Sir Patrick Coghlin.

**Mrs Little Pengelly:** I thank the Minister for his statement. In one sense, it is a little unusual, in that it is not clearly within the Finance brief, but is an operation of the ministerial powers in relation to this. I very much welcome that.

The DUP has, for some time, made it clear that we want an independent and robust inquiry capable of getting to the truth, regardless of what form that inquiry takes. There are some concerns, as the Minister will be aware, in relation to an inquiry under the Inquiries Act 2005 in relation to the potential for excessive legal costs and the potential for a lengthy inquiry. I am somewhat disappointed to hear that there is no intention to publish an interim report. I know that people want to see the truth about this. I know that those who feel unfairly vilified want the truth to come out as soon as possible. What discussions has the Minister had with the chair about the legal costs associated with the inquiry and about a time frame to ensure that the findings can be brought forward as soon as possible?

**Mr Ó Muilleoir:** I thank the Chair of the Finance Committee for her question and for calling into my office earlier, where we had a short discussion about the statement and the terms of reference.

I return to my earlier point. The Member contradicts herself: if she wants me to go back to Sir Patrick Coghlin and demand an interim report, she is green-lighting interference in the RHI inquiry. I am absolutely steadfast

in refusing to go down that route. That said, I take the Member's other points. She is right: under a different type of inquiry — it is interesting that the Irish word for inquiry is *fiosrúchán* and the Irish for investigation is *fiosrúchán* — we might have had the opportunity to look at costs and time. I know that that is something that she tackled with regard to the historical abuse inquiry. They are flaws in the Inquiries Act 2005. That said, Sir Patrick Coghlin knows from his engagement with my officials and from the terms of reference that the public will have an eye to the costs and he is encouraged to be cognisant of them.

I think that Sir Patrick Coghlin will also be aware of the fact that people would like to reach some conclusions. We have just finished the historical abuse inquiry, which was a massive, wide-ranging inquiry, involving many continents and hundreds, if not thousands, of people. The RHI issue is fairly specific, and much of the relevant material is available to this Government, never mind to anyone else. We can, I think, be hopeful that the number of witnesses called will be circumspect, but, of course, it is a matter for the chair. I share the hopes of the Member that we will expeditiously get a report. That said, these are matters for the chair. If pressed, I would think it appropriate for us to have a report six months after the inquiry starts, but that, in my view, is a matter for the chair.

#### 4.00 pm

**Mr Speaker:** Before I call Mr Conor Murphy, I must advise that we have a very long list of Members wishing to ask a question. We are limited in the time that the Minister is here. I ask Members to keep questions short, sharp and focused.

**Mr Murphy:** Gabhaim buíochas leis an Aire. It appears, Minister, that everyone here was clamouring for a public independent inquiry but now wants to stamp their conditions on such an inquiry. The Minister clearly identifies that public confidence in this institution has been shattered as a result of the behaviour of successive DUP Ministers in relation to the issue. Is he certain that the inquiry that he has proposed — one in which he appears to be handing over all control to the judge and thereby taking the political out of it — will go some way to restoring public confidence in this institution?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as a cheist. I believe that, contrary to what Mr Smith said and Mrs Little Pengelly suggested, the idea of divorcing ourselves from the chair is the right way forward. Anyone who believes that the public would have more confidence in the inquiry if I were to continue to interfere in the terms of reference, say that a future Finance Minister should not publish the report or interfere in the disclosure of documents and that that is the right way forward in helping restore public confidence has, for sure, not been watching TV since 'Spotlight' went out last December. I think the public will welcome the fact that not only have I accepted the Lord Chief Justice's nomination of Sir Patrick Coghlin but I am going the extra mile and putting into the terms of reference — I am not obliged to do this, but I think public confidence demands it — a series of commitments and pledges. Who knows if there will be a future Finance Minister? Hopefully, there will. Who knows what party that Finance Minister will be affiliated to? But I trust and believe — I am not hearing it just yet — that every party will give the pledge that I am giving that there will be no ministerial

interference in the inquiry. I am taking that for granted, despite the questions so far.

You cannot have your cake and eat it: either you want the Minister to interfere, which would absolutely undermine public confidence in the route that I have chosen, or you want to restore public confidence and get to the truth of RHI. The way to do that is for the Minister to step back and to give a pledge to serve the public interest.

**Ms Hanna:** I thank the Minister for his answers so far and for the announcement of the inquiry. In common with other Opposition parties, we have been calling for a long number of weeks for an inquiry under the 2005 Act. I am glad of the acknowledgement of that. Better late than never, although it is a regret that people are going to the polls without at least some of the facts being in the public domain, free of spin. I also acknowledge that you have taken on board some of the feedback that we submitted yesterday on the terms of reference.

In the background, Minister, you state that it was your officials who unearthed this financial calamity. Are you satisfied that your officials and, latterly, you have done enough to uncover this, address it and rectify it in the time that you have been in the post?

**Mr Ó Muilleoir:** I thank the Member for her question. I also thank her party for making suggestions yesterday that were discussed as part of the conversations around the terms of reference between Sir Patrick Coghlin, my officials and me. I also welcome the fact that there is a clear welcome from the SDLP for the route that I have chosen. It is absolutely essential, now that we are on the path of seeking the truth of RHI, having set up an inquiry and got a distinguished justice to lead it, that we make sure in the time ahead that every party supports that and does not interfere in the work of the inquiry.

In relation to the question asked, I want to speak in particular of the seven months that I have been in the Department of Finance. I have been deeply impressed by the commitment, diligence and alertness of my officials to the RHI scandal. I mentioned previously alerting the Comptroller and Auditor General. I want to again put on record my praise for him, which I mentioned — I became the first Minister since devolution to meet the Comptroller and Auditor General last week — and for his work in this regard.

It is important to explain this to the Member because there was a misunderstanding, I think, of the role of the Finance Department and the Finance Minister in regard to all other Departments. It is a long time since Mark Durkan was Finance Minister so perhaps the institutional memory of that is gone. The Department of Finance does not hold responsibility for total financial management of all expenditure, and I know that other Ministers are very glad of that. The Department of Finance does not hold responsibility for total financial management of all expenditure. Its critical role is to ensure that all Departments comply with the highest standards of accountability and governance as set out in the 'Managing Public Money' protocols. When those standards are breached, the Department of Finance has a duty to inform the Comptroller and Auditor General, as it did in the RHI case, which resulted in the irregular spend.

**Dr Farry:** Speaking for a party that has a longer pedigree in advocating a public inquiry than both the DUP and Sinn Féin, I nonetheless welcome this announcement,



despite the torturous path that we have had and, indeed, the missed opportunities. Does the Minister believe that 1(b) of the terms of reference is sufficiently robust and comprehensive to cover, in essence, the interface between government and political parties, namely the DUP, in particular, given that a lot of the narrative around this controversy over the past number of weeks has involved characterisations that probably go beyond what you would associate with the normal process of government? It is important that we capture the actions of individuals beyond their strict roles as Ministers and advisers, be it a party political role or a party consultation role, in the actions being taken.

**Mr Ó Muilleoir:** I thank Dr Farry for his question. I note in the debate yesterday that he talked about a “leap of faith” in the RHI solution in terms of the finances. There is, of course, a leap of faith in this, but I think that he shares with me the confidence in Sir Patrick Coghlin.

As for 1(b), I hope that the terms of reference are as wide-ranging and as broad as possible. Do not forget that if, in the coming days or, indeed, the coming weeks, you discover or someone else in the public discovers that there is an omission, the way forward is for Sir Patrick Coghlin to bring that forward and ask for an amendment to the terms of reference. The pledge that I am giving is, I suppose, a double pledge: any requests from the chair will be acceded and agreed to; and I will not come back with terms of reference to interfere in his conduct of the inquiry. So, if Dr Farry believes that perhaps there is an area that needs even broader remit, he is welcome to raise that matter with the chair of the inquiry.

I stress again that, when we set about this, we said, “How do you find out the truth of the RHI scheme? How do you get to the dark corners? How do you make sure that no one can avoid the consequences of behaviour that was wrong? How are we going to hold people to account?”. The answer was, “Let’s make sure it’s broad enough to cover all eventualities”. There is, however, the safety catch that, if in the time ahead, we find that we have omitted something, and if Sir Patrick Coghlin asks for that, I am giving a pledge to accede to any requests from him. Of course, I ask that any future Finance Minister be equally agreeable.

**Mr Poots:** I welcome the fact that we will have an independent means of getting to the truth. Given the maelstrom of information and misinformation that has been in the public arena, I would like to get to that truth as quickly as possible. Therefore, I would have preferred a different kind of inquiry, but nonetheless. Was there a discussion with the panel chair about how long it will take to conduct this inquiry? Will there be an early findings paper produced based on the initial findings? If so, how quickly can that be received, because I think that the public deserve answers quickly?

**Mr Ó Muilleoir:** I thank the Member for his question. Let me just bring you up to date with some of the issues in the discussions with Sir Patrick Coghlin. The inquiry, as you will see, Mr Poots, begins on 1 February; I presume that is for gathering papers. It is Sir Patrick Coghlin’s opinion and conviction that there should not be inquiry hearings before the election. I think Members understand why he has come to that conclusion, and that is his decision.

It is also for Sir Patrick Coghlin to decide how long the inquiry will take. I think he has to follow the evidence, but

he is aware of my opinion, which I repeated here today, that the public would like, expeditiously, to get to the truth and to a final report. I think he will take cognisance of that. But again, I do not think it is our role to tell him — certainly, we cannot tell him under the Inquiries Act 2005 — that it has to be time-limited. I still have the feeling that a six-month inquiry on this specific issue should be able to deliver for us, but it is a matter for the chair.

I will repeat what I said earlier, Mr Poots; I am not sure whether you were here. The chair is very strongly of the opinion that there should not be an interim report. He will not make any report until he has all the facts gathered. That is his determination on these matters and what he has stated, so he will not produce an interim report, much as many of us would like to see that. I respect his judgement, as with all these matters in that case.

**Ms Archibald:** I thank the Minister for his statement. He outlined that there are several dimensions to the inquiry, which are obviously necessary to get a full understanding. Will the inquiry examine the full circumstances surrounding the closure of the scheme in February 2016?

**Mr Ó Muilleoir:** Go raibh maith agat as an cheist sin. I think it must. I followed the Public Accounts Committee under my colleague Mr Swann, and I read the devastating October hearing when Ofgem appeared. It was clear not only from that Committee meeting but from the many Committee meetings and the great work the PAC has done on this that the spike is the focus. Obviously, there are many issues from its inception to its closure, but it seems to me beyond a shadow of a doubt that the spike is where we got hurt. As the Comptroller and Auditor General said, the cost of the spike to our public purse is estimated at £24 million for 20 years. It is correct that the inquiry will, I am sure, devote much of its resources to that period.

I want to mention one other thing, since I have brought up the PAC and Mr Swann is here. That issue is Ofgem. Members will note that Ofgem is also mentioned in the terms of reference. I want to quote Mr Swann when he finished the PAC meeting with Ofgem. He said:

*“my impression of Ofgem has plummeted today, and my confidence in it as an organisation has definitely been shaken by what I hear about how you have managed the scheme to date. The answers that I heard today have made me question my belief in your competence as an organisation.”*

Ofgem will also be scrutinised under the terms of this inquiry.

**Mr Wells:** Like many other Members, I welcome this announcement, but I think out there amongst the public there will be several questions. First, can the Minister give us a ballpark estimate about the cost of the inquiry? Secondly, can he give us an indication of where it will be physically held?

**Mr Ó Muilleoir:** I thank Mr Wells for his question. As you know, Mr Wells, I would prefer to go down a different route where we might have some more impact or influence on costs. We do not have that here. All I can say is that Sir Patrick Coghlin understands it is the wish of all of us that the costs of the inquiry do not add to public disquiet over RHI. He is cognisant that the terms of reference encourage him to be cautious about costs.

We do not know where it will be held. I have a desire to see the inquiry held in public session on TV, and, in that regard, I know of a building with committee rooms that have TV coverage so that sessions can be broadcast. At this stage, the conversation about where the inquiry would be held is continuing.

#### 4.15 pm

**Mr Nesbitt:** For the avoidance of doubt, we are not advocating any ministerial interference from this point on. We are simply questioning what is and is not in this document to date. To be fair, in supporting a 2005 Act inquiry and, from what I read, incorporating all our recommendations following our discussion yesterday on the draft terms of reference, you and your party have come a long way on to our ground, and that is to be acknowledged. If we are now parking this politically, giving it over to the judge and trying to move on politically, I think that it is appropriate to ask a political question. The Minister said that he was ideally placed to bring forward and commission this inquiry. Be that as it may, he was ideally placed to bring forward a Budget. What does the fact that you are bringing forward this and not a Budget tell the public about the ability of you and your colleagues in government to deliver a fresh start?

**Mr Speaker:** The response is for you, Minister.

**Mr Ó Muilleoir:** I am going to respond by saying this. Philip Smith is sitting closer to you than he is to me. He said that I should tell the chair to produce an interim report. Where I am from, that is interference. That is the red line that I will not cross. I understand that, with the echo in here, you perhaps did not hear Mr Smith implore me to interfere in the work of the public inquiry, but again, Mr Nesbitt, I say that that is a red line that I will not cross. I pledge that I will not interfere in the inquiry. I have still not heard the same pledge from the Ulster Unionist Party. Once today, your spokesperson on the issue and on the economy has asked me to interfere in the public inquiry. I have rebutted him. I suggest that perhaps you do the same. I do not want to say that I will not give an inch and that there will be no surrender on the issue, but I will not be interfering with this public inquiry. I suggest that you get on to that page as soon as possible.

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

**Mr Speaker:** Point of order, Mr Smith.

**Mr Smith:** Thank you, Mr Speaker. Can I just ask —

**Mr Speaker:** Sorry, we will take your point of order at the conclusion of questions on the Minister's statement.

**Mr McCartney:** Gabhaim buíochas leis an Aire as a ráiteas. I have heard the Minister's pledge this afternoon, but how can he ensure that there will be no political interference?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as Doire as a cheist. I can certainly assure the Member of that for the five or six weeks, or however long it is, until the election, because I will be Minister until that date. I get the sense that everyone else, with the exception of the Ulster Unionist Party, believes that there should not be any interference in the time ahead and that the pledges that I have made will be delivered on by any future Finance Minister.

Let us go through some of the ways in which, under the 2005 Act, the Minister could interfere, tamper or mess with the inquiry. In the next six weeks, it is possible for me, as Minister, to amend the terms of reference, appoint members of the panel and restrict public access to the inquiry. I can prevent publication of evidence placed before it. I can prevent publication of the inquiry's report, and I can suspend or terminate the inquiry. You can understand, Mr Speaker, why some people have doubts about the efficacy of the 2005 Act. To address those commitments, I have appointed a judicial figure, who was selected by the Lord Chief Justice, to chair the inquiry. I will appoint, as necessary, additional inquiry panel members as agreed by the inquiry chairperson. It is his choice absolutely. If the chair asks for assessors, I will appoint those also. I will amend the terms of reference only on request from Sir Patrick Coghlin. I will not exercise the power to restrict public access to the inquiry under section 19 of the Act. It would be invidious for any Minister to do that. If public interest or other issues arise under section 19(3) of the Act, the procedure for seeking a restriction order through the inquiry chairperson will apply. As we go forward, I am ceding all power in this matter to Sir Patrick Coghlin.

**Ms P Bradley:** I thank the Minister for his statement. I welcome his strong words about independence. The purpose, scope and terms of reference are to restore public confidence in this Government. Following on from the previous question, is the Minister now going to refrain from any further public comment on the issue, barring comment on issues where he has to amend?

**Mr Ó Muilleoir:** I thank Ms Bradley for her question. The wonderful thing is that when the chair carries out his independent review, the rest of us can say whatever we want, but we cannot interfere with the public inquiry. I think that the Member and I are keen for the public inquiry to be set up, because we know that, on the streets and roads that we work in, and in the communities that we mobilise and are active in, there is outrage over the cost of RHI.

When people in the Duncairn Centre for Culture and Arts on the Antrim Road, the Mater Hospital, the Ballybeen autism resource centre in east Belfast, the great youth clubs or Sure Start clubs see the scale of the money involved — £85,000 a day — we understand why there is a lack of confidence in the institutions and why there is outrage. I hope that today we have taken a strong step in saying to the public that we understand that they have been hurt by this. This has economic consequences for ordinary people, and we are taking an important step today to start building confidence again by appointing an independent person of great probity who has given his life to the law. We believe that Sir Patrick Coghlin will be impartial and objective, and will, I trust, deliver a report to us that gives us the answers that the public want.

**Mr McGlone:** Gabhaim buíochas leis an Aire. Molaim an tAire as gabháil i bhfách leis an fhiosrúchán phoiblí seo; molaim é as an neamhspleáchas intinne a thaispeáin sé, fiú in éadan thoil a pháirtí féin. I genuinely welcome the Minister's decision and the independence of mind and spirit he has shown, against even the wish of his party at this time. His statement refers to his officials unearthing the "financial calamity". Will he please indicate when those officials unearthed this information and to whom they provided it, including any other Departments?

**Mr Ó Muilleoir:** Go raibh céad maith agat as an cheist sin, a Phatsy. Is mór an trua nár stop tú ag “Molaim an tAire”; bheadh sin i bhfad níbh fhearr. I thought for a minute that the distinguished Member was going to stop at, “I praise the Minister”, which would have been the perfect response to my statement.

The issue is that, very importantly, when the spend was found, in January 2016, to be clearly out of kilter with the business case that had been submitted for RHI, my officials — at that time, Mr Storey was the Minister who had stewardship of the Department of Finance, so they were his officials — informed the Comptroller and Auditor General, Kieran Donnelly, who, as the Member will know, is ruthless when it comes to spend that is deemed irregular. That led to the report in June 2016. I know that the Member has studied that report. That, I think, was the most important piece in this jigsaw, which is not yet complete. I believe that the Comptroller and Auditor General served the public interest by issuing that report in June, and that triggered the PAC inquiry. That reporting by the officials, as is appropriate and as they are obliged to do, to the Comptroller and Auditor General in January 2016 was important in uncovering what was happening with RHI and led us to this position today. We are trying to get to the truth of what happened through this public inquiry.

**Mr Speaker:** Members, we are halfway through our time slot, and a considerable number of Members still wish to ask a question. I would like to get everyone in, and that means that Members have to keep their questions sharp and focused. Indeed, if the Minister can, without taking away from his explanation, do the same, we will make better progress.

**Mr Girvan:** Minister, I, too, welcome the inquiry. In doing so, I would like to know what is meant by a paragraph in your statement that you would have liked, and your personal preference was for, a time-bound inquiry. We have no indication of how long that could be. Unlike some people sitting in here, I have absolutely no confidence that the judicial system works expeditiously in trying to get something through as quickly as it can.

From what I can see, they tend to drag it out for extra money. I am not calling them into question. Why is there no limit on the spend on the inquiry? Given the evidence that is already out there, there should not be the amount of money to put forward —

**Mr Speaker:** I ask the Member to —

**Mr Girvan:** It will come out of the public purse and our block grant.

**Mr Ó Muilleoir:** I thank Mr Girvan and sympathise with him, but the Inquiries Act does not allow me to demand a time-bound inquiry. In my view, the public would be content if it was a six-month inquiry, but neither you nor I will interfere with the chair, Sir Patrick Coghlin, as he sets about his work. I trust that he will be cognisant of time and cost issues, but we also need to back off.

**Ms Ní Chuilín:** The Minister mentioned the Public Accounts Committee’s highly critical view of Ofgem’s administration of the RHI scheme. Will the inquiry, in all the details and everything else, examine Ofgem’s role in this and the administration of Ofgem vis-à-vis the former Department of Enterprise, Trade and Investment, now the Department for the Economy? Will the inquiry investigate

and examine its role in managing Ofgem’s management of the RHI scheme?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt don Chomhalta as an cheist sin. I think that any inquiry will ask what went wrong, where it went wrong, who was accountable and what happened. In that context, I am totally convinced that the decision to involve Ofgem in the RHI scheme was a major mistake. Ofgem has failed. It was a badly created and badly put together scheme that had no proper cost controls, but the influence and presence of Ofgem in the middle of that added to what was already a mess. I hope that the inquiry — Ofgem is mentioned by name in the terms of reference — will not miss and hit the wall when it comes to looking at Ofgem’s role in the entire matter. My answers are supposed to be short, so I will not mention that I am dismayed that Ofgem is to be part of the interim solution, but that is for another day.

**Mr Dickson:** Thank you, Minister, for meeting Mr Ford and me yesterday, as you have met others, to apprise us of the scheme. I am delighted that you have brought the inquiry forward, particularly as your party seems to have flip-flopped on the issue more times than a beachside shop in Portrush. Can we be assured that the terms of reference provide no hiding place for anyone and that all witnesses who will be required in front of the inquiry will be brought there, whether or not they are in this jurisdiction?

**Mr Ó Muilleoir:** I thank Mr Dickson and Mr Ford for coming to meet me early in the morning. I was hoping to see Naomi Long, but she was on a very important radio show yesterday morning, so she could not make time for the Finance Minister. She has her priorities right — that is for sure. I think that we have managed, as have almost all the parties, to embrace the points that Ms Long put in a letter on Friday, I believe, about some of the terms of reference that you would like to see for the inquiry. As an overarching point and as the Member would expect, I think that we can commit to and have confidence in the chair to make sure that there is no hiding place. We will find out what went wrong and who was responsible. I trust that he agrees with me that, whoever was responsible, that person will be held to account and there will be consequences, no matter who they are.

**Mr Chambers:** Minister, Gavin Robinson MP was on the radio this morning, and he claimed that the DUP had come along to your party in the middle of December with a mitigation plan for the RHI scheme. Can you confirm whether that was the case?

**Mr Ó Muilleoir:** I did not hear the report and did not catch the name of the individual, but, if the Member wants to come back to me on that issue, we can discuss it with him. You are aware that there was a meeting on 14 December — it was in the media — between Simon Hamilton and me in Netherleigh. It was reported on 14 news channels, so that may be part of it, but, if the Member wishes to write and give me the name of the person — I did not catch who he is or where he was — I am happy to do that. For the record, the Finance Minister and the Economy Minister met on, I think, 14 December on the issue of RHI.

#### 4.30 pm

**Mr Clarke:** Like others, I welcome the announcement today about a public inquiry. I take some comfort from Claire Hanna’s suggestion that it will be free from spin. However,

I note that the Minister said, even on previous occasions, that his top officials were involved in looking at the business case, and I presume that they have been involved with the terms of reference and assisting the Minister to this point. Is there not a direct conflict for the Minister's permanent secretary, given that he was the permanent secretary at DETI when the scheme was set up? If so, should he not step aside, given that the Minister and many of his party Members asked Arlene Foster to stand aside?

**Mr Ó Muilleoir:** I thank Mr Clarke for that question. I know that Mr Clarke was at the PAC hearing that Robin Swann had the wonderful occasion to chair. I would have paid money to attend that because it was certainly a difficult session for the PAC. Let me tell you, Mr Clarke, the steps that I took to ensure that we have an objective approach from my Department in this regard. The deputy permanent secretary, Mr Colin Sullivan, was asked to lead on the issue and to be the interface on all matters relating to the inquiry, including with the judiciary. I am confident that those in my Department who have been involved thus far have not been involved in the RHI issues.

Someone asked where the civil servants would come from, so let me add that it is very important that the secretarial and administrative staff for the inquiry be independent. The word "independent" is, I believe, in the terms of reference. It is certainly accepted and will be essential that the staff who work to Sir Patrick Coghlin in making sure of the smooth administration of the inquiry are independent of any influence and were not involved in any way in RHI. I will leave it like that.

**Mr Speaker:** Members, we are making progress in getting all Members in, so I encourage short questions if possible.

**Mr Middleton:** The Minister has emphasised on a number of occasions the importance of the business case for the regulations. Can he indicate whether a business case has been completed to ensure the right approach and, if not, when it will be in place?

**Mr Ó Muilleoir:** I did not catch the Member. He asked about a business case. Which business case?

**Mr Middleton:** For the inquiry.

**Mr Speaker:** The business case for the inquiry.

**Mr Ó Muilleoir:** My apologies. I beg your pardon, Mr Middleton. Yesterday, we were discussing different business cases, and I became confused.

Where we are at the minute is that my senior official dealing with this, whom I mentioned earlier, is now working with Sir Patrick Coghlin to talk about the issue that Mr Wells brought up — the venue — and to talk about the number of staff that he might need as well. Then we will be able to put a business case together and say, "Look, we think that it will be in Stormont" — that would obviously reduce costs as opposed to the Europa Hotel — "and we think that there will be four staff rather than eight staff". When we know those matters — I hope that it is a matter of days rather than weeks — we will be able to put a business case together so that we will have, if not certainty, at least a fair idea of the costs, which is a tough one, and the time. Therefore, the business case should stand up and give us some certainty about the costs of the inquiry in the time ahead.

**Mr McNulty:** Minister, we know that 80% of the boilers in the North are fuelled by wood pellets as opposed to 80%

of the boilers in the UK being fuelled by woodchip. Can the Minister give us confidence that its terms of reference enable the inquiry to consider why the scheme in the North has been set up in such a way as to favour utilising the globally traded commodity of wood pellets produced by one company in the North called Balcas, which is a £100 million annual revenue company in Fermanagh in the First Minister's constituency? Maybe the Minister can give us confidence that the inquiry will give us clarity on that issue.

**Mr Ó Muilleoir:** I will say to the Member what I said to everyone else: I would have confidence in Sir Patrick Coghlin and his ability to get to the truth and investigate all relevant matters.

**Mr Kennedy:** I thank the Minister for his statement. Would he accept Sir Patrick Coghlin's recommendations in respect of the two panel members and endorse and confirm his choices?

**Mr Ó Muilleoir:** Yes.

**Mr Ford:** I was going to ask the question that Mr Kennedy asked. There is a real issue about ensuring that Sir Patrick has the appropriate expertise — financial and engineering — to assist him as assessors in the inquiry. If the Minister could confirm that it will not be simply a matter of bringing somebody in for an hour or two but that he gets the full professional advice that he needs throughout, that would be helpful.

**Mr Ó Muilleoir:** I believe that Sir Patrick Coghlin is aware that there may be some politicians retiring and they may like a job on the panel, but, in his view, of the two panel members, one should be an expert in this whole area of renewable energy and energy, and the other should be an expert in government accounts. You may rest assured that it will not be just two people dragged off the street. It will be two experts in the relevant fields, and that is his intention as well.

**Ms S Bradley:** Likewise, I was just seeking clarification about the two panel members and the assessors if required. Who will be responsible for appointing those people? I accept that it has been recognised that there is an obligation that the report must be delivered to a Finance Minister. Has the current Finance Minister explored the possibility of the report being delivered to the public simultaneously, because we must face the sad fact that there may not be a Finance Minister?

**Mr Ó Muilleoir:** I thank Mrs Bradley for her question. That was a conundrum that we discussed with Sir Patrick Coghlin. First of all, yes, it will be his decision to nominate the panel members, and that will be done. In relation to the delivery of the report, you are absolutely right. I suggested that it should be released to the public, but Sir Patrick Coghlin pointed out that, under the Act, he is obliged to deliver it to the Minister.

So, I have made a pledge on my behalf — and I am here for only another five or six weeks — that any Finance Minister from the party that I belong to will release the report in full, as received, to the public immediately. I would ask that everyone else here endorses that approach. So the conundrum you raise was tackled. It is not the way I would have preferred. I would have preferred that the terms of reference stated that the report would be issued to the public, but as Sir Patrick Coghlin pointed out, he is not allowed to do that under the terms of the Act.



**Ms Bailey:** Can the Minister confirm whether the inquiry will, if necessary, have access to and be able to investigate any potential links, if they are found, between party donors and the RHI scheme? Furthermore, will the inquiry be able to compel documents from the Electoral Commission if need be?

**Mr Ó Muilleoir:** The Member brings up an important question. It is not only about the compellability of witnesses, that those who Sir Patrick Coghlin asks to attend have to attend, but the compellability of evidence. If there is information out there that Sir Patrick Coghlin needs in order to get to the truth of what happened, he can compel that evidence to be produced. So the answer is yes, and it is my understanding that there is no information, certainly in this jurisdiction — there may be issues outside this jurisdiction — that he should not, or will not, be able to access.

**Mr Allister:** Would the Minister anticipate that this inquiry will operate on the basis of the chair appointing counsel to the inquiry, who will then cross-examine all witnesses? Further, will there be provision and criteria for legal representation by those appearing before the inquiry, and will Sir Patrick set that? Finally, if I can, does the Minister have any concerns that a permanent injunction that bans the naming of recipients could impact adversely on the inquiry?

**Mr Ó Muilleoir:** To start at the end, Mr Allister, I am confident that the names of the beneficiaries of the RHI scheme will be released to the public. Clearly, that will not happen today, but I believe that it will happen. I believe that Sir Patrick Coghlin will have access to those names as well.

Issues of counsel and representation are matters that are being discussed and considered by Sir Patrick Coghlin. I look forward to his conclusions on those matters.

Whatever stance he takes is the stance that we will take and support in the time ahead. I hope that we will have some clarity about that. I think that the start date for the inquiry is 1 February. That will be an opportunity for Sir Patrick to answer some of those questions.

**Mr Maskey:** First, I thank the Minister for making an absolute pledge of non-interference by him as the Minister of Finance. I note that he has asked others to do likewise. I may have missed it — I apologise if I have — but I have not heard any other party, as yet, saying that, if one of its members becomes the Minister of Finance in a future Executive, they will adopt the same position of non-interference in any way whatsoever. I have not heard that and, if possible, I would like to hear that.

Yesterday, the Assembly considered a plan from the Economy Minister to save a figure of somewhere in the region of £30 million — it was certainly less than that — out of the total of £490 million. Will the inquiry be able to examine the efforts of the Department to contain the overall costs?

**Mr Ó Muilleoir:** I thank the Member for his question and his comments on my impartial approach to the inquiry and commitment of non-interference in it. I believe that all the facts relating to the RHI scheme will come out. Those of us who want to get to the truth and get answers about RHI are content that the full picture will emerge. I am absolutely content and steadfast on the fact that, since my appointment, I have pursued the issue in a diligent and vigorous fashion. I regret that we did not reach the position we are in now in July 2016 after the Comptroller and Auditor General's report. The report was issued in June,

and July was a great opportunity for the Department for the Economy to come forward with a solution. In October, key meetings took place between officials and there was again hope that the Department for the Economy would come forward with a quick scheme, but, of course, that did not happen at that time either.

You can rest assured and we can all take confidence in the ability and the determination of the chair to get a full picture. That picture will include recommendations and will spell out clearly, and in a way that cannot be disputed, what went wrong, who was responsible and who should be held to account.

**Mr Swann:** I start by reassuring Mr Maskey that, if the Ulster Unionist Party gets Finance, we will not interfere with the publication of the inquiry.

I have a point of clarification for the Minister. It was not, in fact, the Comptroller and Auditor General who triggered the PAC inquiry; the Public Accounts Committee triggered its inquiry on the back of the recommendations in the Comptroller and Auditor General's report.

The Minister referred to the work that the Public Accounts Committee has done and whether that will be made accessible to the inquiry. As Chair of the Committee, I will ask the Committee tomorrow to give assurances that all the documentation that we have, whether confidential or restricted, is forwarded to the inquiry as a matter of expedience. While I am on my feet, I want to pay tribute to the staff of the PAC — Lucia, Elaine, Karen and Darren — for the work that they have done since we started the inquiry. They have done sterling work since we started the inquiry in June.

I want to bring the Minister back to point 16 of the inquiry's terms of reference, which deals with the support that will be given to the panel. It states:

*“the Panel will have access to external support and advice, including individuals with appropriate knowledge.”*

I seek assurance that proper due diligence will be carried out on those individuals to ensure that they have no connection to or any influence on the concept, design or up-to-date auditing of the scheme.

#### 4.45 pm

**Mr Ó Muilleoir:** Absolutely. I echo the comments of Mr Swann about the Public Accounts Committee. I know that copious documents have now been collected and much evidence presented. I presume that will be fed in as soon as possible to the inquiry. I particularly welcome — it was a long time coming — the pledge by the Ulster Unionist Party that it will not interfere in the inquiry. That is not only, of course, for some future Alice in Wonderland scenario where the UUP holds the Department of Finance portfolio but now. We all need to pledge now that we will not, for example, interfere with the chair and insist to him, “You have to produce an interim report”. We all insist now that we respect the impartiality and objectivity of the inquiry.

**Mr Attwood:** I concur with the comments of Mr Swann about interference with the inquiry, but I add that there has been a quite transparent attempt by Mr Maskey to create a fog around the fact that this week his party is enthusiastic about a public inquiry and last week was absent without

leave from this Chamber on that very issue. Everybody sees through the fog. Given the Minister's proper commitment not to interfere with the conduct of the inquiry, does he agree that under no circumstances under the flawed provisions of the Inquiries Act will there be any reliance in any shape or form on national security, the economic interests of Britain or the economic interests of Northern Ireland to suppress any detail in this welcome inquiry?

**Mr Ó Muilleoir:** If the Member is calling into question the commitment of Sir Patrick Coghlin to get to the truth, compel witnesses and compel evidence, we part company. My colleagues and I have been asking for some time for the rigorous fiosrúchán — inquiry, investigation, probe — into these matters. In fact, the interesting thing today is that the shortcomings some people highlighted are now being discussed. Putting that to the side, they are, to some degree, in the past. I think we all want to keep costs under control, but we know that is not necessarily within the remit of the Minister under the Inquiries Act. We would all like it to be time-bound, but, of course, we cannot insist on that either. I know Mr Swann said that they would not interfere only with the publication of the report, but I think even he is saying it is his view that no Finance Minister should interfere with the holding of documents, access to the inquiry and so on. I have confidence that we are at the start of a journey that will result in delivering to the public what it is hungry for, which is the truth of what happened in the RHI scheme.

**Mr Speaker:** I thank Members and, indeed, the Minister for their efforts to ensure that all Members who indicated they wanted to ask a question were able to have the opportunity to put their question to the Minister.

That concludes questions to the Minister.

**Mr Ford:** On a point of order, Mr Speaker. In his question to the Minister on that statement, Mr Paul Girvan suggested that some judges spin out cases inappropriately in their own financial interests. When I was Minister of Justice, I certainly heard such allegations made against a small number of solicitors and barristers, but I believe it is an entirely inappropriate suggestion to make about any judge. I believe the statement by Mr Girvan has called into question the integrity of Sir Patrick Coghlin and other senior judges in this jurisdiction. I also believe it would be appropriate on this, the last day of the Assembly mandate, that you invite Mr Girvan back to the Chamber and give him the opportunity to withdraw his remarks.

**Mr Speaker:** Thank you, Mr Ford. I think it is for Mr Girvan to consider his remarks, but I hope that, particularly in the situation we are in at this moment in time, the judiciary enjoys the confidence of all Members and, indeed, that that will remain the case in the days, weeks and months ahead.

**Mr Nesbitt:** Further to that point of order, Mr Speaker, I want it on record that the Ulster Unionist Party deeply regrets what Mr Girvan said and in no way wishes to be associated with anything that could be construed as an attack on the integrity of Sir Patrick.

**Mr Speaker:** You have placed your concerns on the record, Mr Nesbitt.

**Mr Smith:** On a point of order, Mr Speaker. The Minister, during his remarks, bandied around the word “interference” like confetti. Can I clarify that we were here to discuss the

terms of reference, or are they deemed to be “interference” as well?

**Mr Speaker:** You have placed your concerns on the record, Mr Smith.

## Private Members' Business

### Ministerial Code: Independent Investigation of Alleged Breaches

*Debate resumed on motion:*

*That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct. — [Mr Agnew.]*

**Mrs Cameron:** I welcome the opportunity to contribute to the debate. However, given the context in which we are speaking, the motion is, at best, little more than mischief-making.

We have been returned to this House by our constituents, who have put their belief in us to uphold our professional standards and to act in their best interests in the decisions that we make. I agree that, by entrusting us with that responsibility, the very least that our voters can expect is a system that is transparent, open and accountable. In signing the Roll of Membership, I committed to the principles of the Assembly's code of conduct and have been faithful to working selflessly, with integrity, objectivity and accountability, in an open and honest manner, while providing leadership in my constituency.

The Northern Ireland Assembly Commissioner for Standards provides an invaluable service to the House by providing regulation and monitoring of the conduct of all of us. The scope of the commissioner's remit is to ensure that serious breaches of the code are fully investigated and that the integrity of the House is upheld. I repeat my initial remarks: the motion is simply mischief-making.

I fully support the notion that there must be a system in place to investigate serious breaches, but the commissioner is not here to act as the schoolmaster presiding over disobedient pupils. To suggest that we require yet another layer of bureaucracy is completely at odds with the principles of streamlining and cutting red tape, which we have sought to achieve during this mandate and the previous one. During these times of austerity, when we need to ensure that we are getting the best possible value for money when using public funds, the idea that we should rush through legislation to add even more layers of bureaucracy is absurd. I am an advocate of transparency and openness in our government, as suggested in the motion, but the expansion of the commissioner's role and remit would place a barrier in the way of providing that.

This Assembly has deemed the Assembly's code of conduct to be fit for purpose, and it has been satisfied that the mechanisms are in place under the Northern Ireland Act 1998 to deal correctly with any breaches. I have said

this on several occasions on varying matters, and I find myself saying it again today: bad legislation is worse than no legislation. Even if we were not standing on the edge of another election, the call to bring forward urgent legislation lacks any consideration for the process involved or the implications that it may have. The commissioner's role is clear, defined and wholly adequate. Any attempts to widen that role not only undermine the office of the commissioner but undermine the personal standards and accountability with which Members must uphold their own office. If changes are to be sought, they must only be carried out following thorough scrutiny and process. They should not be sought as an attempt to create issues where none exist. We would need to give further consideration to changes such as those outlined in the motion before making them. We must ensure that persons are not found guilty on issues before we even have the matter investigated.

**Mr Beattie:** I apologise to Mr Agnew for stepping out when he proposed the motion. I had a bit of a cough.

I support the motion. I support not just the words of the motion but the words of its proposer. We need transparency in government at all levels. I will keep my remarks reasonably brief, because I support the motion, but, as a member of the Standards and Privileges Committee, I have continually said that I believe in more standards and less privilege. All that we require is enough privilege to ensure that we can do our job effectively.

We must be held to account. Every one of us must be held to account, so we need more standards. It is clear that Ministers are bound by the Nolan principles. Do not worry, I am not going to ask anybody what the Nolan principles are. I had to write them down just to remind myself. Sometimes, those principles have to be tested.

If the Assembly commissioner can investigate Members of the Assembly, it seems only reasonable that a similar investigation process should be in place to hold Ministers to account. There are certainly concerns about existing mechanisms to enforce the ministerial code, and we have seen Freedom of Information Act requests ignored; late ministerial statements so that they cannot be scrutinised before they are delivered on the Floor; Members' questions for written answer not answered or not answered on time; and, of course, the issue in regard to RHI and other scandals prior to my coming to the Assembly.

Given the state of politics in Northern Ireland today, given how people view us at the minute, and in light of scandal after scandal, surely we should all be supporting measures to improve the credibility of our Ministers. What harm would it do to permit the Assembly Commissioner for Standards to investigate alleged breaches of the ministerial code of conduct? It cannot but help. It must help.

**Mr Agnew:** I thank the Member for giving way. He asked why anyone would oppose this, and we have just heard Mrs Cameron say that it would be more bureaucratic. Does he think that it would be more bureaucratic than a public inquiry or more bureaucratic than, say, a Committee investigation into Red Sky?

**Mr Beattie:** I have got to agree, and I think that any sensible-minded person has got to agree. If you do not want the light of scrutiny shone into the corners of the work that you do, you have clearly got something to hide. I certainly have nothing to hide, and I do not think that any of us in public office should be hiding anything that we do.

I will finish by asking how this Executive, which have been damned in the eyes of the public, can argue against scrutiny and transparency? It is a simple process to have the commissioner look at all aspects of the Assembly, including Ministers, and it can do nothing but help us in the eyes of a public who do not view us in a good light at this time. I absolutely support the motion.

**Mr Attwood:** I thank Mr Agnew and the Greens for tabling the motion, which is consistent with the approach that they have adopted. I will come back to that shortly. I agree completely with what Mr Agnew said in his opening remarks. He said that there needed to be an independent open process to investigate ministerial conduct —

**Mr Speaker:** Mr Attwood, could I ask you to bring your —

**Mr Attwood:** Sorry, apologies.

I agree completely with Mr Agnew who said, in his opening remarks, that there was a need for an independent open process to investigate ministerial conduct, not least given recent events, and that there will be public anger if the motion is not passed. All of that is consistent with the amendments that Mr Agnew and Claire Sugden moved to John McCallister's Opposition Bill not very long ago.

I am completely at sea to understand Sinn Féin and the DUP's positions today compared to a short time ago, because, when this very matter arose in the Opposition Bill, Sinn Féin and the DUP opposed the then proposal of Steven Agnew to create an independent mechanism for the investigation of complaints against Ministers. They were so opposed to that proposal that neither the DUP nor Sinn Féin even spoke on the amendment in the debate. There had clearly been a cosy arrangement agreed beforehand that both would oppose the principle — at that stage, it was only a principle — that said that procedures be established for the submission of complaints of breaches of the ministerial code and for the investigation of those complaints. So, less than 18 months ago, the DUP and Sinn Féin opposed that proposal.

#### 5.00 pm

The curious thing, of course, is the comments of Mr McKay. He accepted a point from me and then said, "Well, actually, since that time the then deputy First Minister has been looking at the matter." Is it not curious that 18 months ago, despite NAMA, despite Red Sky, despite ransom strips — and, for all we know, people might have even known about RHI then — Sinn Féin, despite all that evidence, still gave the DUP a soft landing. Is it not the point of this motion — the last motion of this mandate — that 18 months ago, on issues of accountability about Ministers, around Red Sky, ransom strips and NAMA, Sinn Féin gave the DUP a soft landing? When its own constituency told them that was not acceptable, Sinn Féin, in order to catch up, rushed to an election. That is the consequence of its failure 18 months ago.

**Mrs Palmer:** I thank the Member for giving way. I share your concerns around the issue of the motion that came before the House in the name of Jim Allister and the fact that Sinn Féin, at the time, did not support it. The U-turn today is because it now impacts on their communities and it is a selfish and an arrogant statement that I have made today in pointing the finger at Sinn Féin for not taking the responsibility 18 months ago.

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

**Mr Attwood:** Whatever it is, it is a flip-flop. It is trying to cover your tracks. It is having said to people that everything was all right when things were not all right. People saw through it. That is why Sinn Féin is today supporting something that it did not support less than 18 months ago and why, on the other hand, it has rushed to an election.

If there is anything worse than that, it is the speech of Pam Cameron, who said during her contribution — in the week that is in it, in the months that are in it, can you believe that this is the approach of the DUP? Why should we have this model: "to create issues where none exist"? She said it is better to have no legislation than bad legislation. Will Pam Cameron explain to people where she sees that we are trying to create issues where none exist? What world have you been living in for the last two or three months?

That is why Mr Agnew is right to say that there will be anger. There will be anger at the DUP on the day that a public inquiry is established into RHI, belatedly endorsed by Sinn Féin because it had no place else to turn. The DUP says, "Why create issues where none exist?". In a pincer movement, Sinn Féin tries to cover its tracks by saying, "Let us have support for what Steven Agnew, Claire Sugden, the SDLP and the Ulster Unionists all voted for less than 18 months ago." Some people talk straight and some people have not been talking straight. In a short space of time, people will have to make a judgement about whether the future is about those who talk straight and those who do not.

**Mr Speaker:** The Member will conclude his remarks.

**Mr Girvan:** On a point of order, Mr Speaker. I appreciate that my comments on the ministerial statement that was made prior to this motion have created some stir. I wish to withdraw some of the comments in relation my calling into question the judiciary on how they will expedite this inquiry. I welcome the inquiry, and I withdraw some of the comments associated with how they might wish to elongate it or not expedite it as quickly as it could have been.

**Mr Ford:** Further to that point of order, Mr Speaker, I welcome the fact that Mr Girvan was big enough to come to the Assembly and apologise. It is a real pity that Members in this place speak on such serious matters without thinking of what they are saying in the first place.

**Mr Speaker:** I call Mr David Ford. *[Laughter.]*

**Mr Ford:** It is an irony that the last debate of this extremely short mandate turns out to be about the fundamental issues which have plagued the Assembly, not just for the last few weeks but for a considerable period of time, around openness, accountability and transparency of operations.

I congratulate Steven Agnew on somehow managing to come out of the lucky dip at this precise point to highlight an issue that, in fairness to him, he and his party have been highlighting for some time. Although I would like to claim a small share of the credit of the work that the Alliance Party has done, alongside the Green Party, on things such as the transparency of funding of political parties where there is still a major block in this Assembly for many others.



When I listened to the start of the debate, I welcomed the comments that Mr McGuigan made, but, as Alex Attwood said so forcibly, even when he intervened and asked what had changed, there was an inability on the part of the Sinn Féin representative to explain anything other than to say that there is an election in six weeks' time so we had better get on the right side of this and dump it all on the DUP. However, that party's behaviour has been in parallel with the DUP on many occasions.

I applaud my constituency colleague Pam Cameron for her ability to defend the indefensible party line consistently and show her loyalty, but I am not sure, from what I have seen so far, that it will go down very well on the doorsteps of South Antrim. There is an inability in all that we face at the moment to recognise the public disgust at the behaviour of certain people in this place and, most particularly, in the Executive. If we do not have openness and transparency about public dealings, we see a decrease in trust, and if that trust continues to decrease because there are no accountability mechanisms at work, it is not just a matter of concern; it turns to complete cynicism. That is, frankly, what we are witnessing amongst a very large number of our people. Sadly, we have seen all too many examples, and they have not all been confined to the DUP. We do not need to recite the litany of Red Sky to NAMA to the strategic investment fund to RHI. It just goes on and on.

No doubt, what we saw from in/out Ministers not so long ago and the failure of the outgoing First Minister to accept her role when she was Minister in DETI to deal with the issue has further added to that. Yesterday, we in this House were asked to sign off on RHI regulations that have not been subject to proper scrutiny on a simple basis of trust, but that trust can exist only if there is accountability for the way that Ministers carry out their duties, not just that there is accountability for MLAs as Back-Benchers, but that there is accountability for Ministers.

The appointment of the Executive communications director, or whatever David Gordon is known as, is a classic example. Basic HR procedures were ignored. Less than the full truth emerged and facts were eventually slowly dragged out from the bunker, sorry, from Stormont Castle. It is a classic example of why people have lost trust in the way that this place operates; it is a classic example of why the ministerial code needs to be enforced at least as rigorously as we enforce procedures against Members.

There may be a temptation for coalitions like the current one to do deals that show a lack of openness, but when we see how Committees are treated, for example, over budget procedures, completely undoing the way in which they were set out in the Good Friday Agreement, it seems that we have an action at the moment of two parties unwilling to move on at all.

We do not just need a way of investigating matters; we need to ensure that we have robust procedures when investigations are carried out. The fact that, in this place, uniquely amongst legislatures on these islands, the Public Accounts Committee can be chaired by a member of an Executive party, and members of the PAC will use their efforts to defend Ministers of their parties, is a disgrace and would not be tolerated anywhere else.

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

**Mr Ford:** Certainly.

**Mr Wells:** I had the benefit of sitting on the Justice Committee for two years. Is the Member telling me that, on no occasion in those 24 months, did a Member of his party not use the opportunity at that Committee to ask planted questions designed to protect him as Minister?

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

**Mr Ford:** All I can say is that I remember officials coming back into the Department and saying, "You wouldn't have been very pleased with what Trevor or Stewart said at the Committee yesterday, Minister". So, I do not think that that has been the case for my party, but when you get a party with three or four Members on a Committee of 11 working to defend their Minister, there are real questions as to how this operates when we discuss issues such as PAC and not policy decisions and when what the Minister has been doing is discussed in departmental Committees. Of course, fundamentally, we have seen the way in which the petition of concern has been deployed by a single party to protect a Minister in some difficulties. The notion that it would be acceptable to do that anywhere is just unacceptable. Why is it that behaviour that would see Ministers sacked in any other legislature on these islands seems to be a recipe to keep people in place, or possibly promote them, here?

I congratulate Steven Agnew for the work that he has been doing and on splitting up the Executive — although that is not terribly hard to do these days.

**Mr Speaker:** The Member must conclude his remarks.

**Mr Ford:** It will be interesting to see where the Minister of Justice sits today. I welcome the fact that, at last, we have some openness around this discussion.

**Mr Stalford:** A lot of issues have been raised by Members from various parties. Over recent days and months, we have heard people talking about the need for reform of these institutions and the need to change the way in which things operate. It is clear to most observers that, whatever the outcome of the election, those of us who are fortunate enough to be returned are likely to be elected to some sort of talks process. Part of that talks process will entail reform of the institutions and changing how things operate. I absolutely want to be part of those discussions and debates.

Recent events and, fundamentally, the architecture of the institutions that were created in 1998 demonstrate the need for fundamental reform and a move towards a more Westminster-style of doing things. I would absolutely welcome that. I would welcome participation in such a process and would hope that all parties feel the same. I am happy that we should look at the scrutiny of Ministers and all those who are elected to this place in terms of how they function and operate.

As a new Member, I was elected seven months ago along with other new Members who come from a background in local government. I had the opportunity to see how, in local government, there is an immediacy of delivery; you can turn things around really quickly for your constituents and get things done. Sometimes, the system here is very difficult to navigate and can become clogged up. If, as part of the reform of the institutions, people want to put forward new ideas for how people function and exercise their power, I would be prepared to give those ideas a fair wind. I, personally, have nothing to hide from openness and transparency. I would hope that anyone who is fortunate

enough to be elected here to represent the people can say the same.

I believe in scrutiny and transparency. I believe that Ministers should be held accountable for how they conduct themselves in office and out of office. I listened to the comments from the Member for North Antrim Mr McKay. They amounted largely to policy criticisms, particularly of the Minister for Communities.

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

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

**Mr Ford:** I appreciate that you are the second one to say it, but I really think that we should give Philip McGuigan his name and not Daithí McKay's.

**Mr Stalford:** I beg your pardon. I apologise. Daithí McKay is now off to that happy land of being the commentator, where you get to talk about everything, do not actually make any decisions and get paid for it.

I listened to his comments and a lot of what he said amounted to effectively policy criticisms of the Minister for Communities. In particular, one of the issues that he cited was the funding of community halls. I would point out to Mr McKay — *[Interruption.]* That is twice. I would point out to Mr McGuigan that since the first cessation of IRA activity, the number of attacks upon Orange halls has skyrocketed.

Hatred for and directed at the Orange Institution and its members has increased. Therefore, when a hall applies for funding — a funding process in which the Minister had no hand in making the decisions about who gets the money — and demonstrates that they meet the set criteria, it is not for anyone to gainsay or deny them their funding, least of all because of the background they come from.

5.15 pm

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

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

**Mr McGuigan:** Does the Member accept that the Minister sets the criteria for the community hall fund and can skew the criteria in favour of one section of the community?

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

**Mr Stalford:** I am grateful.

The Member talks about the criteria being skewed. Oddly enough, the Member was part of the Government — or his party was, until it decided to have a hissy fit and walk — when this programme was launched, and there was not one word of criticism. You did not say that the scheme was skewed and unfair when you were in government. I suspect that you are saying it now because we are in the teeth of an election. A lot of what has been said here —

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Stalford:** — is because you are in the teeth of an election. I am absolutely up for scrutiny, openness and transparency — bring it on.

**Mr Allister:** Mr Ford rightly observed that, as this Assembly collapses, and it is not unrelated to the issue of ministerial accountability, it is ironic that we are discussing the total absence of any system to import accountability in respect of Ministers, and so it is. It is also fitting, because it is quite astounding that, after all the years of limping

through devolution that we have had, we are still at the point of effectively having no mechanism to hold Ministers to account for their actions as Ministers. Yes, we have a code of conduct. Yes, there is a ministerial code. But there is no mechanism to investigate, in any independent sense, whether or not a Minister has fallen short of the standards thereby imposed, and that is deliberate.

Today, we see a deliberate intent to hold on to that. Mrs Cameron's speech was quite amazing. She told us that she believes in accountability, transparency and matters of openness, and then she berates the very modest suggestion that we should have some mechanism to investigate Ministers' alleged failures. For her to tell us that that is mischief-making is itself quite astounding.

Ordinary MLAs are subject to an investigative process through the commissioner. Yet Ministers, who make the real decisions in this House — who get into the sort of trouble that has landed us in this present situation — are immune from investigation. They are protected by a system that affords only the First Ministers together acting against their own, which is unheard of in this incestuous place, or 30 Members raising an issue that the DUP does not block by petition of concern, as it did in other cases. So, for all practical purposes, there is neither a means of investigation nor a means of holding to account Ministers in this House. Hence, to suggest we should extend the powers of the commissioner, who examines us as MLAs, to Ministers in their role as Ministers is not mischief-making. It is a very basic component of the start of accountability that anyone would reasonably expect. The fact that, at the moment, the primary party in the House is seeking to block, avoid and thwart that extension is a huge commentary on that party and, as someone said in the debate, an indication that the last couple of months have taught them nothing.

What Mr Agnew is asking for is the barest minimum of an investigative process that will not cost the House anything of significance because the apparatus already exists with the commissioner. Therefore, this is simply about extending his remit to Ministers who, until now, have been the untouchables in the House. We saw scandals, like how Mr McCausland conducted himself with Red Sky and elsewhere —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Allister:** — and we saw how his party surrounded him in the Committee to protect him.

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

**Mr Allister:** Yes.

**Mr Beggs:** Does the Member agree that the importance of this issue is that it should also bring in the accountability of SpAds? In the Red Sky affair, there was a recommendation that a full, formal disciplinary investigation should occur because there was sufficient evidence. The Minister refused to allow that to happen. Does he agree that it is important that the responsibility for SpAds be brought under scrutiny as well?

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

**Mr Allister:** Thank you. I certainly do. Indeed, the Member will recall that, after the Red Sky debacle, I brought a second SpAd Bill to the House. One of the things it sought to do was to make the SpAds' code of conduct

and measuring them against it subject to the Civil Service disciplinary procedures. Who voted that down? Sinn Féin, a party of suspension at that time —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Allister:** — which would not debate cancer or autism but returned to protect the vested interests of SpAds and to vote it down. That says it all, really.

**Mr Agnew:** I am delighted to make a winding-up speech on this debate, which has been the first-ever sole Green Party private Member's motion. Thanks to the election of my colleague, Clare Bailey, we have two Green MLAs, which has increased our ability to use the Assembly privileges to put such suggestions forward. As a result, Mr Speaker, as you know well from the many letters I have written to you in my continual lobbying, I think all Members should be represented on the Business Committee. I am delighted that is one of the areas of progress we have been able to make in the short life of this Assembly.

Mr Ford made reference to the "lucky dip", and how I was quite lucky to get this timing to bring forward the last private Member's motion. Whilst the timing was luck, I assure you that the selection of the motion was no accident. I think it is right that we conclude this short Assembly term by calling into question how we hold Ministers to account. The least we can do, on the other side of this election, is improve our accountability processes and take action to restore some public confidence, although this one measure will fall somewhat short of undoing the tremendous damage that has been done, whether it be through RHI, the lack of a Budget or the collapse of the Assembly itself.

I thank Members for contributing to the debate, particularly those who supported the motion.

One of the issues that came up was Sinn Féin's change of position and the differing narratives of Mr McGuigan and Mr Attwood. Mr McGuigan highlighted recent issues and drew attention to decisions of the Communities Minister that, I take from his contribution, he would call into question if there were a process for making a formal complaint against Ministers. He added that the conversations that I have had with the deputy First Minister had influenced Sinn Féin's position. I wish to take him at face value on that, because I would love to go to the electorate in North Down and say, "I can change Sinn Féin's policy. Vote for me", but it might be an over-claim. In all seriousness, I valued the input of the deputy First Minister on the issue. I wish him good health and a full recovery. He took the time, he was helpful and he responded to all my questions and queries.

Mr Attwood, of course, has a different take on the narrative of Sinn Féin and very much sees it as an opportunist position heading into the election. I am not going to make judgement. I welcome the support today. That support is on public record. Should I be re-elected to the House and should we get the institutions back up and running, I will bring the issue back and will look for the continuing support of Sinn Féin for legislation and actual change. I give Mr Attwood — he apologised for having to leave — the commitment that I certainly will hold Sinn Féin to its commitment of support.

Others have mentioned the position of Pam Cameron. I find it bizarre. When you use a term such as "mischief-

making", it is kind of saying, "We object, but we have no reason to, so instead we throw a form of insult". In a previous debate, Mr Alex Attwood referred to fog being created, and this was a smokescreen. The DUP does not have good reason for opposing the motion. I was accused of mischief-making, and that is supposed to suffice.

The idea that this would somehow lead to greater bureaucracy stands in contrast to the evidence. Look at where Ministers have been complained about in the past. In the absence of a process, we had the Red Sky issue. We had a Committee inquiry into that involving 11 Committee members, all the Committee staff and numerous meetings and calling of witnesses. This process would involve one commissioner and one independent investigation, rather than a political investigation that, I have no doubt, some at the time called a witch-hunt, as is often said when people are defending their Minister. We would have a much more streamlined process and take it out of the political debate and trial by media that I mentioned earlier. The claim that it would be more bureaucratic is spurious.

I give credit to Doug Beattie for the quote of the day: "more standards and less privilege". I could not agree more, particularly when we look at the issue of Ministers. We have not seen the standards that people expect. I used to be on the Standards and Privileges Committee. When MLAs breach standards, they are investigated and are held to those standards by the commissioner through an independent finding. Regardless of what the Assembly decides to do thereafter, it is for ever on public record that a Member has been found to have breached the code of conduct. We should expect the same standards of Ministers. They certainly have the privileges, and the two must go hand in hand.

In an intervention, Mr Beggs raised the issue of SpAds. It is a key question. Again, when I was a member of the Standards and Privileges Committee, we reviewed the code of conduct and looked at the issue of Members' staff. We said that Members were responsible for the actions of their staff, and the same standard should apply to Ministers and their SpAds. I see Ms Palmer nodding her head. We have seen the damage that the actions of SpAds can do. Someone has to be accountable for them, and I would argue that the Minister, as their employer, should be accountable.

### 5.30 pm

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

**Mr Agnew:** I will indeed.

**Mr Beggs:** Will the Member acknowledge that it is even more important than that? When SpAds deal with senior civil servants, they are deemed to be acting on behalf of the Minister, so they have great authority and thus it is especially important that their behaviour is scrutinised.

**Mr Agnew:** I absolutely agree, Mr Beggs.

Another point I will make is about the idea of the distinction between the Minister and the Department. When I was drafting my private Member's Bill, I asked, "Should that say 'Minister' or 'Department'?". The legal advice that I was given was that they are one and the same. The same should be true of a SpAd. The Minister, the SpAd,

the Department — they are one entity. The Minister is responsible, and that is where the buck should stop.

Mr Ford highlighted the work that the Greens and the Alliance have been doing on openness and transparency in relation not just to this matter but to party donations. I deliberately left that point to the end, because I think that there is no better time to make these points. There is public distaste about the record of this Executive. There has been a lack of openness, transparency and accountability, and this measure is about introducing transparency, accountability and openness. There are other measures needed. This is but one measure, and transparency around political donations is another. My colleague Clare Bailey raised this today in relation to the RHI inquiry, but, across the board, we need to find out the relationship between those who fund the parties and the decisions that those parties make.

This is a modest proposal today. I welcome the support that there seems to be from around the House. I compel Members — sorry, I wish could compel Members. I urge Members to give it their full support and thank them for their contributions.

*Question put and agreed to.*

*Resolved:*

*That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by Back-Bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public nor the Ministers themselves; and calls on the Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the ministerial code of conduct.*

**Mr Speaker:** I ask Members to take their ease while we change the top Table.

*(Madam Principal Deputy Speaker  
[Ms Ruane] in the Chair)*

*Motion made:*

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

## Adjournment

### Broadband: Newry and Armagh

**Madam Principal Deputy Speaker:** In conjunction with the Business Committee, I have given leave to Danny Kennedy to raise the matter of broadband provision in Newry and Armagh. The proposer of the topic will have 15 minutes.

**Mr Kennedy:** Madam Principal Deputy Speaker, I thank you and the Business Committee for affording me the opportunity to debate the issue of broadband provision directly relating to my constituency of Newry and Armagh. I also place on record my good wishes to you as you leave the House, and I wish you well for the future. I sincerely hope that this is not the last time that I address the Chamber, but, as there are at least five others in the same position, I think it will be for the electorate to make those decisions.

I welcome the attendance of the Minister and his officials at the debate. It is the last debate of the current mandate, and I welcome the important fact that the very significant issue of broadband provision throughout the Newry and Armagh area is being afforded a hearing in the Chamber this evening.

I, with others, receive regular contact from my constituents on this issue. It is abundantly clear from the representations that I receive that the lack of broadband provision, particularly in rural areas, impacts in many ways on families and businesses that reside in various locations across the constituency. The Minister will know that I have raised this matter frequently with him and with previous Ministers. Indeed, I recently met officials from the Department for the Economy to discuss this very issue.

It is clear, however, that my constituents remain deeply frustrated by our Executive's failure to achieve swift progress in delivering an efficient and high-quality broadband service. There can be no doubt that a serious deficit exists in the quality of broadband offered to rural areas of my constituency. This situation is also prevalent in other rural areas of Northern Ireland. People in areas such as Lissummon, Ballygorman, Cladymilltown, Altnamackan, Loughgall, Mullaghglass and countless others, unfortunately, all of which are located in my constituency, find themselves in a position currently where they are provided with little or no effective broadband provision. Whilst there has been an indication that some postcodes located in those areas will be included in future broadband improvement projects, the reality is that many families and business owners who reside in those areas have no confidence in the ability of the Executive or of BT, as the network supplier, to deliver on their promise to provide the necessary improvements required. For the avoidance of doubt, I should place on record that I am a former employee of BT.

I have met a number of community groups in my constituency regarding the problems that they experience



with broadband provision. In one instance, over half the residents in the Lissummon/Ballygorman area, a strongly rural part of my constituency, find themselves in a position where they cannot receive a service of two megabytes per second, whilst over 90% are unable to get 10 megabytes per second. This is far from satisfactory, and it compares very unfavourably with UK and Northern Ireland comparable data.

There is clearly an urban/rural digital divide in the quality of broadband provision offered, but deep frustrations also exist regarding the lack of detailed information provided by the Government and BT regarding broadband improvement plans for rural areas. The lack of high-quality broadband, for instance, has an impact on the ability of many rural businesses to function efficiently, placing them clearly at a disadvantage to other competitors in their particular field. This undoubtedly places additional pressures on such business owners, discouraging them from remaining in their current rural locations.

Also, poor-quality broadband provision has a negative impact on the quality of life enjoyed by families who live in rural areas of my constituency. Students find themselves unable to complete homework or assignments because of insufficient broadband coverage, and they have to depend on alternatives in their schools and colleges, or on other facilities such as libraries or cafes, to access or download materials required to assist their studies. That means that they have to travel to those alternative locations.

Many utility suppliers ask for payment of bills online. Again, families in rural areas are hindered in completing such tasks as a consequence of poor access to broadband coverage. Even communicating with family and friends who reside elsewhere in the world has proven difficult because of this situation.

I want to relay some of the stories and comments from those impacted most by this in rural parts throughout my constituency. I have quotes here from the business community:

*"Impossible to complete business deals".*

*"Unable to upload presentations for customers to view — need to use hotels / coffee shops or send USB stick".*

Some have even been timed out from completing government sites, which is bizarre and should not be the case. The comments on education are very similar:

*"Homework cannot be done on time".*

*"We have children in the house that have not even been able to complete work for university assignments ... had to go to someone else's house".*

On social engagement, people have reported:

*"Problems in online banking, ordering prescriptions, paying car tax and MOT, accessing e-mails, communicating with friends".*

One family said that they have:

*"a son in Canada and mostly we can only talk on Skype — no picture."*

Aligned to that are the costs. People have said:

*"paying for a very poor to non existent service in a rural setting is very upsetting and infuriating."*

Some people have expressed themselves tired of phoning BT to come and sort it out; others are concerned about having to change over to satellite broadband. Yes, alternatives are advocated — I have no doubt that the Minister will speak to those — but, in some cases, those have proven to be much more expensive, so we need to look at that. Realistically and properly, some people are asking:

*"Why do I pay the same as someone with 20 Mbits per second"?*

They are not getting anywhere near that service. People are asking why they are:

*"paying the same prices as areas with much better broadband reception".*

I could continue to detail many more circumstances, but I want other Members to contribute and to hear what the Minister has to say. I take this opportunity to make an impassioned plea to the Minister to pursue, within a quick time frame, the network improvements that are so clearly required. We are living in an age where the world is heavily dependent on digital services. Frankly, it is not acceptable that so many households in my constituency, and across Northern Ireland, find themselves at a clear disadvantage to others as a consequence of being unable to avail themselves of high-quality broadband provision. Unfortunately, the development of our broadband network in Northern Ireland appears to be well behind that in other parts of the United Kingdom, the Republic of Ireland, and parts of Europe.

I know the circumstances that we are in, but my hope is that departmental officials will continue to explore these issues and find solutions so that, at the earliest point, those solutions can be delivered to my constituency and to the people who have such frustration with the lack of service. The Department should give priority to improving our local network, within an urgent time frame, to ensure that we do not continue to fall behind others who are investing heavily in their respective networks. I am pleased to have had the opportunity to address the House on this important issue. I know that the Minister takes it seriously and that his officials are working on it. My hope and plea, on behalf of the many constituents all over my constituency of Newry and Armagh, is that better service is provided as quickly as possible.

**Madam Principal Deputy Speaker:** I would like to thank the Member for his nice comments and to put on record that I have really enjoyed working with him and with the rest of the team here.

**5.45 pm**

**Mr Irwin:** Madam Principal Deputy Speaker, I wish you well in your retirement.

The issue of poor fibre broadband speed in the Newry and Armagh constituency has been and continues to be a source of great concern for many dwellers. I am sure that other Newry and Armagh representatives in the Chamber this evening will agree that, collectively, we have made hundreds of direct enquiries to many bodies in order to

try to improve the situation for those with substandard access to broadband. Only a cursory glance at Members' questions to the Economy Minister is needed to see that it has been a very topical subject in recent times. In my case, such approaches have been the result of concerns raised by consumers in the constituency who remain dissatisfied with the roll-out of an adequate speed of fibre broadband in this largely rural region. The bottom line remains that, in most rural areas, fibre to a cabinet with copper from the cabinet to the home is completely inadequate over any reasonable distance and delivers a very slow speed, to the point at which Internet access is almost non-existent. This ineffective service means that, for families, businesses and anyone who relies heavily on the Internet, any online activity is extremely difficult and protracted. I have had many people contact me to state that, on countless occasions, when online for banking, shopping or business ordering, a programme crashes or takes so long to load that the process is unworkable. That situation needs to change.

In a large number of these situations, residents live within a stone's throw of a green fibre cabinet, but, because of the route of the overhead copper line, the signal that they receive has lost so much strength over the distance that they have very weak broadband speed. That is very frustrating for those in that position, which is representative of a significant number of constituents.

As our Economy Minister, Simon Hamilton, has stated on many occasions, the Department has pumped £64 million into encouraging private sector upgrades to broadband provision. Whilst that has increased provision, there remains a need to increase the speed and usability of the connection. Some 7,000 homes in Newry and Armagh have seen improvements. While that is welcome, the pace of technology and ever-growing reliance on the Internet mean that speed trumps everything. Without a superfast service, most of today's online applications and tools do not perform well enough to be used effortlessly.

I am aware of the commercial sensitivity with regard to BT and the issues that that presents, making it difficult for a devolved Government to demand change. Other options, however, are emerging, and technology is evolving rapidly. Recently, I found it useful to meet a local group that wants to replicate for their premises a model of fibre supply that has transformed Internet speeds in rural north-west England. Broadband for the Rural North (B4RN) is an independent, community-led social business. The outworking is an arrangement whereby scores of individual rural homes and businesses have a fibre connection to their premises. This is installed underground and has delivered maximum broadband speed. I encourage Members to look at the project online to see how beneficial it has been to communities there. Locally, the Broadband for Northern Ireland (B4RNI) project wishes to pursue that model, and I am certainly keen that the Minister engage with the group to fully assess the opportunities from such a community-led programme and what it could achieve. I know that my local council is also taking a keen interest in the project and is working to assess how to make broadband improvements in focused areas in the borough. Fibre to premises remains the most reliable and cost-effective method for consumers, and the reluctance of BT to improve services for consumers cannot be allowed to hold up progress.

It is, of course, most unhelpful that the devolved institutions face a period of uncertainty, and the blame for that lies solely at the feet of Sinn Féin. However, it should not stop the Minister continuing to assess the issue of broadband and working to improve provision in Newry and Armagh.

**Madam Principal Deputy Speaker:** Members have eight minutes to speak.

**Mr Boylan:** A Phríomh-LeasCheann Comhairle, I wish you well in your retirement. I have had the privilege of working with you over the last 10 years in the Assembly.

I thank the Member for securing the debate. I say to the Minister that, over the last number of years, we have made progress on the matter. When you look around, you see a lot of new technologies. I want to refer to some people who have already contacted me. The Minister will agree about the key elements: working in partnership and public funds and the responsibility of ensuring that they are spent properly. Those are the key elements of my contribution today.

I know for a fact that, over the past number of years, the Assembly has given money to address the not spots across rural areas. I say that because I want to remind the Minister. When you hear stories like this, you think to yourself, "What exactly have we been trying to do to address the issues?". As recently as 20 January, residents across Armagh city received a letter stating that the superfast broadband team was "delighted" to tell them that superfast broadband was now available on their street. The team had checked the speed line, and certain urban areas could get up to 79 megabytes. Urban settings have been availing themselves of quality broadband for a number of years, so this is no news to us. When we agreed on wanting to go forward to address the issue of broadband — Mr Kennedy has been here on a number of occasions, as has Mr Irwin — the whole idea of the schemes was that they were about rural broadband. I know that the Minister has taken a lot of questions in his time on the matter, and I want to talk to him about some of the issues that I have been dealing with. I want to read some things into the record, just to get a feel of the issues. To be fair to the Member who introduced the debate, he has had similar experiences to most Members in the Chamber.

I will read out this letter to one of my colleagues:

*"Dear Mr Brady,*

*I hope you can help me. I am 15 years old, fourth year, and I have started to prepare for my GCSE exams."*

This is 14 or 15 months ago, so the young lad is now 16 years of age:

*"I need access to BT fibre-optic Internet to keep up with my studies, but BT refuses to connect my house, even though a new fibre-optic cabinet was installed earlier this year at the bottom of my lane, approximately 250 metres from my house."*

That letter is from young Matthew Nugent, 58 Tievenamara Road, Keady, BT60 3JA. When his mother enquired on his behalf to BT and talked about an engineering solution, BT said that, if an engineer was asked, it would not be a difficulty. I know that we are working in partnership and that we have given money. In consultation processes with previous Ministers a number of years ago, we used postcodes to identify areas known to Members who have

spoken in debates previously as not spots. I have said this on a number of occasions, including to this Minister, and I appreciate him coming to respond to the debate. It will be difficult to address the issue of fibre-optic broadband in all areas. Every Member here will agree that that is the solution that most people who contact us are crying out for.

The Department and BT are offering an alternative satellite solution, which I certainly appreciate. I could read out lists of names all day of people who have contacted me about broadband services and provision — the likes of young Matthew Nugent, Jacqueline McCullough, Martina Gaffney of Tivnacree Road and all these people in rural areas — and I could read out lists of townlands and parishes as well.

We are giving money to BT, but I do not think it has been upfront on this matter. In saying that, I know that, by the end of 2017, we will get another report into where we are and where the new cabinets have been established. At that point, we will need to collate that information and find out where the gaps are in provision.

I will read out another example. It is from a Mrs Helen Hughes at 99b Armagh Road, Newtownhamilton, BT35 0HJ. Mrs Hughes had been having a lot of trouble getting connected to broadband. By way of a bit of background info, she is registered to go on to the Newtownhamilton line, and the box is 8 kilometres away. That does not give her access to suitable broadband. Openreach has been out to get her connected on three separate occasions. Each time the engineers called out, they advised her that she is better off getting connected to the Keady line, which is only 3 kilometres away. Still and all, she is 3 kilometres from the nearest line, but she would not get a connection. For some reason or other, unbeknownst to me, and no matter how many times you contact BT, she cannot be connected to that line.

Minister, I hope you take on board some of the comments today. You still have a number of weeks in office to discuss where the 2017 programme is and to update it. I would ask the question, and it is about a wee bit of common sense. It cannot be hard for this lady to be connected to the line. When we phone BT or have meetings with them and talk about an engineering solution, they say to us, "It is not a problem", but that is the end of the conversation. I want — I hope this is the case — the money we are giving to BT to be responsible, value for money and to provide a service, particularly to those rural people. That is the basis of why the Member brought the debate today. Like I said, there is no point coming to tell us that urban speeds are up; it is people in rural areas who are crying out to be connected.

**Mr McNulty:** Thank you, Madam Deputy Speaker. Like other Members, I wish you well as you start the next challenge of your life.

The great digital divide: my colleagues in local government and I get contacted about this on a daily basis, like other Members. It is fitting that, as we leave this place tonight and move into an election phase, we discuss this very important issue, which impacts so many families, businesses and farmers across Newry and Armagh. I thank Mr Kennedy for bringing this issue before the House. I am sure that, like me, he is constantly inundated with calls and queries.

The rural/urban digital divide is growing wider and wider. Broadband, or, indeed, the lack of it, is becoming a crisis issue for so many in our rural communities. In the North,

8% of premises have less than a 10 megabits per second download speed. I know of many communities in Newry and Armagh where 90% of the premises have less than a 10 megabits per second download speed. The Department for the Economy is creating pockets of disadvantage that did not even exist 10 years ago. It is well for the Minister sitting up there in Strangford, where the download speeds are second only to those in Belfast. Broadband is not a luxury; it is a necessity for modern life. Young primary-school children and students at university need access to broadband. If a householder wants to do online shopping or banking or keep up to date with work, they need access to broadband. Indeed, the farmer who wants to complete his or her single farm payment application online needs access to broadband.

#### 6.00 pm

Small businesses in rural communities are struggling to survive using current broadband download speeds. I know of one business near Madden in County Armagh that is competing on a global playing pitch, innovating beyond belief on an annual basis and growing its workforce, but is being held back by a lack of broadband provision. I have met many of these people. They are deeply frustrated, to the point at which they are fed up with announcement after announcement about investments in broadband, only to be told, "Oh, sorry, that doesn't impact on you".

I am talking about people on Ballyscandal Road or Battleford Road in Tullysaran; Mullan Road, Tynan; Slaterock Road, Granemore; Drumgreenagh Road, Madden; Tullyah Road, Beleeks; Dundrum Road, Tassagh; Tandragee Road, Portadown; Listrakelt Road, Derrynoose; Lake Road, Cullyhanna; Ballydogherty Road, Lissummon; Skeriff Road, Cullyhanna; Polkone Road and Glenmore Road, Aughanduff; and the Tullyherron Road, between Whitecross and Mountnorris. I can go on and on and on.

If this place is to mean anything — anything at all — to the people whom we represent, surely we can get pressure put on BT or central government to sort this out once and for all. A scheme has been rolled out on the Carlingford peninsula — the wild and wonderful Carlingford peninsula — whereby fibre broadband has been delivered to the home. The premises there are all running on superfast broadband.

In the North, however, we do not do it right. We bring fibre to the cabinets, and then copper to the home. If you are over half a mile from the cabinet, forget about it. The greater the distance from the cabinet, the lower the speed. The South is leaving us behind. Why would a company that may be rurally oriented move north of the border?

Why should our rural communities pay the same BT bill as somebody who is getting superfast broadband download speeds when they are getting, say, only 0.5 megabits per second (Mbps)? Why, for two totally different services, should those two bills be the same?

I remember, as a child, Santa bringing me and my brothers and sisters a Spectrum 48K. The first game that we played on that Spectrum 48K was 'Horace Goes Skiing'. We used to load the game from a cassette tape, and the game loaded over three or four minutes. In my home on Aghmakane Road, the download speed is equivalent to loading 'Horace Goes Skiing'.

I am glad to have welcomed representatives here from several communities in Newry and Armagh who are totally frustrated about their situation. They surveyed their communities. In Lissummon, 60% of respondents cannot get 2 Mbps, and 90% cannot get 10 Mbps. Recent figures from Ofcom show that 8% of premises in NI cannot get 10 Mbps, and just 3% cannot get 2 Mbps, so they are well behind in Lissummon.

Not only is the urban/rural digital divide getting wider but we in Lissummon are falling behind our rural neighbours. These are reported individual impacts. These are real-life stories:

*"I am no longer able to work from home, which puts pressure on family life and negatively impacts on my business."*

*"Broadband decisions by government and BT Openreach have created a new pocket of disadvantage in Lissummon."*

*"I have to sit several hours on the phone to BT, complaining about the connection, but nothing seems to work. As a consequence, my clients' invoices, transactions and important emails are often delayed."*

*"It is impossible to complete business deals."*

*"Unable to upload presentations for customers to view. Need to use hotels/coffee shops or send a USB stick."*

*"I am timed-out from completing government sites."*

It affects education:

*"We have children in the house who have not been able to complete work for university assignments ... had to go to someone else's house."*

*"Homework cannot be done on time."*

*"Children have to use 4G on mobile devices to do homework."*

It also affects people socially:

*"I cannot buy anything online as it cuts out."*

*"Unable for multiple people to use internet at once."*

*"Problems in online banking, ordering prescriptions, paying car tax and MOT, accessing e-mails, communicating with friends."*

A more serious problem is that when these people ask questions and try to find out when the provision will improve in their areas, they cannot get any answers. They cannot design for the future; they cannot plan for the future because nobody will give them any answers about when broadband will be delivered to their homes. Who will give them the answers? We have heard in recent election campaigns about people delivering broadband to Newry and Armagh. Where is the broadband that is being delivered to Newry and Armagh? Where is it? People are sick —

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

**Mr McNulty:** We need the delivery of broadband to Newry and Armagh now.

**Madam Principal Deputy Speaker:** The Member's time is up. I call Jim Wells

**Mr Wells:** It is normal for the Father of the House to be the last Member to speak in the last debate on the last day. As one who is truly the Father of the House, unlike the imposter, the young Lord Morrow, it is the appropriate time for me to speak.

I was the last person in the Public Gallery when the Assembly fell in 1976, I was the last person speaking when the Assembly fell in 1986, I was the last person in the Chamber before it burned down in 1995 and I was frequently the last person speaking in various debates in the Assembly before it collapsed. Indeed, it led the honourable Member for Newry and Armagh to come out with the most wonderful one-liner that I have ever heard in the Chamber. After I had recounted the frequency with which I was the last person to speak, he stood up and said, "Would he reassure us that he was not the last passenger on the Titanic?" Well, I was not, although, at times, I feel like it.

It is appropriate that the issue of broadband is raised in this forum. Although I do not represent Newry and Armagh — I represent South Down along with you, Madam Principal Deputy Speaker — I have found that there is incredibly poor broadband, particularly in two areas. Those are the Dunmore Road area of Spa just south of Ballynahinch and what you would know as the Yellow Road area around Hilltown, Mayobridge and Rathfriland, where there is also a chronic under-provision of broadband.

I have frequently contacted BT about that problem. They have explained to me that there may only be six potential customers on the road and, with the cost of bringing the fibre-optic cable up that road being tens of thousands if not hundreds of thousands of pounds, they would not see any return on that investment. The problem is that, often, many of those roads have people on them who are businessmen and students, those who require broadband. The honourable Member for Newry and Armagh summed it up: in rural areas today, broadband has gone from being a luxury to an absolute necessity. As one who lived in an area of poor broadband coverage and who has now moved to one that has a very good connection, I can certainly understand the frustration felt by the Members present. Of course, I moved from a rural area to an urban area and in urban areas of Northern Ireland there really is no problem at all.

Should we not be encouraging people not to commute or undertake needless journeys by working from home and using the connectivity that we now mostly enjoy in order to cut down the number of miles travelled and the congestion in our towns and cities? Of course, the problem is that this is simply not an option for the individuals concerned in many parts of Northern Ireland.

When I have raised this with BT, it has told me that there is satellite provision. I have to say that almost everybody whom I have dealt with as far as satellite provision is concerned has not been happy with the product. First, the cost can sometimes be considerably higher than that which is relevant to landline users. Secondly, there is often a limit on the amount of data that can be downloaded on a satellite system and, once you pass that threshold, the cost of downloading becomes horrendously expensive. Thirdly, for some reason, which I do not understand, the quality of the signal is always much poorer than that available from a landline broadband connection. Until the satellite system



is up to the same standard as landlines, I do not think that that would be seen as an option for the people of rural areas in Northern Ireland. Broadband has become such an essential part of provision, in the same way as electricity, water etc, that our rural communities will be left behind if we cannot deal with the system.

I understand that funding is being provided by the Minister's Department to assist BT in carrying out extensions to its cabling in rural areas, but we still have a long way to go. Now, the adverts tell us that 88% of the population in Northern Ireland is serviced by high-speed broadband, or even higher. However, they do that on the basis of population rather than area, and that leaves large swathes of the countryside where provision is extremely slow, particularly in households where there may be three or four people who need to use broadband. Maybe the father is a businessman, architect or accountant who needs broadband in his office, and the older children in the house may need broadband for homework tasks. That puts further pressure on the very limited broadband width that is available. Therefore, I think it is highly appropriate; Mr Kennedy has indeed raised a very important issue.

I just wonder how long it will be before any of us are back in this Chamber to see what the results of this Adjournment debate are. It could be weeks, months or years. I do not know. I have made this speech many times. Sometimes we have come back much more quickly than I expected. When I made this speech in 1986, it was 12 years before we were back — 26 June 1986 to 26 June 1998.

**Madam Principal Deputy Speaker:** I ask the Member to return to the topic.

**Mr Wells:** Yes, I will return to the topic of broadband. I really do hope that it is not 12 years before we are back to deal with this crucial issue, which rarely features in debate in this Chamber. I congratulate the honourable Member for Newry and Armagh, on the basis that he will not use the fact that he has raised this important issue in his election publications to garner votes from his constituents. Once again, it has been a privilege to be the last Member to speak on the last day as the bona fide, real father of the House.

**Mr Hamilton (The Minister for the Economy):** Principal Deputy Speaker, I join with others in wishing you well in your retirement.

I should like to begin by stressing, as Minister responsible for the Department for the Economy, that I fully recognise — sorry, it would be remiss of me not to congratulate the Member on securing tonight's debate. I fully recognise the importance of access to fast, dependable Internet connectivity in the world of business, as well as the growing reliance on online access for various educational and social needs. Broadband, as many Members have said, has quickly become an essential for everyday life. I am, of course, familiar with many of the issues, particularly with regard to broadband provision in rural areas, and tonight's debate has focused very much on them.

My Department is committed to working to deliver improvements to our telecoms connectivity. Over the last eight years, my Department has channelled some £64 million into a number of projects that have significantly raised the reach, speed and quality of broadband services across Northern Ireland. These initiatives have undoubtedly had a positive impact in the Newry and

Armagh constituency. The figures provided by Ofcom in its recent 'Connected Nations' report show that Newry, Mourne and Down and Armagh, Banbridge and Craigavon council areas have superfast coverage of 72% and 79% of premises respectively. In addition, it is reported that 94% and 97% of premises respectively have broadband coverage of greater than 2 megabits per second.

To set this in the wider context of our investment in improved services across Northern Ireland, my Department's broadband improvement project has already ensured that some 38,000 premises, largely in rural areas, have received access to a broadband service of at least 2 megabits per second, and that almost 25,000 premises can now access services of 30 megabits per second or better. BT reported that, at 21 June 2016, almost 7,000 premises across Newry and Armagh could access new broadband services delivered through this project.

While this is encouraging, I recognise that more can always be done to increase the coverage of faster broadband services in Newry and Armagh and other rural locations across Northern Ireland. For instance, under the broadband improvement contract, BT will reinvest certain revenues received when take-up exceeds specific thresholds. Using these funds, plans will be developed to further improve the coverage of faster broadband connectivity across our region. This amount is in the region of £1.67 million. In addition, residual funds of £1.56 million have been identified for reallocation, bringing the total further amount that can be used to improve broadband infrastructure to £3.2 million.

#### 6.15 pm

In addition, my Department is managing a contract for the delivery of the superfast rollout programme, which, by 31 December, will provide access to superfast broadband with speeds of at least 24 megabits per second to a further 38,000 premises, both business and residential, across Northern Ireland, including in the Newry and Armagh constituency. Under those recent initiatives, work has led to broadband improvement work at 169 exchanges across Northern Ireland, many of which are in the Newry and Armagh constituency.

Members may be aware that Ofcom reports that 28% of rural and 1% of urban premises in Northern Ireland cannot achieve speeds of 10 megabits per second or better. That is largely due to Northern Ireland premises having some of the longest line lengths in the UK as a result of population spread. However, Ofcom does add that the deployment of my Department's superfast programme will change that landscape rapidly. It is anticipated that, by the time those projects have completed, some 87% of premises across Northern Ireland will have access to superfast broadband services compared with 77% when the project began.

Alternative networks can also offer a viable option for the delivery of broadband services in the most difficult-to-reach and less densely populated areas. Over recent years, my Department has supported projects that have extended fixed wireless and satellite broadband networks across Northern Ireland. In January 2016, my Department launched a scheme that allows consumers with a broadband connection of less than two megabits per second to access a subsidy towards the cost of having a broadband service installed from a list of registered providers, subject to satisfying certain eligibility criteria.

That includes wireless and satellite broadband suppliers. Details can be found on my Department's website.

It might be helpful to remind Members of the constraints within which any intervention by my Department has to operate. Telecommunications are a reserved matter, which means that my Department has only limited powers to intervene in a fully privatised and independently regulated market. Mr Kennedy's former employers took a bit of a bashing in this evening's debate, as they would have done, I dare say, had we been debating broadband services in any constituency. Frustrated though Members may be, I hope that they appreciate the limitations on me, as Minister, when we do not have full responsibility for telecommunications matters.

Additionally, initiatives have to be designed in a way that meets European Union state-aid rules, which require us to be technology-agnostic and any procurement to be open and competitive, with the overriding aim of ensuring value for money and delivering the maximum benefit for public funding.

Public funds can and will, therefore, and very much have been, invested in the development of telecommunications networks, but it is ultimately a business decision for providers to decide how, or if, they wish to participate in any scheme that is put forward. In that context, neither the Assembly nor I can direct or compel a network operator on where or when they should invest and what technology they should use. However, as I said, I fully appreciate the importance of, and am fully committed to, the improvement of provision in Northern Ireland, within the reality of budgetary and other constraints.

**Mr Kennedy:** I thank the Minister for giving way. I have listened intently to what he has said and understand completely that it is not a devolved matter as such. Nevertheless, are there any ways in which we can improve that situation, even by making representations to, and getting acceptance from, the Westminster Government on the greater devolution of powers over such issues, particularly broadband and its provision in rural areas?

**Mr Hamilton:** I thank the Member for his intervention. There are some initiatives that I believe will help and act as a driver to improve broadband access. One such intervention is the broadband universal service obligation (USO), which is being taken forward by Her Majesty's Government. Through that, it is expected that, by 2020, everyone should have the legal right to request a broadband service of at least 10 megabits per second, subject to certain conditions. The Executive, in our draft Programme for Government, set a much higher target: to improve speeds to 30 megabits per second. However, the USO is, at least, a good initiative and puts a floor on service.

It is understood that the USO will be provided on the basis of a reasonable request from consumers, with services delivered using the most cost-effective technology available. Consumers may be expected to contribute to those costs, where they go beyond a reasonable threshold. Recent advice from Ofcom indicates that the USO is likely to include a range of technologies.

My Department is also currently reviewing what has been achieved to date and is considering what will need to be addressed after the current initiatives that I have talked about have been completed. While still at a very early stage, it is already apparent that, if the Department's

ambitions with regard to improving Internet connectivity are to be realised, the cost, no matter what technology is deployed, is likely to require significant public-sector investment. Therefore, if my Department is to pursue further interventions, related budgetary decisions will need to be made.

The Chancellor, in his autumn statement, made some more funding available for telecommunications, and my Department is studying that and seeking to avail itself of that to the fullest possible extent. I think that my officials have also engaged with the 11 councils to provide information on what is already available and how it can be better utilised. Indeed, a meeting has taken place with councils that cover the Newry and Armagh constituency. I hope that that gives a view of what my Department is doing, specifically to benefit Newry and Armagh but also to improve broadband across Northern Ireland.

Before I conclude, in the time that I have left, I welcome the contribution of my colleague Mr Wells. Down through the years, Jim has regaled me with countless stories, so many that I have forgotten most of them. I do remember him many years ago telling me that he was the last Member to speak in the 1986 Assembly, and I hope that, as he said, as I am the last Member to speak in this Assembly — I can see that he is trying to beat me here —

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

**Mr Hamilton:** Very quickly.

**Mr Wells:** He has reminded me of that. Of course, I would not necessarily be the last Member to speak on the last day of the Assembly because he, as Minister, of course has that position. It would be remiss of me at this point if I did not pay tribute to the outgoing Speaker, Mr Newton, who I think has served the Assembly very well in very difficult situations and to the outgoing Principal Deputy Speaker, Ms Ruane, who will return and who is not going off into the jungle forever. She will return either at Wimbledon or in some other Chamber, maybe Leinster House. I also pay tribute to the two outgoing Deputy Speakers, Mr Beggs and, of course, the honourable Member for Mid Ulster.

**Madam Principal Deputy Speaker:** Time is up.

**Mr Hamilton:** Mr Wells has been the last Member to speak.

**Madam Principal Deputy Speaker:** Actually, I am going to be the last Member to speak. Buíochas do gach duine. You have been very cineálta, kind, and thanks to everyone. I congratulate Jim Wells on being the last Member to speak. We are the last eight MLAs standing, and I am glad that Emma Little Pengelly came in, otherwise the gender balance would not have been too good. I thank Ciara and her team at the top Table, who have done such amazing work. I thank the officials, who have been here week in and week out, and also our security people, who have been very good to all of us and work long hours. I thank all of them. I will miss you. Jim Wells seems to know where I am going. I do not know where I am going, but I will miss you.

**Mr Wells:** I know where you are going.

**Madam Principal Deputy Speaker:** I will particularly miss you, Jim, but I am sure that we will meet each other on the hustings. I wish you all the best, every single one of you. I

can honestly say that it has been a pleasure working with every single party and individual in the Chamber. Last but not least, I thank the Member who brought this debate, Danny Kennedy, who has been a tremendous colleague in the Speaker team. I also thank Robin Newton and Patsy McGlone. Go raibh míle maith agaibh.

*Adjourned at 6.23 pm.*

# Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.





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# Written Ministerial Statements

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## Department of Health

### Reform of Financial Assistance for People Infected or Otherwise Affected by Contaminated NHS Blood or Other Blood Products

*Published at 2.30 pm on Thursday 22 December 2016.*

**Mrs O'Neill (The Minister of Health):** Before heat treatment of blood products and a test for HIV were introduced in 1985, and a test for hepatitis C was developed and introduced in 1991, a number of people in the north of Ireland and Britain contracted hepatitis C or HIV or both as a result of treatment with NHS-supplied blood products including whole-blood transfusions.

In the north of Ireland around a hundred of these patients are living with hepatitis C, and a small number of these patients are living with HIV. Some are co-infected with HIV and hepatitis C.

In recognition of the special circumstances of these infections, a financial support package was set up in the late 1980s, initially for people who had been infected with HIV by NHS-supplied blood products, and their families. In 2003, a financial support package was set up for those also infected with hepatitis C, and there are now five ex-gratia payment schemes in operation.

These schemes have been reviewed with a view to making them better, and a public consultation led by the Department of Health in England was conducted in 2016. All beneficiaries in the north of Ireland were invited to respond to this consultation.

Having considered the options for reform I have decided to adopt the reforms that are being adopted in England.

There will be a single scheme. Its key features will be as follows.

- All infected individuals will now receive an annual payment. These annual payments will be linked to the Consumer Prices Index (CPI) and include the £500 winter fuel payment as a standard payment without the need to apply for it.
- Those infected with hepatitis C at stage 1 will receive a new flat rate annual payment of £3,500, rising to £4,500 from 2018/2019.
- For those with hepatitis C at stage 2 or those with HIV, annual payments will increase to £15,500, rising to £18,500 from 2018/2019.

- Those co-infected with HIV and hepatitis C at stage 1 will receive £18,500, rising to £22,500 from 2018/2019.
- Those co-infected with HIV and hepatitis C at stage 2 will receive £30,500, rising to £36,500 from 2018/2019.
- Discretionary support will continue and will be enhanced from 2018/2019.
- The £50,000 lump sum payment for those infected with hepatitis C stage 1 who progress to stage 2 will continue.
- Partners or spouses at the time of death of a primary beneficiary will be entitled to a £10,000 one-off lump sum where the HIV/hepatitis C infection contributed to the death of their partner or spouse. This will apply both to those who have already been bereaved and those who are newly bereaved.

Increased annual payments and new annual payments will take effect this year and will be backdated to April 2016. These payments will continue to be additional to any other income a person may receive, and are disregarded when calculating income tax and eligibility for other state benefits.

My officials will continue to work with the Department of Health in England and with the existing financial scheme administrators to provide the additional financial support as soon as possible to beneficiaries in the north of Ireland.

No amount of money could ever make up for the life-changing and tragic impacts that these events have had on people, but those people in the north of Ireland who have been adversely affected by NHS treatment with infected blood should be provided with the financial support that they need.

## Department of Education

### School Enhancement Programme: Announcement of Second Call for Proposals

*Published at 12.00 noon on Wednesday 25 January 2017.*

**Mr Weir (The Minister of Education):** I wish to make a written statement updating this Assembly on my proposal to make a second call for applications under the School Enhancement Programme (SEP).

The Schools Enhancement Programme will provide financial support for capital projects with a value of between £0.5million and £4million.

It is expected that the second Call will mirror the continuing successful outworkings of the first SEP call, announced in March 2014, which will see a total investment of over £136m across 53 projects.

Twenty one of these SEP projects are now complete, 25 are currently on site and a further 4 schemes are at the pre-tender stage with final designs approved. The remaining 3 projects are continuing to advance in planning to the final design stage.

I am conscious that it is incumbent on me to balance the limited capital resources made available to me against the scale of investment needed across the very wide and diverse schools' estate.

The new call under the SEP will target investment to meet immediate and pressing needs in schools where new build major capital works are not deemed affordable or deliverable within the capital budget available.

The Department's strategy for capital investment has been, and will remain, focused on supporting the development and delivery of a network of viable and sustainable schools, set firmly in the context of "Schools for the Future: A Policy for Sustainable Schools" and shaped by the outworking of the Area Planning process.

The Protocol setting out the processes to be used to identify and rank proposals submitted to the second SEP call will be published on the Department of Education's website.

All proposals progressing through this protocol must support at least one of the Education priorities for capital investment.

- Enhancement works essential to effect rationalisation proposals for schools with approved Development Proposals, in particular schools currently operating on split sites following such approvals (e.g. rationalisation proposals requiring an extension and/or refurbishment of one existing school to replace a number of other schools).
- Enhancement works essential to address unmet need in educational facilities and immediate / serious accommodation inadequacies (i.e. suitability of the existing accommodation for the delivery of the curriculum).
- Enhancement works essential to address significant substandard accommodation and / or undue reliance on temporary accommodation.

In order to ensure that these priorities are met the following weighted assessment criteria will be used.

Assessment Criteria	Total Marks Available
Rationalisation	30
Suitability	30
Condition	50
Social Issues	10
<b>Total Marks available</b>	<b>120</b>

In addition to this SEP call I am continuing to advance my programme of major capital builds as well as a sizeable programme of much needed minor works across the estate. I am also investing substantially in maintenance works across all schools, despite the considerable constraint on the resource budget.

I will conclude by noting that this announcement today is not only good news for schools but it will also represent a welcome boost to the economy, especially the construction industry, over the coming years as projects come to fruition.

# Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.





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# Northern Ireland Assembly

Friday 23 December 2016

## Written Answers to Questions

### The Executive Office

**Mr E McCann** asked the First Minister and deputy First Minister what reports they have received from the Strategic Investment Board regarding the proposed transfer of ownership of Northern Ireland Housing Executive buildings.  
**(AQW 4372/16-21)**

**Mrs Foster and Mr McGuinness (The First Minister and deputy First Minister):** The Strategic Investment Board (SIB) is responsible for delivering the Asset Management Strategy (AMS) which we received in June 2013 in our capacity as the Asset Management Programme Board.

The AMS includes reference to the proposals to improve the management and reduce the cost of the Central Government office estate through exiting private sector leases, developing more efficient office accommodation and transferring the offices into the control of the Department of Finance.

As part of this work, the SIB is working with the Department of Finance to transfer the ownership of office accommodation from organisations, including the NIHE, to the Department of Finance. This transfer does not relate to housing stock.

**Mr McCausland** asked the First Minister and deputy First Minister for an update on the Racial Equality Sub-Group.  
**(AQO 463/16-21)**

**Mrs Foster and Mr McGuinness:** The inaugural meeting of the Racial Equality Subgroup took place on the 14th September and along with Junior Minister Ross and Junior Minister Fearon we were delighted to attend.

Establishing this Subgroup is a significant milestone in the implementation of the Racial Equality Strategy as it will function as a strong voice within government on issues specifically affecting our minority ethnic population.

Representatives from the minority ethnic sector have been chosen with a view to ensuring representation of the larger ethnic groups, as per the 2011 census, and other groups which may be considered particularly vulnerable, for example, asylum seekers and refugees.

The Subgroup consists of 23 representatives – including representatives of the Equality Commission and the Human Rights Commission. It will also be open to the Subgroup to make proposals for the appointment of additional members where they feel that a point of view is “missing”.

Their efforts are an essential aspect of our joint work to tackle racial inequalities and open up opportunity for all, to eradicate racism and hate crime; and along with Together:Building a United Community, promote good race relations and social cohesion.

**Mrs Overend** asked the First Minister and deputy First Minister for an outline of the correspondence they have had with the Department of Education in relation to the Investigating Links in Achievement and Deprivation report.  
**(AQW 5749/16-21)**

**Mrs Foster and Mr McGuinness:** The research forms part of a programme of independent research commissioned by OFMDFM through an open call in 2011 to inform the policy development process. As such, the views expressed are those of the authors and not OFMDFM/the Executive Office.

The advisory group for the project entitled ‘Understanding differential educational achievement within and between areas of multiple deprivation in NI – a case study approach’ included representation from the Department of Education. The study itself does not examine education directly but concentrates, by way of case studies, on the social factors which may contribute to differing levels of educational outcomes.

Any development of the research, including correspondence, was undertaken through the advisory group.

**Ms Mallon** asked the First Minister and deputy First Minister, in light of the decision to put the York Street Interchange project on hold, whether any EU funded projects in their Department are at risk following the decision to Brexit.  
**(AQW 6007/16-21)**

**Mrs Foster and Mr McGuinness:** PEACE IV has been allocated €229m from the European Regional Development Fund with a further €40m in match funding being provided by the two member states. The Executive Office is the accountable Department for parts of three of the four thematic objectives of the PEACE IV Programme, including the local authority action plans, the regional element of Building Positive Relations and the provision of services for victims and survivors. The application and assessment process is currently ongoing.

On 3 October the Treasury in London released a statement to indicate that projects awarded funding before the UK's departure from the EU will be fully funded, even where their activity extends beyond that date.

The Department of Finance plans to deliver PEACE IV as agreed and the Special EU Programmes Body is continuing to implement the Programme in its role as the Managing Authority. The Irish Government has indicated that it remains committed to the successful implementation of the PEACE IV Programme.

**Mr Aiken** asked the First Minister and deputy First Minister to outline the plans in place to cope with additional devolved competencies when the United Kingdom leaves the European Union.

**(AQW 6027/16-21)**

**Mrs Foster and Mr McGuinness:** Any impact on devolved competencies resulting from the EU referendum result will be considered as part of the negotiation process.

**Dr Farry** asked the First Minister and deputy First Minister for their assessment of the optimal relationship for Northern Ireland in relation to the European Union Single Market.

**(AQW 6203/16-21)**

**Mrs Foster and Mr McGuinness:** The matter of the Single Market will be part of the negotiations regarding future relationships with the EU and we have emphasised to Prime Minister Theresa May the need for the Executive to be fully represented in the negotiating process.

**Mr Butler** asked the First Minister and deputy First Minister to detail their legislative programme for this mandate.

**(AQW 7045/16-21)**

**Mrs Foster and Mr McGuinness:** The Executive's Legislative Programme, including any proposals from the Executive Office, will be developed in tandem with the process for determining the Programme for Government, as it is essential that all legislative proposals for this mandate reflect and support the priorities and outcomes in the PfG. We do not therefore intend to articulate a legislative programme at this stage, but will give further consideration to the timing and means of providing this information at the appropriate time.

**Mr Agnew** asked the First Minister and deputy First Minister whether they will be taking positive measures to ensure that there is proper co-ordination and support for the Black and Minority Ethnic sector in absence of an umbrella organisation.

**(AQW 7288/16-21)**

**Mrs Foster and Mr McGuinness:** A number of measures are already in operation to provide co-ordination and support to the sector.

Stronger Together is a network of organisations that currently has over 150 members representing BME Organisations and Groups, BME individuals, Community Sector, Volunteer Sector and Public Services Sector. It is currently in receipt of support through the Minority Ethnic Development Fund (MEDF).

The MEDF is supporting over 30 projects in the current financial year, worth a total of almost £1.1m. These projects address the needs of people from minority ethnic backgrounds and work towards promoting good relations between different ethnic groups. They also help to ensure that the voices of minority ethnic people are heard.

There is also the Racial Equality Subgroup, which has been established to be the voice of minority ethnic people and migrants at the heart of government here. Its role is to support and drive forward work on racial equality and good race relations. The Subgroup has already met three times with another meeting planned for January. Through this the BME community will have a voice that will be heard at the heart of Government and will articulate the causes of the entire sector.

**Mr Agnew** asked the First Minister and deputy First Minister to detail any powers they have to direct the Attorney General in relation to decisions on taking cases.

**(AQW 7458/16-21)**

**Mrs Foster and Mr McGuinness:** Section 22(5) of the Justice Act 2002 requires the Attorney General to exercise his functions independently of any other person.

**Mr Agnew** asked the First Minister and deputy First Minister to outline (i) what oversight exists for the value for money of the use of public funds by the Attorney General's Office on taking cases; and (ii) whether there is a regular review of the value for money.

**(AQW 7459/16-21)**

**Mrs Foster and Mr McGuinness:** As specified in the Justice (Northern Ireland) Act 2002 the Attorney General exercises his functions independently of any other person.

The Office of the Attorney General for Northern Ireland (OAGNI) is funded by The Executive Office, however the relationship is governed by the 'arms length principle'.

The Department's Accounting Officer allocates an annual budget and is responsible to the Assembly for funding provided to the Office of the Attorney General for Northern Ireland.

Departmental officials chair Quarterly Accountability meetings with OAGNI which focus on monitoring performance in relation to key aims and objectives, financial management, risk management, corporate and business planning and other accountability and governance issues.

Additionally the Attorney General has a statutory duty to prepare an Annual Report which is laid before the Assembly.

**Mr Eastwood** asked the First Minister and deputy First Minister what discussions have taken place with the Irish Government regarding the triggering of Article 50.

**(AQW 7548/16-21)**

**Mrs Foster and Mr McGuinness:** Triggering Article 50 is a matter for the UK Government. Discussions with the Irish Government on the issues relating to the UK's planned decision to leave the EU are taking place through the North South Ministerial Council and bilateral meetings.

**Mr McPhillips** asked the First Minister and deputy First Minister what role has been secured for (i) the Northern Ireland Executive; and (ii) Northern Ireland Assembly in any future negotiations with the European Commission.

**(AQW 7560/16-21)**

**Mrs Foster and Mr McGuinness:** The Prime Minister has said that we will be fully involved and represented in any negotiations.

**Mr McPhillips** asked the First Minister and deputy First Minister what reviews as to the impact of Brexit are currently underway in their Department.

**(AQW 7564/16-21)**

**Mrs Foster and Mr McGuinness:** All departments are currently undertaking a detailed assessment of the potential impact for us of the UK's planned decision to leave the EU, the details of which will feed into negotiations going forward.

**Mr Mullan** asked the First Minister and deputy First Minister what discussions have been held with the Irish Government regarding the two-year period of negotiations once Article 50 has been triggered.

**(AQW 7565/16-21)**

**Mrs Foster and Mr McGuinness:** Discussions with the Irish Government on issues of mutual interest arising from the UK's planned decision to leave the EU are ongoing. This is taking place through a range of channels including the North South Ministerial Council, the British Irish Council and bi-lateral engagement between officials.

**Mr Mullan** asked the First Minister and deputy First Minister what considerations they have given to the impact of the Sewel Convention on Scotland; and subsequent impacts on Northern Ireland.

**(AQW 7566/16-21)**

**Mrs Foster and Mr McGuinness:** The operation of the Sewel Convention is a matter for the Scottish Parliament and Government and we have made no assessment of its impact on Scotland. The member will be aware that a similar convention exists here in relation to the UK Government legislating on matters devolved to the Northern Ireland Assembly.

**Mrs Overend** asked the First Minister and deputy First Minister to outline (i) the rationale behind the process for the current Programme for Government consultation whereby the Delivery Plans can be altered during the time of consultation; and (ii) what measures are being taken to ensure that any changes made during the process to the Delivery Plans are clearly marked to ensure transparency and to allow respondents to fully engage with the document.

**(AQW 7581/16-21)**

**Mrs Foster and Mr McGuinness:** The consultation period on the Programme for Government runs until 23 December.

The Programme is supported by a set of delivery plans setting out the action that will be taken by departments and others to make progress towards the achievement of outcomes.

A core principle of the Programme is that while the outcomes framework provides a fixed point of reference, a strategic direction, for the work of government and others, delivery plans are dynamic and responsive, changing in response to changing circumstances, and in light of new evidence.



For these reasons – because plans are joint ventures between government and its delivery partners, and because delivery plans will never be ‘final’ – consultation for a fixed period on a static draft of a document is not the most useful way to construct the plans.

Instead, owners of plans are at present engaging with interested stakeholders on the development of draft plans. It is expected that this process will be ongoing throughout the development and implementation phases.

In the interests of transparency in the process, the current draft of the plan is being shared as it develops. Those with a role to play in developing and implementing the plan are not being asked for their views on a draft – they are invited to get involved directly in its development.

For the purposes of clarity, published versions of delivery plans do not show tracked changes. The Senior Responsible Officers for the plans will hold information on how the plans have developed and may share this as part of the engagement on their further development.

**Mr Eastwood** asked the First Minister and deputy First Minister what discussions the Executive has had regarding the protection of European Union citizens currently residing in Northern Ireland.  
(AQW 7633/16-21)

**Mrs Foster and Mr McGuinness:** This issue is being considered as part of a detailed assessment of the potential impact for us of the UK’s planned decision to leave the EU and will feature in future negotiations. Non-UK nationals make a significant contribution to the workforce here in a range of key sectors. We have made it clear to Prime Minister, Theresa May, that we wish to maintain access to skilled and unskilled labour which is necessary to support business competitiveness.

**Mr McPhillips** asked the First Minister and deputy First Minister what discussions have taken place with the Secretary of State in relation to the role of the Northern Ireland Office should Article 50 be triggered.  
(AQW 7665/16-21)

**Mrs Foster and Mr McGuinness:** We have had discussions with the Secretary of State on a range of issues arising from the UK’s planned decision to leave the EU. Engagement is ongoing.

**Mr Agnew** asked the First Minister and deputy First Minister pursuant to AQW 3975/11-16, to detail (i) why was a child friendly version of the Programme for Government (PFG) not published along with the most recent draft of the PFG; (ii) when will a child friendly version of the PFG be published; and (iii) why children are given less time to consider and respond to the PFG consultation.  
(AQW 7710/16-21)

**Mrs Foster and Mr McGuinness:** A child friendly version of the Programme for Government consultation document was published on Friday 18 November. It is available for download from the Executive’s website. Development of a child friendly version necessarily follows production of the main document and a certain time-lag is inevitable. Publication of the Programme for Government in a range of alternative formats, including the child-friendly version, is intended to provide supplementary access to the consultation process to facilitate wider reach. It is not a substitute nor parallel process, but an addition to the Programme itself and the associated consultation exercise.

All consultees have been given 8 weeks, until 23 December, to submit their views. As with all consultees, we encourage participation of children and young people throughout the policy formulation process and not just during the formal consultation period.

**Mr Allister** asked the First Minister and deputy First Minister whether they lodged a protest with FIFA in respect of it opening disciplinary procedures against the IFA over the display of poppies and a minute’s silence held on the Armistice Day match against Azerbaijan.  
(AQW 7987/16-21)

**Mrs Foster and Mr McGuinness:** Policy responsibility for Sport rests with the Minister for Communities, who has provided a response to your question to him on this matter. (AQW 7901/16-21).

**Mr Agnew** asked the First Minister and deputy First Minister to detail (i) how will the child friendly version of the Programme for Government be promoted; and (ii) what plans are there for meaningful consultation with children.  
(AQW 8015/16-21)

**Mrs Foster and Mr McGuinness:** A child friendly version of the Programme for Government consultation document was published on Friday 18 November. It is available for download from the Executive’s website.

The Department has engaged with a range of major children and young people’s organisations to promote the availability of the document, and to seek support in engaging directly with children and young people. Two engagement sessions have been arranged, and work is in hand to identify opportunities for further engagement.

Departmental officials will deliver information sessions on request to interested groups, including children and young people’s groups. Further information is available on the department’s website.

**Mr F McCann** asked the First Minister and deputy First Minister to outline the budget for their Department's arm's-length bodies.

**(AQO 779/16-21)**

**Mrs Foster and Mr McGuinness:** The Executive Office is responsible for nine Arm's Length Bodies.

In 2016/17 £30.8m was allocated to the department's nine ALBs, which equates to 53% of the department's opening budget allocation.

**Mr McCausland** asked the First Minister and deputy First Minister how the Northern Ireland Bureau in Washington is marking the arrival of five ships in Boston in 1718 carrying Ulster-Scots emigrants to highlight the significance and scale of Ulster-Scots emigration in the 18th century.

**(AQO 782/16-21)**

**Mrs Foster and Mr McGuinness:** The Washington Bureau is aware of plans to mark the tercentenary of the arrival of the five ships carrying Ulster-Scots emigrants to Boston in 1718. The Bureau will work with Tourism Ireland and the Ulster Scots Agency to ensure that this important anniversary is suitably commemorated.

The Bureau very much welcomes this opportunity, as it will provide a platform to showcase the contribution that early Ulster-Scots settlers made to the political, religious and cultural life of the United States of America.

**Mr Butler** asked the First Minister and deputy First Minister for an update on the development of the former Maze/Long Kesh site.  
**(AQO 785/16-21)**

**Mrs Foster and Mr McGuinness:** We announced on 17 November 2016 that land on the Maze/Long Kesh site will be made available to host the new Air Ambulance Service.

Maze/Long Kesh is a prime site in a key location and we will continue to seek a resolution that will see the site developed.

**Mr Agnew** asked the First Minister and deputy First Minister to outline what issues it will task the six-person Civic Advisory Panel to report on.

**(AQW 8791/16-21)**

**Mrs Foster and Mr McGuinness:** The initial issues to be considered will be determined following consultation with the Panel.

## Department for Communities

**Ms Mallon** asked the Minister for Communities to (i) detail any Barnett Consequentials from the house building fund announced by the Conservative government in Westminster; (ii) for an update on discussions his officials are having with Department of Finance colleagues and Department for Communities and Local Government officials to progress this and; (iii) if consequentials will be ring-fenced to build social housing.

**(AQW 8448/16-21)**

**Mr Givan (The Minister for Communities):**

(i) Barnett consequentials arising from housing programmes announced by the Chancellor are set out in the following table

£million	2017-18	2018-19	2019-20	2020-21
Housing Consequentials	24.6	40.5	56.9	54.4

(ii) The Fund announced by the Chancellor does not directly apply here and the Northern Ireland Executive is responsible for housing policy in Northern Ireland. My Department will continue to liaise with the Department of Finance to explore any implications for Northern Ireland through the normal budgetary process.

(iii) It is for the Executive to make decisions on how best to allocate any additional funding allocated to Northern Ireland through Barnett consequential based on local needs and priorities.

**Mrs Palmer** asked the Minister for Communities to detail the average number of points under the common selection scheme an individual on the NIHE waiting list has, broken down by (i) Northern Ireland as a whole; and (ii) constituency, over the last five years.

**(AQW 8615/16-21)**

**Mr Givan:** The Housing Executive has the following information setting out the mean and median averages. The Housing Executive has also advised that this information is only available for the last 3 years.

A number of Common Landlord Areas (CLAs) cross constituency boundaries and these are recorded separately.

The Table below therefore provides information for:

- (i) Northern Ireland as a whole;
- (ii) CLAs entirely within a Constituency; and
- (iii) CLAs partially in more than one constituency.

Parliamentary Constituency	Waiting Lists as at 30.09.2014		Waiting List as at 30.09.2015		Waiting List as at 30.09.2016	
	Mean average Points	Median average Points	Mean average Points	Median average Points	Mean average Points	Median average Points
Northern Ireland	52.7	30.0	58.2	40.0	64.8	50.0
Belfast East	38.7	22.0	42.8	26.0	52.0	32.0
Belfast East/ South <sup>(1)</sup>	43.1	30.0	43.7	30.0	48.2	30.0
Belfast North	56.9	40.0	64.5	50.0	72.0	74.0
Belfast South	51.6	30.0	54.1	32.0	65.7	60.0
Belfast South/ Strangford <sup>(2)</sup>	63.4	30.0	80.4	60.0	54.5	30.0
Belfast West	73.4	62.0	78.5	80.0	87.2	92.0
Belfast West/ North <sup>(3)</sup>	57.2	37.0	56.9	50.0	57.4	60.0
Belfast West/South <sup>(4)</sup>	79.8	74.0	83.3	86.5	107.2	110.0
East Antrim	45.4	30.0	47.0	30.0	52.7	30.0
East Londonderry	45.9	28.0	54.0	38.0	62.6	52.0
Fermanagh South Tyrone	42.3	24.0	47.4	30.0	52.5	32.0
Foyle	75.8	80.0	85.6	92.0	89.6	100.0
Lagan Valley	48.2	30.0	49.8	30.0	55.6	32.0
Mid Ulster	42.7	22.0	50.3	30.0	50.8	30.0
Newry & Armagh	51.8	30.0	58.2	36.0	68.6	50.0
North Antrim	53.9	32.0	59.0	44.0	64.9	70.0
North Down	51.2	33.0	58.7	40.0	65.8	50.0
South Antrim	54.8	32.0	59.8	40.0	66.2	56.0
South Down	49.5	30.0	59.2	40.0	68.3	62.0
Strangford	48.0	30.0	51.7	32.0	58.8	40.0
Upper Bann	30.7	20.0	30.1	20.0	31.4	20.0
West Tyrone	32.8	20.0	33.8	20.0	37.0	20.0

- (1) Cregagh Castlereagh Willowfield/Upper Castlereagh Road Bridge End / Rotherdam Court CLAs.
- (2) Carryduff CLA.
- (3) Ainsworth Twaddell/Upper Woodvale Carrick Hill / Unity Flats CLAs.
- (4) Hamill St / John St Belfast CLA. Andersonstown CLA is included in with Belfast West/South at 30.09.14 and 30.09.15. Andersonstown added to Belfast West at 30.09.16.

**Mr Lynch** asked the Minister for Communities what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8684/16-21)**

**Mr Givan:** I am aware of the Equality Commission for Northern Ireland's Gender Equality: Policy Priorities and Recommendations document which seeks to inform policy development to advance gender equality in Northern Ireland.

One of the priority areas identified in the document is to tackle gender based violence and domestic violence in gender specific contexts. I recognise that domestic violence is a serious problem which has a devastating effect on victims and their families and I recently participated in the Women's Aid '16 Days of Action' campaign designed to raise awareness of domestic violence.

In relation to the other priorities identified in the document, responsibility for a number of policy areas covering a wide range of social inclusion issues, including gender equality, transferred to my Department in May this year. I am currently considering how best to take forward this work in the context of the Executive's draft Social Strategy which will be issued for public consultation in due course.

**Mrs Dobson** asked the Minister for Communities pursuant to AQW 47840/11-15, to outline the communication and information provided to Northern Ireland Housing Executive tenants in Moorefield, Banbridge waiting for a kitchen replacement capital works scheme originally intended for 2015, which has been repeatedly delayed, most recently until early 2017.

**(AQW 8711/16-21)**

**Mr Givan:** The Housing Executive has advised that homes in Moorefield estate are included in a kitchen scheme which had been delayed from 2015 due to technical issues which were eventually resolved by the Housing Executive's Design staff.

The tenants were fully consulted prior to this scheme going on site on 17 October 2016 and were advised not to commence clearing their kitchens until they are given an actual installation date. The Contractor employs a tenant liaison officer to ensure that the tenants receive adequate notice prior to the work commencing and also means that a mutually suitable start date can be agreed between tenants and Contractor.

Specifically, in June 2016, tenants were consulted on options and choice of kitchens and in August 2016 the tenant liaison officer and kitchen manufacturer from the Housing Executive's Contractor visited all properties involved to take final measurements prior to kitchen manufacture.

To date, work to 23 properties has been completed with the remaining properties due to be completed, in phases, by March 2017. Some work has been rescheduled to start in January to minimise disruption to tenants over the Christmas period.

**Mr Allen** asked the Minister for Communities to detail how many Disability Living Allowance applications were (i) made; (ii) rejected; and (iii) granted each year since 2006, broken down by age and constituency.

**(AQW 8714/16-21)**

**Mr Givan:** The attached tables detail the total number of Disability Living Allowance applications that were (i) made; (ii) rejected; and (iii) granted since 2010 with the awards granted broken down by age and constituency from 2006. The information is no longer held prior to 2010 for the total number of Disability Living Allowance applications made and rejected.

**Table 1- Total Number of DLA Applications 2010/2016**

Year	Received	Rejected	Awarded
2010/11	20,790	9,978	12,300
2011/12	22,001	9,111	13,410
2012/13	20,995	8,625	13,130
2013/14	22,285	8,689	14,190
2014/15	25,866	11,056	15,590
2015/16	26,574	11,106	15,770
2016/17*	8,748	4,303	3,690

\* Figures for current year from April to August 2016 as Personal Independence Payment was introduced 20 June 2016.

The rejected and awarded figures will not total to the received figures. This is because not all claims received in a specific year will be decided in that year.

**Table 2 – DLA Awards by Age and Constituency -2006/07**

Assembly Area	2006-2007														Total
	Customer Age														
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	50	40	20	10	40	20	40	40	60	70	60	70	70	0	590
Belfast North	50	60	40	10	80	50	60	90	100	110	90	120	100	0	960
Belfast South	30	40	10	10	40	40	40	70	60	50	70	50	80	0	590
Belfast West	70	90	50	20	110	80	80	120	120	110	110	110	100	0	1,170



Assembly Area	2006-2007														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
East Antrim	40	40	20	10	30	10	30	50	60	70	60	70	80	0	570
East Londonderry	50	60	20	10	40	30	40	60	70	50	80	90	80	0	680
Fermanagh and South Tyrone	30	40	10	10	40	40	40	50	60	90	60	80	80	0	630
Foyle	60	60	30	10	40	50	60	80	80	70	90	90	70	0	780
Lagan Valley	50	30	10	10	40	20	30	40	50	50	50	80	70	0	520
Mid Ulster	40	30	20	10	30	30	50	60	60	90	60	100	90	0	660
Newry and Armagh	50	40	30	10	60	40	40	50	80	70	80	100	70	0	730
North Antrim	30	40	30	0	30	30	40	60	60	70	70	100	80	0	640
North Down	30	20	10	10	20	20	30	30	40	50	60	70	70	0	450
South Antrim	50	50	20	10	20	30	30	50	60	60	60	70	70	0	570
South Down	50	60	30	10	30	40	50	70	60	70	60	80	90	0	700
Strangford	30	20	20	10	30	20	20	40	60	50	70	80	80	0	520
Upper Bann	50	60	30	10	40	50	50	70	90	80	90	100	70	0	790
West Tyrone	40	30	20	10	50	50	50	60	80	90	80	110	70	0	740
<b>Total</b>	<b>790</b>	<b>810</b>	<b>400</b>	<b>170</b>	<b>760</b>	<b>620</b>	<b>800</b>	<b>1,100</b>	<b>1,230</b>	<b>1,310</b>	<b>1,300</b>	<b>1,560</b>	<b>1,420</b>	<b>0</b>	<b>12,280</b>

Table 3 – DLA Awards by Age and Constituency -2007/08

Assembly Area	2007-2008														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	40	30	10	0	30	20	20	40	50	70	60	70	80	0	530
Belfast North	40	40	40	10	70	50	50	60	80	100	110	80	90	0	830
Belfast South	50	30	20	10	30	30	30	30	50	70	70	50	50	0	510
Belfast West	70	70	50	20	90	80	80	80	120	120	90	110	70	0	1,050
East Antrim	20	40	20	0	30	20	30	40	50	70	50	80	70	0	520
East Londonderry	40	40	20	10	40	20	30	60	50	60	60	90	60	0	570
Fermanagh and South Tyrone	30	40	20	0	40	30	40	50	60	60	80	80	80	0	600
Foyle	60	50	20	10	50	40	50	70	90	100	80	100	80	0	790
Lagan Valley	40	30	10	10	20	20	20	30	50	50	50	60	60	0	460
Mid Ulster	40	50	30	10	30	30	40	60	60	70	70	80	90	0	640
Newry and Armagh	60	60	30	10	50	30	40	70	70	50	80	90	80	0	730

Assembly Area	2007-2008														Total
	Customer Age														
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
North Antrim	50	30	20	0	20	40	30	40	60	60	70	80	90	0	580
North Down	30	30	20	10	20	20	20	30	30	40	40	60	50	0	410
South Antrim	50	50	20	10	30	10	30	30	60	60	50	70	70	0	540
South Down	60	60	20	10	60	40	40	60	60	70	70	80	80	0	690
Strangford	30	30	10	10	30	20	20	30	40	50	50	70	70	0	460
Upper Bann	50	50	30	10	50	30	50	70	80	90	100	90	100	0	790
West Tyrone	40	40	30	10	50	40	50	60	80	80	90	100	90	0	750
<b>Total</b>	<b>820</b>	<b>770</b>	<b>420</b>	<b>140</b>	<b>720</b>	<b>580</b>	<b>660</b>	<b>920</b>	<b>1,130</b>	<b>1,240</b>	<b>1,250</b>	<b>1,410</b>	<b>1,360</b>	<b>0</b>	<b>11,430</b>

Table 4 – DLA Awards by Age and Constituency -2008/09

Assembly Area	2008-2009														Total
	Customer Age														
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	40	40	20	10	40	20	30	40	60	70	70	80	60	0	590
Belfast North	70	80	50	10	70	60	60	80	90	130	120	110	90	0	1,010
Belfast South	50	40	20	10	50	40	40	50	60	70	70	70	50	0	610
Belfast West	80	80	50	20	90	70	80	100	120	150	140	100	90	0	1,170
East Antrim	40	50	20	10	30	10	30	40	50	50	80	70	70	0	540
East Londonderry	40	30	30	10	40	30	40	50	60	90	70	80	90	0	660
Fermanagh and South Tyrone	30	50	30	10	40	40	50	50	80	70	90	90	90	0	710
Foyle	50	50	30	10	60	30	60	60	100	110	90	80	80	0	790
Lagan Valley	60	40	20	0	20	20	20	30	50	50	60	70	70	0	510
Mid Ulster	50	50	30	10	40	40	60	60	80	60	90	90	70	0	710
Newry and Armagh	50	50	40	10	50	40	40	80	80	80	90	110	110	0	820
North Antrim	50	50	20	10	30	30	30	60	70	90	90	100	90	0	700
North Down	30	30	20	10	30	20	10	30	40	50	50	60	60	0	440
South Antrim	50	40	30	10	40	20	20	50	70	70	60	80	90	0	620
South Down	60	50	30	20	40	40	50	70	90	80	70	100	80	0	760
Strangford	40	40	20	20	20	20	30	50	50	60	60	80	80	0	550
Upper Bann	60	60	30	10	60	50	60	80	90	100	100	110	100	0	880
West Tyrone	40	50	40	10	60	50	70	70	80	90	120	120	90	0	880
<b>Total</b>	<b>880</b>	<b>850</b>	<b>520</b>	<b>200</b>	<b>800</b>	<b>610</b>	<b>760</b>	<b>1,030</b>	<b>1,290</b>	<b>1,450</b>	<b>1,490</b>	<b>1,580</b>	<b>1,450</b>	<b>0</b>	<b>12,930</b>

Table 5 – DLA Awards by Age and Constituency -2009/10

Assembly Area	2009-2010														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	60	50	20	10	30	30	30	50	50	80	70	70	80	0	630
Belfast North	80	80	50	10	90	70	70	60	120	130	120	110	110	0	1,100
Belfast South	40	40	20	10	50	30	50	50	70	70	60	60	70	0	610
Belfast West	100	100	60	30	80	90	70	110	140	150	140	120	100	0	1,290
East Antrim	40	40	30	20	30	20	40	50	50	60	70	70	80	0	600
East Londonderry	40	50	20	10	50	20	30	50	80	80	80	90	80	0	670
Fermanagh and South Tyrone	40	50	30	10	50	40	40	60	60	90	100	100	80	0	740
Foyle	70	40	30	10	90	40	50	70	90	90	110	90	90	0	870
Lagan Valley	50	60	30	10	40	30	20	40	50	50	80	60	80	0	590
Mid Ulster	60	50	20	10	60	50	60	80	70	70	100	80	90	0	790
Newry And Armagh	60	40	20	10	60	40	40	40	70	90	110	80	100	0	750
North Antrim	50	50	20	10	40	20	40	40	60	70	80	90	80	0	660
North Down	30	40	20	10	20	20	30	30	40	40	60	80	70	0	490
South Antrim	60	60	30	10	20	40	40	60	80	80	60	80	80	0	680
South Down	80	50	30	20	50	40	60	60	70	70	90	80	100	0	800
Strangford	50	50	20	10	40	20	30	40	70	50	80	70	70	0	590
Upper Bann	70	50	30	10	70	50	50	80	110	110	100	110	100	0	940
West Tyrone	40	40	40	20	50	40	50	70	90	80	100	90	70	0	760
<b>Total</b>	<b>990</b>	<b>950</b>	<b>520</b>	<b>230</b>	<b>910</b>	<b>690</b>	<b>780</b>	<b>1,040</b>	<b>1,370</b>	<b>1,460</b>	<b>1,590</b>	<b>1,520</b>	<b>1,520</b>	<b>0</b>	<b>13,550</b>

Table 6 – DLA Awards by Age and Constituency -2010/11

Assembly Area	2010-2011														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	70	60	30	10	40	20	20	50	70	70	80	70	60	0	640
Belfast North	80	80	40	30	60	60	60	60	100	100	110	110	80	0	970
Belfast South	50	60	20	10	50	40	40	30	60	60	70	60	50	0	600
Belfast West	90	120	50	30	80	70	80	80	110	100	130	100	80	0	1,100
East Antrim	50	50	30	10	30	20	30	40	60	60	60	60	50	0	540
East Londonderry	40	50	30	10	40	20	30	40	50	70	70	80	70	0	590
Fermanagh and South Tyrone	50	30	20	10	60	30	30	60	40	70	70	70	70	0	620

Assembly Area	2010-2011														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Foyle	60	50	40	10	60	60	50	60	80	100	80	80	70	0	790
Lagan Valley	50	50	20	10	20	30	30	30	30	60	60	50	40	0	470
Mid Ulster	60	60	30	10	40	30	50	50	60	70	70	60	80	0	670
Newry and Armagh	60	50	30	20	60	40	50	50	90	80	80	70	90	0	780
North Antrim	50	50	20	10	30	20	30	50	70	60	70	70	100	0	630
North Down	30	30	20	10	30	20	20	20	40	40	50	50	60	0	430
South Antrim	50	70	30	10	30	30	40	30	60	70	60	60	60	0	600
South Down	90	60	40	10	60	40	50	70	60	60	80	60	70	0	750
Strangford	50	50	20	10	20	30	30	40	50	50	60	80	90	0	580
Upper Bann	60	50	40	20	40	50	70	60	60	100	100	90	90	0	810
West Tyrone	50	40	40	10	50	30	50	60	80	80	80	90	90	0	720
<b>Total</b>	<b>1,030</b>	<b>1,000</b>	<b>550</b>	<b>240</b>	<b>810</b>	<b>620</b>	<b>760</b>	<b>890</b>	<b>1,170</b>	<b>1,300</b>	<b>1,360</b>	<b>1,280</b>	<b>1,280</b>	<b>0</b>	<b>12,300</b>

Table 7 – DLA Awards by Age and Constituency -2011/12

Assembly Area	2011-2012														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	70	90	30	20	40	30	30	40	50	70	50	80	60	0	660
Belfast North	90	120	60	20	80	60	50	80	90	110	130	90	90	0	1,050
Belfast South	60	50	40	10	50	50	30	40	50	70	60	70	60	0	610
Belfast West	110	110	70	30	90	80	80	80	90	120	130	80	70	0	1,130
East Antrim	50	80	30	10	30	20	20	50	50	70	60	60	80	0	620
East Londonderry	60	50	20	10	30	40	40	60	80	80	70	90	60	0	690
Fermanagh and South Tyrone	60	50	30	10	50	40	50	50	50	70	90	90	80	0	730
Foyle	80	70	40	10	60	40	70	60	80	90	90	80	70	0	840
Lagan Valley	50	70	20	10	30	20	20	40	40	60	60	60	70	0	540
Mid Ulster	50	60	40	10	50	30	50	50	60	60	70	80	70	0	690
Newry and Armagh	70	70	30	20	40	50	50	50	80	90	90	90	90	0	820
North Antrim	50	50	40	10	40	30	40	50	70	80	90	100	70	0	710
North Down	50	50	30	10	30	20	30	30	30	40	50	70	70	0	490
South Antrim	70	80	40	10	40	30	40	60	60	70	80	70	70	0	720
South Down	80	90	30	20	50	40	50	60	80	100	80	90	90	0	840
Strangford	40	70	30	10	40	20	30	30	60	70	70	70	70	0	610



Assembly Area	2011-2012														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Upper Bann	70	50	30	30	60	50	40	70	100	90	80	90	90	0	850
West Tyrone	50	50	40	20	60	30	30	60	90	80	110	100	90	0	810
<b>Total</b>	<b>1,150</b>	<b>1,250</b>	<b>650</b>	<b>270</b>	<b>850</b>	<b>680</b>	<b>750</b>	<b>940</b>	<b>1,200</b>	<b>1,420</b>	<b>1,450</b>	<b>1,460</b>	<b>1,340</b>	<b>0</b>	<b>13,410</b>

Table 8 – DLA Awards by Age and Constituency -2012/13

Assembly Area	2012-2013														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	70	70	30	10	50	40	30	40	50	70	60	80	60	0	650
Belfast North	110	100	50	20	90	70	70	80	70	100	120	90	70	0	1,030
Belfast South	60	60	30	20	50	50	50	30	50	70	60	60	60	0	630
Belfast West	120	120	60	20	100	70	80	60	80	110	110	70	70	0	1,050
East Antrim	50	60	30	10	40	30	20	30	50	60	70	80	80	0	610
East Londonderry	50	60	30	20	50	30	40	50	70	80	80	90	100	0	740
Fermanagh and South Tyrone	50	70	30	20	40	30	40	50	50	60	100	90	80	0	700
Foyle	70	80	50	10	50	60	80	60	80	100	110	70	70	0	890
Lagan Valley	60	50	20	10	30	20	20	30	50	50	50	60	60	0	530
Mid Ulster	90	70	40	10	50	40	40	60	70	70	70	70	60	0	740
Newry and Armagh	70	80	30	20	50	50	40	40	80	90	80	100	80	0	790
North Antrim	50	60	40	10	40	30	50	50	60	80	70	70	100	0	700
North Down	40	50	20	10	30	20	30	30	50	50	70	50	50	0	480
South Antrim	60	80	40	10	40	20	40	50	60	70	70	60	60	0	670
South Down	90	80	40	20	60	40	50	60	90	70	70	90	80	0	840
Strangford	50	60	30	10	20	20	20	30	60	60	50	70	60	0	550
Upper Bann	70	50	20	20	60	40	50	40	90	90	70	90	80	0	770
West Tyrone	60	70	40	20	50	30	60	50	70	90	70	90	80	0	770
<b>Total</b>	<b>1,240</b>	<b>1,250</b>	<b>640</b>	<b>270</b>	<b>880</b>	<b>680</b>	<b>790</b>	<b>810</b>	<b>1,170</b>	<b>1,360</b>	<b>1,370</b>	<b>1,380</b>	<b>1,290</b>	<b>0</b>	<b>13,130</b>

**Table 9 – DLA Awards by Age and Constituency -2013/14**

Assembly Area	2013-2014														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	70	80	30	10	50	40	40	50	50	60	80	80	70	0	720
Belfast North	100	110	50	20	80	70	70	80	80	130	120	120	100	0	1,120
Belfast South	70	60	20	10	60	50	50	40	50	70	70	70	60	0	670
Belfast West	110	130	60	30	80	90	90	90	100	130	120	120	80	0	1,240
East Antrim	40	80	30	10	30	20	30	30	50	60	70	50	60	0	580
East Londonderry	40	60	40	20	50	50	50	50	70	90	100	100	90	0	790
Fermanagh and South Tyrone	60	60	40	10	60	40	50	50	80	80	90	80	90	0	790
Foyle	80	70	40	10	70	60	70	80	100	110	110	100	100	0	1,010
Lagan Valley	60	70	40	10	30	20	30	40	50	60	60	70	60	0	600
Mid Ulster	90	70	40	20	50	40	50	60	80	60	80	100	70	0	820
Newry and Armagh	70	50	30	20	60	40	30	50	50	90	90	110	110	0	790
North Antrim	70	60	40	20	40	40	40	50	80	90	70	80	80	0	750
North Down	50	60	20	20	30	20	30	30	40	40	50	50	60	0	510
South Antrim	60	90	40	10	30	40	40	40	60	50	60	70	70	0	660
South Down	60	80	30	20	50	50	40	50	70	90	100	90	90	0	810
Strangford	50	80	30	10	30	30	30	50	30	50	60	70	80	0	600
Upper Bann	70	60	50	20	50	30	60	60	90	120	110	100	100	0	920
West Tyrone	60	60	40	20	60	50	70	60	80	80	100	90	90	0	820
<b>Total</b>	<b>1,210</b>	<b>1,330</b>	<b>670</b>	<b>280</b>	<b>920</b>	<b>760</b>	<b>870</b>	<b>970</b>	<b>1,190</b>	<b>1,450</b>	<b>1,540</b>	<b>1,550</b>	<b>1,460</b>	<b>0</b>	<b>14,190</b>

**Table 10 – DLA Awards by Age and Constituency -2014/15**

Assembly Area	2014-2015														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	60	70	20	20	50	30	40	50	50	70	70	90	60	0	690
Belfast North	100	150	60	20	90	80	90	80	110	140	150	130	90	0	1,280
Belfast South	60	70	20	20	60	50	60	40	50	70	90	70	70	0	720
Belfast West	100	140	50	20	100	110	90	100	90	130	150	140	100	0	1,320
East Antrim	60	80	40	20	40	30	40	30	50	70	90	70	80	0	700
East Londonderry	60	60	30	20	50	40	40	50	90	100	100	80	90	0	810
Fermanagh and South Tyrone	70	70	40	10	50	40	50	50	80	100	90	100	110	0	860

Assembly Area	2014-2015														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Foyle	70	70	30	20	80	60	90	80	110	130	130	120	90	0	1,080
Lagan Valley	90	90	40	10	50	30	30	30	40	60	80	60	60	0	660
Mid Ulster	80	100	30	20	50	40	60	60	80	90	90	110	80	0	890
Newry and Armagh	70	70	30	20	50	40	50	80	80	120	110	110	100	0	950
North Antrim	90	70	40	20	50	40	50	60	70	90	100	90	90	0	840
North Down	50	90	40	10	30	20	20	30	50	60	50	60	50	0	550
South Antrim	60	100	40	10	50	30	40	60	70	90	80	80	80	0	780
South Down	80	90	50	20	50	40	60	60	70	80	80	100	90	0	870
Strangford	60	80	30	10	30	30	30	40	50	70	70	80	90	0	670
Upper Bann	80	80	40	20	60	60	60	80	80	100	130	130	90	0	1,000
West Tyrone	50	80	40	20	70	50	60	70	80	120	100	100	100	0	930
<b>Total</b>	<b>1,260</b>	<b>1,550</b>	<b>680</b>	<b>310</b>	<b>1,030</b>	<b>810</b>	<b>970</b>	<b>1,040</b>	<b>1,290</b>	<b>1,690</b>	<b>1,750</b>	<b>1,720</b>	<b>1,500</b>	<b>0</b>	<b>15,590</b>

Table 11 – DLA Awards by Age and Constituency -2015/16

Assembly Area	2015-2016														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	80	80	30	20	50	30	60	40	60	80	80	90	80	0	780
Belfast North	100	150	60	20	100	100	90	80	80	120	140	130	120	0	1,290
Belfast South	50	70	20	20	60	60	40	70	70	60	70	90	70	0	730
Belfast West	120	130	60	30	100	90	110	100	110	120	150	110	100	0	1,320
East Antrim	60	80	50	10	40	50	50	40	50	60	70	80	70	0	700
East Londonderry	80	70	30	20	50	50	30	50	60	100	110	100	90	0	830
Fermanagh and South Tyrone	50	60	30	20	50	40	50	60	80	90	100	110	90	0	820
Foyle	90	60	40	20	80	70	70	70	90	110	140	120	110	0	1,050
Lagan Valley	70	90	30	10	40	30	40	30	50	70	70	80	60	0	660
Mid Ulster	90	110	40	20	60	30	50	60	70	80	110	110	100	0	940
Newry and Armagh	80	70	40	20	60	50	50	40	70	90	100	110	110	0	890
North Antrim	80	80	30	20	60	30	50	50	60	70	80	110	80	0	800
North Down	50	80	30	10	30	40	30	40	40	60	60	60	60	0	580
South Antrim	70	120	50	20	60	40	40	60	70	70	100	90	70	0	870
South Down	70	70	30	20	60	50	50	50	70	100	100	90	100	0	850
Strangford	60	80	40	10	30	30	30	40	60	80	80	90	80	0	700

Assembly Area	2015-2016														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Upper Bann	70	70	40	20	80	50	80	50	90	120	110	140	110	0	1,010
West Tyrone	50	70	50	30	80	60	60	60	90	110	100	110	100	0	960
<b>Total</b>	<b>1,330</b>	<b>1,520</b>	<b>700</b>	<b>330</b>	<b>1,070</b>	<b>870</b>	<b>970</b>	<b>980</b>	<b>1,270</b>	<b>1,560</b>	<b>1,780</b>	<b>1,810</b>	<b>1,590</b>	<b>0</b>	<b>15,770</b>

Table 12 – DLA Awards by Age and Constituency -2016/17

Assembly Area	2016-2017														
	Customer Age														Total
	Under 5	5 to under 11	11 to under 16	16 to 17	18 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	
Belfast East	20	30	10	0	10	0	20	10	10	20	20	20	30	0	190
Belfast North	30	50	20	0	30	20	20	20	20	30	20	30	20	0	290
Belfast South	20	20	10	0	10	10	10	10	20	0	20	20	20	0	150
Belfast West	30	40	20	20	20	30	20	20	20	30	30	30	20	0	310
East Antrim	20	40	10	10	10	10	10	10	10	10	20	10	20	0	180
East Londonderry	20	20	10	10	20	10	10	10	20	20	30	20	30	0	220
Fermanagh and South Tyrone	10	30	20	0	10	10	10	10	20	20	30	20	20	0	200
Foyle	20	20	10	0	20	20	20	20	20	30	30	30	30	0	260
Lagan Valley	20	20	10	0	10	10	10	10	10	20	20	20	20	0	180
Mid Ulster	20	30	10	0	10	10	10	10	20	10	20	10	20	0	190
Newry and Armagh	20	10	0	0	10	10	10	10	20	20	30	20	30	0	210
North Antrim	10	30	20	0	10	10	10	10	20	20	10	30	20	0	200
North Down	20	30	10	0	0	10	10	10	10	10	20	10	20	0	140
South Antrim	20	30	10	0	10	10	10	10	10	20	10	20	20	0	170
South Down	30	30	10	10	10	10	10	20	10	10	20	10	30	0	210
Strangford	20	20	10	0	10	20	10	10	10	10	20	20	20	0	160
Upper Bann	20	10	10	10	10	10	20	20	10	30	20	20	20	0	210
West Tyrone	20	20	10	10	20	10	10	20	20	30	20	30	20	0	230
<b>Total</b>	<b>360</b>	<b>460</b>	<b>200</b>	<b>80</b>	<b>210</b>	<b>190</b>	<b>210</b>	<b>220</b>	<b>280</b>	<b>330</b>	<b>380</b>	<b>380</b>	<b>380</b>	<b>0</b>	<b>3,690</b>

**Mr Lynch** asked the Minister for Communities whether his Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.

(AQW 8798/16-21)

**Mr Givan:** My Department is fully committed to ensuring that the boards of its public bodies are fully reflective of society and welcomes the recent impetus provided by the Commissioner for Public Appointments Northern Ireland (CPA NI) in addressing diversity issues.



Following the introduction of targets in April 2016 by the Northern Ireland Executive to achieve equal representation of men and women on public body boards, my Department has implemented a range of initiatives, such as increased usage of social media, ensuring the public is aware of the gender targets, making the appointment process more user friendly and engaging with organisations that champion under-represented groups to attract applications from such groups.

The Commissioner has acknowledged and commended my Department on actions it has taken to achieve the gender targets.

My Department will continue to engage with the Commissioner as part of the diversity initiative to ensure that actions taken are reflective of good and current practice.

**Mr Lyttle** asked the Minister for Communities to outline the current average waiting time for parents with care to receive payments from Child Maintenance Service following initial application.

**(AQW 8806/16-21)**

**Mr Givan:** CMS does not hold information on the average waiting time to receive payments following initial application. However, CMS do monitor the percentage of cases on which the first payment is made within specified timeframes.

Latest monthly data (July 16) shows that on cases where payment should be made, 75.6% of first payments due were received within 6 weeks of application, with 90.3% received within 12 weeks.

These statistics are still in the early stages of development and assurance, and therefore may be revised in the future

**Mr Beggs** asked the Minister for Communities to detail (i) the cost to the NIHE of carrying out Energy Performance Certificates over each of the past five years; and (ii) how the information gathered differs from the Savill Report.

**(AQW 8809/16-21)**

**Mr Givan:**

(i) The cost to the NIHE of carrying out Energy Performance Certificates over each of the past 5 years is as follows:

Year	Totals
2011/12	345,579
2012/13	449,579
2013/14	1,409,164
2014/15	1,374,346
2015/16	186,461
2016/17 to 12/12/2016	86,932
<b>Total</b>	<b>3,852,061</b>

This information has been taken from the Housing Management System and the General Ledger.

(ii) The data from the EPC is currently being analysed and the comparison against Savills' findings is ongoing as part of the development of our new Energy Strategy.

**Mr Mullan** asked the Minister for Communities to detail the savings made from Welfare Reform to date.

**(AQW 8842/16-21)**

**Mr Givan:** Substantial and very real progress has been made over the last year on the implementation of Welfare Reform in Northern Ireland. A number of changes to the welfare system have recently been introduced including Personal Independence Payments, the time limiting of contributory Employment Support Allowance and the Benefit Cap.

Social Security spending on Northern Ireland is funded as Annually Managed Expenditure (AME) directly from HM Treasury and outside of the Northern Ireland Executive Block. Any savings resulting from the introduction of Welfare Reform therefore accrue directly to HM Treasury.

As changes to the welfare system have only recently been introduced it is not possible to quantify savings at this time. It will take a period of live running of up to 12 months before an assessment could be made.

**Ms Gildernew** asked the Minister for Communities to detail the action he is taking to implement the recommendations made by the Equality Commission in its document entitled Gender Equality: Policy Priorities and Recommendations.

**(AQW 8866/16-21)**

**Mr Givan:** I am aware of the Equality Commission for Northern Ireland's Gender Equality: Policy Priorities and Recommendations document which seeks to inform policy development to advance gender equality in Northern Ireland.

One of the priority areas identified in the document is to tackle gender based violence and domestic violence in gender specific contexts. I recognise that domestic violence is a serious problem which has a devastating effect on victims and their families and I recently participated in the Women's Aid '16 Days of Action' campaign designed to raise awareness of domestic violence.

In relation to the other priorities identified in the document, responsibility for a number of policy areas covering a wide range of social inclusion issues, including gender equality, transferred to my Department in May this year. I am currently considering how best to take forward this work in the context of the Executive's draft Social Strategy which will be issued for public consultation in due course.

**Mr Agnew** asked the Minister for Communities (i) whether his Department requires those that receive benefits through the post office to change to a bank/building society (ii) whether this mandatory; and (iii) what will happen to those that cannot/do not comply.

**(AQW 8875/16-21)**

**Mr Givan:** It is not mandatory for customers to stop using their Post Office card account and customers can continue to receive payments in this way.

The Department for Communities considers Direct Payment into a bank, building society or credit union account to be the most efficient, secure and reliable way of making payments and it is therefore the preferred way to make pension and benefit payments.

The Department is also committed to battling financial exclusion and helping more people to move towards, and benefit from, mainstream banking where this is possible. Post Office card account is not a transactional account and is therefore restricted in comparison to a mainstream account. The Department would like all of its customers to benefit from the advantages of a mainstream account which can provide utility bill savings through payment by direct debit and easy access to money at ATMs.

Those moving to another account can continue to access their money and other services at their local Post Office.

**Mr Agnew** asked the Minister for Communities pursuant to AQW 7713/16-21, to outline the (i) reasons the Housing Executive would hold land, other than for development; and (ii) consideration given to releasing land with development potential to housing associations to develop.

**(AQW 8954/16-21)**

**Mr Givan:** The Housing Executive has advised that:

- (i) It would only retain land that is required for development or to support wider programmes, initiatives and developments related to the housing market, social well-being and regeneration or that is required to be retained as open space/amenity lands.
- (ii) In the past five years, the Housing Executive has transferred 108 sites to housing associations, facilitating starts on 1,645 new social homes and is working closely with housing associations to progress the transfer of a further 13 sites in 2016/17 to facilitate starts on 129 new social homes.

**Mr Beggs** asked the Minister for Communities to outline how the need for cavity wall insulation has been considered for a future investment strategy, given the absence of a comprehensive survey of the condition of cavity wall insulation.

**(AQW 9010/16-21)**

**Mr Givan:** The Housing Executive has advised that it intends to bring forward programmes of work related to insulation for properties that were identified as being in most need by the recent Stock Condition Survey carried out by Savills in 2014/15.

This work will be focused on the significant number of properties that, to date, have not benefitted from any insulation work and whose thermal performance is poor compared to the majority of the stock.

Once the position on cavity wall insulation in the Housing Executive's stock is established, consideration will be given via its new Energy Strategy as to where and what level of investment is required in order to address any issues identified.

## Department for Infrastructure

**Mr McKee** asked the Minister for Infrastructure to outline (i) the training or advice provided to officials within his Department and each of its Arm's Length Bodies in relation to outcomes-based accountability; (ii) who delivered the training; (iii) an overview of each session including the number of people in attendance and themes covered; (iv) the total paid to each individual or organisation involved in the delivery training up to 28 November 2016; and (v) the projected costs to be paid to each individual or organisation involved in the delivery training in 2016/17.

**(AQW 8059/16-21)**

**Mr Hazzard (The Minister for Infrastructure):** Outcome based accountability training has been provided to NISRA statisticians in all Executive Departments, to Programme for Government Senior Responsible Officers and their teams, and to policy officials with a particular identified requirement.

In addition, OBA familiarisation sessions have been provided, focusing on specific areas of outcomes-focused practice, at meetings of senior officials involved in Programme for Government implementation across Departments.

All of this training has been provided at no cost to Departments.

**Mr Mullan** asked the Minister for Infrastructure for an update on the provision of an hourly rail service from Belfast to the North West.

**(AQO 764/16-21)**

**Mr Hazzard:** The completion of Phase 2 of the Coleraine to Derry track relay at the end of this year is a long standing Executive commitment and will create the potential for the introduction of an hourly service between Belfast and Derry.

The recent blockade has ended and this enabled the Signalling part of the project to be progressed. The passing loop at Bellarena is anticipated to be operational by the end of December 2016.

I have already requested that Tranlink consider the introduction of an hourly service between Belfast and Derry in conjunction with more frequent train services to and from Newry in the New Year.

The introduction of such a service is dependent upon my Department securing the necessary resource funding to subsidise Tranlink to operate the additional services required. This is currently estimated at around £1.4 million per annum.

**Mr Irwin** asked the Minister for Infrastructure to outline his plans to resource fully the street lighting division in Newry and Armagh to enable a faster response to street lighting failure.

**(AQO 765/16-21)**

**Mr Hazzard:** My Department carries out street lighting maintenance in most of Transport NI Southern Division using our internal contractor, Operation & Maintenance. The Newry and Armagh areas fall within this area of operation.

It must be emphasised that TransportNI only repairs lights which are reported by the public or their representatives. It is therefore possible for some lights to remain out for long periods of time if they are not reported.

Operation & Maintenance, like all Sections within TransportNI, has to operate within current budget limits whilst carrying out maintenance operations as efficiently and effectively as possible.

Priority is given to repairing emergency defects first no matter where they occur. Emergency repairs are those which present an electrical or physical hazard to the public.

Groups of lights out are then given the next priority before individual defects are repaired.

As the result of a recent local review of street lighting maintenance operations in Southern Division, Operation and Maintenance has started the process to recruit 2 additional electricians for this area. This will allow 2 additional repair teams to be deployed within the Division. These additional teams will mean additional flexibility within the system so that more individual defects can be repaired more quickly.

**Mr Carroll** asked the Minister for Infrastructure how many lights have been repaired since his Department last announced additional funding for the repair of street lighting.

**(AQO 766/16-21)**

**Mr Hazzard:** Since I announced an additional half a million pounds [£500,000] of funding for street lighting repairs in June of this year, my Department's contractors and staff have repaired a further 13,581 defective street lights.

The half a million pounds [£500,000] which I allocated for street lighting in June was in addition to an initial budget of one million pounds [£1,000,000] that my Department had allocated at the beginning of this financial year for street lighting maintenance activities.

In street lighting terms, routine maintenance covers such work as the repair of outages, underground cable faults and safety defects.

I am fully aware of the contribution that well maintained street lighting makes to road safety, especially over the darker evenings of the winter.

At the present time, a full street lighting maintenance service is being provided. Repairs are being carried out by my Department's external contractors and by TransportNI's in-house Operation and Maintenance staff.

As of the end of October, the street lighting repair budget was approximately 60% spent. Given the increased demand for street lighting repairs over the winter months, I will be keeping a close watch on the available budgets and will discuss the need for further funding with Executive colleagues as required.

**Mr Lyttle** asked the Minister for Infrastructure, given departmental officials have confirmed the budget for winter services is only secure until December 2016, to outline how these services will be delivered in 2017.

**(AQO 767/16-21)**

**Mr Hazzard:** Mr Speaker, can I make it clear at the outset that my Department's winter service programme is provided to mitigate against the effects of adverse winter weather, it does not eliminate them.

In preparation for winter over 300 staff are available on stand-by and a fleet of some 130 gritters available every day to salt the main road network. Salt barns have been filled to a maximum capacity of over 70,000 tonnes with reserve stocks of around 20,000 tonnes in place. Salt bins and grit piles have been provided at strategic locations for self help purposes.

The Department is funded to provide Winter Service until January, however, budgetary processes have not yet been completed and there is scope for further funding as part of January monitoring or through internal budget adjustments.

I fully recognise the importance of winter service to the people and the economy of the North and I have recently visited the winter service depot at Airport Road Belfast to meet staff and see at first hand this vital work.

I wish to assure the Member and this House that I remain committed to providing a full Winter Service.

**Mr Middleton** asked the Minister for Infrastructure for an update on the North West Multimodal Transport Hub.  
(AQO 768/16-21)

**Mr Hazzard:** Following my announcement of the preferred location for the Hub, Translink continue to progress the design development and are preparing for a Planning Public Consultation. These events will be held on 15 and 16 December in Derry. It is expected that a full planning application will be made early next year and assuming there are no difficulties construction could be completed by 2020.

Legal negotiations on acquiring the land / property required for the project are progressing.

I remain hopeful that the Multimodal Transport Hub will secure European co-financing towards this project.

Officials from my department submitted an application for EU funding for the Hub from the INTERREG 5A territorial co-operation programme in August 2016 and the Special European Programmes Body (SEUPB) continues to assess this.

In order to progress this matter I have instructed my officials to continue to liaise, and co-operate, with the SEUPB in its assessment process and I hope to be able to make a positive announcement with regard to this in the near future.

I recognise that the Department will need to provide matched funding if the bid is approved. This will be considered in the overall capital budgetary process to be taken forward in the months ahead.

**Ms P Bradley** asked the Minister for Infrastructure to outline the training provided to Translink operatives to ensure that public transport is accessible for people with a physical disability.  
(AQO 769/16-21)

**Mr Hazzard:** All customer facing operational staff within Translink receive disability awareness training as part of their induction process.

This is refreshed and updated during in year training and briefing events. For example, drivers undertaking their Certificate of Professional Competence receive awareness training on the issues faced by people who are blind or partially sighted, those who are deaf and those passengers who have impaired mobility. This training is vital in ensuring that Translink services remain accessible to those with a disability.

It is important to recognise that this is only one element of accessibility and that my Department also funds Disability Action, Rural Community Transport Partnerships and Shopmobility to provide specialist transport options for those individuals who find it difficult to use or access Translink services.

**Ms Dillon** asked the Minister for Infrastructure to outline his Department's plans to increase the uptake of public transport.  
(AQO 770/16-21)

**Mr Hazzard:** I am committed to increasing the uptake of public transport, and under the Programme for Government outcome 'we connect people and opportunities through our infrastructure' a key priority in my Delivery Plan is to encourage more people to use public transport, alongside walking and cycling.

My Delivery Plan sets out a wide range of initiatives aimed at enhancing the attractiveness of public transport, ranging from capital investment projects to integrating and reviewing services.

In terms of key areas to target, the focus for increasing the uptake of public transport will initially be on urban areas and inter-urban travel. It is on these routes where there is the greatest potential to increase the uptake of public transport, both bus and rail.

While this will require significant investment, that on its own will not bring about the transformation required. For that reason investment must be accompanied by a number of demand management and travel behaviour measures designed to support a modal shift to public transport and active travel.

Although my Delivery plan sets out my initial proposals to transform how we travel, I want to take an even more radical and ambitious approach. I will be using the ongoing consultation to build on my proposals and to look at how we can truly transform our transport infrastructure and how we use it.



**Mr McGlone** asked the Minister for Infrastructure for an update on the A6 Randalstown to Castledawson Dualling scheme. (AQO 771/16-21)

**Mr Hazzard:** The A6 is one of the Executive's Flagship projects. My Department is currently progressing two separate dualling projects on the A6 route; Randalstown to Castledawson and Derry to Dungiven. Both of these projects will significantly improve connectivity between Derry and Belfast and contribute to enhancing the economy of the Northwest.

At the end of September an Application for Leave to hear a Judicial Review was received which related to the A6 Randalstown to Castledawson project. My Department has challenged the Leave Application, which referred only to the Toome to Castledawson section of the scheme.

Preliminary advance works have been continuing in the Randalstown to Castledawson scheme, with consultation on these works continuing with relevant statutory bodies including NIEA and non-statutory bodies such as RSPB.

On Thursday 24th November the Courts decided to grant Leave for a Judicial Review. The ruling means that a Judicial Review must be heard, in the coming months, before construction can proceed.

**Ms Boyle** asked the Minister for Infrastructure for his assessment of how congestion can be eased in Belfast City Centre. (AQO 772/16-21)

**Mr Hazzard:** Traffic congestion at peak times is a common problem in most medium and large cities and Belfast is no different in that during the rush hour our road and transportation system operates at its maximum capacity. It only takes a minor incident, such as a breakdown or minor collision on one of the key routes into the city, to cause significant traffic delays.

The objective of a modern transport strategy is both to enable to swift and efficient transit of people, goods and services and also to make places good to work, live and work in.

My PfG targets are to improve journey times on key economic corridors and to enhance the usage of public transport and active travel – both will only work if there are actions taken in three areas.

Firstly long term infrastructure improvements to tackle bottlenecks and pinch points in the road network are needed. I have made it clear the A5 and A6 are my priority projects, but if finance allows I also have plans to address other key bottle necks, including in Belfast, the York Street Interchange scheme.

Secondly, we need to make public transport in Belfast a more attractive option for people. BRT and other improvements such as bus lanes which provide quicker and more predictable journey times are key to this.

Furthermore, my Department plans to extend the existing M1 hard-shoulder busway to Blaris and to construct a new M2 hard-shoulder running busway to Fort William.

I am also developing better bicycle infrastructure and the schemes recently completed in Alfred Street, Durham Street, College Avenue and Queen Street are recent examples of the fresh approach I am taking in this area.

Thirdly, in the short term we need to make sure we do all we can to manage problems when they arise to minimise disruption. My Department works closely with the PSNI who lead on the response to incidents on all parts of the road network, to ensure breakdowns are cleared quickly.

Reviews are carried out after each major incident to ensure any lessons learned are adopted quickly.

So in conclusion, whilst my Department has a part to play in addressing congestion, the issues here go far wider, recognising that the road network will never be able to resolve all the issues – some of this goes to the trade-offs people are willing to make between the convenience of their own cars and the time taken to travel.

**Mr Dunne** asked the Minister for Infrastructure for his assessment of the web-based defective street lighting reporting system. (AQO 773/16-21)

**Mr Hazzard:** The on-line 'Report a street light fault' became available to the public through the NIDirect web site, on the 17 November 2016. The web-based system, which can be accessed through any internet search engine, provides direct access to the public to allow them to log a defective street light 24 hours day, seven days a week.

When a member of the public submits a report of a defective street light through the website, they are asked for their name and email address, which will allow the system to issue them with an acknowledgement email that contains a unique reference number.

Active defects are displayed on the on-line map in red to confirm that a defect has been reported and will allow other members of the public to add their detail to an existing defect if required.

Members of the public can track the status of the street lighting defect by entering the unique reference number into the 'Track a street light fault' option provided.

The 'Report a street light fault' is also used to log street lighting defects reported through the NIDirect call-centre. They will log the defect for the caller and provide them with the unique reference number.

This is a new street lighting reporting system and I think that it is worthwhile.

**Mr McCrossan** asked the Minister for Infrastructure to detail the vehicle fleet owned by (i) his Department; and (ii) its arm's-length bodies.

**(AQW 8278/16-21)**

**Mr Hazzard:**

(i) The following table details the number of vehicles owned by the Department and its arms length bodies:

Business Area	No of Vehicles
Department (inc TNI, DVA & Rivers)	684
Translink	144*
NI Water	454

\* This figure excludes Translink's bus fleet and railway rolling stock.

(ii) The amount spent on vehicles by the Department and its arms length bodies are detailed in the attached table. As not all figures are available broken down by vehicle type, I have included the total figure spent on vehicles over the last ten years for the Department and its arms-length bodies.

Business Area	Total Spend (last 10 years)
Department (inc TNI, DVA & Rivers)	£17,318,115
Translink	£2,545,100*
NI Water	£9,335,000

\* This figure excludes Translink's bus fleet and railway rolling stock.

**Mr McCrossan** asked the Minister for Infrastructure to detail (i) the number of litigation claims brought against his Department by the general public, broken down by litigation type; and (ii) how much this cost his Department, in each of the last five years. **(AQW 8280/16-21)**

**Mr Hazzard:** It is my understanding that you have clarified that your question relates to the cost and number of public liability claims received. I also understand that you have confirmed that your question should be addressed for the period to date 2016/17. Table 1 details the number of public liability claims received by claim type from April to December 2016.

**Table 1**

Claim type	Number of claims received
Personal Injury	582
Vehicle Damage	992
Property Damage	76

Table 2 details the total expenditure on public liability claims by claim type from April to December 2016. The figures include compensation, related legal costs and external costs associated with investigating and defending claims. It should be noted that the amount of expenditure in any specific financial year does not necessarily relate to claims received in that year. This is because the timescale for dealing with claims can span financial years due to investigatory and legal processes which vary depending on the nature and specific details of each case.

**Table 2**

Claim type	Total expenditure
Personal Injury	£2,814k
Vehicle Damage	£325k
Property Damage	£61k

**Mr Easton** asked the Minister for Infrastructure whether Transport NI has any plans to review the impact on local businesses following the introduction of loading bays situated outside businesses in Bangor.

**(AQW 8349/16-21)**

**Mr Hazzard:** Three loading bays have been provided on Main Street and Bridge Street, Bangor as part of the North Down Borough Council's Public Realm scheme. This project was delivered by the Council in conjunction with the then Department for Social Development.

My Department, as custodian of the public highway, provided the necessary legislation to allow enforcement of the waiting and parking restrictions on the new streetscape.

My Department is content that a balance has been found with the introduction of limited waiting parking bays, accessible parking bays, bus stops and loading bays to facilitate the various competing demands for on-street parking, i.e. visitors/customers, buses, blue badge holders and business needs.

As with any new arrangement there is a settling in period and my officials will be reviewing all aspects of the Councils scheme over the next few months.

**Mr Smith** asked the Minister for Infrastructure to detail the roads that have been (i) upgraded; and (ii) resurfaced to date in the Ards and North Down Borough Council area as part of the £10 million Rural Roads Initiative.

**(AQW 8425/16-21)**

**Mr Hazzard:** I should firstly advise the Member that the £10m Rural Road Initiative funding which I announced earlier this year was earmarked to deal with stretches of roads where the surface had fallen into a bad state of repair; a situation exacerbated by financial constraints faced by TransportNI over the past two years in delivering a routine maintenance service. Consequently the funding was not used to upgrade roads but to carry out resurfacing on those sections of roads identified as being in the worst condition surface wise.

I am pleased to advise the Member that an extensive list of roads in the Ards and North Down Borough Council area have benefited from this initiative with work having been completed on the following roads. I should point out that more than one section of resurfacing has been carried out on some of those listed and this is indicated by the figure in brackets.

- |  |   |
|--|---|
| ■ Ballygelagh Road, Cloughey           | ■ Marfield Road, Portaferry             |
| ■ Ballyrusley Road, Portaferry (4)     | ■ Loughshore road, Portaferry           |
| ■ Lough Cowey Road, Portaferry (3)     | ■ Newcastle Road, Cloughey              |
| ■ Crawfordsburn Road, Bangor           | ■ Dunover Road, Ballywalter             |
| ■ Tullynagardy Road, Newtownards (3)   | ■ Dunevly Road, Portaferry              |
| ■ Loughries Road, Newtownards (3)      | ■ Ballygarvigan Road, Portaferry (3)    |
| ■ Moss Road, Millisle (2)              | ■ Quinton Bay Road, Portaferry (2)      |
| ■ Tullycross Road, Cloughey (2)        | ■ Millinbay Road, Portaferry            |
| ■ Windmill Road, Millisle (5)          | ■ Drumarden Road, Cloughey (4)          |
| ■ Drumfad Road, Millisle               | ■ Mountain Road, Newtownards (4)        |
| ■ Ganaway Road Millisle                | ■ Springmount Road, Ballygowan (3)      |
| ■ Greystones Road, Millisle (2)        | ■ Tullyhubbert Road, Ballygowan         |
| ■ Bairdstown Road, Ballywalter         | ■ Upper Ballymorran Road, Killinchy (3) |
| ■ Ballydoonan Road, Carrowdore         | ■ Ballyglighorn Road, Comber (3)        |
| ■ Spring Lane, Greyabbey               | ■ Mill Road, Killinchy (2)              |
| ■ Killyvolgan Road, Ballywalter (2)    | ■ Ballynichol Road, Comber              |
| ■ Back Road, Ballyhalbert (2)          | ■ Thornyhill Road, Killinchy            |
| ■ Blackstaff Road, Cloughey            | ■ Whinney Hill, Holywood                |
| ■ Upper Gallygelagh Road, Cloughey (2) | ■ Barrhall Road, Portaferry             |

Work is still to be carried out on Holywood Road, Newtownards, Ballymoney Road, Craigantlet and Greengraves Road, Newtownards.

**Mr McPhillips** asked the Minister for Infrastructure to detail all money spent by his Department on upgrading (i) flood prevention; and (ii) flood alleviation measures in Fermanagh and South Tyrone over the last twelve months.

**(AQW 8434/16-21)**

**Mr Hazzard:** DfI Rivers does not maintain details of the information you have requested in the format specified. Works within the Fermanagh and South Tyrone area are covered by DfI Rivers Western and Eastern Regions. The majority of the Fermanagh and South Tyrone area lies within Western Division and details of expenditure for the period November 2015 to October 2016 is provided below.

Drainage Infrastructure	Flood alleviation
£34,000	£53,000

DfI Rivers Eastern Division expenditure in South Tyrone was limited to refurbishment works carried out on the River Blackwater in the period December 2015 to November 2016. The expenditure was approximately £96,000.

**Mr Allister** asked the Minister for Infrastructure for an update on the timing of the implementation of planned safety measures on the Dunsilly to Ballee section of the A26.

**(AQW 8474/16-21)**

**Mr Hazzard:** You will be aware that a number of recommendations were made following a review of safety on this stretch of the A26 in February of this year. Work on the legislative aspects of the proposals has been ongoing over the last six months and construction work is due to commence at the A26 / Cromkill Road junction in February 2017. This will involve construction of a traffic island to prevent vehicles turning right from Cromkill Road towards Antrim. Similar work at the junction of Woodgreen Road has been delayed due to objections but it is hoped work will be permitted to commence later in 2017. The proposed restriction at Maine Road has been dropped due to lack of a suitable alternative route.

Meantime there is an ongoing programme of upgrading and renewal of warning and direction signs, placing of additional road markings, renewal of existing white lines and cutting back of overgrown vegetation at junctions along the A26 between Dunsilly and Ballee.

**Lord Morrow** asked the Minister for Infrastructure to detail all instances during 2016 to date where traffic attendants have (i) called the PSNI to an incident of abuse; and (ii) reported an abuse to PSNI after an incident has occurred; broken down by constituency.

**(AQW 8476/16-21)**

**Mr Hazzard:** Please see the table below, provided by my Department's parking enforcement service provider NSL Services Ltd (NSL), which shows that a total of 35 incidents have been reported to the PSNI between 1 January and 30 November 2016. NSL advise that this information is not kept by constituency and its reporting system does not differentiate between contacting the PSNI during an incident or afterwards.

Town	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Antrim	1		1				1				
Armagh									1		
Belfast	1	2	2		1	1				1	4
Ballymena	1	1				1				1	
Ballymoney		1						1	1		
Banbridge		1					1			1	
Larne								1		1	
Lurgan						1					
Newry				1		1		1			
Portstewart							1				
Saintfield		1									
Strabane									1		

**Mr Easton** asked the Minister for Infrastructure what footpath resurfacing schemes were lost or cancelled as a result of contractual issues during 2015-16 in North Down.

**(AQW 8477/16-21)**

**Mr Hazzard:** I would refer the Member to my response to his recent question reference AQW 8246/16-21 which I believe deals with this question.

**Mr Easton** asked the Minister for Infrastructure what road resurfacing schemes were lost or cancelled as a result of contractual issues during 2015-16 in North Down.

**(AQW 8478/16-21)**

**Mr Hazzard:** I would refer the Member to my response to his recent question reference AQW 8246/16-21 which I believe deals with this question.

**Mrs Dobson** asked the Minister for Infrastructure pursuant to AQW 7425/16-21 and of the accounts identified in the three projects, to detail (i) the total financial amount recouped; (ii) the total financial amount outstanding; and (iii) the number of pursued cases which have been (a) overturned; and (b) amended.

**(AQW 8479/16-21)**



**Mr Hazzard:** NI Water has advised that (i) the total money identified to be recouped in the three projects was amended to £857k; (ii) to date, the total financial amount recouped by NI Water has been £477k, leaving £380k outstanding; (iii) of all the cases pursued by NI Water, nine were overturned and 59 were amended.

The nine accounts overturned were not in response to the debt recovery process. These accounts were billed retrospectively for sewerage charges but following further investigation, or additional information provided by the customer through the customer engagement process, were found not to be connected to the public sewer. The nine accounts were subsequently amended.

The 59 accounts were amended for various operational reasons such as meter consumption updates or change in occupancy etc. An account being amended should not be interpreted to be as a result of, or an indication of, an incorrect action by NI Water.

**Ms P Bradley** asked the Minister for Infrastructure whether he will consider introducing free public transport smartpasses for people that are medically not allowed to drive.

**(AQW 8480/16-21)**

**Mr Hazzard:** The Member is aware that those who aged 60 or over who are unable to drive because of a medical condition can receive free travel on public transport. I remain sympathetic to requests for extending free travel on public transport to those individuals who are medically not allowed to drive but have not yet reached this age threshold. However, the position is that there are already numerous competing priorities for resources across my Department and as such any extension to the concessionary fares scheme cannot be considered at this time.

**Mr Mullan** asked the Minister for Infrastructure what discussions he has had with the Executive concerning the responsibility of coastal erosion for his Department.

**(AQW 8510/16-21)**

**Mr Hazzard:** I have met with my Executive colleague the DAERA Minister on several occasions to discuss this important issue; the most recent meeting took place on 5th December 2016.

**Mr Robinson** asked the Minister for Infrastructure pursuant to AQW 5120/16-21 and AQW 5121/16-21; (i) whether dealerships that have complied are out thousands of pounds after reprogramming; and (ii) what compensation is available to them as a result of his Department changing the criteria.

**(AQW 8512/16-21)**

**Mr Hazzard:** My Department has never asked for taximeter reprogramming.

**Mr Robinson** asked the Minister for Infrastructure pursuant to AQW 5120/16-21 and AQW 5121/16-21 and with meters fitted and programmed with the paper disconnect and the old national rate with no Christmas rates included, whether a compensation scheme is planned for (i) all meters to be reprogrammed; and (ii) all meters requiring their seals to be broken and retested.

**(AQW 8513/16-21)**

**Mr Hazzard:** My Department has never asked for taximeter reprogramming.

**Lord Morrow** asked the Minister for Infrastructure how many spaces are available in Dungannon town centre car parks and of these how many are (i) free; and (ii) fee paying.

**(AQW 8568/16-21)**

**Mr Hazzard:** Councils became responsible for car parks on 1 April 2015. Any queries you have relating to car parks in Dungannon should therefore be directed to Mid Ulster District Council.

**Mr Robinson** asked the Minister for Infrastructure whether planning permission was granted for quarrying and associated activities on the Keady Mountain, Limavady.

**(AQW 8617/16-21)**

**Mr Hazzard:** My officials have advised that planning permission exists for a quarry at Keady, Limavady under planning reference B/1978/0124.

As planning functions transferred from the Department to Councils on 1 April 2015, you should refer your query in relation to whether air and noise pollution surveys were carried out for the quarrying and any associated activities to Causeway Coast and Glen Borough Council who now have responsibility for this permission.

You may therefore, wish to contact Mr David Jackson, the Chief Executive of the Council directly. Mr Jackson can be contacted at the address below:

Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY

**Mr Robinson** asked the Minister for Infrastructure whether (i) air; and (ii) noise pollution surveys were carried out for the quarrying and associated activities on Keady Mountain, Limavady.

**(AQW 8618/16-21)**

**Mr Hazzard:** My officials have advised that planning permission exists for a quarry at Keady, Limavady under planning reference B/1978/0124.

As planning functions transferred from the Department to Councils on 1 April 2015, you should refer your query in relation to whether air and noise pollution surveys were carried out for the quarrying and any associated activities to Causeway Coast and Glen Borough Council who now have responsibility for this permission.

You may therefore, wish to contact Mr David Jackson, the Chief Executive of the Council directly. Mr Jackson can be contacted at the address below:

Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY

**Mr Chambers** asked the Minister for Infrastructure to outline the Transport NI policy and timescale to repair street lights outages on (a) Bangor Ring Road, especially the cluster lights at the Springhill fly over; and (b) the Newtownards to Bangor dual carriageway.

**(AQW 8619/16-21)**

**Mr Hazzard:** My Street Lighting Section only repair those street lights which are specifically reported by members of the public or their representatives.

There are a number of lights out on each of the multi-lamp heads on the high mast columns at the Springhill intersection. Work is currently ongoing not only to repair these defective lights but to also carry-out necessary structural checks on the masts themselves. This will require the use of a specialist contractor from England and it is anticipated that this work will be carried out in January 2017.

As far as the defective lights on the Newtownards to Bangor dual carriageway, I can advise that it is anticipated that those lights which have been reported as being defective will be repaired before Christmas.

**Mr Anderson** asked the Minister for Infrastructure for his assessment of the recently published Review of Winter Flooding 2015-2016.

**(AQW 8623/16-21)**

**Mr Hazzard:** The report was an evidence-based study which sought to obtain facts from a wide range of stakeholders covering farming, engineering, environment and governance. It is clearly well informed, wide ranging and challenging and I am very impressed by the extensive nature of the engagement carried out. I believe that the time taken to listen to those impacted by last winter's floods was time well spent.

The findings in the report are set out using the theme of resilience throughout, and it focuses on a number of sectors such as farmers, staff and land use. Importantly, the report highlights that flooding is not something that can be solved but is a reality that we must learn to live with and manage. My Department is currently preparing an action plan which will allocate responsibility for progressing the recommendations within the report. This will include liaison with other Departments as some of the recommendations fall under their remit.

**Mr K Buchanan** asked the Minister for Infrastructure to detail the roads not yet adopted by his Department in Mid Ulster, broken down by town.

**(AQW 8652/16-21)**

**Mr Hazzard:** A list of unadopted developments sites for the Mid Ulster area, which have been separated into the old Council areas for ease of reference, will be placed in the Assembly Library.

Please note that the development addresses provided are those used in the bond and agreement documentation and that these are based on the address submitted as part of the planning permission. In some cases these now differ from the development name adopted by the developer.

**Mr K Buchanan** asked the Minister for Infrastructure to outline any new infrastructure projects planned by NI Water for Mid Ulster for the next three years.

**(AQW 8653/16-21)**

**Mr Hazzard:** NI Water has 16 new infrastructure projects planned for Mid-Ulster in the next three years. These are detailed in the table below:

**NI Water Planned Capital Investment in Mid-Ulster**

- |   |  |
|---|--|
| ■ Glencull to Cabragh – Strategic Link Watermain                                    | ■ Ballyronan WWTW – Feasibility Study  |
| ■ Lough Fea – Clear Water Basin Capacity Increase                                   | ■ Ballygawley WWTW – Feasibility Study |
| ■ Lough Fea – Watermain Infrastructure Investment Methodology Phase 2 Works Package | ■ Stewartstown WWTW – Appraisal        |

- Mountfield WWTW – Appraisal Study
- Derrycrin WWTW – Feasibility Study
- Desertmartin WWTW – Feasibility Study
- Newmills WWTW – Feasibility Study
- Killygonlan (Mullanahoe) WWTW – Upgrade
- Fivemiletown WWTW – Feasibility Study
- Moy WWTW – Appraisal Study
- A6 Castledawson to Randalstown Road – Realignment of existing watermains, pumping mains and gravity sewers
- Westland Road, Cookstown – Sewage Pumping Station Upgrade
- Castlehill – Service Reservoir Refurbishment

NI Water also commits significant levels of capital expenditure to province wide programmes of work which are not identified at constituency level.

**Mr K Buchanan** asked the Minister for Infrastructure how he will ensure the development of greenways in Mid Ulster over the next five years.

**(AQW 8656/16-21)**

**Mr Hazzard:** I launched 'Exercise – Explore – Enjoy: a Strategic Plan for Greenways' on 9 November. The strategy sets out my vision for greenways and a framework for a more strategic and ambitious programme to develop a greenway network across the whole of the north.

I also announced grant funding of £160,000 to Councils for 20 greenway feasibility studies which will begin the process of delivering the network. Further funding will be available for developing some of these schemes to detailed design stage. My officials are currently working on the development of a capital grant scheme for greenways with the aim of making part funding available to Councils for building greenway schemes that form part of the Greenway Network.

Mid Ulster Council submitted two expressions of interest in developing greenways and I have provided grants for both feasibility studies. The schemes were the Clogher Valley Greenway and the Ulster Canal Greenway.

**Ms Bradshaw** asked the Minister for Infrastructure for an update on reassessments for the Blue Badge Scheme.

**(AQW 8692/16-21)**

**Mr Hazzard:** Following a request for clarification, on 8 December your office added the following: "It refers to the backlog and specifically to communication with Blue Badge holders about whether they are allowed to use expired badges while the backlog is cleared."

The normal timeframe for turnaround for a Blue Badge application is between four and eight weeks. As of the 12 December 2016 there were 3,332 applications to be processed of which 14 were over the eight week timeframe.

Measures aimed at communication with Blue Badge holders about whether they are allowed to use expired badges include the following:

Applicants who hold an expired badge and have sent in a renewal application are being advised that traffic attendants on street and in council car parks, will not issue parking tickets to any badge displayed that has expired after 1 September 2016. This information is also available to the public on the NI Direct website.

The main organisations such as The Northern Ireland Chamber of Commerce and Industry and The Department of Health who have responsibilities for disseminating information to hospitals and businesses, such as private car park operators, have also been informed about the situation and were notified once again of the latest position on the 2 December 2016.

**Ms Bradshaw** asked the Minister for Infrastructure when he will be in a position to provide a timescale for the upgrade of four junctions on the A1 dual carriageway between Hillsborough and Banbridge, thus enabling all gap junctions to be closed on that section.

**(AQW 8693/16-21)**

**Mr Hazzard:** TransportNI is developing the A1 Junctions Phase 2 Road Improvement Scheme, which involves further improvements to the A1 between Hillsborough Roundabout and Loughbrickland.

The proposal includes construction of four flyover type junctions at: Listullycurran Road; Gowdystown Road; Skeltons Road/ Drumneath Road; and Waringsford Road as well as a northbound on slip at Castlewellan Road; and a Link Road from the Milebush Road onto the underpass junction at Hillsborough Road, Dromore.

The proposal also includes closing up all openings in the central median; installing a continuous central safety barrier and, closing some minor road junctions along this stretch of the route.

A significant amount of development work has already been carried out for the proposal, however, much remains to be done. The current phase of this work involves the completion of the detailed design and Environmental Statement in preparation for taking the proposal through the Statutory Procedures, which will likely include a Public Inquiry.

Progression to construction remains subject to the proposal clearing the statutory procedures, having a satisfactory economic appraisal and, given other competing priorities, is dependent on funding being made available in future budget settlements.

TransportNI is currently developing a strategy to provide incremental improvements where possible along the route. This will involve identifying locations where the implementation of sections of central median safety barrier can be brought forward in advance of the delivery of the full A1 Junctions Phase 2 scheme.

The first such improvement involves the erection of a central safety barrier between Hillsborough Roundabout and the flyover type junction at Dromore Road, Hillsborough and also the closure of the median at Hillsborough to prevent the right turn movement for southbound traffic into Moira Road. It is proposed to complete this section early in 2017.

**Ms S Bradley** asked the Minister for Infrastructure for his assessment of the reliability of the Enterprise service over the last two years.

**(AQW 8698/16-21)**

**Mr Hazzard:** During the refurbishment of the Belfast – Dublin Enterprise trains, the service was substituted with modern Diesel Multiple Units (DMU's) provided either by NI Railways or Iarnród Éireann. A full Enterprise service resumed in June 2016 with the refurbished train sets and customer feedback on the new interiors, WiFi installation, passenger information systems and seating shows that all have been well received by our customers.

In accordance with the Enterprise Passenger's Charter, NI Railways monitor Enterprise services twice per year. The Enterprise Passenger's Charter target for reliability is that 99.2% of services will run as planned and for punctuality that 90% of services will arrive no more than 10 minutes late. The table below details the percentage score against the reliability and punctuality targets.

Period (26 Week average)	Reliability Target	Reliability Achieved	Punctuality Target	Punctuality Achieved
To March 2015	99.2%	99.9%	90%	100%
To October 2015	99.2%	99.9%	90%	100%
To March 2016	99.2%	99.9%	90%	93.4%
To October 2016	99.2%	99.9%	90%	93.4%

While I am pleased that NI Railways have met the targets above, I recognise this excludes delays due to circumstances beyond NI Railways control. I will continue to ensure that NI Railways and Iarnród Éireann review and implement reliability action plans to maintain and improve the reliability and punctuality of the Belfast – Dublin Enterprise train.

**Ms S Bradley** asked the Minister for Infrastructure what work has been carried out with Irish Rail to ensure the Enterprise service does not become delayed on the tracks behind local services.

**(AQW 8699/16-21)**

**Mr Hazzard:** Enterprise services are given a timetabled path on their way into and out of the heavily congested suburban rail network which exists in Dublin. Iarnród Éireann and NI Railways give priority to Cross-Border services over their local trains, but with the intense frequency in and out of Dublin delays can still be encountered where trains run out of course. Iarnród Éireann and NI Railways monitor Enterprise performance closely with regular meetings and communication at a very senior level. I have requested a more detailed report from NI Railways on these matters.

**Ms S Bradley** asked the Minister for Infrastructure what efforts are being made to add additional carriages to those rail services that routinely offer many passengers standing room only.

**(AQW 8702/16-21)**

**Mr Hazzard:** The entire NI Railways entire fleet is allocated during the morning and evening peak periods and, regrettably, there is no flexibility in providing additional capacity at those times. However, at weekends there is capacity to cover anticipated demand. For example, in the run up to Christmas some 64 weekend services are operated using 6 car train sets, thus doubling the normal use of carriages.

I would also emphasise there is no guarantee of seating for any passenger. There has, as you know, been unprecedented growth in rail passengers in recent years and at times the number of passengers boarding a train can exceed the seats available. Clearly NI Railways must consider loadings against safety standards at all times.

Future passenger growth will raise issues about train capacity and I will consider options in light of available budgets.

**Mr Robinson** asked the Minister for Infrastructure why no substitute bus service was provided to Belfast from Ballymena, instead of just to Antrim, on 7 December 2016 when NIR morning services were delayed.

**(AQW 8710/16-21)**

**Mr Hazzard:** As you are aware, NI Railways encountered a signalling failure between Ballymena and Magherabeg on 7 December 2016, however rail services were operational from Antrim to Belfast.



Passengers on the 0819 from Coleraine were conveyed by bus between Ballymena and Antrim, where they continued their journey by train, calling at Mossley West, and Yorkgate, en-route to Belfast.

By operating a bus through to Belfast from Ballymena, either all customers would have been delayed as the bus called at bus stops, or alternatively customers wishing to board at the bus stops would not have been served.

I am satisfied that NI Railways choose the best option to facilitate their passengers.

**Mr Robinson** asked the Minister for Infrastructure why there was no staff presence at stations on the Londonderry to Belfast railway line on 7 December 2016 to assist passengers on delayed services.

**(AQW 8723/16-21)**

**Mr Hazzard:** Translink staff were present at Derry, Coleraine, Ballymena and Antrim stations to assist with customers who had been delayed on 7 December 2016.

A bus collected customers at Bellarena and Castlerock halts and assisted customers with their onward journey to Coleraine and a bus also picked up passengers from Ballymena and took them to Antrim railway station.

Passengers were advised of service disruption by station staff on duty at Derry and Coleraine. At Bellarena passengers were advised by the train crew to disembark for onward bus substitution. The bus organised for passengers at Bellarena called at Castlerock, where the driver communicated with passengers both disembarking and boarding.

Furthermore I have been assured that members of Translink management were also present at Ballymena and Antrim railway stations.

This seems to have been a reasonable approach by Translink in the circumstances.

**Mr Robinson** asked the Minister for Infrastructure (i) to detail what compensation schemes are available to passengers delayed by network problems; and (ii) whether improvements are being considered to the current compensation scheme as an incentive for NIR to improve reliability.

**(AQW 8724/16-21)**

**Mr Hazzard:**

- (i) Translink NI Railways offer customers a Delay/Repay compensation scheme, whereupon customers can claim back a portion of the fare paid, based on the length of the delay. In addition, customers are also entitled to discounts off monthly and annual tickets where the 26 week average punctuality figures fall below a line specific value.
- (ii) Both schemes are industry standard. Punctuality on the local rail network is much superior to virtually all comparable rail companies in the remainder of these islands.
- (iii) The compensation requirements of EC Regulation 1371/2007 on the Rights of Rail Passengers has also applied in the north since December 2009. A derogation exempting domestic journeys from the scheme was applied for 5 years, as the terms of NIR's scheme were more attractive to passengers. The then Minister decided not to renew the derogation in 2014 so the full terms of the EC Regulation now apply. The Delay/Repay compensation scheme continues to exceed the requirements of the Regulation and therefore no adjustments to the current compensation scheme are anticipated at this time.

**Mr Robinson** asked the Minister for Infrastructure to outline (i) what action his Department is taking to ensure ongoing signalling problems on the NIR network are being addressed; and (ii) a timescale for the resolution of the problems.

**(AQW 8725/16-21)**

**Mr Hazzard:** My Department provides funding to Translink/NIR to undertake rail capital projects and expects NIR to manage projects and its rail network effectively. My Department is aware of the actions Translink is taking to address the signalling problems on the Derry to Belfast line which arose in early December.

NIR has dedicated resources working 24/7 that attend all signalling faults across its network and undertake repairs as quickly as possible to minimise disruption to services.

In particular Translink has recently experienced a number of different bedding in faults with the new signalling system between Coleraine and Derry. Additional resources have been supplied by the installation contractor to assist in the resolution of these faults.

Translink has reported that regular meetings are being held with senior staff from the contractor to ensure that all efforts are being made to drive out these early problems and attain the levels of reliability required to meet customer charter targets. Whilst it is difficult to determine an exact timescale for the resolution of all the reliability issues with this new installation, Translink believes the majority of early faults have now been overcome and the expected levels of reliability for this line will be maintained for the future.

**Mrs Dobson** asked the Minister for Infrastructure to outline how he is progressing public transport accessibility including (i) no-step access; and (ii) audio visual provision, especially in rural areas.

**(AQW 8756/16-21)**

**Mr Hazzard:** My Programme for Government Delivery Plan sets out my ambition to deliver a more sustainable, accessible and inclusive transport network. In taking this forward I am determined to address those barriers that many older people and people with disabilities experience in seeking to access public transport. In line with that, I will be publishing a new Accessible Transport Strategy early in the New Year.

Informed by the ongoing public consultation on my Programme for Government Delivery Plan, this Strategy will take forward a number of actions being agreed with delivery partners to address a wide range of barriers that currently impede use of the transport system by older people and people with disabilities.

Translink will continue to invest in low floor vehicles in both urban and rural areas. In certain rural areas, where low floor vehicles are not suitable for operations, vehicles with a lift facility are provided. The availability of low floor vehicles on services is highlighted on timetables.

Audio Visual (AV) information systems have come into operation on Metro services within Belfast and Translink plan to pilot AV next year on the Belfast International Airport service which could pave the way for further pilots on other parts of the Ulsterbus network. AV is already in operation on all train services.

Other actions being considered will focus on the training being provided to staff; improving the availability of accessible information to plan and make journeys; engaging better with older people and people with disabilities and improvements to the pedestrian infrastructure.

The pace of delivery will be dictated by the resources available to me. I am determined to continue to make the case for investment in our public transport and work with others, inside and outside of Government to make public transport accessible and inclusive.

**Mr McCrossan** asked the Minister for Infrastructure to detail the number of incidents of (i) assaults; and (ii) disruptive behaviours in all rail services in each of the last three years.

**(AQW 8766/16-21)**

**Mr Hazzard:** The table below shows (i) the number of physical and verbal assaults and (ii) the number of inappropriate and anti social behaviour incidents reported by railway staff in the past three years:

	2013/14	2014/15	2015/16
Physical Assault	19	12	16
Verbal Assault	1	15	17
Inappropriate Behaviour	46	45	46
Anti-Social Behaviour	50	66	79
<b>Total</b>	<b>116</b>	<b>138</b>	<b>158</b>

Translink defines the terms in the above table as follows:

**Physical Assault:** This refers to sudden or unlawful physical attack on one person(s) by another person(s). It also includes incidents involving laser pens which have been shone into the faces/eyes of a member of staff, passenger or member of the public.

**Verbal Assault:** This refers to a verbal attack on one person(s) by another person(s) in which abusive or demeaning language has been used.

**Inappropriate Behaviour:** This refers to any behaviour that lacks consideration or has caused alarm or distress to Translink staff, passengers or members of the public in or around Translink property and has not resulted in the PSNI being informed.

**Anti-Social Behaviour:** This refers to any behaviour that lacks consideration or has caused alarm or distress to Translink staff, passengers or members of the public in or around Translink property and has resulted in the PSNI being informed. Examples include; disruptive intoxicated persons or persons refusing to leave company premises and/or vehicles. Translink definitions are not necessarily aligned with definitions in law.

**Mr McCrossan** asked the Minister for Infrastructure to detail the number of incidents of (i) assaults; and (ii) disruptive behaviours in all bus services in each of the last three years.

**(AQW 8767/16-21)**

**Mr Hazzard:** The table below shows (i) the number of physical and verbal assaults and (ii) the number of inappropriate and anti-social behaviour incidents recorded by bus services staff in the last three years.

	2013/14	2014/15	2015/16
Physical Assault	29	25	45
Verbal Assault	2	17	28
Inappropriate Behaviour	89	59	37
Anti-Social Behaviour	63	32	48
<b>Total</b>	<b>183</b>	<b>133</b>	<b>158</b>

Translink defines the terms in the above table as follows:

**Physical Assault:** This refers to sudden or unlawful physical attack on one person(s) by another person(s). It also includes incidents involving laser pens which have been shone into the faces/eyes of a member of staff, passenger or member of the public.

**Verbal Assault:** This refers to a verbal attack on one person(s) by another person(s) in which abusive or demeaning language has been used.

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**Mr McCrossan** asked the Minister for Infrastructure to detail the number of security staff employed by Translink at (i) rail stations; and (ii) on trains in each of the last three years.

**(AQW 8768/16-21)**

**Mr Hazzard:** There are currently 20 security staff deployed at 6 railway stations across the NI Railways network, compared with 22 staff over 7 locations in 2015 and 2014.

Translink has deployed some 230 event security guards on-trains during 2016. This figure is an increase from 211 during 2015, and 225 in 2014.

**Mr Lynch** asked the Minister for Infrastructure whether his Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.

**(AQW 8801/16-21)**

**Mr Hazzard:** I can advise that all public appointment competitions in my Department are run in accordance with the Commission for Public Appointments, NI, Code.

I am in full support of the Commissioner's pursuance to promote diversity in public appointments.

**Mrs Barton** asked the Minister for Infrastructure pursuant of AQW 7233/16-21, whether his Department (i) carries out routine inspections and subsequent repairs of High Speed Friction sites in the Dungannon area; (ii) test the skidding performance of the surface on a regular basis; and (iii) is liable to be negligent for failure to maintain the skid resistant surfacing should a serious road accident occur.

**(AQW 8819/16-21)**

**Mr Hazzard:**

- (i) Article 8 of the Roads (Northern Ireland) Order 1993, places a duty on TransportNI to maintain all public roads in reasonable condition. In recognition of its duty of care, TransportNI has put in place a set of Maintenance Standards for Safety.

Essentially the Standards and procedures currently in operation establish frequencies for road inspections dependent on traffic volumes and specify response times for the repair of defects. Inspection frequencies vary between daily cycles for motorways to six monthly cycles for carriageways carrying low volumes of traffic. During these inspections all actionable defects requiring an urgent response are recorded and prioritised for repair. Other defects which do not require an urgent response are recorded and used to inform future programmes of work.

In relation to High Friction Surfacing sites, in my previous reply I indicated that there had been no expenditure on repairs to such sites in the Dungannon area in recent years. This is due mainly to a change in approach with other methods and materials having been used instead. Timely resurfacing and surface dressing of roads will enhance the skidding resistance of roads and in the last 2-years some 305km of the network in the Dungannon area has received treatment (resurfacing and/or surface dressing) thereby making a positive contribution to skidding resistance.

- (ii) TransportNI has a programme of measuring skidding resistance using the SCRIM (Sideways-Force Coefficient Routine Investigation Machine) on the Motorway and A Class networks. Routine measurements of skid resistance using the SCRIM vehicle are not carried out on the lower classifications although ad hoc testing may be carried out if required. This approach is consistent with the approach taken across other parts of the UK.
- (iii) As regards liability there is no automatic right to compensation. The outcome of every case will depend on the particular circumstances associated with it. When determining liability the courts will consider all aspects of a case including driver behaviour, speed, vehicle condition and the finite resources available for road maintenance.

**Mrs Barton** asked the Minister for Infrastructure why new developments are permitted to continue with construction if the specified visibility splays are not constructed at the commencement of the works.  
(AQW 8820/16-21)

**Mr Hazzard:** The provision of visibility splays at new developments to meet the requirements of planning permission is the responsibility of the planning authority to act upon. Planning powers have now been transferred to Councils and therefore enforcement of breach of visibility splay conditions is for them to consider.

I would therefore suggest that you direct your question to the appropriate Council for their consideration.

**Mrs Barton** asked the Minister for Infrastructure pursuant to AQW 4204/16-21 and AQW 5312/16-21, how his Department proposes to address the traffic queues caused by slow moving vehicles on the A32 Clanabogan Road.  
(AQW 8822/16-21)

**Mr Hazzard:** While the benefit of providing guaranteed overtaking opportunities on the A32 Clanabogan Road is acknowledged, it is considered that any queues currently caused by slow moving vehicles on this road are neither consistent nor excessive.

My Department has previously trialled providing signage and road markings on sections of the A4 route between Dungannon and Enniskillen to permit slow moving vehicles to use the hard shoulders. However this did not result in significant journey time savings due to the reluctance of slow moving vehicles to regularly utilise the hard shoulder.

A programme of improvements on the A32 has been initiated and schemes completed to date have delivered significant improvements to the road realignment and this in turn has provided additional overtaking opportunities. Further schemes are planned and will be taken forward as permitted by availability of funding.

**Lord Morrow** asked the Minister for Infrastructure given councils are responsible for the decision making on planning applications, what good practice guidelines are provided by his Department on which statutory Departments should be consulted in relation to 33kv electricity sub-stations; and whether it is good practice to make a decision prior to any consultations being carried out.  
(AQW 8846/16-21)

**Mr Hazzard:** The Planning (NI) Act 2011 provides a statutory duty for councils to consult specific consultees in relation to planning applications for particular forms of development before the granting of any permission or consent. The details as to the types of development where consultation must take place and the organisation (i.e. statutory body) that must be consulted by a council are set out in The Planning (General Development Procedure) Order 2015 (GDPO). Where there is a requirement to consult on a statutory basis, no decision can be taken on the planning application by the relevant planning authority until this consultation has been carried out.

My Department has also published guidance entitled 'Development Management Practice Note 18 The Consultation Process and the Duty to Respond' which sets out the role of planning authorities and consultees in the planning process. This practice note is available on the Planning Portal at [www.planningni.gov.uk](http://www.planningni.gov.uk).

Whilst planning legislation and guidance do not make specific reference to a planning application for development comprising a 33kv electricity sub-station, a council must refer to Schedule 3 of the GDPO and decide if any of the circumstances specified are applicable to such a development proposal and, if so, then it must consult the requisite person, authority or body. A council may also decide to consult on a non-statutory basis in order to obtain comments for such a development proposal in relation to a consultee's area of expertise.

Councils can determine applications for planning permissions when a consultee has not responded within the specified time limit. However, as highlighted in Practice Note 18, a decision to proceed to determination in such instances would require a council to exercise its judgement and consider the potential impact of proceeding without the view of a consultee.

It will ultimately be the responsibility of the relevant council, as decision maker, to ensure any required consultation is carried out on an application on a case by case basis informed by relevant material planning considerations.

**Mr Chambers** asked the Minister for Infrastructure pursuant to AQW 6565/16-21, whether he will instruct his officials to carry out a survey at this location to witness at first hand the chaos and disruption to traffic progression caused by the parking bay.  
(AQW 8848/16-21)



**Mr Hazzard:** Further to my comments in my original response, I am satisfied that traffic progression was considered prior to responding to your original query.

However my traffic engineers will continue to monitor traffic progression in the area and if significant difficulties prevail they will consider reviewing the merits of a parking bay at this location.

**Mr Chambers** asked the Minister for Infrastructure pursuant to AQW 7504/16-21, to detail (i) how many parking bays previously provided for cars were removed to provide loading bay provision; (ii) whether the loading bays were introduced with the full support of the local council; and (iii) the before and after figures of disabled parking bay provision.

**(AQW 8849/16-21)**

**Mr Hazzard:** The introduction of three new loading bays in Bangor Town Centre, provided as part of the Councils Public Realm works, has removed six car parking spaces. The loading bays are in operation during the hours 8am - 6:30pm Monday to Saturday and cars are able to park at these locations outside of these times.

All consultations relating to the provision of the scheme were completed by officials of Ards and North Down Council as part of the planning process and as part of this process the loading bays were introduced with the full support of Council.

Disabled parking bay provision is unchanged providing ten spaces within the streets upgraded as part of the Public Realm works.

My Department, as custodian of the public highway, provided the necessary legislation to allow enforcement of the waiting, parking and loading restrictions on the new streetscape.

**Mr Logan** asked the Minister for Infrastructure for an update on the investigation by his Department into a more cost-effective method to provide part time enforceable 20mph speed limits at schools.

**(AQW 8859/16-21)**

**Mr Hazzard:** My Department has a statutory duty to promote road safety and within the context of the Road Safety Strategy does this by supporting road safety schemes and providing road safety teaching resources free to schools.

Regrettably over 95% of road traffic collisions where someone dies or is seriously injured are due to human error. As young children are amongst the most vulnerable people using our roads, we need to give them extra time, be patient but mostly we need to expect the unexpected from them as they continue to develop their road safety awareness and skills. Therefore, in addition to my Department's portfolio of educational activities, we also help improve safety by encouraging drivers to reduce their speed and reminding them of school children in the area through engineering initiatives.

A more cost effective signing arrangement for part-time 20mph speed limits, which takes the form of a permanently displayed 20 mph speed limit roundel with two or four flashing amber lights and a plate that states 'When lights flash', is currently going through the formal authorisation process. This process is expected to be complete by the end of January 2017.

Further refinements to the proposed signing arrangement looking at how the signs can be installed more quickly and at a lower cost, including the potential to use solar power as an alternative to the current mains electric powered approach, are also being considered.

It is planned to test the effectiveness of the new type of part time 20 mph speed limit signs at up to 15 rural primary schools on roads where the national speed limit applies. If the tests prove successful and subject to available funding, consideration will then be given to roll out of these measures at other schools.

I am committed to continuing to work towards reducing deaths and serious injuries on our roads. I recognise the continuing challenges of preventing road deaths and serious injuries and will continue to ensure that my Department uses the tools at its disposal to address the issues.

**Mr Agnew** asked the Minister for Infrastructure (i) whether preliminary site clearance along the proposed route of the A6 Toome to Castledawson road has been taking place; (ii) if so, whether he is aware of whooper swans; and (iii) how this is compatible with his own Department's requirement to protect these recognised feeding grounds.

**(AQW 8876/16-21)**

**Mr Hazzard:** Preliminary works for the proposed A6 Randalstown to Castledawson dualling scheme adjacent to the Lough Beg and Lough Neagh Special Protection Area have been completed in accordance with environmental requirements.

My Department is acutely aware of the environmental sensitivities of this area and has engaged in significant public and statutory consultation to ensure that there are no adverse impacts on the integrity of the Lough Beg and Lough Neagh Special Protection Area and particularly, the Whooper Swans.

Furthermore as part of commitments given at the Public Inquiry into the scheme my Department established a Whooper Swan Working Group pre-construction, with the objective of monitoring the distribution of the Whooper Swan population within the area. The group which has representatives from the Irish Whooper Swan Study Group, DAERA - NIEA, DAERA - Countryside Management and RSPB has held regular meetings since March 2016. The independence of the Group has assisted in ensuring informed decision making, to both manage and protect the Whooper Swans population prior, during and for three years post construction.

I am content that the aims of the A6 dualling project are compatible with my Department's environmental obligations; to protect the Lough Beg and Lough Neagh Special Protection Area, a European Designated site. I am committed to continuing to work with the relevant statutory and non statutory environmental bodies to deliver a scheme which is an example of how conservation and construction can deliver for all its stakeholders.

**Ms Armstrong** asked the Minister for Infrastructure to outline (i) the expected timetable; and (ii) cost for making sufficient alterations to the MV Strangford 2 ferry to enable cars to disembark from the vessel at high tide.  
**(AQW 8902/16-21)**

**Mr Hazzard:** The costs to rectify the issue with the vehicle ramp on the MV Strangford 2 are estimated at approximately £12,000. It is expected that the alteration to the ramp will be carried out over the next four to five days, after which the Maritime and Coastguard Agency will be asked to provide a Passenger Certificate.

**Mr McGrath** asked the Minister for Infrastructure to detail (i) how much will it cost to fix the recently identified problems with the MV Strangford 2 ferry; and (ii) how long is it expected to take to fix these issues.  
**(AQW 8903/16-21)**

**Mr Hazzard:** The costs to rectify the issue with the vehicle ramp on the MV Strangford 2 are estimated at approximately £12,000. It is expected that the alteration to the ramp will be carried out over the next four to five days, after which the Maritime and Coastguard Agency will be asked to provide a Passenger Certificate.

**Mr Lunn** asked the Minister for Infrastructure what investigation will take place into the failures around the Strangford Ferry.  
**(AQW 8924/16-21)**

**Mr Hazzard:** The problem with the vehicle ramp on the ferry was discovered as part of the normal due diligence and commissioning checks carried out ahead of new facilities coming into service. This matter is now in the process of being resolved. No investigation is proposed but as with all capital projects a post-project evaluation will be carried out in due course.

**Mr Frew** asked the Minister for Infrastructure whether (i) he will consider an overnight return ticket option for travel, such as for an outward journey on a Friday and return on a Saturday using a return ticket instead of a single ticket for each day; (ii) this system was used before; and (iii) why it was removed.  
**(AQW 8927/16-21)**

**Mr Hazzard:** Translink offered return tickets for bus services which permitted the return journey to be made within one month of the outward journey. This facility was removed for the majority of Ulsterbus services when the flexible smartcard multi-journey ticket was made available. Journeys purchased via smartcard provide passengers with cheaper fares and increased flexibility as to when journeys can be made, with a single journey being debited from the card for each journey. Journeys added to the card have a validity of 12 months. Discounted day return tickets are still available on all Ulsterbus services. Return tickets remain available on Airport services which are valid for up to a month.

NI Railways have not traditionally offered return tickets beyond a day on local services, however a three day return ticket can be purchased which allows travel on any three specified days within a weekly period. Interestingly tickets, for return journey within a full calendar month, are available for use on all Enterprise services.

Full details of all Translink fares and offers can be found at <http://www.translink.co.uk/>

Given the position on the Enterprise and Airport services I will ensure an assessment of the opportunity of re-introducing this ticket type will be undertaken by Translink as part of the replacement ticketing project.

**Mr Wells** asked the Minister for Infrastructure to outline why approval was granted for a ferry terminal and jetty at Greencastle, near Kilkeel when paragraph 6.42 of the SSPS issued in September 2015 prohibits development in areas subject to flood risk, coastal erosion and land instability.  
**(AQW 8937/16-21)**

**Mr Hazzard:** As part of the transfer of planning functions in April 2015, the planning application for construction of a ferry terminal at Greencastle transferred to Newry Mourne and Down District Council (NM&DDC - application reference P/2013/0434/F). The terminal was granted planning approval by the Council in June 2015. The assessment of planning policy and other material considerations, including the appropriate weight attached to paragraph 6.42 of the Strategic Planning Policy Statement (SPPS) would have been a matter for Council to consider when processing the planning application.

I would advise that any questions you have about the processing of this and any subsequent planning applications for the ferry terminal should be raised with Mr Liam Hannaway, the Chief Executive of Newry Mourne and Down District Council. Mr Hannaway can be contacted at:

Downshire Civic Centre, Ardglass Road, Downpatrick, BT30 6GQ

**Mr McPhillips** asked the Minister for Infrastructure to outline whether his Department will review Park & Ride bus schedules, to ensure medical staff can avail of them.

**(AQW 8966/16-21)**

**Mr Hazzard:** Public transport is freely available to all members of the general public. Translink, as operator of the park and ride bus schedules, must create a timetable that suits the needs of all its client groups. This includes commuters, retail shoppers, school children, medical staff, police, fire fighters, civil servants etc.

Should any employer wish to meet with Translink to facilitate travel plans for their staff, Translink would be keen to engage with those organisations.

**Mr McNulty** asked the Minister for Infrastructure how the frequency and reliability of rail services between Belfast and Dublin compares with other EU designated Ten-T Corridor rail networks.

**(AQW 8967/16-21)**

**Mr Hazzard:** The Enterprise service maintains a two-hourly service during the day. I would like to see this increase but significant revenue support is needed to implement this and agreement with the South. I have suggested to my Southern counterpart that we undertake a study into options for the future.

The Department for Regional Development published the NI Railways investment prioritisation strategy in 2014. This did not compare the frequency or reliability of the Enterprise service with other networks.

Any comparison is complex as it needs to take account of the relative size and technology used in both the Northern and Southern rail network and funding levels which vary greatly across Europe.

**Mr McNulty** asked the Minister for Infrastructure to outline the rationale for his Department's plans to spend £150m on the proposed new transport hub for Belfast whilst Enterprise train passengers have suffered more than 1,700 delays on the Belfast-Dublin route in the past year.

**(AQW 8968/16-21)**

**Mr Hazzard:** A significant number of the Enterprise delays noted were associated with weather related and seasonal issues such as low adhesion. Translink is improving its track infrastructure, the condition of which has necessitated the implementation of temporary speed restrictions on certain sections. The Enterprise service is run on a North-South basis and I have suggested to my southern counterpart that we undertake a study into options for the future.

The investment in the new transport hub in Belfast will provide a multi-modal transport facility that will increase regional capacity and deliver an important economic driver for the region. It is the central hub for most rail and bus users in the North. The hub will also deliver shorter journey times between Belfast and Dublin as the Enterprise service will be relocated from Belfast Central to Great Victoria Street.

**Mr McNulty** asked the Minister for Infrastructure what research has been conducted by his Department to establish the demand for a reliable, timely Enterprise service between Belfast and Dublin, that arrives in time for people to start work at 9am in Belfast or Dublin.

**(AQW 8969/16-21)**

**Mr Hazzard:** I have recently suggested to my southern counterpart that we jointly undertake an analysis of options to enhance the Enterprise service.

The earliest available train path allows a service to depart from Central Station, Belfast at 06.45 and arrive in Dublin Connolly Station at 09.00, there is also an earlier train that departs from Newry operated Iarnród Éireann that departs at 06.30. The first train from Dublin Connolly Station leaves at 07.35 and arrives in Belfast Central Station at 09.45. No earlier train path is currently available leaving Dublin due to the heavily congested urban network around the Dublin area.

An independent firm is contracted by both NI Railways & Iarnród Éireann to undertake 'Customer Satisfaction Monitoring' 3 times annually. This entails a comprehensive analysis of customer's views and service trends and this specific issue has not been specifically highlighted.

Those wishing to start work in Dublin or Belfast by 9am are most likely to reside closer to the relevant city and there are a range of services, which may include local rail services, available to accommodate this.

**Mr McNulty** asked the Minister for Infrastructure to detail the nature of the cause of delays to the Enterprise service over the last twelve months.

**(AQW 8970/16-21)**

**Mr Hazzard:** From the information provided by NI Railways and Iarnród Éireann it is clear that congestion of the rail network in the greater Dublin area, together with, both planned and reactive, maintenance of the railway infrastructure network accounts for the majority of the delays. Any given incident may lead to the delay of more than one service. It is also important to note that many of the delays are not directly within the control of NI Railways.

There is a recognition that for some time the Enterprise service has not been operating at its optimal level and in response to my concerns a joint service improvement team has been established representing both NI Railways and Iarnród Éireann and its objective is to address operational performance issues associated with the Enterprise service. I understand that there has been an improvement during November in punctuality and I hope to see this improvement continue.

**Mrs Barton** asked the Minister for Infrastructure to outline (i) the services Translink provide from Enniskillen to Altnagelvin Hospital; and (ii) his assessment of how the service is being utilised.  
(AQW 8971/16-21)

**Mr Hazzard:** I am aware that to travel between Enniskillen and Altnagelvin Hospital, Translink offer a range of services which includes:

- i Travel on Service 94 from Enniskillen to Omagh. Passengers can then take the Express Service 273 from Omagh to Derry bus depot and then travel on Foyle City Services FY2, FY4, FY5 or FY14 to Altnagelvin Hospital.
- ii. Alternatively, passengers can travel from Enniskillen to Ballygawley on Express Service 261. From Ballygawley, passengers can travel on the Express Service 273 to Derry bus depot from which they can use the services in (i) to travel to Altnagelvin Hospital.

I understand that the services between Enniskillen and Altnagelvin via Omagh/Ballygawley and Derry bus depots are well utilised and remain sustainable. The previous direct services that operated from Enniskillen and Altnagelvin Hospital between September 2012 and September 2015 were judged to not be sustainable due to low passenger numbers. During 2015, bus subsidy to Translink reduced significantly.

In conjunction with my Department, Translink continually monitors services to ensure that demand is met and that an appropriate level of service is in place.

**Mrs Barton** asked the Minister for Infrastructure to outline (i) whether he is continuing to roll out the replacement of existing street lights with energy efficient LED type; and (ii) the allocations for each division, for the next five years.  
(AQW 8972/16-21)

**Mr Hazzard:**

- (i) My Department is continuing to install energy efficient LED type street lights on new and replacement street lighting schemes.
- (ii) It is not possible to provide Divisional allocations for the next five years at this time, as these have not yet been agreed. My Department's plans for street lighting renewal will be influenced by the outcome of the budget process and the final funding available.

**Mr McNulty** asked the Minister for Infrastructure how many passengers use the Enterprise service at peak times; and how many are unable to be seated.  
(AQW 8983/16-21)

**Mr Hazzard:** Translink systems do not record the information in the manner requested. It is however recognised that at particular times of the day, at least for part of the journey, passengers will have to stand. There is no guarantee of seating on Enterprise or other trains.

Enterprise services will be used by those commuting between Dundalk and Dublin Connolly and those travelling within the north to Portadown or Newry as well as those travelling between Belfast and Dublin who will purchase specific Enterprise tickets.

**Ms Armstrong** asked the Minister for Infrastructure to detail what internal review has begun into the purchase of the MV Strangford 2 ferry, given that cars are unable to disembark from the vessel at high tide.  
(AQW 9008/16-21)

**Mr Hazzard:** The problem with the vehicle ramp on the ferry was discovered as part of the normal due diligence and commissioning checks carried out ahead of new facilities coming into service. This matter is now in the process of being resolved. No investigation is proposed but as with all capital projects a post-project evaluation will be carried out in due course.

## Department for the Economy

**Mr Aiken** asked the Minister for the Economy for his assessment of the impact that Brexit will have on the implementation of the Integrated Single Electricity Market.  
(AQW 2391/16-21)



**Mr Hamilton (The Minister for the Economy):** The maintenance and development of interconnected markets such as the Integrated Single Electricity Market (I-SEM) remains important for the achievement of a cost-effective, sustainable and secure energy supply for Northern Ireland. In that context we are continuing with our plans for development and delivery of the I-SEM.

**Mr Chambers** asked the Minister for the Economy how he plans to encourage renewable energy development following the end of the NI Renewables Obligation and Renewable Heat Initiative schemes.  
(AQW 2497/16-21)

**Mr Hamilton:** Energy policy must take account of a range of complex issues such as costs, the grid, the link between energy infrastructure and the economy, electricity generation and security of supply, and decarbonisation of the energy sector. Movement on one issue will, in all likelihood, impact upon another and it is for that reason that I will address all of these issues in a comprehensive new Energy Strategy for Northern Ireland.

**Mr Aiken** asked the Minister for the Economy what discussions he has had with the Minister for Infrastructure on the construction of the North-South interconnector.  
(AQW 2822/16-21)

**Mr Hamilton:** I discuss a range of energy issues on a regular basis with Executive colleagues in the context of greater interconnection being key to ensuring a secure, sustainable and cost-effective energy supply.

**Mr Allister** asked the Minister for the Economy, in relation to the changes anticipated in the SEM paper (SEM-16-041) of 29 July 2016, how far is SONI Ltd currently dependent on EirGrid to manage and operate the Northern Ireland system; and whether it is anticipated that this dependence will change.  
(AQW 3601/16-21)

**Mr Hamilton:** The System Operator for Northern Ireland (SONI), in its role as System Operator and Market Operator, is required to comply with its licences granted by the Utility Regulator. These already provide arrangements by which SONI is operationally and financially independent of EirGrid. This includes the operation of the Northern Ireland system.

SEM-16-041 also notes that the Utility Regulator will progress additional work to clarify independence clauses in both the SONI System Operator and Market Operator licences.

**Mr Agnew** asked the Minister for the Economy what consideration he has given to Northern Ireland being included in future REFIT schemes; and whether he has had any discussion on this subject with the Minister for Communications, Energy and Natural Resources.  
(AQW 4110/16-21)

**Mr Hamilton:** I have not discussed the REFIT scheme with the Minister for Communications, Energy and Natural Resources. I will consider all options on the future direction of renewable energy policy in Northern Ireland within the context of wider energy strategy development.

**Mr Carroll** asked the Minister for the Economy how much funding Concentrix has been awarded in each of the last five years.  
(AQW 5310/16-21)

**Mr Hamilton:** Since the formation of Concentrix Europe Limited in 2011, Invest NI has given the company £2,908,700 of financial support against the creation of 1,003 jobs.

These jobs are forecast to deliver an average wage spend in the economy of approximately £14.6m per annum.

Concentrix Technologies Limited has been given £200,000 of financial support against the creation of 34 jobs. These jobs are forecast to deliver an average wage spend in the economy of approximately £1.3m per annum.

**Dr Farry** asked the Minister for the Economy what discussions he has had with his counterparts in the UK Government and the Scottish and Welsh Executives on the future of National Occupation Standards.  
(AQW 5482/16-21)

**Mr Hamilton:** I have not been in direct discussions with counterparts in the UK Government or the Scottish and Welsh Executives on the future of National Occupational Standards. The Skills Ministers in the devolved administrations have exchanged correspondence on this and other matters of mutual interest and this topic is likely to feature in any future meeting.

However, officials from my Department have been in detailed discussions with their counterparts in the UK Government, Scotland and Wales regarding the future of National Occupational Standards.

**Mr Dunne** asked the Minister for the Economy to outline the economic development opportunities in Bangor in relation to the release of land owned by Invest NI.  
(AQO 564/16-21)

**Mr Hamilton:** Since its establishment Invest NI has not released any land in Bangor.

The agency holds 60 acres of land in the town of which 19 acres remain available to support economic development in the North Down Constituency.

**Mr McElduff** asked the Minister for the Economy to define the key characteristics of a Smart Region; and to outline the role of his Department in helping the Fermanagh and Omagh District Council area to achieve this recognition or status.

**(AQW 6243/16-21)**

**Mr Hamilton:** A Smart Region is one that uses technology to capture, analyse and manage data to increase its competitiveness.

The Department in tandem with the European Regional Development Fund offered funding of £118,000 for a Fermanagh and Omagh District Council SMART Region pilot. This supported the employment of a data analyst to investigate, interrogate and collate databases for the region and to identify trends, highlight gaps and generate reports in relation to economic, environmental and social issues facing the region.

**Mr Allister** asked the Minister for the Economy pursuant to AQW 4822/16-21, how many of the other ten training providers offer training in plastering; and where this training takes place.

**(AQW 6324/16-21)**

**Mr Hamilton:** Three are currently delivering plastering training in Strabane, Ballycastle, Bushmills, Ballintoy, Armoy, Cushendall, Cushendun, Waterfoot and Ballymoney.

ApprenticeshipsNI is a demand-led training provision with the number of places and locations of training determined by employers - based on the needs of their business.

**Mr Allister** asked the Minister for the Economy (i) to detail the specific impact on the development of policy within his Department arising from the implementation of the Rural Needs Act (Northern Ireland) 2016; and (ii) what mechanisms are in place to achieve this.

**(AQW 7120/16-21)**

**Mr Hamilton:** The Rural Needs Act (NI) 2016 is not yet in operation. It will come into effect for Northern Ireland Departments and District Councils on 1 June 2017.

The Act provides a statutory basis for an existing commitment made by the Northern Ireland Executive in 2002, and reaffirmed in 2009, to undertake rural proofing of all new and revised policies and strategies across government. It will therefore not have a markedly different effect on the work of the Department for the Economy.

In accordance with the Act, my Department will compile information on how it has fulfilled its statutory duty to have due regard to rural needs and to include this information in the Departmental annual report.

My Department will also work with the Department of Agriculture, Environment and Rural Affairs (DAERA) regarding the completion of an annual monitoring report, to be compiled by DAERA, which will be laid before the Assembly.

**Mr McAleer** asked the Minister for the Economy to detail (i) what steps have been taken to implement the Rural Needs Act at all levels within his Department; and (ii) what training and guidance has been provided to managers and officials within his Department on how to apply it.

**(AQW 7155/16-21)**

**Mr Hamilton:** The Rural Needs Act (NI) 2016 is not yet in operation. It will come into effect for Northern Ireland Departments and District Councils on 1 June 2017.

The Act provides a statutory basis for an existing commitment made by the Northern Ireland Executive in 2002, and reaffirmed in 2009, to undertake rural proofing of all new and revised policies and strategies across government. It will therefore not have a markedly different effect on the work of the Department for the Economy.

My officials will continue to use the existing guidance for public authorities on rural proofing, "Thinking Rural: The Essential Guide to Rural Proofing".

I am advised that this will be reviewed and updated by the Department of Agriculture, Environment and Rural Affairs (DAERA) to take account of the new statutory requirements.

Departmental officials can also avail of an existing training course for Departmental policy makers delivered by the Centre for Applied Learning, "Think Rural", which will also be updated by DAERA to reflect the requirements of the Act.

DAERA will be holding a series of awareness raising seminars prior to the Act coming into effect to ensure that public authorities are aware of their responsibilities under the Act.

**Mr Lyons** asked the Minister for the Economy to detail his Department's total capital expenditure over the last five years, broken down by constituency.

**(AQW 7219/16-21)**

**Mr Hamilton:** The Department's total capital expenditure over the last five years was as follows:

	Financial year	£000
Department for the Economy	2016/17 (year to date)	31
Department for Enterprise, Trade and Investment	2015/16	240
	2014/15	124
	2013/14	25
	2012/13	117
*Department for Employment and Learning (DEL)	2015/16	nil
	2014/15	130
	2013/14	34
	2012/13	20

\* The figures for DEL reflect the entire Department as shown in the published accounts and includes capital spend attributable to the Employment Services Division which transferred to the Department for Communities (DFC) in 2016/17.

The Department does not record or hold details of capital expenditure at a constituency level.

**Mr Mullan** asked the Minister for the Economy for an update on the installation of a micro-grid in Coleraine.  
(AQW 7260/16-21)

**Mr Hamilton:** The electricity transmission and distribution network is owned by NIE Networks. My Department has no statutory role in grid related policy issues.

I am aware that Causeway and Glens Borough Council is investigating the potential for a micro-grid demonstration project along with private sector partners. The installation of a micro-grid should be developed in consultation with NIE Networks, the Transmission System Operator and the Utility Regulator.

**Mr Dunne** asked the Minister for the Economy what plans are in place to increase the number of apprenticeship programmes available to young people.  
(AQW 7274/16-21)

**Mr Hamilton:** I have no plans to increase the number of apprenticeship programmes available to young people. The ApprenticeshipsNI Programme is the sole apprenticeship programme funded by the Department.

ApprenticeshipsNI is an employer-led training provision, with employers creating apprenticeship opportunities in line with their business needs. Apprentices, in paid employment from day one, follow a national training framework which leads to the attainment of industry approved competence and knowledge based qualifications at Level 2 or Level 3 in conjunction with Essential Skills qualifications (where appropriate).

The numbers of young people participating in apprenticeships are directly related to the number of employers creating job opportunities. Currently there are 7,348 apprentices participating in 83 Level 2 frameworks and 93 Level 3 frameworks under the ApprenticeshipsNI Programme.

My Department is in the process of implementing major reforms of Northern Ireland's professional and technical education and training. An element of these reforms focuses on a new system of apprenticeships, at Level 3 and above, and youth training, in the form of traineeships at Level 2 which will build on the existing employer-led ApprenticeshipsNI programme.

As part of this new system, the concept of Higher Level Apprenticeships has been tested through a number of pilot programmes. From 2015, my Department has supported over 600 Higher Level Apprenticeships, across 40 occupational areas. This pilot programme has been expanded to include pilots in traineeships at Level 2 and apprenticeships at Level 3.

My Department is continuing to work through the implementation process which will allow this new system of professional and technical training to be progressively introduced, commencing with the mainstreaming of Higher Level Apprenticeships from 2017. However, it will take time to fully deliver the reformed vision, as the new system will evolve and grow over the coming years.

A range of support services, currently under development, are designed to encourage increased uptake of apprenticeships by demonstrating the benefits of apprenticeships to employers and will provide support to the apprentice, employer and training provider. The associated on-line portal will allow employers to advertise all apprenticeship opportunities and will encourage potential apprentices to consider a wide range of employment options across a range of sectors, relevant to the economy.

My Department's Careers Service will work in tandem with the introduction of the online service to provide impartial advice and guidance for young people considering the youth training and apprenticeship pathway.

**Mr McPhillips** asked the Minister for the Economy how the devaluation of the pound is impacting on the supply costs for small and medium-sized enterprises.

**(AQW 7301/16-21)**

**Mr Hamilton:** Changes in exchange rates, such as the recent devaluation in sterling, can impact in a number of ways on SMEs.

For a domestic facing business with a cost base largely comprised of labour costs, or domestically sourced supplies, there may well have been little change. Those businesses with a significant import component within their cost base will see a greater immediate impact but, they may seek to manage that by switching to locally sourced inputs, boosting Northern Ireland demand in the process.

Overall, exchange rate changes are acting to enhance the competitiveness of our businesses in international market places. Indeed the most recent Purchasing Managers' Index shows that export orders had expanded at their second highest rate since the survey began.

Growing our exports is critical to Northern Ireland's development as a globally competitive economy. That is why I recently launched the Trade Accelerator Plan which will help early stage exporters take full advantage of opportunities in external markets.

**Ms Boyle** asked the Minister for the Economy whether he has had any engagement with representatives from Border Communities Against Brexit; and whether he would be willing to meet with the Strabane/ Lifford branch to discuss its concerns.

**(AQW 7492/16-21)**

**Mr Hamilton:** I have not had any engagement with representatives from the Border Communities Against Brexit. I do not have any plans to meet with the Strabane/Lifford branch.

**Mr McNulty** asked the Minister for the Economy what consideration has been given to the impact of a Brexit on (i) the provision of; and (ii) development of energy infrastructure on a cross-border basis.

**(AQW 7556/16-21)**

**Mr Hamilton:** My Department has undertaken a number of exercises to consider what impacts, if any, may arise from the United Kingdom's exit from the European Union. These exercises are not solely confined to North-South energy infrastructure but are part of a detailed assessment of energy issues generally. Until such time as the terms of any future relationship between the UK and the EU are known, any assessment of impacts will be speculative.

**Mr McNulty** asked the Minister for the Economy what consideration has been given to the impact of a Brexit on (i) the provision of; and (ii) development of telecommunications infrastructure on a cross-border basis.

**(AQW 7557/16-21)**

**Mr Hamilton:** Following the result of the EU Referendum, my Department is considering the potential implications for its functions, legislation and regulations, in addition to identifying future challenges and opportunities.

It is too early to assess what the full impact of the UK's decision to leave the EU will be, as it remains to be seen what rules will be put in place when European legislation is repatriated. Until a clearer picture evolves, it will not be possible to fully consider any potential impact on the future provision, or development of the Telecommunications infrastructure on a cross-border basis.

Telecommunications policy is a reserved matter, with overall responsibility being retained by the Department of Culture, Media and Sport in London. However, my officials have already been in discussions with key stakeholders in the industry and with officials in Whitehall, to discuss any implications of the UK's exit from the EU, on the Northern Ireland Telecommunications industry.

**Mr Durkan** asked the Minister for the Economy what plans his Department has to ensure adequate fuel supply and prevent enterprises being faced with a further rise in fuel prices.

**(AQW 7640/16-21)**

**Mr Hamilton:** My Department continues to work with the energy sector and other stakeholders to ensure there is security of energy and fuel supplies to meet the demands of consumers in Northern Ireland. Wholesale gas and oil prices are set on world markets, and are subject to a range of external factors including prevailing market conditions, exchange rates, and seasonal demand, all of which can impact on final retail prices.

**Mr Durkan** asked the Minister for the Economy what plans his Department has to mitigate any future loss of European Funding.

**(AQW 7641/16-21)**

**Mr Hamilton:** In the context of the EU exit negotiations, my Department will inform Her Majesty's Government of the NI resources needed to deliver key economic and skills objectives.



**Ms Hanna** asked the Minister for the Economy what discussion he has had with representatives of the telecommunications industry regarding the impact on their profession of Brexit.

**(AQW 7756/16-21)**

**Mr Hamilton:** Following the result of the EU Referendum, my Department is considering the potential implications for its functions, legislation and regulations, in addition to identifying future challenges and opportunities.

It is too early to assess what the full impact of the UK's decision to leave the EU will be, as it remains to be seen what rules will be put in place when European legislation is repatriated.

My officials have been in discussions with key stakeholders in the industry and with officials in Whitehall about any implications of the UK exit from the EU, on the Northern Ireland telecommunications industry.

**Mr McPhillips** asked the Minister for the Economy what scoping exercises his Department has undertaken to assess the potential impact of a Brexit on Northern Irish students who seek to study in universities in the Republic of Ireland.

**(AQW 7758/16-21)**

**Mr Hamilton:** My Department has engaged with the Executive Office and the Department for Education in England in regard to the issue of inward and outward student flows in the context of the UK exiting from the European Union.

**Mr McPhillips** asked the Minister for the Economy what scoping exercises his Department has undertaken to assess the potential impact on attracting international students in the event of a Brexit.

**(AQW 7759/16-21)**

**Mr Hamilton:** My Department has engaged with the Executive Office and the Department for Education in England in regard to the issue of inward and outward student flows in the context of the UK exiting the European Union.

**Mr McPhillips** asked the Minister for the Economy what scoping exercises his Department has undertaken to assess the potential impact on cross border phonecall and data tariffs in the event of a Brexit.

**(AQW 7760/16-21)**

**Mr Hamilton:** Following the result of the EU Referendum, my Department is considering the potential implications for its functions, legislation and regulations, in addition to identifying future challenges and opportunities.

However, telecommunications is a reserved matter and responsibility for addressing the potential impact on phone call and data tariffs rests with the UK Government at Westminster.

It is too early to assess what the full impact of the UK's decision to exit the EU will be and until a clearer picture evolves, it will not be possible to fully consider any potential impact on telecommunications.

**Mr McPhillips** asked the Minister for the Economy what scoping exercises his Department has undertaken to assess the potential impact on north-south electricity infrastructure in the event of a Brexit.

**(AQW 7761/16-21)**

**Mr Hamilton:** My Department has undertaken a number of exercises to consider what impacts, if any, may arise from the United Kingdom's exit from the European Union. From an energy perspective these exercises are not solely confined to north-south electricity infrastructure but are part of a detailed assessment of energy issues generally. Until such time as the terms of any future relationship between the UK and the EU are known, any assessment of impacts will be speculative.

**Mr Anderson** asked the Minister for the Economy how many people are in apprenticeship programmes in Upper Bann.

**(AQW 7815/16-21)**

**Mr Hamilton:** The most recently published ApprenticeshipsNI Statistical Bulletin shows programme occupancy (at April 2016) for Upper Bann as 413.

A link to the Statistical Bulletin is contained below.

<https://www.economy-ni.gov.uk/publications/apprenticeshipsni-statistics-august-2013-april-2016>

In addition to ApprenticeshipsNI programme occupancy, Southern Regional College reports occupancy of 99 participants on apprenticeship pilot training courses.

**Mr Swann** asked the Minister for the Economy when he will answer AQW 2897/16-21.

**(AQW 7855/16-21)**

**Mr Hamilton:** I answered AQW 2897/16-21 on 28 November 2016.

**Mr Dickson** asked the Minister for the Economy pursuant to AQW 4295/16-21, whether his Department has received a response from the licensee seeking details of their future plans for Petroleum Licence PL1/10.

**(AQW 7860/16-21)**

**Mr Hamilton:** My Department is in ongoing discussions with the licensee, InfraStrata plc, concerning its future plans for Petroleum Licence PL1/10.

Given the commercial nature of these discussions I cannot comment further at this time.

**Mr Eastwood** asked the Minister for the Economy what discussions he has held with the British and Irish Governments regarding their Future Airspace Strategy in light of its interconnection with the Single European Sky project.

**(AQW 7881/16-21)**

**Mr Hamilton:** Airspace strategy and policy are reserved matters and the lead responsibility rests with the UK's Department for Transport.

**Mr Allister** asked the Minister for the Economy if, as anticipated in the Utility Regulator's Call for Evidence on its Review of Electricity Distribution and Transmissions Connection Policy, a second North/South interconnector is built in 2020, what the implications are for the Ballylumford contracts being paid for currently by the NI customers for security of supply.

**(AQW 7979/16-21)**

**Mr Hamilton:** The Reserve Service Contract put in place by the System Operator for Northern Ireland is a three year contract extendable by a further two years, if required. It provides for cancellation of the contract by agreement of both parties, subject to wider consideration of the security of supply position.

**Mr Allister** asked the Minister for the Economy in light of Eirgrid's 2016 DS3 Control Centre Tools Workstream Plan, anticipating a major upgrade of the EMS which will provide a single all-island EMS; thereby facilitating all-island power system operation, whether this will mean less generating jobs in Northern Ireland; and how this approach complies with SONI being an independent Transmission System Operator.

**(AQW 7981/16-21)**

**Mr Hamilton:** The DS3 Delivering a Secure, Sustainable Electricity System programme aims to facilitate the integration of generation from renewable sources onto the power system. This requires new control centre tools. However, generation from conventional sources remains critical to stability of the grid and security of electricity supply and in this context there is no basis for speculation as to any impact on generation jobs. The System Operator for Northern Ireland's operational and financial independence is a regulatory issue.

**Mr Mullan** asked the Minister for the Economy what funding is available through his Department for community and voluntary organisations in East Derry.

**(AQW 8356/16-21)**

**Mr Hamilton:** Invest NI offers a wide range of advice, support and funding to export focussed businesses throughout Northern Ireland, including those operating in the community and voluntary sector.

Within DfE the Bridge to Employment programme is a pre-employment training programme that helps Northern Ireland based, inward investing or expanding indigenous companies to recruit unemployed people whatever their experience of work. It is also available to Northern Ireland based charities/community organisations that operate as a social enterprise and not as an agency.

**Lord Morrow** asked the Minister for the Economy to outline how many occasions the Health and Safety Executive (i) attended; (ii) carried out an investigation; and (iii) compiled a report following an incident in Hydebank Wood (a) Women's Prison; and (b) Young Offender Centre, in each of the last three calendar years.

**(AQW 8384/16-21)**

**Mr Hamilton:** The Health and Safety Executive for Northern Ireland has not attended, carried out an investigation or compiled a report following an incident at HMP Hydebank Wood in each of the last three calendar years.

**Mr McPhillips** asked the Minister for the Economy to detail (i) the number of staff employed by Invest NI; and (ii) where they are located.

**(AQW 8409/16-21)**

**Mr Hamilton:** At 30 November 2016, Invest NI employed the following staff:

Northern Ireland – 615 staff, located as follows:

Location	Number
Headquarters	559

Location	Number
Ballymena	10
Craigavon	3
Londonderry	11
Newry	15
Omagh	17
<b>Total</b>	<b>615</b>

Other UK and Overseas – 46 staff located as follows:

Location	Number
Boston	13
Miami	1
New York	2
Chicago	1
San Francisco	6
Dubai	6
Saudi Arabia	2
Dublin	3
Dusseldorf	2
London	1
Other UK	1
Brussels	1
Shanghai	3
Beijing	4
<b>Total</b>	<b>46</b>

**Ms Hanna** asked the Minister for the Economy for his assessment of the Chancellor of the Exchequer's revised economic forecast as outlined in the Autumn Statement.

**(AQO 857/16-21)**

**Mr Hamilton:** The Office for Budget Responsibility (OBR) were faced with the challenging task of projecting UK growth either side of an envisaged departure from the EU, without full clarity on the post exit trading relationship with the EU.

The OBR upgraded their economic forecast for 2016 to 2.1% for the UK and then went on to project growth of 1.4% for 2017.

## Department of Agriculture, Environment and Rural Affairs

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs for her assessment of the effectiveness of the Northern Ireland Environment Agency in addressing environmental crime.

**(AQW 6698/16-21)**

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** For a number of years now, NIEA's Environmental Crime Unit (ECU) have done, and continue to do, a lot of good in tackling environmental crime. They are working quietly and effectively, often behind the scenes in difficult circumstances, to maintain the ground-breaking work they started with the UK's first confiscation order and custodial sentence for environmental criminality.

The ECU has actively sought out ways to optimise its resources for maximum impact against the environmental criminal, not always an easy task given the ease with which the latter can constantly change their methods. NIEA, through ECU, is enjoying unprecedented depths of co-operation with a range of partner enforcement agencies from across the British Isles and beyond. It has allowed NIEA to share information, intelligence and resources in investigations, site surveys and training, and trace environmental criminality beyond our borders (which would have been considerably more difficult in the past).

In tandem with practical investigations, ECU has been working with legislative colleagues to enhance the 'polluter pays' mechanism to ensure, in as far as is possible, that the costs of pollution be borne by those who cause it. This work is at a relatively early stage, but I am hopeful that it will complement the diligent practical and financial investigations taking place against environmental criminals.

I and my officials remain committed to seeing the achievement of our aim of a compliant and crime free waste sector in Northern Ireland. I am encouraged by the level of commitment being demonstrated by my officials towards this aim.

Of course, we will need to remain vigilant and dedicated to the task of tackling waste crime in all its forms. As threats emerge and criminals change their methods of operation, we too must adapt. I am confident that my officials remain resolute in their determination to do their utmost to protect and improve the environment.

**Mr McNulty** asked the Minister of Agriculture, Environment and Rural Affairs to outline any review regarding the impact of Brexit that are currently underway in her Department.

**(AQW 7626/16-21)**

**Miss McIlveen:** My Department continues to carry out a detailed analysis of the potential impact of Brexit and the issues that will affect us locally. It would not be appropriate to share the results of this analysis as it will be used to inform the NI Executive's input to the UK Government's negotiating position.

**Mr McNulty** asked the Minister of Agriculture, Environment and Rural Affairs to outline the discussions her Department has held with agricultural producers whose goods are currently covered by the European Union's Protected Geographical Indication.

**(AQW 7770/16-21)**

**Miss McIlveen:** In keeping with normal practice, my Department provides ongoing assistance to producers seeking Protected Food Name (PFN) status for their produce. Following discussion with my officials, two applications are currently being considered by the European Commission.

Since becoming DAERA Minister I have been delighted to support our three local products, Lough Neagh Eels, New Season Comber Potatoes/Comber Earlies and Armagh Bramley Apples, which have already been awarded Protected Geographical Indication status (PGI) under the prestigious Protected Food Names (PFN) scheme.

I attended the Open Farm Weekend at the Orr farm, a leader in the production of the New Season Comber Potatoes/Comber Earlies and was pleased to see representatives from the Armagh Bramley Apples group also in attendance. I have also been pleased to meet with both potato and apple growers at various agricultural shows throughout the summer. In addition during my recent visit to China, where I was supporting NI companies, I was pleased to hold discussions with McCanns, who were exhibiting their apple products, at Food Hotel China in Shanghai. I also recently met with representatives of the Lough Neagh Fishermans Co-Operative to discuss several issues. I hope to see further products attain the Protected Food Names status in 2017.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs for her assessment on the effectiveness of the Groceries Code Adjudicator.

**(AQW 7933/16-21)**

**Miss McIlveen:** I believe that it is only right that everyone involved in the food supply chain should share both the risks and rewards, and that farmers should receive a fair price for their work and produce.

I welcome the review of the GCA being taken forward by the Department for Business, Energy and Industrial Strategy (BEIS), which is responsible for the regulation of competition issues in the UK. This includes both a Statutory Review to gain evidence on how the GCA has performed its statutory obligations and a Call for Evidence on the case for extending the GCA's remit. My officials are continuing to engage with BEIS on this review and my Department will present any relevant information we have pertinent to the scope of the consultation.

I would encourage Northern Ireland stakeholders to respond to the BEIS consultation to assist with a full and proper assessment of the effectiveness of the GCA.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to outline the engagement she had with the Government in the Republic of Ireland following the recent Irish Supreme Court Ruling that the agreement allowing Northern Ireland fishing vessels cross-border access to inshore waters is unlawful.

**(AQW 7935/16-21)**

**Miss McIlveen:** Immediately upon my return from China on 9 November, I spoke to the Republic of Ireland's Fisheries Minister, Michael Creed TD. I also spoke to Minister Creed in the margins of the Fisheries Council meeting in Brussels on Monday 14 November and again at the North South Ministerial Council Plenary in Armagh on 18 November. In all our discussions, Minister Creed assured me that he intends to bring legislation forward, at the earliest opportunity, to address the issues raised by the Irish Supreme Court Judgement.

I can assure you that Minister Creed and I, together with our officials, are remaining in close contact on the issue.



**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs to outline the steps her Department has taken to ensure that free range eggs produced in Northern Ireland can be exported and sold without restriction in the Republic of Ireland.

**(AQW 7951/16-21)**

**Miss McIlveen:** Eggs that carry a 'free range' label must have been produced in registered establishments complying with legislative requirements relating to housing, open air runs and stocking density. All Member States within the EU must adhere to the same rules which are laid down in EU regulation 589/2008. Registered 'free range' egg producers are inspected regularly by DAERA inspection staff.

There are currently no restrictions on free range eggs being moved between Member States within the EU.

**Ms S Bradley** asked the Minister of Agriculture, Environment and Rural Affairs to detail how many applications for Fish Culture and Shellfish Fishery Licences are currently being processed by her Department.

**(AQW 8006/16-21)**

**Miss McIlveen:** There are 4 Fish Culture Licence and Shellfish Fishery Licence applications currently being processed by my Department.

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs to outline her Department's strategy for the eradication of Lagarosiphon Major.

**(AQW 8065/16-21)**

**Miss McIlveen:** The Department published an Invasive Species Strategy for Northern Ireland in 2013. The implementation plan of this document is currently being reviewed. This document and any revision outlines the Department's strategic approach to invasive species, including Lagarosiphon major.

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs to outline why her Department has refused applications for licenses to control Reeves's muntjac.

**(AQW 8066/16-21)**

**Miss McIlveen:** Wildlife Licenses are only required in Northern Ireland to permit activities that would otherwise be illegal such as the shooting of any deer species at night.

In 2008 and 2010 the Department of the Environment consulted with relevant stakeholders on the option to permit the night shooting of Muntjac deer. The majority of respondents were against the proposal. This included opposition voiced by the Northern Ireland Deer Society and the head of the PSNI Firearms Branch.

Consequently it was decided that licenses should not be granted for this purpose and my Department continues to hold this view.

My officials are not aware of a widespread demand for this activity and have received only one license application for this purpose. The application was refused and the applicant was given an explanation of the various reasons for this decision. These included:

- No stakeholder consensus on the issuing of licenses to shoot Muntjac at night.
- NIEA funded research suggesting that legal shooting opportunities do exist.
- Consideration of H&S risk and a perceived risk/responsibility of Department giving authorisation of night shooting by rifle.

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs (i) to provide a copy of the report on fracking by the Environmental Protection Agency in Dublin; and (ii) for her assessment on it's findings.

**(AQW 8345/16-21)**

**Miss McIlveen:** The reports on unconventional gas exploration and extraction (UGEE) makes a contribution to the debate on the impacts of UGEE. However the issue of whether or not hydraulic fracturing should proceed in Northern Ireland is a cross-cutting one and is therefore ultimately a decision for the Executive.

All 11 reports have been published on the EPA website and can be accessed at: <http://www.epa.ie/pubs/reports/research/ugeejointresearchprogramme/>

**Mr Mullan** asked the Minister of Agriculture, Environment and Rural Affairs to outline the funding available through her Department for community and voluntary organisations in East Derry.

**(AQW 8358/16-21)**

**Miss McIlveen:** The Department of Agriculture, Environment and Rural Affairs has £185,389 available in the 2016/17 financial year for community and voluntary organisations in East Londonderry.

Under the Tackling Rural Poverty and Social Isolation (TRPSI) Framework, the following two amounts are available to be spent in 2016/17 in this constituency:

- £51,119 Capital funding in relation to the Rural Micro Capital Grant Scheme 2016 – Phase 3, which has been developed to provide rural, community-led, voluntary organisations with the opportunity to avail of financial assistance towards the purchase of equipment or completion of minor capital works that can contribute to alleviating poverty and / or social isolation; and
- £109,270 Resource funding in relation to the Rural Community Development Support Service which provides its service by determining and responding to the key issues impacting on the lives of rural people and rolling out programmes to address identified needs.

In addition under the LEADER component of the Rural Development Programme, funding for community and voluntary organisations is available through the Rural Basic Services Scheme, the Rural Village Renewal Scheme and the Rural Broadband Scheme. In the 2016/17 financial year £25,000 Capital funding is available to be spent in relation to these schemes.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to detail the markets of local fishing fleet catches. (AQW 8383/16-21)

**Miss McIlveen:** In 2015 vessels licensed by my Department landed their fish in:

**Country**

- |                |                       |
|----------------|-----------------------|
| ■ UK - England | ■ Denmark             |
| ■ UK - NI      | ■ Republic of Ireland |
| ■ UK - Scot    | ■ Isle of Man         |
| ■ UK - Wales   | ■ Norway              |

**Mr Swann** asked the Minister of Agriculture, Environment and Rural Affairs to outline why departmental officials can no longer respond directly to an MLA's request or enquiry, but now responses come through her private office.

(AQW 8391/16-21)

**Miss McIlveen:** It is my preference to respond to all correspondence from elected representatives relating to Departmental business.

**Mr Smith** asked the Minister of Agriculture, Environment and Rural Affairs to detail each budgetary pressure that (i) her Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.

(AQW 8544/16-21)

**Miss McIlveen:** At 1 December 2016 my Department and its arm's length bodies were projecting to live within their respective 2016-17 budgets.

**Mr Beggs** asked the Minister of Agriculture, Environment and Rural Affairs to detail how many people updated the information in their dog's microchip in (i) 2013-14; (ii) 2014-15; and (iii) 2015-16.

(AQW 8574/16-21)

**Miss McIlveen:** My Department does not hold information in relation to the number of people who have updated data in relation to their dog on a microchip database. Such databases are operated by commercial or non-governmental organisations rather than my Department.

**Mr Humphrey** asked the Minister of Agriculture, Environment and Rural Affairs to provide (i) an update on the Micro Grant Capital Scheme; (ii) the organisations funded; and (iii) the initiatives being progressed.

(AQW 8589/16-21)

**Miss McIlveen:**

- (i) The 2016/17 Rural Micro Capital Grant Scheme (RMC GS) closed for applications on 31 October 2016. I am delighted that four hundred and ninety three (493) Letters of Offer issued to successful applicants in November 2016, equating to a commitment of £609,493 to support projects that will benefit up to 200,000 rural dwellers. Project Promoters are currently implementing their projects.
- (ii) and (iii) Details of the organisations that received Letters of Offer in November 2016 and project information are detailed in the table below.

	Applicant Group	Project Title	Grant Awarded £
1	190th Bellaghy Presbyterian Girls Brigade	Comm. Christmas Celebration Event	£1,380.40
2	1st Banagher Boys Brigade	Online Brigade Management	£1,334.48
3	1st Bovevagh Scouts	Purchase of IT & geocaching equipment	£1,099.22

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
4	1st Cullybackey Senior Section	ICT within 1st Cullybackey Senior Section	£1,360.00
5	1st Garvagh Boys Brigade Company	Sporting Equipment and Storage	£1,500.00
6	235th NI Company - Roseyards Girls' Brigade	Hyperconnected @ GB	£1,500.00
7	Age Concern Newcastle	Silver Surfer Project	£1,222.41
8	Aghadowey Pre-school Playgroup	Installation of an Outdoor Canopy	£1,500.00
9	Aghagallon Community Centre	Purchase of Industrial Cleaning Machine	£1,275.00
10	Aghalee Village Hall	Equipment Boost	£852.07
11	Ahoghill Patchwork Group	To encourage the use of IT equipment & programmes	£833.79
12	Ahoghill Thistle FC	New equipment for our football club	£1,500.00
13	Allegri, Londonderry	Wired for Sound	£1,479.84
14	Altnaveigh Ladies	Upgrading equipment	£958.57
15	Altnaveigh Memorial Pipe Band	Upgrading instruments	£634.09
16	Annagh Social Farm CIC	Wooden Shed construction at Annagh Social Farm	£1,492.34
17	Annalong Community Association	Kitchen Upgrade	£1,499.83
18	Annalong Orange Hall Committee	Upgrade of Vacuum	£1,140.98
19	Annsborough Community Forum	Storage Solutions	£1,500.00
20	Ardbarron LOL 758	Rewiring of Ardbarron Hall	£1,500.00
21	Ardbarron Pipe Band	Purchase of bagpipe, drum & carry cases	£1,500.00
22	Ardglass Community Centre	Storage Solutions	£1,146.13
23	Ardglass Development Association	Capital Asset Purchases	£856.63
24	Ardglass Football Club	Soccer Days	£1,256.91
25	Ardinariff Historical & Cultural Society	Purchase of IT equipment	£680.00
26	Ardmore Cricket Club	Replacement Fence	£1,338.75
27	Ardmore Rural Community Association	Developing outside play/sport area	£1,479.00
28	Ardstraw & Barnscourt Y.C.	Improving our community kitchen	£1,428.00
29	Ardstraw Community Playgroup	I.C.T. and Installation of LED lighting	£1,028.50
30	Ardtree & Desertcreat Senior Citizens Group	Learning Through Technology	£499.80
31	Armoy Auld Boys Musical Association	Improving community involvement in the Armoy area	£1,084.80
32	Armoy Community Association	Armoy - One Community Learning Together	£1,500.00
33	Armoy Girls Brigade	Projector and Laptop	£740.00
34	Atticall Golden Club	New things for older people in Atticall	£825.45
35	Aughabrack Community Association	Kitchen upgrade	£1,466.00
36	Aughakillymaude CA	Provision of Amplification / Kitchen Equipment	£613.49
37	Augharan Pipe Band	Music	£1,491.75

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
38	Aughnacloy Masonic Hall/Aughnacloy RAC 230	KITCHEN REFURBISHMENT	£983.43
39	Augllisnafin GAC	Health & Well Being	£1,309.68
40	Ballinamallard Fisher Park	Electronic Club info Board	£1,062.50
41	Ballinteer Bowling Club	Purchase New Bowling Mats	£1,500.00
42	Ballinteer Flute Band	Upgrade Instruments	£1,330.25
43	Ballinteer Orange Lodge	Modernise Hall Exterior	£1,326.00
44	Ballintoy Accordion Band	Striving to Heat the Hearts of the Rural Community	£1,500.00
45	Ballintoy Loyal Orange Lodge 803	Rural Community Lowers Carbon Footprint	£1,500.00
46	Ballintoy Old School Restoration Committee	Ballintoy Old School Restoration Committee	£1,500.00
47	Ballydougan Bowling Club	Modernisation of Bowling Equipment	£1,500.00
48	Ballydougan Patchwork and Craft Group	New Folding Tables	£995.78
49	Ballydunmaul LOL 306	Ballydunmaul Modernisation	£1,071.15
50	Ballygowan & Killinchy Historical Society	Ballygowan & Killinchy Rural Historical Project	£1,063.86
51	Ballygowan Senior Citizens Club	Connecting older people	£614.36
52	Ballygowan True Blues Flute Band	Rural Youth Music Training Project	£1,258.00
53	Ballygrainey Rural Development Association	Ballygrainey Rural Development	£1,500.00
54	Ballyhalbert Comm Association	Updating Facilities in Talbot House	£1,294.27
55	Ballyholland Dev Association	Upgrade of Gym	£1,188.30
56	Ballyhornan & District Community Association	Building Community Infrastructure	£1,495.90
57	Ballykelly Boxers A.B.C.	BK Boxers gym improvements	£1,310.25
58	Ballykinlar GAC & Social Dev Club	Provide kitchen appliances & new tables & chairs	£942.98
59	Ballymacanallen Community Association	Fixtures modernisation	£1,500.00
60	Ballymacnab Community Development Association	Enhancing Services	£433.73
61	Ballymageogh Rural Dev Association	Ballymageogh Micro Capital Improvement Project	£1,499.98
62	Ballymarlow & District Community Group	Ballymarlow Moving Forward	£1,185.75
63	Ballymartin Cross Community Youth Club	Facility Improvements	£1,499.96
64	Ballymena Corp Of Drums	New Instruments. New Music. New You	£1,500.00
65	Ballymoney Hill Cultural Society	Replacement Windows	£1,500.00
66	Ballynagross Football Club	Youth Initiative	£1,500.00
67	Ballynarrig Cultural Group	Improving Service to Enhance Activities	£1,500.00
68	Ballyspallen Cricket Club	More fun on the way	£1,468.00
69	Ballyvea Football Club	Disabled Access	£1,499.98
70	Ballyvea Rural Dev Association	Provision of Disabled Access in Eadie Mem Hall	£1,500.00



	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
71	Ballywalter youth & Community Cooperative	Upgrade of Ballywalter Village Hall Computer Suite	£822.42
72	Bann Valley Community Association	Community Improvements	£1,449.75
73	Barnamaghery Rural Society	Modernisation Projec	£1,486.61
74	Bawn Silver Band	BAWN SILVER MODERNISATION PROGRAMME	£1,451.00
75	Belcoo CA	Health & Well being	£315.16
76	Belcoo Parent & Toddler Group	Belcoo Parent & Toddler Group	£1,047.39
77	Believers on Mountain Bikes	Purchase of bicycles & safety equipment	£1,500.00
78	Bellaghy LOL 400	BUYING CHAIRS	£1,500.00
79	Bellanaleck Art McMurrach's GAA	Development of Club Room facilities	£1,145.26
80	Bendoragh Abod Cultural Society	"A Seat For All"	£1,500.00
81	Bleary Farmers Hall Committee	Connect rural Bleary with ICT	£1,290.00
82	Blossomhill Pipe Band, Fintona	Provision of band instruments & other equipment	£1,500.00
83	Bo Peeps Playgroup, Boho	Learning through Play for Bo Peeps	£400.27
84	Boho Community Association	BCA Cooking for our Rural Community	£1,273.98
85	Bonds Glen Cricket Club	Coaching Needs	£565.08
86	Brackey Flute Band , Sixmilecross	Banqueting Tables	£1,445.34
87	Brady Academy of Music	New Flutes for Beginners	£1,500.00
88	Brain Injury Foundation, Newry	Connect Programme	£1,497.77
89	Bridge Women's Group, Mayobridge	Community Resources	£1,274.31
90	Bridgetown 'No Surrender' LOL 379	Disabled Toilet	£1,500.00
91	Bright Community Association Ltd	Furniture for Bright Hall	£1,086.81
92	Brocagh & District Regeneration Group	MODERNISATION OF TOILET FACILITIES	£1,500.00
93	Brocagh Emmets GFC	REPLACING FACIA AND GUTTERING	£1,500.00
94	Brookeborough & District CDA	To Purchase & Install a Defibrillator	£1,185.75
95	Brookeborough District Lodge	Refurbishment of our hall	£1,122.00
96	Broughderg Area Development Association	UPDATING CENTRE TECHNOLOGY	£1,275.00
97	Broughshane & District Community Association	Community Celebrations	£1,343.60
98	Broughshane & District Pipe Band	Purchase of Musical Instruments	£1,498.00
99	Broughshane Improvement Committee	Growing our Health	£708.15
100	Broughshane Womens Institute	Modernisation of our meetings	£229.50
101	Bruces' True Blues Accordion Band, Magherafelt	Reducing Poverty & Social Inclusion via Music	£1,500.00
102	Bunnahone Bunnies Cross Community	Replacing Fence around Playschool	£1,500.00
103	Burnfoot Community Development Association	Shelter for outdoor play	£1,338.75
104	Burnside Village Committee	Burnside Online	£599.34
105	Burren Community Forum Ltd	Upgrade to entrance	£1,499.40

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
106	Burren Youth Club	Building a Better Burren	£1,231.65
107	Bushside Accordion Band	Kerr Smiley Orange Hall Regeneration	£1,500.00
108	Bushside LOL 923	Kerr Smiley Orange Hall Regeneration	£1,500.00
109	Bushvale Friendship Group	Talks & Tea	£298.48
110	Caddy Orange Hall	Provision of New Equipment	£1,085.96
111	Cairns Residents Group	Power for Cairns	£1,295.40
112	Caledon Regeneration Partnership	Laptop	£412.25
113	Caledon Rovers F.C	Caledon Rovers FC	£1,257.88
114	Camowen Outreach	Oil Tank Safety	£1,000.00
115	Canny Man Community Arts, Galbally	CMCA Storage	£1,487.50
116	Carricklongfield Cultural Group	IT Equipment Installation	£1,478.12
117	Carrowshee Park /Sylvan Hill Community Association	CARROSYL Community Centre	£1,486.27
118	Carville Waterworth Football Academy	Midnight Futsal Fever	£948.60
119	Cashel Community Association	Gardening Equipment	£1,422.77
120	Castlecaulfield Horticultural Society	Village in Bloom	£1,500.00
121	Castledawson Part Music Flute Band	Feel Good and Have Pride	£1,500.00
122	Castledearg Women's Institute	Open day & one day school	£247.35
123	Castledearg Young Loyalist Flute Band	Community P.A. System	£1,486.20
124	Castlerock Community Association	Improve the facilities of the Information Centre	£464.48
125	Castlewellan Area Bible Prayer Group	Castlewellan Inter-Church Choir	£1,162.79
126	Castlewellan Regeneration Ltd	The Modernisation of Hall Floor	£1,499.84
127	Castlewellan Victoria Dev Association	First Impressions	£1,386.35
128	Causeway Coast Peace Group, Ballyvoy	Enabling better communication	£636.65
129	Clady Cross Community Development	Community Hall Furnishings	£1,500.00
130	Clanabogan Youth club	Equipment for use in the youth club	£1,351.50
131	Clann na nGael GAC, Aughabrack	Walk/Run area	£1,500.00
132	Claudy Parish Community Group Ltd	P.A System for St Patricks Old Church Hall	£1,500.00
133	Clogher Old Market House Comm Dev Initiative	ESSENTIAL EQUIPMENT FOR CLOGHER	£1,500.00
134	Clogher Valley Play Group	LONGLIFE STORAGE SHED	£1,500.00
135	Clonaneese P.W	IMPROVEMENTS TO CHURCH HALL	£1,148.52
136	Clonduff Parent & Toddler Group	Learning Support Programme	£1,469.41
137	Clonoe Rural Development Agency	IT PROJECT	£1,500.00
138	Clougher Orange Hall LOL 529	Movie nights equipment	£1,480.34
139	Cloughfin Pipe Band	Upgrade of Musical Instruments	£1,461.15
140	Cloughmills Community Action Team	Old Mill Cookery School	£977.50
141	Comhaltas Ceoltoiri Eireann Clanabogan	Musical Instruments	£1,500.00

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
142	Common Ground NI CIC, Fivemiletown	Social Horticulture & Community Gardening Project	£1,485.37
143	Connect, Castelderg	Improvement of air quality & opportunities	£703.26
144	Cookstown Youth F Club	IPADS FOR VOLUNTEERS	£1,500.00
145	Coolcreaghy Community Association	Modernising the premises	£1,500.00
146	Cooneen / Coonian CDA	Community Hall Male Toilet Fitout	£1,500.00
147	Cosy Corner Playgroup, Cullyhanna	Modernisation of assets	£1,500.00
148	Craigbane Hall Committee	Purchase of Capital Equipment	£1,500.00
149	Cranagh Community Association	Cranagh Village Defibrillator	£1,500.00
150	Cranagh Hall Committee	Purchase of folding tables	£1,439.90
151	Cranny Pipe Band, Desertmartin	PIPE TO SUCCESS	£1,469.65
152	Craobh Rua Camlocha Hurling Club, Bessbrook	Clubhouse modernisation	£1,499.94
153	Creggan Community Association	Provision of Gymnastics / Jujitsu Classes	£798.15
154	Crewe United Football Club	Carpet renewal	£1,481.55
155	Crichton Masonic Hall Management Committee	Hall Modernisation Scheme	£1,500.00
156	Crossdermott Bowling Club	WELCOMING ALL	£1,498.64
157	Crossmaglen U 3 A	"Looking Back" "Looking Forward"	£950.29
158	Crown Defenders Flute Band, Cloughmills	Enhancing the Crown	£1,500.00
159	Cullybackey Development Association	Communication Update Programme	£758.18
160	Cullybackey LOL696 FB	Purchase of new instruments	£1,465.40
161	Culnady & Swatragh Youth Club	UPGRADE SEATING IN TUCK SHOP	£1,172.83
162	Culnady Boys Brigade	YOUTH BEING HEARD	£1,500.00
163	Culnady Girls Brigade	DEVELOPING MUSICAL TALENT	£1,500.00
164	Curran LOL 121	BRINGING IN THE SHEAVES	£1,500.00
165	Cushendall Development Group	Crocks & Pots	£800.52
166	Cushendun & District Developmet Association	Dun Tubs Dalled Up	£904.15
167	Derganagh Training & Development Association	Improvement to kitchen facilities	£1,400.00
168	Dergview Football Club	Community Room Refurbishment	£1,500.00
169	Dergview Juniors	New training equipment	£1,500
170	Derry & Raphoe Action	Community Workshops offered locally	£1,315.80
171	Derrygonnelly Bowling Club	Table Project	£1,500.00
172	Derrylaughan Kevin Barry's GAC	PROVISION OF EQUIPMENT (SPORTING)	£1,500.00
173	Derrylin Comhaltas Ceoltoiri Eireann	Promotion & Enhancement Music & Social Culture	£1,500.00
174	Derrylin O'Connell's GAC	Provision of Lighting around Football Field	£1,500.00

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
175	Derrymacash Playgroup	Outdoor Resource Enhancement	£836.40
176	Derrynoose GAC	Improved Access and modernisation	£1,422.90
177	Derryoghill LOL	SECURITY SHUTTERS	£1,500.00
178	Derrytrasna Playgroup	Play Equipment	£748.60
179	Dervock Young Defenders	More Than Marching Feet	£1,200.00
180	Diamond Rural Development Group	Purchase of stacking chairs	£1,269.90
181	Donaghcloney COI	Parish of Donaghcloney Freezer Ministry	£1,069.00
182	Donaghcloney Cricket Club	Ceating a welcoming Cricket Club	£1,500.00
183	Donaghcloney LOL 75	Modernisation	£1,500.00
184	Donaghcloney Royal British Legion	Provision of IT and stools	£420.72
185	Donaghcloney Rural Craft Group	Purchase of sewing machine	£1,189.15
186	Donaghcloney Rural Needs	Community Art Class	£620.00
187	Donagheady Presbyterian Church Mini & Youth Club	Community Health and Well-being Project	£1,190.40
188	Donemana Cricket Club	New equipment	£1,500.00
189	Donemana Cultural Association	Sound System in Donemana Cultural Association	£1,500.00
190	Donemana Haven	Equipment for the provision of community meals	£1,055.70
191	Donemana Presbyterian Bowling Club	Donemana Presbyterian Bowls Club	£1,054.00
192	Douglas Bridge Cross Community Association Ltd	Community Defibrillator - Saving Lives	£1,428.00
193	Down Special Olympics, Downpatrick	Pully system	£816.00
194	Dromara Community Group	Purchase of IT equipment	£917.27
195	Dromara GAC	Building a Ball Wall	£1,499.86
196	Dromboughil Community Association	Health & Well Being Safety Equipment	£957.95
197	Drumaroad & Clanvaraghan Com Association	DCCA book group relaunch	£849.91
198	Drumlegagh Women's Group	Kitchen Supplies	£1,423.83
199	Drumnaleg Community Association	Upgrade of facilities	£1,060.80
200	Drumquin Archery Club	Archery Range Modernisation	£1,376.66
201	Drumquin Youth & Community Centre	Modernisation of Premises	£1,321.06
202	Drumullan Community Group	A FLOOR TO WALK ON	£1,500.00
203	Dunaghy Flute Band	Equipment & Instrument For Music Tuition	£1,467.10
204	Dunaghy LOL	A Throne to be Proud	£1,172.00
205	Dunamoney Community Group	GETTING TO WORK	£1,068.45
206	Dundrum Coastal Rowing Club	Improvements to Dundrum Coastal Rowing Skiff	£1,435.49
207	Dungiven Celtic Youth FC	Lifvalues at DYFC	£1,219.34
208	Dunglebe Sporting & Culture Society	Furnish Lecture Room	£1,333.36
209	Dunseverick Accordion Band	Modernisation of Musical Instruments	£1,500.00
210	Dunsford Arts and Crafts	Arts & Crafting in Dunsford	£1,193.83



	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
211	Dunsford Cross Community Resource	Capital Improvements	£458.55
212	Dunsford Old School Baby & Toddler Group	The Promotion & Development of Group	£1,386.23
213	Eden Accordion Band, Maghera	Purchase of Drums etc	£1,423.92
214	Eden Youth & Community Association, Plumbridge	Purchase of tables & kitchen equipment	£1,500.00
215	Edenderry Pipe Band	Safeguard and upgrade musical Instruments	£1,441.72
216	Ederney St Josephs GAC	Mobile Goal Posts	£1,500.00
217	Eglinton Cricket Club	Installation of security cameras	£1,500.00
218	Eglish Youth Club	DEVELOPING YOUTH SPORT	£1,392.20
219	Enagh Youth Forum	Fit for Purpose	£702.89
220	Enniskillen Rangers Football Club	Entrance Road Improvement & Traffic calming	£1,500.00
221	Eskra CA	Stage upgrade	£1,249.90
222	Fardoss Pipe Band	NEW MEMBERS MAKE MUSIC	£1,500.00
223	Feaugh Pipe Band	Maintenance of Equipment	£1,083.71
224	Feeny Community Association Limited	Feeny Comm. Assoc.	£1,304.35
225	First Castlederg Bowling Club	Provision of chairs and trolleys	£1,426.80
226	First Castlederg Boys Brigade	Provision of chairs	£1,315.18
227	First Castlederg PW	Purchase of new chairs	£1,317.15
228	First Down Warrenpoint and Kilbroney Scouts	Camping Experiences	£1,056.16
229	First Steps Childrens Centre, Castlederg	Enhancement of play facilities	£1,500.00
230	Football Clubs United, Downpatrick	Visual Achievements	£1,240.30
231	Foreglen Community Association	Foreglen	£1,489.65
232	Friends, Ballymena	Promoting the "Friends" Group	£856.75
233	Friends Of Cortamlet PTA, Newry	Enhancing outdoor play at Cortamlet	£1,499.98
234	Friends of Drumnaph, Maghera	Drumnaph Community Events Project	£1,377.00
235	Friends of Greamore School	improving health and wellbeing	£1,318.90
236	Friends Of Millquarter	Millquarter ICT Project	£1,500.00
237	Friends of Portaferry Presbyterian Church	Building a Digital Community Archive	£1,499.76
238	Friends of St Francis Primary School Drumaroad	Intergenerational Homework Club	£1,499.96
239	Friends of St John the Baptist Roscor	Culinary Yoga	£1,075.02
240	Garrison Community Group	Get Connected Part II	£265.20
241	Garryduff Flute Band	Improve Energy Efficiency in Garruduff Orange Hall	£1,500.00
242	Garvagh Cultural Awareness Assoc	Vision of Opportunity	£382.48
243	Garvagh Development Trust	Purchase of kitchen equipment	£725.41
244	Garvagh Phoenix Volleyball Club	Garvagh Phoenix Development Programme	£1,129.02
245	Garvaghy over 50's	Over Fifty's Computer	£568.64

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
246	Garvaghy Rural Development Group	Improving sanitaton to comply with DDA	£1,500.00
247	Gillygooley Youth & CDA	Exterior Hall Light	£1,500.00
248	Girlguiding Dunluce	Progression Residential Centre	£1,224.00
249	Glarryford Young Farmers Club	Modernisation of catering/kitchen facilities	£1,401.28
250	Glasdrumman GAC	Social events for young & old	£1,499.97
251	Glen Rural Community Group Armoy	New Curtains in Rural Resource Centre	£1,500.00
252	Glenageeragh Pipe Band	PROCUREMENT OF MUSICAL INSTRUMENTS	£1,500.00
253	Glenanne Loughgilly Mountnorris CDA	Improving Outreach	£510.85
254	Glenariff Improvement Group	Technology Towards Improved Hearing	£925.14
255	Glenarm Community Focus	GFC Community Support	£1,300.00
256	Glenclare Community Group	55 Chapel Road Glenavy	£966.66
257	Glenelly St Josephs GAC	Supply & fitting of new kitchen	£1,500.00
258	Glenravel Community Playgroup	Mud Kitchen Outdoor Area	£1,500.00
259	Glens Development Group	Repair two Leaking Chimney Braces	£1,500.00
260	Glens of Antrim Comhaltas	Purchasing of Musical Instruments	£1,190.00
261	Glens Red Squirrel Group	GRSG Modernisation 2016	£565.59
262	Glens Youth Club	The Kitchen Project	£1,500.00
263	Glor Uachtar Tire	Resourcing th Share and Enjoy the Irish Language	£1,499.86
264	Gortilea Social Farm	Assistive technology to assist hippotherapy sessions	£1,438.15
265	Gortin Masonic Lodge 994	Hall Improvements to encourage more activities	£1,243.06
266	Gortnaghey Community Association	Gortnaghey	£1,500.00
267	Granaghan & District Women's Group, Swatragh	Fast & Fit for 2020 in the swa	£779.40
268	Grange Cross Community Association	Defibulator	£1,215.80
269	Grange True Blues	Purchase tables and chairs	£1,500.00
270	Halftown Residents' Association	Purchase of equipment for hall	£1,435.82
271	Hannahstown Community Association	No more slipping	£1,224.00
272	Heart of Down Rural Society, Ballynahinch	Upgrade of Toilets	£1,494.00
273	Hillsborough Community Centre	Heart Start	£1,108.57
274	Hillstown Rural Community Group	Modernisation of Community Facilities at Hillstown	£1,450.89
275	Hilltown Community Association Ltd	Modernisation of Community Hall	£1,473.90
276	Holy Trinity Church Drumnakilly	Provision of a Community Defibrillator	£867.00
277	Inishmacsaint GFS	GFS equipment modernisation	£1,500.00
278	Institute of Irish Leadership	CAPITAL TECHNOLOGY EQUIPMENT	£985.15
279	Jerrettspass Community Association	Upgrading Electrics and Tableware	£1,328.72
280	Keady SVP	Using ICT to Tackle rural poverty & social isolation	£1,402.50

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
281	Kesh Senior Citizens Club	Purchase of Boccia Equipment	£434.52
282	Kids Cabin Preschool	Upgrade	£746.86
283	Kids Inn After School Club, Eglinton	Development of IT Facilities	£1,070.98
284	Kilbroney Community Associatioin	Heating for community room	£353.56
285	Kilcoo Community Association	Community Defibrillator	£652.46
286	Kilcronaghan Youth Hostel Ltd	REPLACEMENT OF SUN ROOM/ FIREDOOR	£1,211.25
287	Kildoag & District Women's Group	Purchase New Equipment	£657.69
288	Kildress Area Youth & Community Club	Connecting Our Youth	£1,435.00
289	Killaloo Orange Hall	Equipment upgrade	£842.91
290	Killesher CDA	Toddle Tots Purchase of Equipment	£295.18
291	Killyhommon PS Boho	Developing Computer Literacy	£1,500.00
292	Killyman District Cultural Group	HALL UPGRADE	£1,275.00
293	Kilmacrew Rural Community Group	Provision of plates, cups, saucers and bowls	£708.84
294	Kilmegan Bowling Club	Bowling Equipment	£804.06
295	Kilmore Archery Club	Equipment upgrade	£1,500.00
296	Kilmore Rec	Community Engagement Project	£1,028.45
297	Kilroot Heritage & Community Association	Toilets Refurbishment	£1,283.50
298	Kilwaughter Cultural & Educational Group	IT Development	£1,474.75
299	Kirlish Ulster Scots Association	Purchase of Pipe Band Equipment	£1,500.00
300	Knockloughrim Presbyterian Church	BACK OF THE HILL WELCOME	£1,500.00
301	Knocknagin hall Committee	TABLEWARE FOR 4 SQUARE MEALS	£1,488.86
302	Knockmany Running Club	TIMING SYSTEM FOR RACES	£1,356.60
303	Knocks CA	Kitchen Modern Equipment	£1,407.84
304	Langfield CDA	LCDA Equipment	£1,500.00
305	Leckpatrick Development Association	Storage racks & tables	£1,500.00
306	Legananny ACC Band	Legananny Investing in Youth	£1,440.75
307	Leitrim Senior Citizens' Group	Information and Communication Technology	£305.13
308	Lenaderg Over 50's	IT and Training Equipment	£1,500.00
309	Lisbeg Pipe Band, Castlederg	TABLES & CHAIRS	£1,500.00
310	Lislaird Highland Dancers, Castlederg	Purchase of essential equipment	£1,500.00
311	Lislaird LOL 1488, Castlederg	Installation of new exterior doors	£1,500.00
312	Lislaird Pipe Band, Castlederg	Purchase of musical equipment	£1,496.00
313	Lislea Community Association	Roof Improvements	£1,499.93
314	Lisnaskea Women's Group	Information and Community Technology	£271.15
315	Lissan Cross Community Playgroup	PVC External Doors	£1,020.00
316	Lissan Hall Committee	Stage Lighting	£1,275.00

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
317	Lisnagrot Accordion Band – group have since withdrawn	Beating the Rythm	£1,236.75
318	Little Acorns Playgroup	Tables & Chairs	£1,058.00
319	Little Treasures Playgroup	Purchase Resources	£1,447.77
320	Little Village Playgroup, Markethill	ICT for Preschoolers	£914.43
321	Longstone Primary PTA	Community ICT Initiatives	£1,500.00
322	Lough Fea Ladies Group	COMMUNITY INVESTMENT	£1,500.00
323	Lough Neagh Rescue Ltd	LNR ARDBOE SAFETY EQUIP.	£1,500.00
324	Loughgiel Community Association	Loughgiel's Bringing People Together Project	£1,500.00
325	Loughgiel School of Irish Dancing	Dancing for the Future	£1,252.04
326	Loughinisland Youth Club	Kitchen Equipment	£911.34
327	Loughmacrory CDA	Refurbishment of Dilapidated Community Room	£1,500.00
328	Lower Mourne Gaelic League	Updating of Teaching Aids	£1,256.95
329	Lurgan Show	Modernisation of Assets	£600.00
330	MacNean Runners , Belcoo	MacNean Runners	£1,251.23
331	Maghaberry Community Association	Replace Computer System	£833.11
332	Maghera Boys Brigade	Sports hall divider	£867.00
333	Maghera Historical Society Heritage & Cultural Centre	Socially Interactive Centre	£917.69
334	Magheraglass Flute Band	2016 INSTRUMENT PROJECT	£926.50
335	Magheralin Hall Company Ltd	Purchase of equipment	£1,138.49
336	Magheralin Womens Group	Furniture update	£1,500.00
337	Magheramason Community Development Association	Communication through technology	£314.48
338	Magheraveely CDA	Computer Printer	£405.50
339	Maghery District Hall Committee	Installation of kitchen units	£1,385.50
340	Marconi Radio Group, Ballycastle	DMR Digital Repeaters at West Torr	£1,500.00
341	Matt Boyd Pomeroy Pipe Band	Learn to Play Pipes and Drums	£1,445.00
342	McMaster Accordion Band, Larne	Upgrade Equipment	£1,500.00
343	Mid Ulster Community & Arts Trust Ltd	Improving Access to Rural Services	£981.75
344	Mid Ulster Drama Festival Committee	Using ICT	£1,500.00
345	Milford Development Association	Milford Social Integration	£1,484.02
346	Millisle & District Community Association	Supporting Millisle	£1,128.14
347	Millisle Health & Wellbeing Group	Promoting Health & Well Being	£479.40
348	Millisle Regeneration	Millisle Community Hub	£1,499.91
349	Moneydig Rural Network Group	Update facilities	£1,500.00
350	Moneydig Young Conquerors Flute Band	Music In The Agivey Rural Community	£1,479.00
351	Moneyneena & District Dev Initiative	Defibrillator	£1,305.50
352	Montober flute band	AUDIO/VISUAL SYSTEM	£1,500.00
353	Montober Orange Lodge	SECURE STORAGE AT HALL	£1,500.00



	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
354	Mountfield Community Association	Addressing Poverty & Social Isolation issue	£1,268.40
355	Mountjoy Pipe Band	Promoting Cultural Identity	£1,445.00
356	Mourne Local Studies, Annalong	Planning Cultural Activities	£836.23
357	Mourne Mountain Rescue, Castlewellan	Interactive Panel for Training	£1,499.99
358	Mourne Sailability, Ardglass	Get Active on Water	£889.48
359	Movenis Rising Sons of William Flute Band, Coleraine	Mind Wont Wander If Yee Chat and Dander	£1,130.50
360	Moyola Park FC	MOYOLA YOUTH FRIENDSHIP LEAGUE	£994.16
361	Muintir na Mointeach, Coalisland	PROVISION OF MEETING ROOM FACILITIES	£1,340.95
362	Mullabrack Hall Committee	Replacement of chairs	£1,500.00
363	Mullabrack Rural Community Group	Provision of kitchen equipment	£1,090.93
364	Mullaghbrack Luncheon Club	Modernisation	£1,500.00
365	Mullaghduon CA	Defibrillator Box	£571.20
366	Mullavilly Community Hall	Disabled Access/ stage extension	£1,500.00
367	Mullinagoagh Pipe Band	Modernising the Hall Kitchen	£1,381.90
368	Mullymesker PTFA	Breakfast Club & Afterschool ICT Project	£966.44
369	Naiscoil Na Deirge , Castledearg	Renovation to pre-fabricated unit	£1,500.00
370	Naisoil Chill Locha, Killough	Nursery School Equipment	£1,421.45
371	Naisoil Shliabh gCulinn, Jonesborough	Sun Safe Space	£1,275.00
372	Naomh Colum Cille CLG, Dungannon	IMPROVEMENT TO ICT	£1,500.00
373	Newbuildings Cricket Club	Essential Cricket Equipment	£1,285.00
374	Newbuildings Luncheon Club	Luncheon Club	£1,250.00
375	Newbuildings United Football Club	Quality Service Provision	£947.08
376	Newcastle C.C.E	Purchase of Instruments for new classes	£1,499.79
377	Newmills Presbyterian Bowling Club	Bowling Equipment	£1,241.00
378	Newtownbutler Community Development Association	Purchase of Tables	£1,084.00
379	Newtownsaville Loyal Orange Order 646	Upgrade of Newtownsaville Hall Kitchen	£1,500.00
380	Newtownstewart Leisure Complex Ltd	Offering computer/photocopying services	£1,047.71
381	Nippers Alley Playgroup , Loughmacrory	ICT Accessibility	£1,138.32
382	Noah's Ark Playgroup, Waringstown	Fitness and Fun at Noahs Ark Playgroup	£290.00
383	North Antrim Culture & Musical Society	Replacement Windows	£1,495.32
384	North West Cricket Union, Magheramason	Storage Container	£1,500.00
385	North West Red Squirrel Group, Londonderry	Red Squirrel get together get active	£942.50
386	North West Rural Development, Kilaloo	Support and Learning for Older People	£1,500.00
387	Omagh Protestant Boys' Flute Band	Improving H & W in Edenderry through the Medium of Melody	£1,496.00
388	Orchard Pre-School Group, Loughgall	Power Point Learning	£1,500.00

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
389	Oughtagh Town and Country Sporting Club, Kilaloo	Purchase of clay pigeon trap	£1,500.00
390	Owenkillew CDA, Gortin	Upgrading Computer System & Photocopier	£1,146.96
391	PERT Rural Community Network, Milford	Floor replacement	£1,500.00
392	Phennick Cove, Ardglass	Billy Goat Street Vacuum Cleaner & Sprayer	£1,181.24
393	Plumbridge LOL 560	Tables & Chairs Project	£1,500.00
394	Pomeroy Development Projects Ltd	DRIVING DOWN COST	£1,500.00
395	Pomeroy Players	Mobile platform for lighting	£1,500.00
396	Pomeroy Social Activity Group	Defibrillator	£1,500.00
397	Portaferry and Strangford Trust	A Wider Global Audience	£1,287.60
398	Portaferry Coastal Rowing Club	Community Rowing Training Scheme	£1,496.00
399	Portaferry Community Collective	Community Lights and Generator Resource	£1,394.40
400	Portavogie Parents & Friends	Equipment	£538.81
401	Portavogie True Blues LOL 552	Modernisation of Portavogie Orange Hall	£1,017.85
402	Pound Bridge & District Comm Association	Making the pound energy efficient	£1,360.00
403	Pride of the Park Flute Band, Armoy	Music in the Community	£1,500.00
404	Rascals & Ruffians, Newry	Developing IT skills through play based learning	£721.64
405	Rathfriland Elim	Modernisation of building and sound equipment	£1,433.00
406	Rathfriland FC	Modernisation of kitchen equipment	£1,141.38
407	Reaghan Pipe Band	Reaghan Pip Band Modernisation of Instruments	£1,474.75
408	Redrock BB	Gymnastics and Vaulting	£1,379.96
409	Redrock Development Partnership	Redrock New for Old	£642.53
410	Richmount Rural Community Association	Purchase chairs and storage cupboard	£1,262.96
411	Rock St Patrick's GFC	Enhancement of Community Pavillion	£1,500.00
412	ROGHA, Newry	The Squirrels Nuts	£1,416.23
413	Rosemount Bowling Club	Bowling Mats	£1,496.00
414	Roslea Community Historical Society	Roslea Heritage Centre Heating Upgrade	£1,500.00
415	Rostrevor Coastal Rowing Club	Skiff Building	£1,499.98
416	Rostrevor Men's Shed	Local History and Interest Nights	£1,285.20
417	Rowallane Community Hub	Club at the Hub	£1,325.05
418	Salterstown Flute Band	Storage	£1,277.40
419	Sandholes Community Group	Enhancing Kitchen Facilities	£420.55
420	Sandholes Presbyterian Church	Chairs for new church hall	£1,500.00
421	Saturday Night Extra, Armagh	Drift Trikes	£854.54

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
422	Scotch Street Youth Club	Family Centre	£1,500.00
423	Seaforde Young Farmers	Chairs and computer equipment	£1,484.20
424	See-Saw Playgroup, Mosside	Developing ICT Skills	£1,196.54
425	Shane Ui Neill GAA, Glenarm	Upgrade & repair of pitch flood lights at Forsythe Park	£1,500.00
426	Sillees River Social & Cultural Society	Derrygonnelly Orange Hall 125th Anniversary Project	£1,273.98
427	Silverbridge Community Resource Centre	Replacement of cookery equipment	£1,499.90
428	Sion Mills Angling Club	Access for All	£1,500.00
429	Sion Mills Community Association	Modernisation of assets	£1,500.00
430	Sion Mills Cricket Club	Cricket wicket mower	£1,500.00
431	Sixmilecross Presbyterian Church	Modernisation / purchase of Crockery & TV	£1,500.00
432	Sollus Highland Dancers, Bready	Set up for Sollus	£1,178.81
433	South Down Action for Healing Wounds, Rathfriland	Communication	£1,095.65
434	St Ciaran's Support Group, Cushendall	Chill-Out Corner	£1,043.00
435	St Colman's GAC, Ballynahinch	Increase participation in sport amongst females	£1,350.48
436	St Josephs Craighane	Enhancement of multi function room	£1,500.00
437	St Joseph's PTA Tyrella	Ipads for School	£1,218.90
438	St Malachys GAC Castledawson	Modernisation of Premises	£1,500.00
439	St Marys Bowling Club, Claudy	New Bowling mats	£1,500.00
440	St Mary's GAC Banagher	Purchase of Capital Equipment	£1,500.00
441	St Mary's Parent Support Group, Rathfriland - group have since withdrawn	St Mary's to Community Outreach	£1,500.00
442	St Mary's Parish Hall, Stewartstown	PA System	£1,500.00
443	St Mary's Primary School PTA, Cushendall	Increased access to modern touch screen technology	£1,190.00
444	St Marys Youth Club Altinure	Big Screen Fun	£1,151.42
445	St Michaels GAC, Lissan	External Flood Lighting	£1,500.00
446	St Ninnidh's PS PFG, Derrylin	Resource Support Programme	£1,476.82
447	St Patrick Church Clogherny	Improvements to Existing Kitchen	£1,500.00
448	St Patricks Community Band, Keady	Music for the community	£654.44
449	St Saviours Dobbin Craft Group, Portadown	Purchase of Lightweight tables	£758.88
450	Staffordstown Accordion Band	Finding The Beat	£1,466.25
451	Stewartstown Amateur Dramatic Society	Pantomine Equipment	£1,377.99
452	Stewartstown Development Association	FUNRISHING FOR STEWARTSTOWN	£1,472.88
453	Stoneyford	Stoneyford Art, Craft and nutrition Project	£355.30
454	Strabane & District Women Together	Speak up so I can HEAR YOU	£281.86

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
455	Strangford & District Playgroup	Modernisation of premises and equipment	£1,258.75
456	Strangford football Club	Strangford FC Youth Dev Plan	£649.08
457	Sugar & Spice Early Years Centre , Drumquin	Sugar & Spice Sensory Wall	£1,270.75
458	Sunshine Kids, Whitecross	Replacement Of Chairs	£1,500.00
459	SVDP Loughgilly	ICT for all	£1,497.60
460	TABBDA, Ballyronan	CHAIRS FOR CENTRE	£1,500.00
461	Tamlaght WI	Hall Refurbish	£555.90
462	Tamnamore Community developemtn Association	Fire safety aids/equipment	£1,074.16
463	Tandragee Rovers Football Club	Replacement of chairs	£1,147.11
464	Tandragee Royal British Legion	Purchase of tables	£1,489.90
465	Tassagh Cultural Rural Neighbourhood Group	Tassagh Vibrant Group	£638.75
466	Team Aspie, cookstown	IT TECHNOLOGY	£1,500.00
467	Tempo Maguires GAC	Fitness Equipment & Associated Costs	£1,500.00
468	Termoneeny Community Association	KEEPING ACTIVE FOR OLDER ADULTS	£1,351.51
469	The Ark Community Gardens, Newcastle	The Ark Community Gardens	£1,187.22
470	The Den Youth Club, Rathfriland	Modernisation of building and sound equipment	£1,500.00
471	The Fountain (NI) Ltd , Kesh	Purchase of Photocopier	£1,500.00
472	The Friday Club Badoney Presbyterian Church	Play for young Children	£1,431.02
473	The Glens of Antrim Historical Society, Cushendall	Office Improvement	£882.02
474	The Kingdom Men's Shed, Kilkeel	Kingdom Shed Surfers	£1,445.00
475	The Park Hall group, Claudy	Kitchen upgrade	£1,500.00
476	The Plum Club, plumbridge	The Plum Club	£794.27
477	The Simpson Grant Association Dergina	COUNTRY COMFORTS	£1,175.55
478	TIDAL, Toombridge	An Apple A Day Keeps The Doctor Away	£1,058.24
479	Tobermore Baptist Youth, Moneymore	Seating - new chairs	£1,500.00
480	Tobin Youth Centre	ENHANCED STORGAGE	£1,487.50
481	Trendsetters Age Concern Irvinestown	Never too Old to Compute	£1,366.80
482	Trillick Arts & Cultural Society	Modernisation of Community Room	£1,496.94
483	Tullintrain Orange Hall	Central Heating Upgrade	£1,500.00
484	Tullygarley and District Residents' Association	Expanding IT awareness and expertise	£506.15
485	Tullygarley LOL473	Replace Kitchen	£1,500.00
486	Tullyhappy LOL 59	Tables and Water Boiler	£1,290.95
487	Tyrone Ditches, Loughgilly	Piping equipment	£1,500.00
488	United Ulster History Forum, Kircubbin	History for All	£692.68

	<b>Applicant Group</b>	<b>Project Title</b>	<b>Grant Awarded £</b>
489	Waring Orange Hall Committee	Purchase of folding tales	£765.00
490	Waringstown PC Community Ministry	Sharing Space	£1,500.00
491	Whitehouse Pipe Band, Castlederg	Pipe Band Instruments up-grade	£1,500.00
492	Wolfe Tones GAA, Bellaghy	New Water Heater	£1,500.00
493	Woodlands Pre-School, Donemana	Site for storage shed	£1,500.00

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs to detail the amount of food waste going to (i) landfill; and (ii) recycling, since 2010.

**(AQW 8606/16-21)**

**Miss McIlveen:** The most recent verified data, used in the regulatory impact assessment for the introduction of the NI Food Waste Regulations in 2015, estimates that 56% of food waste is sent to landfill – 154kt per annum – of which 36kt is commercial food waste. Estimates also indicate that 121kt of food waste is diverted from landfill, of which 108kt is commercial food waste.

It is anticipated that full implementation of the Food Waste Regulations in 2017 will encourage prevention of such waste, improve the quality of its recycling and prohibiting the landfilling of separately collected food waste.

Food waste data collected by District Councils is mainly aggregated with green waste. There is no comparable system for commercial waste which is privately collected. Proposed developments in the system for monitoring the handling of waste may provide more accurate data in the future.

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs (i) for her assessment of farmed animals being supplied for animal testing; (ii) to outline her Department's legal authority regarding animal testing on farmed animals; and (iii) whether her agricultural estate supplies animals for testing.

**(AQW 8607/16-21)**

**Miss McIlveen:**

- (i) I am assuming in this context animal testing means scientific procedures on animals. Scientific procedures on animals are governed by the Animals (Scientific Procedures) Act 1986 ("ASPA"), which makes provision for the licensing of people, projects and places where research is carried out on animals. Nothing in the Welfare of Animals Act (NI) 2011 applies to anything lawfully done under the Animals (Scientific Procedures) Act and it would therefore not be appropriate for me to provide my personal assessment on this matter.
- (ii) My Department has no legal authority governing the testing of animals for scientific procedures, except for any project which requires my Department to take samples or other actions for scientific purposes, which has to be licensed under ASPA by the Department of Health.
- (iii) AFBI supplies a small number of farm animals for biomedical research purposes.

**Ms Archibald** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 4617/16-21, to outline the (i) main elements of the Foyle Fisheries (Amendment) Bill; and (ii) timescale for its introduction.

**(AQW 8610/16-21)**

**Miss McIlveen:**

- (i) The main elements of the proposed Foyle Fisheries (Amendment) Bill are currently being considered by my Department, the Department of Communications, Climate Action and the Environment in the Republic of Ireland, the Loughs Agency and Legal Officers. Until these discussions are concluded, I am unable to outline the key elements of the Bill.
- (ii) The Bill cannot be progressed until discussions at official level have concluded. In addition, as it is intended that the Bill will run in parallel with a similar Bill in the Republic of Ireland, the timing of both Bills will have to be synchronised in terms of drafting, legal engagement, and Assembly and Irish Parliamentary processes. For these reasons, it is not possible to provide a timescale for the introduction of the Bill at this time.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs for her assessment of the Economic and Social Research Institute's report entitled The Potential Economic Impact of a Nuclear Accident - An Irish Case Study.

**(AQW 8625/16-21)**



**Miss McIlveen:** This paper is an economic analysis of the potential impacts of nuclear accident scenarios of varying severities. The study does not assess the probability of any of these scenarios actually occurring, indeed the author's stress that the risk of a nuclear accident remains very small. The report notes that quantification of the economic effects of such hypothetical and unprecedented events is extremely difficult.

**Mr Lynch** asked the Minister of Agriculture, Environment and Rural Affairs what actions she is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8630/16-21)**

**Miss McIlveen:** As an employer of around 23,000 staff the NICS has a strong and clear commitment to equality, diversity and inclusion and over the years several measures have been developed to work towards this aim. It is NICS policy that all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs to detail the number of fines issued for dog fouling, broken down by local council, in each of the last five years.

**(AQW 8657/16-21)**

**Miss McIlveen:** Responsibility for issuing fines made with regard to dog fouling rests with district councils, who can exercise powers under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 or the Litter (Northern Ireland) Order 1994.

As of 2015/16 the Department of Agriculture, Environment & Rural Affairs no longer collates statistics on dog-fouling, this is now the responsibility of the individual district councils. However to give some idea of the level of enforcement activity by district councils, the table below details the number of fixed penalty notices issued for dog fouling offences across Northern Ireland between 2010/11 and 2014/15.

New Council District	Council District	Dog Fouling Number of Fixed Penalty Notices Issued				
		2010/11	2011/12	2012/13	2013/14	2014/15
Antrim & Newtownabbey	Antrim	0	0	2	1	4
	Newtownabbey	33	17	16	24	8
Mid & East Antrim	Ballymena	2	9	6	8	6
	Carrickfergus	0	3	0	2	1
	Larne	3	2	8	6	1
Armagh, Banbridge & Craigavon	Armagh	2	5	3	7	10
	Banbridge	0	1	3	1	3
	Craigavon	50	38	48	44	27
Belfast	Belfast	160	92	189	223	152
Causeway Coast & Glens	Ballymoney	1	0	1	1	0
	Coleraine	33	17	8	25	25
	Limavady	1	0	1	0	0
	Moyle	2	1	2	1	0
Derry City & Strabane	Derry City	1	3	1	11	10
	Strabane	2	2	7	10	4
Fermanagh & Omagh	Fermanagh	0	0	1	9	6
	Omagh	0	1	2	3	3
Mid Ulster	Cookstown	1	0	1	0	0
	Dungannon & South Tyrone	0	0	3	3	1
	Magherafelt	1	0	0	2	3
Newry, Mourne & Down	Down	10	16	9	13	19
	Newry & Mourne	5	4	4	3	11

New Council District	Council District	Dog Fouling Number of Fixed Penalty Notices Issued				
		2010/11	2011/12	2012/13	2013/14	2014/15
Ards & North Down	Ards	8	13	15	5	37
	North Down	6	1	5	1	4
Lisburn & Castlereagh	Castlereagh	0	0	14	6	6
	Lisburn	2	6	15	2	0
<b>Totals</b>		<b>323</b>	<b>231</b>	<b>364</b>	<b>411</b>	<b>341</b>

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to list each air zone; and the geographic areas they cover.

**(AQW 8673/16-21)**

**Miss McIlveen:** Under the Environment (NI) Order 2002, each district council must review and assess air quality within its district area. Where air quality objectives are being exceeded or are at risk of being so, then the council must declare an Air Quality Management Area (AQMA) and submit Action Plans to my Department.

Further information on AQMAs in Northern Ireland can be found on my department's website at:  
<http://www.airqualityni.co.uk/laqm/aqma>

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) each parcel of land purchased, in relation to the proposed departmental headquarters in Ballykelly; (ii) the value paid for each; (iii) the date of purchase; and (iv) whether each purchase required Ministerial approval.

**(AQW 8674/16-21)**

**Miss McIlveen:** The new building in Ballykelly is being built on 8.7 acres of land which was purchased from the then Office of the First Minister and deputy First Minister for £110,000. Access for a new road over 0.9 acres of land was also purchased at a cost of £600,000. Both transactions were completed in April 2016.

The land requirements were identified in the business case and neither purchase required Ministerial approval.

**Mr Beggs** asked the Minister of Agriculture, Environment and Rural Affairs to detail when levels of air pollution have (i) approached; or (ii) exceeded permitted levels, broken down by (a) constituency; and (b) location.

**(AQW 8681/16-21)**

**Miss McIlveen:** The latest year for which fully ratified figures on air quality monitoring are available is 2015. My department's summary report 'Air Pollution in Northern Ireland 2015' published last month, sets out a summary of monitoring information during the 2015 calendar year.

The report, which is available at:

[http://www.airqualityni.co.uk/assets/documents/technical-reports/AQ\\_NI\\_2015\\_v10.pdf](http://www.airqualityni.co.uk/assets/documents/technical-reports/AQ_NI_2015_v10.pdf) notes that in 2015, air pollution limit and target values were met for most air pollutants (Particulate Matter - PM10 and PM 2.5, Carbon Monoxide, Benzene, Sulphur Dioxide, Lead, Arsenic, Cadmium and Nickel) in Northern Ireland. However, the annual mean EU and/or UK Air Quality Strategy objectives for nitrogen dioxide (a pollutant associated with road traffic emissions) were exceeded at two sites – Belfast Stockman's Lane and Londonderry Marlborough Street.

In addition, although the EU Target value for benzo[a]pyrene – a pollutant associated with domestic solid fuel burning – was met at three monitoring sites here, the stricter UK Air Quality Strategy annual mean objective was not. The three sites are: Ballymena Ballykeel, Londonderry Brandywell and Lisburn Kilmakee.

Further information on air quality monitoring in Northern Ireland is available at my Departments website, [www.airqualityni.gov.uk](http://www.airqualityni.gov.uk)

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs whether she is aware that Reeves's Muntjac have recently been recorded in the Loughgall area of County Armagh.

**(AQW 8708/16-21)**

**Miss McIlveen:** Both the Agri-Food and Biosciences Institute (AFBI) and Forest Service have entered into separate agreements with Queens University to facilitate a project monitoring Loughgall Estate for Muntjac deer.

On the 5th December 2016, Forest Service received a report from Queens University that what looked like a Muntjac deer had been sighted on one of their cameras. Since then, Forest Service has increased its monitoring of the forest area but to date no confirmed sightings of Muntjac have been made.

According to the databases held by CEDaR, the only other sighting of a Muntjac deer in the Loughgall area was on the Salters Grange Road in 2010.

**Ms Archibald** asked the Minister of Agriculture, Environment and Rural Affairs to outline when she expects to publish the Rural White Paper Action Plan progress report for 2016.

**(AQW 8713/16-21)**

**Miss McIlveen:** The 2016 annual progress report on the Rural White Paper Action Plan is currently in the process of being finalised and is expected to be published on the DAERA website early in the New Year.

**Ms Archibald** asked the Minister of Agriculture, Environment and Rural Affairs to outline the actions she is taking to implement the Equality Commission's issued policy priorities and recommendations to advance gender equality.

**(AQW 8722/16-21)**

**Miss McIlveen:** As an employer of around 23,000 staff the NICS has a strong and clear commitment to equality, diversity and inclusion and over the years several measures have been developed to work towards this aim. It is NICS policy that all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work.

**Mr Beggs** asked the Minister of Agriculture, Environment and Rural Affairs to outline the measures in place to monitor air pollution in East Antrim.

**(AQW 8743/16-21)**

**Miss McIlveen:** District councils have a statutory duty under the Environment (Northern Ireland) Order 2002 to review and assess air quality within their districts, and where it has exceeded or is at risk of exceeding air quality objectives, to declare an Air Quality Management and develop an accompanying Action Plan. My department provides funding to councils to support these duties.

The latest information on air quality in the Mid & East Antrim council area is available from the council's latest Air Quality Updating and Screening Assessment report for 2015. This report, along with those for all other councils, is available on my department's website at:

<http://www.airqualityni.co.uk/laqm/district-council-reports>

Within the Mid and East Antrim council area, air pollution is monitored using passive monitoring techniques (diffusion tubes) at various locations in the urban centres of Ballymena, Carrickfergus and Larne. The pollutant measured using diffusion tubes is nitrogen dioxide, which arises principally as a result of road traffic emissions.

In addition, levels of air pollutants (sulphur dioxide, nitrogen dioxide and particulate matter PM10) are monitored using automatic air quality monitoring equipment in Ballymena.

Information on air quality monitoring across Northern Ireland can be viewed on my department's website: [www.airqualityni.co.uk](http://www.airqualityni.co.uk) and in my department's annual air quality monitoring summary report, the latest edition of which can be viewed at:

[http://www.airqualityni.co.uk/assets/documents/technical-reports/AQ\\_NI\\_2015\\_v10.pdf](http://www.airqualityni.co.uk/assets/documents/technical-reports/AQ_NI_2015_v10.pdf)

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 7728/16-21, to outline (i) why she is not in a position to detail specific dates for all communications; and (ii) whether she will now answer the original question asked.

**(AQW 8770/16-21)**

**Miss McIlveen:** As previously outlined I am not in the position to provide the detail of specific dates of all communication as these interactions occur in a variety of formats on a regular basis throughout my entire Department.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to provide a breakdown on how much revenue the Northern Ireland Environment Agency has generated through fees in each of the last five years.

**(AQW 8771/16-21)**

**Miss McIlveen:** The table below provides details of all fee income generated by the Northern Ireland Environment Agency each year between 2011-12 and 2015-16.

Income from country parks relates to departmental land leased to third parties for grazing and various concession and franchise fees at country parks. However, the most significant income comes from the monies received from the range of environmental regulatory schemes administered by the Agency. The income associated with Historic Monuments now relates to the Department for Communities, following the transfer of the Historic Environment Division to that department.

**Northern Ireland Environment Agency Income: 2011-12 to 2015-16**

Income stream	2011-12 (£000s)	2012-13 (£000s)	2013-14 (£000s)	2014-15 (£000s)	2015-16 (£000s)	Total (£000s)
Country parks	122	118	157	147	227	771
Historic monuments	307	329	322	286	-	1,244
Regulatory schemes	1,777	6,818	7,160	7,521	7,394	30,670
<b>Total</b>	<b>2,206</b>	<b>7,265</b>	<b>7,639</b>	<b>7,954</b>	<b>7,621</b>	<b>32,685</b>

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to outline (i) each of the efficiency measures taken by the Northern Ireland Environment Agency over each of the last five years; and (ii) the costs saved with each. (AQW 8772/16-21)

**Miss McIlveen:** Given the significant budget reductions experienced by the NIEA over the last five years it has been necessary to deliver services more efficiently.

**Non-salary running costs**

There has been a drive to reduce specific non-salary running costs and this has resulted in total reductions in overtime (31%), stationary (56%) and travel and subsistence costs (56%), between the financial years 2011-12 and 2015-16.

**Staffing**

The NICS-wide Voluntary Exit Scheme, which launched on 2nd March 2015 and resulted in over 80 staff leaving the Agency by 31 March 2016, was initiated to address the significant budget pressures facing departments in the context of the 2015-16 budget. In addition to the salary savings associated with the departure of the Agency staff (c£3m per annum), there have been further staff related savings relating to accommodation and IT costs, with the total expenditure on these two functions reducing over the period 2011-12 to 2015-16, by over £0.5m.

**Operational budgets**

Efficiency measures have also been realised from some of the operational budgets of the Agency as follows:

- The ongoing maintenance associated with the Agency's country parks and nature reserves associated with services contracted out to third party organisations has been reduced by £0.5m between 2011-12 and 2015-16 through reductions in non essential elements of certain maintenance activities, such as grass cutting and fencing and path repairs;
- The cost to the Agency of employing local council staff to undertake water quality work has reduced by over 20% (£0.4m) between 2011-12 and 2015-16 primarily through more effective management of the logistical processes such as the relocation of the council staff, to NIEA properties, and the use of NIEA owned vehicles;
- In order to adjust to a significant reduction in regulatory staff, the Agency's Waste Regulation Teams have further developed and refined their approach to the programme of risk-based site inspections for authorised waste facilities. This has allowed the programme to focus on the higher risk sites with compliance issues and has therefore reduced the total number of inspections. For example, in 2009/10 there were 1939 inspections of licensed and permitted sites and in 2015/16 this had decreased to 988 inspections;
- Bringing the groundwater water sampling programme in house rather than using external services has resulted in a more effective service;
- NIEA's land Use Database information was made publically available via the INSPIRE project in Jan 2014, thereby eliminating time spent by staff on environmental information requests;
- Establishing a central Planning Response Team (PRT) within the NIEA to co-ordinate all planning consultations with NIEA teams and the new Councils and DfI;
- The Agency's Water Chemistry Teams have brought back "in-house" sampling and analysis work programmes saving an estimated £60k per annum; and
- The restructuring of the Agency's teams has allowed the integration of common skills leading to the more efficient delivery of planning and operational workloads.

The above list, which is not exhaustive, demonstrates that the NIEA Board is continually focused on delivering efficient services, by reviewing both the administration and the operational costs, but mindful of the need to continue to deliver the same or better services. With ongoing budgetary challenges facing both the Agency and the wider department, the Agency will continue to review all of its areas of activity to determine where further efficiency measures can be applied. This will, no doubt, be challenging given the exit of staff through the NICS VES, but also the potential for future reductions to the NIEA operating budget.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) how the Northern Ireland Environment Agency calculate full cost recovery; and (ii) when this calculation was last reviewed. (AQW 8773/16-21)

**Miss McIlveen:** The NIEA levies fees for a range of environmental regulatory schemes. These fees are set in accordance with the Department of Finance's 'Managing Public Money (Northern Ireland)' and the Agency's five year Regulatory Charging Policy (2016-21). One of the key aspects of this guidance and policy is to ensure full cost recovery whereby the income generated from the charging schemes covers the full cost of the delivery of the activities. The full cost includes not only the direct costs of administering and regulating charging schemes, mainly staff costs, but also the indirect costs, for example, accommodation, utilities, corporate overheads and depreciation costs.

At the end of each financial year the Agency reviews individual schemes by developing Memorandum Trading Accounts (MTAs) to determine whether the full cost of the activity is being recouped from the income but also to ensure that fees have not been set too high resulting in a surplus. The last MTAs were developed in April 2016, for the 2015-16 financial year. These MTAs are subject to audit by the Northern Ireland Audit Office (NIAO) and the summary income and expenditure figures are also included in the published NIEA Annual Report and Accounts.

On 30 January 2016 the NIEA launched a consultation on the proposal for a new Regulatory Charging Policy to increase the regulatory fees and charges associated with waste, water and pollution control regulations, by the GDP deflator rate for the period 2016-21.

Finally, a further exercise is carried out each year to review all services across the Agency to determine whether any new charges should be introduced. If it is decided to implement new charges, separate consultations will be carried out for these.

**Mr Beggs** asked the Minister of Agriculture, Environment and Rural Affairs to detail how many welfare standards checks were carried out on known dog breeding sites in (i) 2013-14; (ii) 2014-15; (iii) 2015-16; and (iv) whether any of these checks have resulted in prosecution for a lack of welfare standards.

**(AQW 8811/16-21)**

**Miss McIlveen:** In replying to your previous AQW 8744/16-21, I advised that although Councils are required to maintain a register of all persons licensed under the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013, they are not required to send my Department information on the inspection of those establishments, or on enforcement action carried out. Therefore, you may wish to seek this information directly from Councils.

**Mr Durkan** asked the Minister of Agriculture, Environment and Rural Affairs whether her Department plans to roll out a pilot deposit return scheme.

**(AQW 8816/16-21)**

**Miss McIlveen:** I understand that the potential for the introduction of a Deposit Return System for drinks containers in Northern Ireland has been considered previously. It was concluded that it would not be feasible to introduce a mandatory system on a Northern Ireland only basis.

The development of a pilot project, building on the Scottish experience, was explored with potential hosts to help assess local costs and benefits. However, none of those who were approached wished to participate. There are, therefore, no current plans to roll out a pilot deposit return scheme.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs to (i) list the wild birds protected by European Law outside of any designated Special Protection Area; and (ii) set out the extent of any protection.

**(AQW 8877/16-21)**

**Miss McIlveen:**

- (i) The Department has no comprehensive list as such of the wild birds that are protected by European Law outside of any designated Special Protection Area (SPA). All wild birds naturally occurring in Northern Ireland outside of SPAs are protected under the European Commission (EC) Directive on the Conservation of Wild Birds (2009/147/EC) ('the Birds Directive').

The table below lists over 300 bird species accepted as having occurred in Northern Ireland and compiled by the Northern Ireland Rare Birds Committee. All of these wild birds are protected under the provisions of the Birds Directive, including outside of any designated SPA.

- (ii) The Birds Directive (2009/147/EC) aims to protect all of the wild bird species naturally occurring in the European Union. All wild birds outside Special Protection Areas are protected under the Birds Directive. Article 1 states that the Directive relates 'to the conservation of all species of naturally occurring birds in the wild' and applies to the birds, their eggs, nests, and habitats.

The main provisions of the Birds Directive to protect wild birds (out with the identification and classification of Special Protection Areas (SPAs)) include:

- The maintenance of the populations of all wild birds across their natural range (Article 2), along with the encouragement of various activities to that end (Article 3).
- Article 4, paragraph 4 of the Birds Directive requires Member States to strive to avoid pollution or deterioration of habitats affecting wild birds outside SPAs.



- The establishment of a general system of protection for all wild birds (Article 5). Prohibiting in particular; killing or capture, the destruction of nests and eggs, taking of eggs, disturbance during breeding and rearing, and keeping birds which are prohibited from hunting and capture.
- Restrictions on the sale and keeping of live or dead wild birds (Article 6).
- The specification of the conditions under which hunting and falconry can be undertaken (Article 7). Bird species which may be hunted are listed on Annex II.
- The prohibition of large-scale non-selective means of bird killing (Article 8).
- Procedures under which Member States may derogate from the provisions of Articles 5-8 (Article 9), namely the conditions under which permission may be given for otherwise prohibited activities.
- The encouragement of certain forms of research (Article 10 and Annex V).
- Requirements to ensure that introduction of non-native birds do not threaten other biodiversity (Article 11).

The provisions of the Birds Directive outlined above are transposed into Northern Ireland legislation by the Wildlife (Northern Ireland) Order 1985, the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, and the Conservation (Natural Habitats, etc.) (Northern Ireland) Regulations 1995 (as amended).

The Wildlife and Natural Environment Act (Northern Ireland) 2011 included a number of amendments to the Wildlife Order. The nests of Golden Eagle, White-tailed Eagle, Osprey, Barn Owl, Peregrine, and Red Kite are protected at all times and should never be disturbed. On Schedule 1 of the Wildlife Order more than 60 species of birds which return to their nests each year are now protected by special penalties at all times.

## Appendix A

### List of bird species that have occurred in Northern Ireland.

Common name	Scientific name	Subspecies
Mute Swan	<i>Cygnus olor</i>	
Bewick's Swan	<i>Cygnus columbianus</i>	bewickii
Whooper Swan	<i>Cygnus cygnus</i>	
Bean Goose	<i>Anser fabalis</i>	fabilis
Pink-footed Goose	<i>Anser brachyrhynchus</i>	
White-fronted Goose	<i>Anser albifrons</i>	albifrons
		flavirostris
Greylag Goose	<i>Anser anser</i>	anser
Snow Goose	<i>Anser caerulescens</i>	
Greater Canada Goose	<i>Branta canadensis</i>	canadensis
Lesser Canada Goose	<i>Branta hutchsinii</i>	hutchsinii
Barnacle Goose	<i>Branta leucopsis</i>	
Brent Goose	<i>Branta bernicla</i>	hrota
Ruddy Shelduck	<i>Tadorna ferruginea</i>	
Shelduck	<i>Tadorna tadorna</i>	
Mandarin Duck	<i>Aix galericulata</i>	
Wigeon	<i>Anas penelope</i>	
American Wigeon	<i>Anas americana</i>	
Gadwall	<i>Anas strepera</i>	
Baikal Teal	<i>Anas formosa</i>	
Teal	<i>Anas crecca</i>	crecca
Green-winged Teal	<i>Anas carolinensis</i>	
Mallard	<i>Anas platyrhynchos</i>	platyrhynchos
Pintail	<i>Anas acuta</i>	acuta
Garganey	<i>Anas querquedula</i>	
Blue-winged Teal	<i>Anas discors</i>	

Common name	Scientific name	Subspecies
Shoveler	<i>Anas clypeata</i>	
Red-crested Pochard	<i>Netta rufina</i>	
Pochard	<i>Aythya ferina</i>	
Ring-necked Duck	<i>Aythya collaris</i>	
Ferruginous Duck	<i>Aythya nyroca</i>	
Tufted Duck	<i>Aythya fuligula</i>	
Scaup	<i>Aythya marila</i>	marila
Lesser Scaup	<i>Aythya affinis</i>	
Eider	<i>Somateria mollissima</i>	mollissima
King Eider	<i>Somateria spectabilis</i>	
Long-tailed Duck	<i>Clangula hyemalis</i>	
Common Scoter	<i>Melanitta nigra</i>	
Surf Scoter	<i>Melanitta perspicillata</i>	
Velvet Scoter	<i>Melanitta fusca</i>	fusca
Barrow's Goldeneye	<i>Bucephala islandica</i>	
Goldeneye	<i>Bucephala clangula</i>	clangula
Hooded Merganser	<i>Lophodytes cucullatus</i>	
Smew	<i>Mergellus albellus</i>	
Red-breasted Merganser	<i>Mergus serrator</i>	
Goosander	<i>Mergus merganser</i>	merganser
Ruddy Duck	<i>Oxyura jamaicensis</i>	jamaicensis
Quail	<i>Coturnix coturnix</i>	coturnix
Red Grouse	<i>Lagopus lagopus</i>	scotica
Capercaillie	<i>Tetrao urogallus</i>	urogallus
Grey Partridge	<i>Perdix perdix</i>	perdix
Pheasant	<i>Phasianus colchicus</i>	colchicus
Red-throated Diver	<i>Gavia stellata</i>	
Black-throated Diver	<i>Gavia arctica</i>	arctica
Pacific Diver	<i>Gavia pacifica</i>	
Great Northern Diver	<i>Gavia immer</i>	
White-billed Diver	<i>Gavia adamsii</i>	
Fulmar	<i>Fulmarus glacialis</i>	glacialis
Fea's /Zino's Petrel	<i>Pterodroma feae/madeira</i>	
Cory's Shearwater	<i>Calonectris diomedea</i>	
Great Shearwater	<i>Puffinus gravis</i>	
Sooty Shearwater	<i>Puffinus griseus</i>	
Manx Shearwater	<i>Puffinus puffinus</i>	
Balearic Shearwater	<i>Puffinus mauretanicus</i>	
Macaronesian Shearwater	<i>Puffinus baroli</i>	baroli (presumed)
Wilson's Petrel	<i>Oceanites oceanicus</i>	
Storm Petrel	<i>Hydrobates pelagicus</i>	pelagicus

Common name	Scientific name	Subspecies
Leach's Petrel	<i>Oceanodroma leucorhoa</i>	leucorhoa
Gannet	<i>Morus bassanus</i>	
Cormorant	<i>Phalacrocorax carbo</i>	carbo
Shag	<i>Phalacrocorax aristotelis</i>	aristotelis
Bittern	<i>Botaurus stellaris</i>	stellaris
American Bittern	<i>Botaurus lentiginosus</i>	
Little Bittern	<i>Ixobrychus minutus</i>	minutus
Night-heron	<i>Nycticorax nycticorax</i>	nycticorax
Squacco Heron	<i>Ardeola ralloides</i>	
Cattle Egret	<i>Bulbulcus ibis</i>	ibis
Little Egret	<i>Egretta garzetta</i>	garzetta
Great White Egret	<i>Ardea alba</i>	alba
Grey Heron	<i>Ardea cinerea</i>	cinerea
Purple Heron	<i>Ardea purpurea</i>	purpurea
White Stork	<i>Ciconia ciconia</i>	ciconia
Glossy Ibis	<i>Plegadis falcinellus</i>	falcinellus
Spoonbill	<i>Platalea leucorodia</i>	leucorodia
Little Grebe	<i>Tachybaptus ruficollis</i>	ruficollis
Great Crested Grebe	<i>Podiceps cristatus</i>	cristatus
Red-necked Grebe	<i>Podiceps grisegena</i>	grisegena
Slavonian Grebe	<i>Podiceps auritus</i>	auritus
Black-necked Grebe	<i>Podiceps nigricollis</i>	nigricollis
Honey-buzzard	<i>Pernis apivorus</i>	
Black Kite	<i>Milvus migrans</i>	migrans
Red Kite	<i>Milvus milvus</i>	milvus
White-tailed Eagle	<i>Haliaeetus albicilla</i>	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	
Marsh Harrier	<i>Circus aeruginosus</i>	aeruginosus
Hen Harrier	<i>Circus cyaneus</i>	cyaneus
Pallid Harrier	<i>Circus macrourus</i>	
Montagu's Harrier	<i>Circus pygargus</i>	
Goshawk	<i>Accipiter gentilis</i>	gentilis
Sparrowhawk	<i>Accipiter nisus</i>	nisus
Buzzard	<i>Buteo buteo</i>	buteo
Rough-legged Buzzard	<i>Buteo lagopus</i>	lagopus
Golden Eagle	<i>Aquila chrysaetos</i>	chrysaetos
Osprey	<i>Pandion haliaetus</i>	haliaetus
Water Rail	<i>Rallus aquaticus</i>	aquaticus
Spotted Crane	<i>Porzana porzana</i>	
Corncrake	<i>Crex crex</i>	
Moorhen	<i>Gallinula chloropus</i>	chloropus

Common name	Scientific name	Subspecies
Coot	<i>Fulica atra</i>	<i>atra</i>
Crane	<i>Grus grus</i>	<i>grus</i>
Stone-curlew	<i>Burhinus oedicnemus</i>	<i>oedicnemus</i>
Black-winged Stilt	<i>Himantopus himantopus</i>	<i>himantopus</i>
Avocet	<i>Recurvirostra avosetta</i>	
Oystercatcher	<i>Haematopus ostralegus</i>	<i>ostralegus</i>
American Golden Plover	<i>Pluvialis dominica</i>	
Pacific Golden Plover	<i>Pluvialis fulva</i>	
Golden Plover	<i>Pluvialis apricaria</i>	
Grey Plover	<i>Pluvialis squatarola</i>	
Lapwing	<i>Vanellus vanellus</i>	
Little Ringed Plover	<i>Charadrius dubius</i>	<i>curonicus</i>
Ringed Plover	<i>Charadrius hiaticula</i>	<i>hiaticula</i>
Killdeer	<i>Charadrius vociferus</i>	<i>vociferus</i>
Kentish Plover	<i>Charadrius alexandrinus</i>	<i>alexandrinus</i>
Dotterel	<i>Charadrius morinellus</i>	
Upland Sandpiper	<i>Bartramia longicauda</i>	
Whimbrel	<i>Numenius phaeopus</i>	<i>phaeopus</i>
Curlew	<i>Numenius arquata</i>	<i>arquata</i>
Black-tailed Godwit	<i>Limosa limosa</i>	<i>islandica</i>
Bar-tailed Godwit	<i>Limosa lapponica</i>	<i>lapponica</i>
Turnstone	<i>Arenaria interpres</i>	<i>interpres</i>
Knot	<i>Calidris canutus</i>	<i>islandica</i>
Ruff	<i>Calidris pugnax</i>	
Broad-billed Sandpiper	<i>Calidris falcinellus</i>	<i>falcinellus</i>
Curlew Sandpiper	<i>Calidris ferruginea</i>	
Stilt Sandpiper	<i>Calidris himantopus</i>	
Temminck's Stint	<i>Calidris temminckii</i>	
Sanderling	<i>Calidris alba</i>	
Dunlin	<i>Calidris alpina</i>	<i>alpina</i>
Purple Sandpiper	<i>Calidris maritima</i>	
Baird's Sandpiper	<i>Calidris bairdii</i>	
Little Stint	<i>Calidris minuta</i>	
White-rumped Sandpiper	<i>Calidris fuscicollis</i>	
Buff-breasted Sandpiper	<i>Calidris subruficollis</i>	
Pectoral Sandpiper	<i>Calidris melanotos</i>	
Semipalmated Sandpiper	<i>Calidris pusilla</i>	
Wilson's Phalarope	<i>Phalaropus tricolor</i>	
Red-necked Phalarope	<i>Phalaropus lobatus</i>	
Grey Phalarope	<i>Phalaropus fulicarius</i>	
Common Sandpiper	<i>Actitis hypoleucos</i>	

Common name	Scientific name	Subspecies
Spotted Sandpiper	<i>Actitis macularius</i>	
Green Sandpiper	<i>Tringa ochropus</i>	
Spotted Redshank	<i>Tringa erythropus</i>	
Greater Yellowlegs	<i>Tringa melanoleuca</i>	
Greenshank	<i>Tringa nebularia</i>	
Lesser Yellowlegs	<i>Tringa flavipes</i>	
Wood Sandpiper	<i>Tringa glareola</i>	
Redshank	<i>Tringa totanus</i>	totanus
Jack Snipe	<i>Lymnocyptes minimus</i>	
Long-billed Dowitcher	<i>Limnodromus scolopaceus</i>	
Woodcock	<i>Scolopax rusticola</i>	
Snipe	<i>Gallinago gallinago</i>	gallinago
Wilson's Snipe	<i>Gallinago delicata</i>	
Great Snipe	<i>Gallinago media</i>	
Collared Pratincole	<i>Glareola pratincola</i>	pratincola
Black-winged Pratincole	<i>Glareola nordmanni</i>	
Pomarine Skua	<i>Stercorarius pomarinus</i>	
Arctic Skua	<i>Stercorarius parasiticus</i>	
Long-tailed Skua	<i>Stercorarius longicaudus</i>	longicaudus
Great Skua	<i>Stercorarius skua</i>	
Puffin	<i>Fratercula arctica</i>	
Black Guillemot	<i>Cephus grylle</i>	arcticus
Razorbill	<i>Alca torda</i>	islandica
Great Auk	<i>Pinguinus impennis</i>	
Little Auk	<i>Alle alle</i>	alle
Common Guillemot	<i>Uria aalge</i>	aalge
Sooty Tern	<i>Onychoprion fuscatus</i>	
Little Tern	<i>Sternula albifrons</i>	albifrons
Gull-billed Tern	<i>Gelochelidon nilotica</i>	nilotica
Whiskered Tern	<i>Chlidonias hybrida</i>	hybrida
Black Tern	<i>Chlidonias niger</i>	niger
White-winged Black Tern	<i>Chlidonias leucopterus</i>	
Sandwich Tern	<i>Sterna sandvicensis</i>	
Elegant Tern	<i>Sterna elegans</i>	
Forster's Tern	<i>Sterna forsteri</i>	
Common Tern	<i>Sterna hirundo</i>	hirundo
Roseate Tern	<i>Sterna dougallii</i>	dougallii
Arctic Tern	<i>Sterna paradisaea</i>	
Ivory Gull	<i>Pagophila eburnea</i>	
Sabine's Gull	<i>Xema sabini</i>	
Kittiwake	<i>Rissa tridactyla</i>	tridactyla



Common name	Scientific name	Subspecies
Bonaparte's Gull	Chroicocephalus philadelphia	
Black-headed Gull	Chroicocephalus ridibundus	
Little Gull	Hydrocoloeus minutus	
Ross's Gull	Rhodostethia rosea	
Laughing Gull	Larus atricilla	
Franklin's Gull	Larus pipixcan	
Mediterranean Gull	Larus melanocephalus	
Common Gull	Larus canus	canus
Ring-billed Gull	Larus delawarensis	
Lesser Black-backed Gull	Larus fuscus	graelsii
Herring Gull	Larus argentatus	argentatus
Yellow-legged Gull	Larus michahellis	
Caspian Gull	Larus cachinnans	
American Herring Gull	Larus smithsonianus	
Iceland Gull	Larus glaucoides	glaucoides
Thayer's Gull	Larus thayeri	
Glaucous Gull	Larus hyperboreus	hyperboreus
Great Black-backed Gull	Larus marinus	
Pallas's Sandgrouse	Syrrhaptes paradoxus	
Rock Dove	Columba livia	livia
Stock Dove	Columba oenas	oenas
Woodpigeon	Columba palumbus	palumbus
Collared Dove	Streptopelia decaocto	decaocto
Turtle Dove	Streptopelia turtur	turtur
Great Spotted Cuckoo	Clamator glandarius	
Cuckoo	Cuculus canorus	canorus
Black-billed Cuckoo	Coccyzus erythrophthalmus	
Yellow-billed Cuckoo	Coccyzus americanus	
Barn Owl	Tyto alba	alba
Scops Owl	Otus scops	scops
Snowy Owl	Bubo scandiacus	
Little Owl	Athene noctua	vidalii
Long-eared Owl	Asio otus	otus
Short-eared Owl	Asio flammeus	flammeus
Nightjar	Caprimulgus europaeus	europaeus
Swift	Apus apus	apus
Pallid Swift	Apus pallidus	
Alpine Swift	Apus melba	melba
Hoopoe	Upupa epops	epops
Bee-eater	Merops apiaster	
Roller	Coracias garrulus	garrulus

Common name	Scientific name	Subspecies
Kingfisher	<i>Alcedo atthis</i>	ispida
Belted Kingfisher	<i>Megaceryle alcyon</i>	
Wryneck	<i>Jynx torquilla</i>	torquilla
Great Spotted Woodpecker	<i>Dendrocopos major</i>	major
Kestrel	<i>Falco tinnunculus</i>	tinnunculus
Red-footed Falcon	<i>Falco vespertinus</i>	
Merlin	<i>Falco columbarius</i>	aesolon
Hobby	<i>Falco subbuteo</i>	subbuteo
Gyr Falcon	<i>Falco rusticolus</i>	
Peregrine	<i>Falco peregrinus</i>	peregrinus
Golden Oriole	<i>Oriolus oriolus</i>	oriolus
Red-backed Shrike	<i>Lanius collurio</i>	collurio
Great Grey Shrike	<i>Lanius excubitor</i>	excubitor
Woodchat Shrike	<i>Lanius senator</i>	senator
Chough	<i>Pyrrhocorax pyrrhocorax</i>	pyrrhocorax
Magpie	<i>Pica pica</i>	pica
Jay	<i>Garrulus glandarius</i>	hibernicus
Jackdaw	<i>Corvus monedula</i>	spermologus
Rook	<i>Corvus frugilegus</i>	frugilegus
Carrion Crow	<i>Corvus corone</i>	corone
Hooded Crow	<i>Corvus cornix</i>	cornix
Raven	<i>Corvus corax</i>	corax
Goldcrest	<i>Regulus regulus</i>	regulus
Firecrest	<i>Regulus ignicapilla</i>	ignicapilla
Blue Tit	<i>Cyanistes caeruleus</i>	obscurus
Great Tit	<i>Parus major</i>	newtoni
Coal Tit	<i>Parus ater</i>	britannicus
Woodlark	<i>Lullula arborea</i>	arborea
Skylark	<i>Alauda arvensis</i>	arvensis
Shore Lark	<i>Eremophila alpestris</i>	flava
Short-toed Lark	<i>Calandrella brachydactyla</i>	
Sand Martin	<i>Riparia riparia</i>	riparia
Swallow	<i>Hirundo rustica</i>	rustica
House Martin	<i>Delichon urbicum</i>	urbicum
Red-rumped Swallow	<i>Cecropis daurica</i>	rufula
Long-tailed Tit	<i>Aegithalos caudatus</i>	rosaceus
Pallas's Warbler	<i>Phylloscopus proregulus</i>	
Yellow-browed Warbler	<i>Phylloscopus inornatus</i>	
Radde's Warbler	<i>Phylloscopus schwarzi</i>	
Wood Warbler	<i>Phylloscopus sibilatrix</i>	
Chiffchaff	<i>Phylloscopus collybita</i>	collybita

Common name	Scientific name	Subspecies
Willow Warbler	<i>Phylloscopus trochilus</i>	trochilus
Blackcap	<i>Sylvia atricapilla</i>	atricapilla
Garden Warbler	<i>Sylvia borin</i>	borin
Barred Warbler	<i>Sylvia nisoria</i>	
Lesser Whitethroat	<i>Sylvia curruca</i>	curruca
Whitethroat	<i>Sylvia communis</i>	communis
Subalpine Warbler	<i>Sylvia cantillans</i>	
Grasshopper Warbler	<i>Locustella naevia</i>	naevia
Icterine Warbler	<i>Hippolais icterina</i>	
Melodious Warbler	<i>Hippolais polyglotta</i>	
Sedge Warbler	<i>Acrocephalus schoenobaenus</i>	
Reed Warbler	<i>Acrocephalus scirpaceus</i>	scirpaceus
Waxwing	<i>Bombycilla garrulus</i>	garrulus
Treecreeper	<i>Certhia familiaris</i>	
Wren	<i>Troglodytes troglodytes</i>	indigenus
Starling	<i>Sturnus vulgaris</i>	vulgaris
Rose-coloured Starling	<i>Pastor roseus</i>	
Dipper	<i>Cinclus cinclus</i>	hibernicus
White's Thrush	<i>Zoothera dauma</i>	aurea
Ring Ouzel	<i>Turdus torquatus</i>	torquatus
Blackbird	<i>Turdus merula</i>	merula
Fieldfare	<i>Turdus pilaris</i>	
Song Thrush	<i>Turdus philomelos</i>	clarkei
Redwing	<i>Turdus iliacus</i>	iliacus
Mistle Thrush	<i>Turdus viscivorus</i>	viscivorus
American Robin	<i>Turdus migratorius</i>	
Spotted Flycatcher	<i>Muscicapa striata</i>	striata
Robin	<i>Erithacus rubecula</i>	rubecula
Nightingale	<i>Luscinia megarhynchos</i>	megarhynchos
Bluethroat	<i>Luscinia svecica</i>	svecica
Red-breasted Flycatcher	<i>Ficedula parva</i>	
Pied Flycatcher	<i>Ficedula hypoleuca</i>	hypoleuca
Black Redstart	<i>Phoenicurus ochruros</i>	gibraltariensis
Redstart	<i>Phoenicurus phoenicurus</i>	phoenicurus
Whinchat	<i>Saxicola rubetra</i>	
Stonechat	<i>Saxicola rubicola</i>	hibernans
Wheatear	<i>Oenanthe oenanthe</i>	oenanthe
Dunnock	<i>Prunella modularis</i>	hebridum
House Sparrow	<i>Passer domesticus</i>	domesticus
Tree Sparrow	<i>Passer montanus</i>	montanus
Yellow Wagtail	<i>Motacilla flava</i>	flavissima

Common name	Scientific name	Subspecies
Citrine Wagtail	<i>Motacilla citreola</i>	
Grey Wagtail	<i>Motacilla cinerea</i>	cinerea
Pied Wagtail	<i>Motacilla alba</i>	alba
Richard's Pipit	<i>Anthus richardi</i>	
Tawny Pipit	<i>Anthus campestris</i>	
Tree Pipit	<i>Anthus trivialis</i>	trivialis
Meadow Pipit	<i>Anthus pratensis</i>	pratensis
Red-throated Pipit	<i>Anthus cervinus</i>	
Rock Pipit	<i>Anthus petrosus</i>	pretosus
Water Pipit	<i>Anthus spinoletta</i>	spinoletta
Buff-bellied Pipit	<i>Anthus rubescens</i>	rubescens
Brambling	<i>Fringilla montifringilla</i>	
Chaffinch	<i>Fringilla coelebs</i>	gengleri
Hawfinch	<i>Coccothraustes</i>	coccothraustes
Common Rosefinch	<i>Erythrura erythrura</i>	erythrura
Bullfinch	<i>Pyrrhula pyrrhula</i>	pileata
Greenfinch	<i>Chloris chloris</i>	chloris
Linnet	<i>Linaria cannabina</i>	cannabina
Twite	<i>Linaria flavirostris</i>	pipilans
Lesser Redpoll	<i>Acanthis cabaret</i>	
Common Redpoll	<i>Acanthis flammea</i>	flammea
Two-barred Crossbill	<i>Loxia leucoptera</i>	bifasciata
Crossbill	<i>Loxia curvirostra</i>	curvirostra
Goldfinch	<i>Carduelis carduelis</i>	britannica
Siskin	<i>Spinus spinus</i>	
Snow Bunting	<i>Plectrophenax nivalis</i>	nivalis
Lapland Bunting	<i>Calcarius lapponicus</i>	lapponicus
Scarlet Tanager	<i>Piranga olivacea</i>	
Fox Sparrow	<i>Passerella iliaca</i>	iliaca
White-throated Sparrow	<i>Zonotrichia albicollis</i>	
Dark-eyed Junco	<i>Junco hyemalis</i>	
Yellowhammer	<i>Emberiza citrinella</i>	caliginosa
Rustic Bunting	<i>Emberiza rustica</i>	rustica
Little Bunting	<i>Emberiza pusilla</i>	
Reed Bunting	<i>Emberiza schoeniclus</i>	schoeniclus
Black-headed Bunting	<i>Emberiza melanocephala</i>	
Corn Bunting	<i>Emberiza calandra</i>	calandra
Black-and-white Warbler	<i>Mniotilta varia</i>	

**Source:** Northern Ireland Rare Birds Committee. 2015. The NI List. [Online].  
 [Accessed: 13 December 2016]. Available from: <https://nirbc.blogspot.co.uk/p/blog-page.html>

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to outline the other support options she is considering for farmers with lists in Severely Disadvantaged Areas, following the announcement of the end of the Areas of Natural Constraint Scheme after 2018.

**(AQW 8899/16-21)**

**Miss McIlveen:** I am interpreting "lists" in this question to mean "land".

I am not considering other support options for farmers with land in Severely Disadvantaged Areas (SDA) after 2018. However, farmers in the SDA will continue to receive support through the Basic Payment Scheme and will have access to other support measures such as the FBIS Capital Scheme and the Environmental Farming Scheme.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 7603/16-21, for her assessment of the actual comments that were made by George Eustice MP.

**(AQW 8900/16-21)**

**Miss McIlveen:** On his visit to Northern Ireland George Eustice, Minister of State at the Department for Environment, Food and Rural Affairs, shared some of his early thinking on future UK Agricultural Policy, including a move away from subsidies towards insurance based income support payments. He is looking for fresh ideas and is not closing the door on anyone with ideas on what they might look like.

It is quite clear that we are not going to have a system like the one we currently have and this creates the opportunity for us to look at a different type of agricultural policy for the UK which will provide the necessary incentives for our farmers moving forward. We have the opportunity to develop something bespoke for the United Kingdom and I will be pressing hard to ensure that this caters for the needs for agriculture in Northern Ireland.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs to outline (i) what obligations Northern Ireland Executive departments have to comply with the Climate Change Act; and (ii) how will it be implemented.

**(AQW 8953/16-21)**

**Miss McIlveen:** The Climate Change Act makes it a duty of the relevant Northern Ireland department to lay programmes before the Northern Ireland Assembly setting out the objectives of the department in relation to adaptation to climate change. This includes proposals and policies for meeting those objectives, the time-scales for introducing those proposals and policies, and addressing the risks identified in the most recent assessment of the risks for the United Kingdom of the current and predicted impact of climate change.

The Adaptation Sub Group of the Cross Departmental Working Group on Climate Change has developed and implemented Northern Ireland's response to the latest climate change risks and opportunities. A Northern Ireland Climate Change Adaptation Programme (NICCAP) was published in January 2014 and all departments will shortly commence work on the development of a second NICCAP that will be published in 2019.

In addition, the Act imposes a duty on the UK Government to ensure an 80% reduction in greenhouse gas emissions in 2050 against a 1990 baseline. In consultation with the Devolved Administrations the UK Government must set 5 yearly carbon budgets, detail the policies and proposals for meeting the carbon budget and provide an annual statement of UK emissions.

All relevant Northern Ireland departments provide input into the setting of UK carbon budgets and into the developing of emission reduction policies and proposals. Our obligations and the implementation of these obligations are coordinated through the Mitigation Sub Group of the Cross Departmental Working Group on Climate Change.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs to outline (i) her plans to eliminate the health risks to people caused by burning bituminous and other non-authorised fuels throughout Northern Ireland; and (ii) whether she plans to extend Smoke Control Areas to all built-up areas.

**(AQW 8955/16-21)**

**Miss McIlveen:** Under the Clean Air (Northern Ireland) Order 1981, district councils may, by order confirmed by my Department, declare the whole or any part of the district of the council to be a Smoke Control Area. The burning of bituminous coal and other unauthorised fuels is not permitted in Smoke Control Areas, of which there are approximately 126 in Northern Ireland.

My department has commenced a review of all Northern Ireland air quality policy with the aim of bringing forward a dedicated Air Quality Strategy. This strategy will be consulted on in due course. In addition, my officials are continuing to work with councils to assess the situation regarding Smoke Control Areas within their districts.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs (i) how many suspected illegal dumps there are across Northern Ireland; (ii) which of these have been subject to (a) successful prosecutions; and (b) unsuccessful prosecutions; and (iii) to detail their location and estimated volumes of waste.

**(AQW 8987/16-21)**

**Miss McIlveen:** The Northern Ireland Environment Agency's Environmental Crime Unit (ECU) is currently overseeing 711 active investigations into incidents of suspected environmental offending, including sites where waste has either been in-filled on a large scale, or where smaller quantities of waste from a primary activity, such as waste transfer stations or vehicle



breakers, has been deposited. These incidents have been selected for further action on the basis of being deemed sufficiently serious to warrant further action and potential legal proceedings.

While a significant proportion of these incidents will be "illegal dumps", or contain at least an element of infilling, NIEA does not record unauthorised infilling as a separate category. Classifying infilling or a piece of land as "illegal landfill" is not straightforward. It can involve old, closed landfill sites which have been added to, illegal infilling of various types, or as part of another site (such as a vehicle breaker) where lesser quantities of waste have been buried.

Since 2012, 126 successful prosecutions under the Waste and Contaminated Land (Northern Ireland) Order 1997 have been secured, including those which would fall into the definitions outlined above.

In the same period, a total of 32 defendants were either acquitted, or the PPS decided not to proceed with the prosecution.

NIEA is not always in a position to estimate and record volumes of waste, as doing so would necessitate intrusive surveys that could, depending on the topography of the area and the nature of the infilled waste, risk further damage or contamination. On some occasions, such assessment is prevented by the nature of the offence, such as burning, or the movement of waste through a waste transfer station. However, officials estimate there to be approximately 560,000 tonnes of waste in the sites that are the subject of current investigation.

Of the incidents (including those which could be regarded as 'illegal dumps') reported to date in 2016, most have occurred in the Mid Ulster Council area, closely followed by Newry Mourne and Down and Mid and East Antrim, with least in the Causeway Coasts and Glens area (and the remainder of the Council areas reporting about the same number of incidents each).

**Mrs Long** asked the Minister of Agriculture, Environment and Rural Affairs whether she has given consideration to the continued need for dog licences in Northern Ireland.

**(AQW 9015/16-21)**

**Miss McIlveen:** The current system of licensing was introduced in 1983 by the Dogs (NI) Order 1983 ('the Dogs Order'). The aim of the licence is to provide a means of identifying dogs and their owners and to allow this information to be updated on an annual basis. Most importantly, and unlike in the rest of the UK, the dog licence provides income for councils for the specific purposes of enforcing the legislation.

The Assembly has considered the licensing system on a number of occasions in recent years. In particular, during scrutiny of The Dogs (Amendment) Act (Northern Ireland) 2011, the issue of the licence and the licence fee was debated at great length and was in the end supported by the Assembly. The 2011 Act amended the Dogs Order to introduce compulsory microchipping, as well as increasing the level of the licence fee to better take into account the cost to Councils of providing dog control services, while balancing the cost of dog control between dog owners and ratepayers, who benefit from having well controlled and traceable dogs in their neighbourhoods.

In addition, the Agriculture and Rural Development Committee considered the Dogs (Licensing and Identification) (Amendment) Regulations (NI) 2014, which removed the need for coloured licence tags from 1 January 2015 following introduction of the compulsory system of microchipping. The level of the dog licence fee was also considered but a formal review was deferred until the new Council structures were well established, and the costs of administering the licensing system were clear, following Local Government Reform.

I am therefore content that sufficient consideration has been given to the need to retain the dog licensing system and that its continuation is justified by the benefits to dog control and public safety.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to detail the costs (i) incurred; and (ii) projected for the new departmental headquarters.

**(AQW 9018/16-21)**

**Miss McIlveen:** The total cost incurred in the Ballykelly Relocation Project up to 30 November 2016 is £3m. The anticipated overall cost of the project is estimated to be £21.5m capital and £11.8m resource.

Costs will continue to be refined as we move through the various stages of the project.

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs to outline (i) the nature conservation and landscape designations which protect Carlingford Lough; and (ii) the steps her Department is taking to implement these.

**(AQW 9022/16-21)**

**Miss McIlveen:** Carlingford Lough is an important site for nature conservation and is designated as an Area of Special Scientific Interest (ASSI), Special Protection Area (SPA), Ramsar site and Marine Conservation Zone (MCZ). The shoreline of Carlingford Lough as far as the mean low water mark also falls within the Mourne Area of Outstanding Natural Beauty (AONB). My Department is putting an emphasis on the management of these designated sites and is taking steps to develop and implement management plans.

My Department facilitates the development of Management and Action Plans for the Mourne AONB via funding for the Mourne Heritage Trust from the Carrier Bag Levy. The current Management Plan runs until 2020 and the next 5 year action plan is in the process of being finalised. The plan includes objectives to protect, enhance, and promote awareness of priority coastal habitats and species.

My Department has also supported the development of an Interreg Va project that will produce a management plan for Carlingford Lough SPA. This is one of seven management plans that will be produced by the SEAFATE project. This project will be led by the British Trust for Ornithology and the partners include Birdwatch Ireland, The National Trust and Ulster Wildlife. The Special EU Programmes Body recently issued a letter of offer to the project and subject to agreement of the terms of the letter, it is due to commence in spring 2017.

## Department of Education

**Mr Swann** asked the Minister of Education (i) how many Freedom of Information requests he has have received since coming to office; (ii) how many of these have been answered; (iii) how many of these were read by his Special Adviser; and (iv) how many were altered or amended either by, or at the request, of his Special Adviser.

**(AQW 2338/16-21)**

**Mr Weir (The Minister of Education):** Since I came to office, the Department has received 142 Freedom of Information (FOI) requests. 121 have been answered and 21 are still being processed by the Department. Draft replies to FOI requests may be considered by a number of staff in the Department before a response is issued.

**Mr Allister** asked the Minister of Education (i) to outline what guidelines or protocols exist within his Department governing him holding meetings with third parties in the absence of officials; and (ii) whether any record is kept of when such meetings have been held.

**(AQW 3862/16-21)**

**Mr Weir:** There are no guidelines or protocols in my Department governing my holding of meetings with third parties in the absence of officials. Records of all formal meetings are held by my Department.

**Mr Kennedy** asked the Minister of Education to outline the protocols and procedures in place in his Department to inform MLAs of their constituency visits and of visits by VIPs and Royalty.

**(AQW 5579/16-21)**

**Mr Weir:** The procedures agreed by Executive Ministers for notifying MLAs of Ministerial visits within their constituencies were notified to the Speaker on 12 February 2008 and subsequently brought to the attention of the Business Committee at its meeting on 19 February 2008. Under these procedures, and taking account of the underlying need to protect the safety and security of Ministers and their officials, MLAs should normally be informed of any Ministerial visit to their respective constituencies not less than 24 hours in advance of the visit where appropriate. However it is at the discretion of the event promoter/organiser as to whether they invite MLAs to attend.

No protocol exists for VIP visits to constituencies as arrangements for these visits are made on a case by case basis.

Protocols relating to Royal visits are the responsibility of the NIO.

**Mr Clarke** asked the Minister of Education how much has been spent annually for classroom assistants for children with a visual impairment in each of the last five years.

**(AQW 7179/16-21)**

**Mr Weir:** The following table details the Education Authorities approximate annual spend for classroom assistants for children with a visual impairment in each of the last five years:

Year	Costs £
2011/12	1,760,662
2012/13	1,896,354
2013/14	2,017,257
2014/15	2,039,638
2015/16	1,854,348

**Mr McGrath** asked the Minister of Education whether (i) primary school children in need of counselling have their costs paid from within their school's budget; and (ii) post-primary school children in need of counselling services have their costs paid for by (a) the Education Authority; or (ii) his Department.

**(AQW 7991/16-21)**

**Mr Weir:** Any primary school that chooses to offer a counselling service must do so from within the school's budget. I am aware that some primary schools choose to use funding provided through the Department's Extended Schools Programme for counselling services however that is a decision for each school based on an identified need.

The contract for the Independent Counselling Service for Schools in the post-primary sector is held by the Education Authority and costs for that service are met by the Education Authority.

**Mr McGrath** asked the Minister of Education to detail (i) the number of mobile classrooms in use; (ii) the longest length of time a mobile classroom has been in use; and (iii) how many have been condemned as beyond use or deemed as needing to be replaced in the last three years.

**(AQW 8123/16-21)**

**Mr Weir:** The Education Authority has provided the following information for the controlled schools estate.

- (i) There are 725 mobile classrooms in use.
- (ii) The longest length of time a mobile classroom has been in use is 46 years.
- (iii) 49 classrooms have been condemned as beyond use or deemed as needing to be replaced in the last three years.

The Department of Education does not hold the information for the non-controlled schools estate in a readily accessible format.

**Ms Ruane** asked the Minister of Education given the health and safety issues and that a classroom has to be turned into a dinner room every day, and children have to sit on the floor during the time, whether St. Mary's Primary School, Barr will be included in the Special Enhancement Programme.

**(AQW 8242/16-21)**

**Mr Weir:** Currently there is no open call for applications to the School Enhancement Programme (SEP); however, I fully intend to make another call for SEP projects in the near future and as a Roman Catholic Maintained School, the Council for Catholic Maintained Schools (CCMS) will have the opportunity to submit an application for improvement works at St Mary's Primary School, Barr for consideration under that call.

**Mr Lyttle** asked the Minister of Education to outline (i) why the Curriculum Advisory Support Service budget has been cut from £30m in 2010-11 to £4.8m in 2016-17; and (ii) what assessment has been made of the impact this has had on the capacity of schools to deliver high quality education.

**(AQW 8243/16-21)**

**Mr Weir:**

- (i) The Education Authority's initial 2016-17 budget plan allocated £4.9m (i.e. £4,871k) of its block grant to the 'School Development Service,' the successor to Curriculum Advisory Support Service (CASS). The comparative figure for 2010-11 was the final CASS budget set aside by the five former Education and Library Boards of £15.2m.

The £30m cited in the Assembly question would have included earmarked funds associated with CASS, voluntary redundancy funding relating to CASS, as well as the music service budget.

Decisions on the amount of funding set aside for the School Development Service are matters for the Education Authority.

- (ii) The recently published Chief Inspector's Report 2014-2016 has confirmed that most primary and post-primary schools have a high level of capacity or the capacity to identify and bring about improvement, for primary this was 79% and for post-primary schools 86% in this reporting period.

**Mr McGrath** asked the Minister of Education to detail the projected surplus/deficit figures for all schools from this year's submission by school principals for (i) 2016-17; (ii) 2017-18; and (iii) 2018-19.

**(AQW 8508/16-21)**

**Mr Weir:** I have arranged for the information requested to be placed in the Assembly Library.

The information provided is in respect of Controlled/Maintained schools only. Similar data is not available for Voluntary Grammar (VG) and Grant-Maintained Integrated (GMI) Schools, for which my Department is the Funding Authority. VG and GMI schools are not reported on in the same way as each other (the same accounting policies are not used by all) or in the same way as Controlled/Maintained schools for which the Education Authority is the Funding Authority.

**Ms Armstrong** asked the Minister of Education given that he stated on BBC Radio Ulster that the target was 352 but the Education Authority has told schools that it is 762, to outline the targets for schools participating in the Shared Education Signature Project.

**(AQW 8530/16-21)**

**Mr Weir:** The target for the DSC Shared Education Signature Project is to increase the percentage of schools providing shared classes to 33% by end of 2017/18. At the time the target was set there were 1,068 schools (primary, post-primary and special) - hence a target of 352 schools. Statistics for 2016/17 show the number of schools has declined to 1,061 - hence the current target is 350 schools. The Education Authority reference to 762 schools relates to the number potentially eligible to participate in the programme.

**Ms Armstrong** asked the Minister of Education in light of The Executive Office requiring all Signature Projects to reconfigure their targets in line with Outcome Based Accountability framework, whether he will publish the reconfigured targets for the Shared Education Signature Project.

**(AQW 8531/16-21)**

**Mr Weir:** The DSC Shared Education Signature Project has used the Outcome Based Accountability (OBA) framework from its commencement. The OBA framework is used for monitoring and evaluation purposes against business plan targets. There is therefore no need to reconfigure existing business case targets.

**Ms Armstrong** asked the Minister of Education in light of the challenges which the Education Authority encountered in implementing the DSC Shared Education Signature Project, including the major underspend compared to the projected expenditure for this Project, to outline any departmental concerns about the roll-out of the SEUPB Peace IV Shared Education Project.

**(AQW 8532/16-21)**

**Mr Weir:** The assessment process for Peace IV is still in progress and it is therefore not possible to provide any assessment at this stage.

Challenges encountered in implementing the DSC Shared Education Signature Project were largely due to industrial action by teaching unions in respect of the statutory assessment process, but with interim arrangement agreed with unions, spend has been increasing.

**Ms Armstrong** asked the Minister of Education to detail the number of children that have a Special Educational Needs statement for each year from 2011.

**(AQW 8533/16-21)**

**Mr Weir:** The number of pupils recorded on the Department's annual school census with a statement of special educational needs is as follows:

2011/12	14,090
2012/13	14,554
2013/14	15,249
2014/15	15,978
2015/16	16,572

**Source:** NI school census

**Notes:**

- 1 Figures include funded children in voluntary and private preschools, nursery schools, primary (including nursery, reception and year 1-7 classes), post primary and special schools.
- 2 Figures include pupils at stage 5 on the Special Educational Needs Code of Practice as recorded by the school.

**Mrs Palmer** asked the Minister of Education to detail (i) what funding is available; or (ii) will be made available to community groups looking to implement early intervention programmes to address underachievement.

**(AQW 8539/16-21)**

**Mr Weir:** Underachievement is where an individual learner's performance is below what might be expected. It is important that issues, which lead to underachievement, are addressed as soon as possible, and at whatever stage they arise, so that children are provided with every opportunity to realise their potential. Education practitioners are best placed to identify those children at risk of underachievement and to consider the most appropriate strategies to address this.

My Department makes funding available to eligible community groups for various programmes in the early years to help children establish a strong foundation for learning and achievement:

- Approximately £16m was provided through the Pre-School Education Programme in 2015/16, which delivered approximately 8,700 funded pre-school places in non-statutory settings.
- The Pathway Fund provides funding (£2.7m in 2016/17) to providers or facilitators of registered early years education and learning services to support the improved development of children who are at risk of not reaching their full potential within the school system. In 2016/17 around 3,140 children assessed as in greatest need are benefiting from support, directly because of Pathway funding.
- Getting Ready to Learn, part of the Delivering Social Change / Atlantic Philanthropies Early Intervention Transformation Programme, is available to all pre-school education settings (including voluntary / community settings) with DE-funded places and focuses on improving outcomes for children in pre-school by engaging and empowering parents to help sustain positive home learning environments. £3m is available for the three year programme from 2016/17; and
- Extended Services funding (£157k in 2016/17) is available to non-statutory pre-school education settings (including voluntary / community settings) with DE-funded places in the Pre-school Education Programme. This funding is

available to help pre-school settings who meet the eligibility criteria to identify and address underdeveloped social, emotional, communication and language skills of the young children in their setting.

My Department has also provided funding to the West Belfast Partnership Board (WBPB) and the Greater Shankill Partnership Board (GSPB) since 2013/14 to support the West Belfast Community Project. In the current financial year, the GSPB is continuing to receive funding of £59k to support this Project. The aim of this project is to deliver a range of programmes and activities to address the root causes of educational underachievement.

Funding of £200k has also been allocated to the WBPB to deliver the Sharing the Learning Programme. This Programme will help build the capacity of schools and the community to work together to improve educational outcomes.

**Mr Smith** asked the Minister of Education to detail each budgetary pressure that (i) his Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.

**(AQW 8543/16-21)**

**Mr Weir:** Any budgetary pressures raised are for the purpose of informing the Executive's deliberations in reaching an agreed Monitoring round outcome and as such this information is not disclosed.

I would refer the Member to his previous question (AQW 6146/16-21) and the corresponding answer.

**Mrs Overend** asked the Minister of Education when he will be consulting with the public on academic selection.

**(AQW 8545/16-21)**

**Mr Weir:** There are no plans to engage in a public consultation on academic selection.

Professor Peter Tymms (Durham University) and his team have been commissioned by the Department to consider what improvements could be made to the current arrangements for academic selection in consultation with a wide range of stakeholders. That engagement is currently underway. I do not wish to pre-empt the conclusion of that engagement but it is in the best interests of children to find a way forward in a timely manner.

**Mrs Overend** asked the Minister of Education to detail what plans he has to define a strategically small school for the purpose of the Area Plan.

**(AQW 8546/16-21)**

**Mr Weir:** The Schools for the Future: A Policy for Sustainable Schools (SSP) includes six criteria, three of which relate to minimum enrolments, accessibility and strong links with the community along with associated indicators. My officials are currently reviewing all SSP criteria indicators and I am considering advice on potential processes to identify strategically important schools.

**Mrs Overend** asked the Minister of Education to list all the forums where consultation on the Draft Area Plan (i) took place; or (ii) will be taking place.

**(AQW 8557/16-21)**

**Mr Weir:** The Education Authority (EA) published its draft strategic area plan "Providing Pathways" for consultation for the three year period from April 2017 to March 2020. This is the first regional plan for Northern Ireland and covers primary, post-primary and special education.

The EA has advised that the following consultation engagements on the draft strategic area plan have taken place or are planned.

(i) list of engagements which have taken place:

- Meeting with the Northern Ireland Assembly Education Committee - 26 October 2016;
- Meeting with Officers from the Controlled Schools Support Council - 8 November 2016;
- Meetings with District Councillors (all Councillors were invited to attend);
  - Derry/Londonderry-15 November 2016
  - Antrim-16 November 2016
  - Omagh-17 November 2016
  - Belfast-22 November 2016
  - Newry-23 November 2016
- Meetings with Principals and Chairs of Boards Of Governors (all Principals and Chairs of Governors were invited to attend);
  - Derry/Londonderry-15 November 2016
  - Antrim-16 November 2016
  - Omagh-17 November 2016
  - Belfast-22 November 2016
  - Newry-23 November 2016



- Meeting with Teaching and Non Teaching Trade Union Officials - Antrim 25 November 2016;
  - Meeting with Officials from the Transferors Representative Council -6 December 2016;
  - Area Planning Local Groups-21 November 2016; and
  - Area Planning Working Group-21 November 2016.
- (ii) list of engagements that are planned:
- Area Planning Working Group-scheduled to meet on 15 December 2016; and
  - Area Planning Local Groups-scheduled to meet on 19 December 2016.

**Mr McGrath** asked the Minister of Education for an update on Area Planning for the post-primary Catholic sector in the Ballynahinch and Crossgar area.

**(AQW 8602/16-21)**

**Mr Weir:** The Council for Catholic Maintained Schools (CCMS) has a statutory duty to promote and co-ordinate, in consultation with the Trustees, the planning of the effective provision for the Catholic maintained sector.

The Education Authority (EA) has overall operational responsibility for Area Planning and works closely with CCMS, as planning authority for the Catholic maintained sector and other sectoral support bodies, to develop a single Area Plan covering all sectors. The existing Area Plans published by the former Education and Library Boards and the supporting action plan, which has currency until March 2017, does not include any plans to reshape maintained post primary provision in the Ballynahinch and Crossgar areas.

The draft Strategic Area Plan for Northern Ireland: "Providing Pathways" for 2017-2020 has been developed by the EA working with CCMS and sectoral support bodies and was published on 17 October for public consultation until 12 December 2016.

Following assessment of responses to the public consultation, the EA will present a report on the findings and make any necessary adjustments to the final plan. The final Strategic Area Plan will be supplemented by an Annual Action Plan which will contain details of the work programme of the planning and managing authorities to address the specific issues at local level.

Should there be a proposal for change at any school. Local communities will be consulted and their views taken into account. The focus will be on providing quality education and appropriate pathways for all pupils.

**Mr McGrath** asked the Minister of Education (i) whether the Education Authority intends to remove the responsibility for Child Protection from Youth Service to another section of the Education Authority; and (ii) if so, to detail the consultation process that has been undertaken in reaching this decision.

**(AQW 8603/16-21)**

**Mr Weir:** The Education Authority (EA) has advised that child protection arrangements for youth services are currently managed within the EA's Children and Young People's Services (CYPS) Directorate. The EA will be working with services within the CYPS Directorate to strengthen consistency for child protection support.

The EA has commenced engagement with relevant staff regarding child protection support and this process precedes any future consultation that may be required, should proposed changes be identified.

**Ms Armstrong** asked the Minister of Education pursuant to AQW 7732/16-21 and if there is no 'one size fits all' frequency, to outline how Section 7(3)(d) the level of participation in shared education and the extent to which there has been any increase or decrease in participation, be effectively monitored and reviewed.

**(AQW 8608/16-21)**

**Mr Weir:** The Education Authority monitors the levels of participation at the individual school level against a baseline established as part of a partnership application. Additionally, the proportion of schools which have partnered in shared education and the proportion of a school (one class, more than one class or whole school) involved in shared education are measured through the annual school omnibus survey.

**Mr Lynch** asked the Minister of Education what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8629/16-21)**

**Mr Weir:** My top priority is raising standards for all children and helping them reach their full potential.

Since I have come to office, I have been focusing on policies that are driving forward educational improvement including: "Every School a Good School" – our school improvement policy; "Count, read: succeed" – the literacy and numeracy strategy; the curriculum; the "Learning to Learn" Framework; and the Teachers Professional Learning Strategy. Over the coming months I will be taking stock of challenges and how best these can be overcome.

As I have previously announced, I intend to progress a further review of the statutory curriculum during this mandate. This is likely to focus on provision from 14-19, although the final detail of this review has yet to be determined.

The Equality Commission has recently restated its concerns around continuing gender, sexuality and gender-identity based bullying in education. Each of these is recognised as a potential motivating factor within the Addressing Bullying in Schools Act (NI) 2016. The Act will introduce a duty for schools to record all incidents of bullying and will strengthen the ongoing role of school Governors in ensuring effective anti-bullying policies are in place and are being properly observed within each school.

The Act will increase the protection provided to all pupils experiencing any form of bullying and my officials are currently undertaking the necessary preparatory work to allow for the commencement of these new provisions. We currently expect the Act to enter into force in time for the commencement of the 2017-18 academic year.

**Mr E McCann** asked the Minister of Education whether the Women's Centres Childcare Fund will be funded through his Department in 2017-18.  
(AQW 8651/16-21)

**Mr Weir:** The funding arrangements for the Women's Centre Childcare Fund is the responsibility of the Minister for Communities.

My Department is leading on the development of the Executive's Childcare Strategy which, when agreed by the Executive, may include further opportunities for a range of childcare provision to be supported. Officials from my Department and Department for Communities will continue to engage on the development of the Childcare Strategy and its constituent actions including timescales.

I hope to bring forward the full version of the Childcare Strategy to my Executive colleagues in the coming months, having taken account of the many consultation responses received, the Programme for Government and the new opportunities that now exist to align childcare and Early Years initiatives.

**Mr Dickson** asked the Minister of Education how many (i) fully-funded; and (ii) part-funded nursery places are available for Monkstown Nursery School, Newtownabbey.  
(AQW 8695/16-21)

**Mr Weir:** All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Monkstown Nursery School, Newtownabbey, provides 78 funded pre-school education places. The breakdown is 26 full-time and 52 part-time.

**Mr Dickson** asked the Minister of Education what consideration his Department has given for a statutory priority criterion for parents applying for pre-school places, who are medically disadvantaged and/or are in receipt of Employment and Support Allowance only.  
(AQW 8696/16-21)

**Mr Weir:** Pre-school education, whilst non-compulsory, is an important phase of early education. If a pre-school setting, either statutory or non-statutory, is over-subscribed, it will apply the published admissions criteria in order of priority.

Pre-school education providers set the admissions criteria. However, research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children; therefore, the Department requires that they are given priority within the pre-school admissions process as part of wider efforts to tackle educational underachievement.

Currently children from socially disadvantaged circumstances are defined as children whose parents are in receipt of Income Support, Income-based Jobseekers Allowance or Employment Support Allowance where an award of Income-based Jobseekers Allowance has been converted and the amount of the award remains unchanged.

Given changes to qualifying benefits with the introduction of Universal Credit, I plan to review the priority criterion, and will consider a range of issues in determining what changes are required. Any proposed changes will be subject to consultation.

**Mr Dickson** asked the Minister of Education to detail how many (i) children applied with a first preference to Monkstown Nursery School, Newtownabbey; and (ii) first preference applications were successful to Monkstown Nursery School, in each of the last three years.  
(AQW 8697/16-21)

**Mr Weir:** Monkstown Nursery School, Newtownabbey, provides 78 funded pre-school education places. The breakdown is 26 full-time and 52 part-time.

As advised by the Education Authority, the table below shows the number of first preference applications and successful first preference applications to Monkstown Nursery School, Newtownabbey.

Session	Applications	2014/15	2015/16	2016/17
Full Time	First preference applications	69	70	77
	First preference applications successful	26	26	26

Session	Applications	2014/15	2015/16	2016/17
Part Time	First preference applications	13	9	13
	First preference applications successful	13	9	11

**Mr McElduff** asked the Minister of Education to detail the reasons for the rise in projected costs of the Strule Shared Education Campus.

**(AQW 8703/16-21)**

**Mr Weir:** In 2012, at the early stages of design of the Strule Shared Education Campus, construction costs were estimated to be up to £126m including Optimism Bias. This estimate was based on 2012 construction prices.

At August 2016 the latest estimate of up to £159m, including Optimism Bias and Arvalee School reflects the design development that has taken place since 2012 and the impact of construction price inflation over the period. Major works are necessary to prepare the site for construction as a school campus. There is also a programme of road improvements in the immediate area around the campus.

Actual construction costs will be better known upon evaluation of tenders for the main works contract in 2017.

**Mr McElduff** asked the Minister of Education to detail the measures, both socio-economic and educational, which his Department plans to deploy when inspecting schools in the future.

**(AQW 8704/16-21)**

**Mr Weir:** There are no plans to deploy any different measures in the inspection of schools in the future. The main emphasis of the inspection will continue to be on the education or training provision and outcomes, as seen in the quality of the learners' recent standards and achievements and the quality of learning and teaching. There is also an emphasis on the leadership and management of the whole organisation and how this contributes to improvement. A wide range of evidence is considered as part of the inspection process and information relating to how inspections are carried out is available on the ETI website.

<https://www.eti.gov.uk/publications/type/supportmaterial>

**Mr McElduff** asked the Minister of Education whether he will consider the introduction of a scheme aimed at encouraging and facilitating both teachers and pupils who wish to travel to Dublin to explore key sites connected to the 1916 Easter Rising.

**(AQW 8705/16-21)**

**Mr Weir:** I currently have no plans to introduce such a scheme.

**Ms Armstrong** asked the Minister of Education for an update on when he will publish the Independent Review of Integrated Education.

**(AQW 8709/16-21)**

**Mr Weir:** I am currently considering the review report. No final decision has been made on the date of publication.

**Mr Lynch** asked the Minister of Education whether his Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.

**(AQW 8799/16-21)**

**Mr Weir:** Successive Public Appointment Commissioners have highlighted the issue of under representation amongst public appointees, particularly with regards to gender, ethnic minorities, people with a disability and young people.

My Department ensures that relevant public appointment processes comply with the Commissioner for Public Appointments Code of Practice, which contains a range of measures to address diversity.

In addition, the Executive Office is taking the lead in developing a cross departmental strategic action plan which will underpin the delivery of Executive diversity targets and commitments which were agreed in February 2016. Consultation on the draft strategic action plan is expected to commence shortly.

It is intended that all government departments will work with the Commissioner's Office, both directly and through the inter departmental Public Appointments Forum, on which my Department is represented, to ensure the strategic action plan is implemented and progress made on increasing diversity amongst public appointees.

**Mrs Barton** asked the Minister of Education pursuant of AQW 7065/16-21, to detail the policy for selection of locations requiring school crossing patrol officers.

**(AQW 8821/16-21)**

**Mr Weir:** The Education Authority has advised that the criteria used to assess whether a school crossing patrol should be established is contained within the Road Safety GB School Crossing Patrol Guidelines, revised 2012.

**Ms Armstrong** asked the Minister of Education to detail the meetings he has had with Northern Ireland Humanists since May 2016.

**(AQW 8824/16-21)**

**Mr Weir:** I have not had any meetings with Northern Ireland Humanists since May 2016.

**Ms Armstrong** asked the Minister of Education what plans he has to revise the core syllabus for religious education to include non-religious worldviews.

**(AQW 8825/16-21)**

**Mr Weir:** I currently have no plans to revise the Religious Education (RE) core syllabus.

The RE core syllabus aims to reflect the changing world and enables Key Stage 2 pupils to become aware of and have respect for differing cultures and faiths, as well as providing for Key Stage 3 pupils to study two world religions. The core syllabus outlines the minimum content only, and teachers have the flexibility to cover additional topics in order to best meet the needs of their pupils.

Parents have the right to withdraw their child from all or part of RE on the grounds of conscience and teachers also have the right to be excused from teaching all or part of RE.A.

**Mr Dickson** asked the Minister of Education when the current priority criterion for socially disadvantaged children applying for pre-school will be reviewed.

**(AQW 8836/16-21)**

**Mr Weir:** Pre-school education, whilst non-compulsory, is an important phase of early education.

If a pre-school setting, either statutory or non-statutory, is over-subscribed, it will apply the published admissions criteria in order of priority.

The pre-school education providers set the admissions criteria. However, as research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children, the Department requires that they are given priority within the pre-school admissions process as part of wider efforts to tackle educational underachievement.

Given changes to qualifying benefits with the introduction of Universal Credit, I plan to review the priority criterion, and will consider a range of issues in determining what changes are required. Any proposed changes will be subject to consultation.

**Mr Dickson** asked the Minister of Education to detail (i) the advantages; and (ii) disadvantages of a separate Key Stage Two primary school in delivering social change, such as Strandtown Primary School.

**(AQW 8837/16-21)**

**Mr Weir:** As there is only one Key Stage 2 school there is not sufficient data available to the Department of Education to make a valid comparison or to evaluate the advantages or disadvantages of Key Stage 2 schools against Year 1-Year 7 provision.

Local and international evidence suggests that there can be a range of factors which impact on the outcomes for pupils. This includes issues such as pupil ability and motivation; teaching methods; school leadership; and the level of parental involvement.

**Mr Dickson** asked the Minister of Education what consideration was applied when creating the social disadvantaged priority criterion for pre-school admission places; and what evidence exists of the effectiveness of this priority criterion in combatting social disadvantage.

**(AQW 8838/16-21)**

**Mr Weir:** When the Pre-School Education Expansion Programme was launched in 1998, funded places were available for only around 45% of children in their pre-school year and the social disadvantaged priority criterion was put in place to help ensure that the children considered most in need of pre-school education had priority access to those limited places.

The social disadvantaged priority criterion was first introduced in 1999 and was designed to give priority in the pre-school admissions process to children from socially disadvantaged circumstances. Research shows that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children, therefore, as part of wider efforts to tackle educational underachievement children from socially disadvantaged circumstances were prioritised for pre-school admission.

Pre-school provision is now universal. Currently, the Department is committed to ensure that at all children whose parents want it can access a year of funded pre-school education in their immediate pre-school year. In each of the last five years, at least 99.8% of children whose parents engaged with the pre-school admissions process to the end obtained a funded pre-school place.

Given the current position with regard to levels of pre-school provision and changes to qualifying benefits with the introduction of Universal Credit, I plan to review the priority criterion. I will consider a range of issues in determining what changes are required. Any proposed changes will be subject to consultation.

**Ms Lockhart** asked the Minister of Education what his Department is doing to assess the time allocation model used for educational psychologist referrals.

**(AQW 8847/16-21)**

**Mr Weir:** Statutory responsibility for the Education Psychology Service (EPS) lies with the Education Authority (EA). The EA has advised that, with the establishment of a single EPS, it is now delivering a common model for the allocation of psychology services to all primary and post-primary schools.

The move to this common model has involved some adjustments to previous arrangements to ensure equity across the EA, including:

- delegation to schools of some additional education psychology time previously held centrally by the EA;
- from this academic year, the time allocated to each school has been calculated on a regionally based formula which takes into account the size of the school, educational attainment and a social index of need;
- while previously, time allocation in some EA offices included the first consultation planning meeting of the year with the psychologist; and report writing and follow up meetings with parents and others, the new time allocation model is for face to face contact time in school, with other more administrative aspects of the assessment provided from hours held by the EA; and
- the number of psychologists operating in each area has been adjusted to meet the needs of the regionally based formula.

Schools are asked to prioritise those children who do not appear to have been responsive to the school's special educational needs support. A staged approach in line with the Code of Practice, Provisional Criteria and Good Practice Guidelines is recommended for all schools. As part of this process, schools are asked to demonstrate that relevant and purposeful measures as well as reasonable adjustments have been put in place to help support a pupil before considering a referral to the EPS.

If information is presented to the educational psychologist during consultation which indicates that a pupil has exceptional circumstances, and the school has exhausted its time allocation, such referrals, while not guaranteed, will continue to be prioritised and an allocation of time is held by the EA for this purpose.

As part of the ongoing work in developing and delivering a regional EPS, an additional recording and monitoring mechanism is currently being put in place to closely monitor the real time provided to each school.

It is important to note that the EPS also provides advice in relation to statutory (Stage 4) assessments and assessments for children in pre-school in addition to the support to children at Stage 3 through the time allocation model.

**Mr McGuigan** asked the Minister of Education for his assessment of the Early Years Home Schooling Programme for Special Educational Needs children.

**(AQW 8864/16-21)**

**Mr Weir:** The statutory responsibility for securing provision for pupils with Special Educational Needs (SEN) rests with schools, and the Education Authority (EA) which is responsible under legislation for identifying, assessing and making provision for children with SEN.

The EA provides a continuum of valued early support, intervention and provision for pre-school children with identified special educational needs in a range of settings, including the home. Pre-school home teachers are an integral part of this continuum of support. They work in collaboration with parents and colleagues in Education and Health to provide structured programmes for very young children with identified needs in advance of more formal education and, as such, form a vital link for parents and children between home and school.

The EA recognises that measures are required to deliver this service on an equitable basis across the region. In this regard, further steps will be taken by the EA to enhance the service and to bring more consistency to the intervention that is provided.

**Mr Butler** asked the Minister of Education to detail the total number of newly qualified teachers in each of the last five years.

**(AQW 8891/16-21)**

**Mr Weir:** I refer the Member to my answer to AQW 3360/16-21 tabled by Chris Lyttle and published in the Official Report on 7 October.

**Mrs Overend** asked the Minister of Education how many newly qualified teachers gained employment in teaching in Northern Ireland for each of the last five years, presented as (i) a number; and; (ii) a percentage of the total number of newly qualified teachers within that year.

**(AQW 8894/16-21)**

**Mr Weir:** I refer the Member to my answer to AQW 3360/16-21 tabled by Chris Lyttle and published in the Official Report on 7 October.

**Mrs Overend** asked the Minister of Education how many teaching vacancies have opened in each of the last five years.

**(AQW 8895/16-21)**



**Mr Weir:** The Department of Education (DE) is not the employer of teachers, and is not responsible for the appointment of teachers. Responsibility for the recruitment of teachers lies with the relevant Employing Authority or, in the case of Voluntary Grammar Schools (VGS) and Grant Maintained Integrated (GMI) Schools, the individual Boards of Governors. DE therefore, would not have details of how many vacancies have opened in each of the last five years.

I can, however advise the number of Teaching Appointments in Grant Aided Schools in each of the last five financial years as set out in the table below.

#### Teaching Appointments in Grant Aided Schools

Appointment	01/04/15-31/3/16	01/04/14-31/3/15	01/04/13-31/3/14	01/04/12-31/3/13	01/04/11-31/3/12	Numbers of posts over last 5 years
Permanent Teacher	531	553	536	422	402	2444
Temporary Teacher (6 months +)	396	488	643	368	414	2309
<b>Total</b>	<b>927</b>	<b>1041</b>	<b>1179</b>	<b>790</b>	<b>816</b>	<b>4753</b>

(Figures do not include Voluntary Grammar and Grant Maintained Integrated Schools)

**Mrs Overend** asked the Minister of Education following the release of the results of the Programme for International Student Assessment 2015, to detail how he plans to address the issue of absenteeism in schools in regard to its effect as a barrier to pupil learning.

**(AQW 8896/16-21)**

**Mr Weir:** On 14 December 2016 the Department published Miss School = Miss Out A Strategy for Improving Pupil Attendance. The document will provide a coherent strategy for improvement and help translate actions for parents, schools and support services that will encourage regular attendance at school and help them achieve their full potential. Also published was the Attendance in Schools: ETI Good Practice Guide. These will allow the creation of an ethos and culture that values the importance of attendance and its link to attainment.

The Department also continues to promote school attendance and its importance to attainment, with a new leaflet that has been issued to all pupils/parents recently and will continue to engage with other Departments and Agencies to promote pupil attendance.

Departmental Circular 2015/02 Attendance Guidance & Absence Recording by Schools sets out guidance for schools on the management of pupil attendance and is due to be revised in 2017.

The Department also funds the Education Welfare Service (EWS) through the Education Authority to provide assistance and support to schools, pupils and parents on attendance matters. The EWS are involved in the delivery of a number of pro-active interventions to assist pupils in making the transition to post primary schools which will support them in years where attainment will be at the forefront.

**Mrs Overend** asked the Minister of Education to detail (i) how schools delivering special needs education are funded; and (ii) whether there are any plans to reform this.

**(AQW 8897/16-21)**

**Mr Weir:**

- (i) Special schools are funded by the Education Authority (EA) from its Block Grant allocation.

In mainstream schools, the Education Authority (EA) determines the level of assistance and associated equipment needs, as per the Statement of Special Educational Need (SEN), in respect of each individual stage five pupil. The EA also provide parents of these pupils with a list of recommended school settings. Once a pupil with a Statement of SEN is registered at the specific school of choice, the school then applies for funding to the relevant funding authority to cover the associated costs of the pupil.

Mainstream schools delivering special needs education are responsible for meeting any additional needs of pupils within the first three stages of the Code of Practice on the Identification and Assessment of Special Educational Needs (SEN) from within their overall delegated budget. If pupils have more significant needs these can be supported by EA pupil support services that are funded centrally by the EA and are provided to complement the teaching and support available in school, at stage 3 of the Code of Practice.

Some mainstream schools also provide special education to children through Learning Support Centres, Autism Specific Classes and other specialist provision. The cost of Learning Support Centres support for children with statements is funded by the Education Authority from its Block Grant allocation.

Additionally, the Special Units Factor, within the Common Funding Scheme, is designed to support pupils in special units (i.e. Learning Support Centres) and not pupils with Statements of SEN in mainstream classes. Schools with approved special units will be allocated an appropriate lump sum for each class within the unit. This will be adjusted by the relevant Funding Authority where a special unit opens or closes during a year.

- (ii) A review of the Common Funding Scheme was implemented in 2014-15 for mainstream schools. Special Schools were not included in this review. The Education Authority is beginning the process of engagement with Special Schools to agree a scheme of allocating funds to Special Schools on a consistent basis. Consideration will also be given to the funding of Special Schools when the issue of School Autonomy is being Considered

**Mrs Overend** asked the Minister of Education whether he has any plans to reform the school meals system.  
(AQW 8898/16-21)

**Mr Weir:** I do not have any current plans to revise the policy relating to the provision of school meals.

The day-to-day operation of the school meals service is a matter for the Education Authority (EA) in the controlled and maintained sectors and individual voluntary grammar and grant-maintained integrated schools.

The EA, voluntary grammar and grant-maintained integrated schools are responsible for ensuring that the delivery of the school meals service is efficient and effective.

**Mrs Overend** asked the Minister of Education to detail the (i) number; and (ii) percentage of children studying A-levels in (a) grammar schools; and (b) non-grammar schools, in each year over the last five years.

(AQW 9003/16-21)

**Mr Weir:** Figures are as follows:

- (a) Grammar schools

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	17,191	27.5%
2013/14	17,282	27.6%
2014/15	17,389	27.7%
2015/16	17,325	27.3%
2016/17 (provisional)	16,941	26.9%

- (b) Non-grammar schools

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	12,458	15.0%
2013/14	13,039	16.0%
2014/15	13,324	16.7%
2015/16	13,245	17.0%
2016/17 (provisional)	12,526	16.2%

**Source:** NI school census

**Notes:**

- 3 Figures refer to all pupils who are studying a level 3 qualification i.e. an A Level or equivalent.

**Mrs Overend** asked the Minister of Education to detail the (i) number; and (ii) percentage of children studying A-levels in (a) selective; and (b) non-selective schools, in each year over the last five years.

(AQW 9004/16-21)

**Mr Weir:** It is not possible to fairly and equally classify schools as being either selective or non-selective. The schools do not nominate themselves as being selective or non-selective; this information could only be derived via their admissions criteria. While academic selection would be part of the admissions criteria for most grammar schools (and vice-versa), this is not true in all cases. For example:

- Loreto College is a grammar school which has been fully non-selective since 2012/13;
- St Patrick's Grammar School, Armagh is a grammar school which has been fully non-selective since 2015/16;

- St Ronan's College is effectively an amalgamation of a grammar school and two non-grammar schools, so some of these pupils would have been selected in previous years;
- St Joseph's, Donaghmore is a grammar school with an Irish medium unit. Selection is in operation for pupils educated in English medium but not for pupils in the Irish medium unit;
- Slemish College and Lagan College are bilateral schools (partially selective – up to 35%) and have been for a number of years;
- Strabane Academy is a Controlled Grammar School that admits 50% by academic selection.

Essentially all of these schools currently have a mix of pupils that have been admitted on the basis of selection and so could not be categorised as either selective or non-selective. It would also not be appropriate to classify these schools as 'partially selective' as their circumstances vary greatly.

It is also not possible to categorise selection on a pupil level. The Department does not hold data as to which pupils sat transfer tests or which pupils were academically selected (as this only occurs if the number of applications exceeds approved enrolments).

As there is no firm definition on whether a school is selective or non-selective in all cases, it is more appropriate to classify post-primary schools on the basis of grammar and non-grammar schools. There is a legal basis in how a grammar school, and by definition a non-grammar school, is defined which the Department can stand over. The figures for grammar and non-grammar schools have been provided in AQW 9003/16-21.

**Mrs Overend** asked the Minister of Education to detail the (i) number; and (ii) percentage of children studying A-levels in (a) controlled grammar; (b) voluntary grammar; and (c) Catholic grammar schools, in each of the last five years.  
**(AQW 9005/16-21)**

**Mr Weir:** Figures are as follows:

(a) Controlled grammar schools

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	4,187	27.6%
2013/14	4,223	27.9%
2014/15	4,430	28.1%
2015/16	4,176	28.0%
2016/17 (provisional)	3,884	27.2%

(b) Voluntary grammar schools (not Catholic managed)

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	5,304	26.2%
2013/14	5,322	26.3%
2014/15	5,165	26.4%
2015/16	5,316	26.3%
2016/17 (provisional)	5,402	26.3%

(c) Catholic grammar schools (i.e. voluntary grammar schools that are Catholic managed)

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	7,700	28.3%
2013/14	7,737	28.4%
2014/15	7,794	28.5%
2015/16	7,833	27.7%
2016/17 (provisional)	7,655	27.2%

**Source:** NI school census

**Notes:**

4 Figures refer to all pupils who are studying a level 3 qualification i.e. an A Level or equivalent.

**Mrs Overend** asked the Minister of Education to detail the (i) number; and (ii) percentage of children studying A-levels in (a) maintained non-grammar; (b) controlled non-grammar; (c) maintained integrated; and (d) Irish medium schools, in each of last five years.

**(AQW 9006/16-21)**

**Mr Weir:** Figures are as follows:

(d) Catholic Maintained non-grammar schools

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	7,081	17.4%
2013/14	7,406	18.5%
2014/15	7,651	19.4%
2015/16	7,598	20.0%
2016/17 (provisional)	7,095	19.0%

(e) Controlled non-grammar (including controlled and controlled integrated schools)

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	3,602	20.9%
2013/14	3,787	22.1%
2014/15	3,816	22.6%
2015/16	3,820	23.1%
2016/17 (provisional)	3,645	22.4%

(f) Grant maintained integrated schools

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	1,642	17.3%
2013/14	1,705	17.9%
2014/15	1,728	18.2%
2015/16	1,692	18.0%
2016/17 (provisional)	1,653	17.3%

**Irish medium schools (i.e. other maintained schools)**

	Number of pupils studying A Levels or equivalent	Percentage of all pupils studying A Levels or equivalent
2012/13	133	24.6%
2013/14	141	25.0%
2014/15	129	22.2%
2015/16	135	21.8%
2016/17 (provisional)	133	19.2%

**Source:** NI school census

**Notes:**

5 Figures refer to all pupils who are studying a level 3 qualification i.e. an A Level or equivalent.

**Mr Durkan** asked the Minister of Education whether the Women's Centres Childcare Fund will be funded through his Department for the year 2017-18.

**(AQW 9012/16-21)**

**Mr Weir:** The funding arrangements for the Women's Centre Childcare Fund is the responsibility of the Minister for Communities.

My Department is leading on the development of the Executive's Childcare Strategy which, when agreed by the Executive, may include further opportunities for a range of childcare provision to be supported. Officials from my Department and Department for Communities will continue to engage on the development of the Childcare Strategy and its constituent actions including timescales.

I hope to bring forward the full version of the Childcare Strategy to my Executive colleagues in the coming months, having taken account of the many consultation responses received, the Programme for Government and the new opportunities that now exist to align childcare and Early Years initiatives.

**Lord Morrow** asked the Minister of Education in relation to the decision of the Education Authority to change Early Years Provision for Special Educational Needs placements for children aged three, to detail (i) what consultation was conducted; (ii) the evidence and/or report of same; (iii) who or which agencies and/or arm's-length bodies were involved in the decision; (iv) who proposed this change; (v) on what date; (vi) who made the final decision; and (vii) on what body of evidence.

**(AQW 9020/16-21)**

**Mr Weir:** The Education Authority (EA) has advised that it has not changed Early Years' provision for special educational needs placements for children aged three.

In establishing a consistent approach to the allocation of pre-school places and the assessment of children, the EA has confirmed that there have been some changes to procedures previously operated in former Education and Library Boards.

**Mrs Overend** asked the Minister of Education pursuant to AQW 8547/16-21, to detail (i) how much of the projected cost for the Strule Shared Education Campus is still to be spent; and (ii) how much of that will come out of the Department of Education capital budget over the next four years.

**(AQW 9089/16-21)**

**Mr Weir:** At August 2016, the latest estimate for the projected construction costs for the Strule Shared Education Campus from 1 April 2017 to 31 March 2021 is up to £139.5m. This forecasted spend includes construction of the 5 post primary schools and the shared educational facilities, site enabling and preparation works, professional fees and charges, external road works and Optimism Bias. This estimate does not include other non-construction programme costs.

Actual construction costs will be better known upon evaluation of tenders for the main works contract in 2017.

Discussions are currently on-going with the Department of Finance in respect of my Department's Capital budget for the next 4 years.

## Department of Finance

**Mr Lyttle** asked the Minister of Finance why the European Investment Bank is no longer willing to play a role in the Investment Fund.

**(AQW 6153/16-21)**

**Mr Ó Muilleoir (The Minister of Finance):** The European Investment Bank (EIB) has indicated that direct delivery and management of the Investment Fund is outside of usual EIB 'core' business. Following the result of the EU referendum, the EIB President, Dr Werner Hoyer, wrote to me confirming that: "The non-EU origin of the NIIF's [Northern Ireland Investment Fund] funding means that we are unfortunately not in a position to commit to act as Fund of Fund manager for the NIIF".

However, President Hoyer also confirmed that "...we very much wish to continue to provide the Executive with advisory support in relation to the development of its own Investment Fund". Work is therefore continuing, with EIB advisory support, to deliver the Fund. Businesses Benefitting from Small Business Rate Relief

**Ms Lockhart** asked the Minister of Finance how many businesses have benefited from small business rates relief; and how much in monetary terms has been saved by businesses as a result of the introduction of this relief.

**(AQW 6240/16-21)**

**Mr Ó Muilleoir:** Ratepayers have benefitted from Small Business Rate Relief for a total of 36,963 non-domestic properties since the introduction of this relief. The net amount of Small Business Rate Relief awarded over this period was £98,647,444 (as at 23 October 2016).



**Mr Logan** asked the Minister of Finance for an update on the targeted rate relief scheme for small businesses.  
**(AQW 6841/16-21)**

**Mr Ó Muilleoir:** As I stated in my statement to the Assembly on 22 November it is my intention to replace the current Small Business Rate Relief (SBRR) scheme with better targeted business support measures from April 2018.

This approach is in keeping with the findings of the independent policy evaluation undertaken by the Economic Policy Unit at the Ulster University, which recommended a more targeted use of the SBRR funding.

I also plan to bring forward a separate Business Empowerment zone pilot scheme targeted at small-scale regeneration areas in East and West Belfast.

The forthcoming budget will allow one final extension of the Small Business Rate Relief scheme in its current form for the 2017/18 financial year to allow this new arrangement to bed in.

**Mrs Overend** asked the Minister of Finance what criteria will be used for selecting projects to be funded by the Community Regeneration Fund.  
**(AQW 7205/16-21)**

**Mr Ó Muilleoir:** The Community Regeneration Fund will target infrastructure projects in disadvantaged communities, seeking to seize opportunities to maintain momentum on peace building and enhance our diverse heritages.

Funding must be allocated in the January Monitoring round to capital projects with approved business cases, where spend will take place this year. To this end I will be engaging with Ministerial Colleagues over the coming weeks to identify suitable capital projects.

The Executive will then agree allocations from the £5 million available after considering the projects identified by departments.

I look forward to using this element of our first step stimulus to make a real difference on the ground in partnership with ambitious community based organisations.

**Ms Hanna** asked the Minister of Finance what efforts have been made to secure access to future investment opportunities with the European Investment Bank.  
**(AQW 7538/16-21)**

**Mr Ó Muilleoir:** I met with European Investment Bank (EIB) Vice-President Jonathan Taylor on 30 August 2016. We discussed a range of issues including future EIB investment here.

At this meeting, Vice-President Taylor confirmed that EIB core lending activity to projects here will continue as usual until our future relationship with the EU and the Bank is clear. He also confirmed that the EIB would consider applications from local councils for a framework loan should they wish to pursue this. In the longer term, access to investment from the EIB will depend on our future relationship with the EU.

**Ms Hanna** asked the Minister of Finance in light of the EU referendum result, what representations his Department made to the British government requesting an urgent review of fiscal powers for the Assembly.  
**(AQW 7644/16-21)**

**Mr Ó Muilleoir:** My focus to date in discussions with British Treasury Ministers has been on progressing the devolution of Corporation Tax powers and delivering on the Executive's decision to lower the overall tax rate to 12.5% from April 2018.

As we respond to the challenges posed by the EU Referendum, this commitment will unify the tax rate across the island, help boost foreign and local investment, drive economic growth and deliver more jobs and higher wages for our people. I met the British Chief Secretary on 12 December 2016 to discuss what more we need to do in this regard and my Department will be taking this important work forward with the British Treasury in the time ahead.

More broadly, I have consistently made it clear that I am in favour of transferring further fiscal powers from London and am committed to working with my Executive colleagues to identify where and how we do this. Therefore I am putting the 2013 Economic Pact commitment regarding the potential for devolving additional fiscal powers firmly back on the table for substantive discussion, a point I also raised with the Chief Secretary in my recent meeting.

**Ms Hanna** asked the Minister of Finance to outline his Department's plans to mitigate future loss of European Funding.  
**(AQW 7645/16-21)**

**Mr Ó Muilleoir:** The British Government has guaranteed funding for Structural and Investment Fund projects signed before any change of relations with the EU and a similar guarantee will apply for competitively bid projects signed with the European Commission. Direct farm payments (CAP pillar 1) have been guaranteed until 2020.

While there has been no confirmation of funding arrangements that will apply after any change in relations with the EU, I will continue to engage with and press the British Government for early clarification on this issue.

I have also engaged directly with European institutions to articulate the importance of EU funding — in particular the cross border PEACE and INTERREG programmes — and make the case for continued support. I visited Brussels on 15 and

16 November, where I attended the General Affairs Council on Cohesion Policy and was invited to speak at a lunch with Ministers representing the 27 Member States. I also held useful discussions with Nicola de Michelis, Head of Cabinet DG REGIO, and Iskra Mihaylova MEP, the Chair of the European Parliament Committee on Regional Development, and took the opportunity to meet the European Commissioner for Regional Policy, Corina Crețu.

I intend to build on this engagement in 2017. I have extended invitations to both Commissioner Crețu and Iskra Mihaylova MEP to visit here to see firsthand the impact of EU programmes and the benefits they have delivered to citizens.

I, and my officials, have also worked to overcome uncertainty the British referendum introduced in relation to delivery of current programmes. On 28 October I held a breakfast briefing to address concerns of stakeholders and potential beneficiaries, and am pleased that the first Letters of Offer under PEACE IV and INTERREG VA have now issued.

You can be assured that in all discussions on EU funding I will vigorously defend our local interests, and I encourage you to do the same.

**Mr McCrossan** asked the Minister of Finance what discussions his Department has had with representatives of the financial services sector regarding the impacts of a proposed Brexit on their profession.

**(AQW 7649/16-21)**

**Mr Ó Muilleoir:** I have been engaging widely with local business, union and community leaders to understand the issues and develop a cohesive approach in response to the EU referendum. In particular, I have held a number of well attended EU Referendum roundtable events, three of which were hosted in conjunction with EY, Deloitte, and PwC – and where the senior representatives present outlined their views on the implications of the EU referendum.

I have also met with senior representatives of the local banking industry where we discussed the crucial role the banks need to play in supporting economic growth as we seek to respond to the challenges the EU referendum result presents. Plans to Mitigate Financial Poverty

**Ms S Bradley** asked the Minister of Finance what plans he has to mitigate financial poverty; and to detail any departmental schemes that aim to provide access to food and heat.

**(AQW 8113/16-21)**

**Mr Ó Muilleoir:** My Department provides a range of support schemes to help offset the effects of poverty and ease financial burden on households including Housing Benefit for Rates, Rate Relief and Lone Pensioner Allowance.

My Department does not have a remit to directly provide access to food and heat.

This response is provided on behalf of the Department of Finance only as the information for all Departments is not held centrally. You may wish to ask this question of my Executive Colleague in the Department for Communities.

**Mr Eastwood** asked the Minister of Finance following the recent announcements of City Deals in Scotland, when he will begin negotiations to grant City Deal status to Derry.

**(AQW 8275/16-21)**

**Mr Ó Muilleoir:** The development of a city deal is a matter for the Executive as a whole and it will be important to give full consideration to costs and benefits as well as potential funding sources.

**Mr Ford** asked the Minister of Finance further to his written statement to the Assembly Fresh Start – 2016, to outline the purposes for which the expenditure for Tackling Paramilitary Activity in 2017-18 will be used.

**(AQW 8559/16-21)**

**Mr Ó Muilleoir:** Fresh Start funding in 2017/18 will be used to support delivery of the commitments made in the Executive action plan on tackling paramilitary activity, criminality and organised crime, including focused outcome interventions in local communities. The Tackling Paramilitarism Programme Board is currently considering allocations for 2017/18 but no decisions have yet been taken.

**Mr Ford** asked the Minister of Finance further to his written statement to the Assembly, Fresh Start – 2016, what proposals have been made to the UK Government for drawing down further Shared Education and Housing Capital DEL funding.

**(AQW 8561/16-21)**

**Mr Ó Muilleoir:** The 'Fresh Start Agreement' provided for up to £500 million of additional Capital expenditure over a ten year period for investment in integrated and shared education; and shared housing. The previous Secretary of State, Theresa Villiers MP, announced the first tranche of shared / integrated education projects on 23 March 2016.

At a meeting with the Chief Secretary on 12 December, I raised the issue of revisiting the criteria for use of 'Fresh Start' capital to allow us to make best use of this funding. I intend to work closely with my Executive colleagues Mr Weir and Mr Givan to ensure this funding is deployed to the best effect. Any additional planned expenditure requires the agreement of the current Secretary of State and it is anticipated that further announcements in this respect will be made after the Executive has agreed its next Budget.

**Mr Ford** asked the Minister of Finance further to his written statement to the Assembly Fresh Start – 2016, to outline the purposes for which the expenditure for the Shared Education and Housing Capital DEL will be used.

**(AQW 8562/16-21)**

**Mr Ó Muilleoir:** The 'Fresh Start Agreement' provided for up to £500 million of additional Capital expenditure over a ten year period. This funding can only be used for investment in integrated and shared education; and shared housing. All projects to be funded through this facility are subject to agreement with the British Government.

At a meeting with the Chief Secretary on 12 December, I raised the issue of revisiting the criteria for use of 'Fresh Start' capital to allow us to make best use of this funding. I intend to work closely with my Executive colleagues Mr Weir and Mr Givan to ensure this funding is deployed to the best effect.

**Mr Lynch** asked the Minister of Finance what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8627/16-21)**

**Mr Ó Muilleoir:** I am committed to gender equality and will take forward actions within my Department's remit to advance this goal where possible. For example, I have recently asked for a review to be conducted in relation to the current policy on gender recognition and my Department has introduced protection orders in relation to Female Genital Mutilation. We will also work with the Office of the Commissioner for Public Appointments to take forward actions aimed at improving gender equality in Public Appointments.

In addition, in line with The Executive Office's Gender Equality Strategy 2006 – 2016, my Department has already developed and implemented a number of policies and measures to promote gender equality among the NICS workforce. These include:

- Conducting formal reviews of the gender profile of the NICS and including statements in recruitment advertisements welcoming applications from the under-represented gender.
- Establishing a NICS Women's Network to examine positive characteristics contributing to success and barriers to career progression. A new mentoring initiative aimed at middle management women in the feeder grades to the senior civil service has also been introduced.
- Arranging 'conversation with a purpose' events for female staff to encourage them to consider further opportunities for career progression.
- Developing a training programme which promotes respect for diversity and challenges stereotypes. This is compulsory for all staff and is undertaken at regular intervals.
- Working to ensure there is gender pay equality in the NICS. Latest figures show no gap between male and female pay in the NICS.
- Continued commitment to flexible working policies.
- The use of a Salary Sacrifice Childcare Scheme to help staff with the cost of registered childcare.
- Developing a NICS Domestic Abuse policy to provide advice and sources of help and support for those staff who are affected by this issue.

**Ms Boyle** asked the Minister of Finance what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8765/16-21)**

**Mr Ó Muilleoir:** I am committed to gender equality and will take forward actions within my Department's remit to advance this goal where possible. For example, I have recently asked for a review to be conducted in relation to the current policy on gender recognition and my Department has introduced protection orders in relation to Female Genital Mutilation. We will also work with the Office of the Commissioner for Public Appointments to take forward actions aimed at improving gender equality in Public Appointments.

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- Arranging 'conversation with a purpose' events for female staff to encourage them to consider further opportunities for career progression.
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- Working to ensure there is gender pay equality in the NICS. Latest figures show no gap between male and female pay in the NICS.
- Continued commitment to flexible working policies.

- The use of a Salary Sacrifice Childcare Scheme to help staff with the cost of registered childcare.
- Developing a NICS Domestic Abuse policy to provide advice and sources of help and support for those staff who are affected by this issue.

**Mr Smith** asked the Minister of Finance to outline the community background breakdown for each civil service grade for Grade 7 and above.

**(AQW 8998/16-21)**

**Mr Ó Muilleoir:** The table overleaf shows the community background profile of the administrative (General Service) grades of Grade 7 and 6, Grade 5 and Grade 3 and above as at 1 October 2016.

Corporate HR within my Department is currently completing the latest statutory review into the community background profile of the entire NICS workforce. That should be completed by early 2017 and the results will be published.

**NICS Administrative Staff Grade 7 and above by Community Background as at 1 October 2016**

**Grades 6 & 7**

	Number	%
Protestant	296	48.7%
Roman Catholic	291	47.9%
Not Determined	21	3.5%
<b>Total</b>	<b>608</b>	<b>100.0%</b>

**Grade 5**

	Number	%
Protestant	69	53.1%
Roman Catholic	53	40.8%
Not Determined	8	6.2%
<b>Total</b>	<b>130</b>	<b>100.0%</b>

**Grade 3 and above**

	Number	%
Protestant	25	55.6%
Roman Catholic & Not Determined	20	44.4%
<b>Total</b>	<b>45</b>	<b>100.0%</b>

**Notes**

The data includes permanent and casual staff, plus staff on career break and secondment.

For Grade 3 and above the Roman Catholic and Not Determined categories have been combined as the number in the Not Determined category is too small to publish (less than 5.)

**Mr Smith** asked the Minister of Finance for (i) a summary; and (ii) trend data for the past three Northern Ireland Civil Service staff surveys.

**(AQW 9001/16-21)**

**Mr Ó Muilleoir:** The most recent NICS staff survey was conducted in 2015, the survey contained 86 core questions. (i) In summary, the responses to the majority of the questions in the survey generally reflect a slight decline since 2013 in how staff feel about working in the NICS. (ii) The following table highlights some of the key findings for the past 3 surveys.

Key Findings	2015		2013		2011
	agree (%)				
I feel involved in decisions that affect my work	35	↓	39	↑	38
I am satisfied with my job	54	↓	58	↑	56
I feel valued for the work I do	45	↓	46	↑	44

Key Findings	2015		2013		2011
	agree (%)				
I have an acceptable workload	54	↓	57		58
My line manager recognises when I have done my job well	69	↑	68		69
I have a clear understanding of [the Department]'s purpose	69	↓	71		71
Overall I have confidence in the decisions made by senior managers	31	↓	36	↑	34
	Mean (%)				
Employee Engagement Index - an employee's emotional response to working for their organisation.	47	↓	49	↑	48
WHO5 Well-being index - measure of emotional well-being a score of 50 or below is described as a 'low mood'	54	↑	53	↑	52

**Notes:**

- ↑ an up arrow suggests a real improvement from the previous year.  
 ↓ a down arrow suggests a real deterioration from the previous year.

- Comparisons have only been shown for the data available in the table, between 2011 and 2013, and 2013 and 2015.
- This question was not asked in the 2011 survey therefore this figure comes from the Equality & Diversity, Well-being and Centralised Services Survey 2012.

**Mr Allister** asked the Minister of Finance whether he will place in the Assembly Library a copy of the original letter of approval issued by the Department of Finance and Personnel when the Renewable Heat Incentive scheme was referred to DFP Supply.

**(AQW 9074/16-21)**

**Mr Ó Muilleoir:** I have placed a copy of the original letter of approval issued by the Department of Finance and Personnel when the Renewable Heat Incentive Scheme was referred to DFP Supply in the Assembly Library.

## Department of Health

**Mr Durkan** asked the Minister of Health, pursuant to AQW 1246/16-21; for (i) an update on the answer; and (ii) to provide a copy of her Department's bid for the June monitoring round.

**(AQW 2074/16-21)**

**Mrs O'Neill (The Minister of Health):**

- The answer to AQW 1246/16-21 was provided on 27 July 2016.
- The Minister of Finance has advised that a new approach to in-year monitoring has been adopted for 2016/17, whereby input to monitoring rounds will be informed by ongoing engagement between departments and officials from the Department of Finance (DoF). Based on this engagement, DoF will provide details of key pressures to be considered alongside an analysis of the overall public expenditure position. This will inform Ministerial discussions and Executive agreement on allocations through the in-year monitoring process. The new approach allows for an objective assessment of genuine pressures across departments and as such, it is more appropriate that the focus should be on what the outcome of monitoring rounds means for health and social care services.

**Ms Lockhart** asked the Minister of Health for an update on the breast cancer treatment waiting lists in the Southern Health and Social Care Trust.

**(AQW 2984/16-21)**

**Mrs O'Neill:** Information on breast cancer waiting times in relation to the 14 day Ministerial target is published quarterly on the Department's website:

<https://www.health-ni.gov.uk/articles/cancer-waiting-times>

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.



It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr McCrossan** asked the Minister of Health to detail the tendering process for domiciliary care services in the Western Health and Social Care Trust.

**(AQW 3216/16-21)**

**Mrs O'Neill:** The Western Health and Social Care Trust tender for the provision of independent sector domiciliary care was advertised in the Official Journal of the European Union on 22 July 2015. The tender closed on 15 September 2015 and on 1 March 2016 the Trust announced its intention to award contracts. However, the Trust subsequently received three sets of High Court proceedings which prevented it from entering into the contracts. All three sets of High Court proceedings were discontinued in September 2016 lifting the suspension on the Trust entering into the contracts. The Trust proceeded on 13 September 2016 to enter into contracts with the successful tenderers.

**Mr Hussey** asked the Minister of Health whether she will instigate disciplinary action against anyone found responsible for the underspend in the adult with learning disabilities service in the Western Health And Social Care Trust.

**(AQW 3469/16-21)**

**Mrs O'Neill:** I do not think it is helpful or appropriate to speculate about disciplinary action at this time. Rather, my focus is on ensuring that the Western Health and Social Care Trust continues to take robust action to address the concerns that have been raised by families and to ensure that the right services are provided to those with a learning disability in the area. As I have consistently made clear, I am closely monitoring this issue and will not be found wanting in my support for people with a learning disability and their families.

**Mrs Overend** asked the Minister of Health what steps she is taking to reduce the current waiting times for spinal appointments.

**(AQW 3498/16-21)**

**Mrs O'Neill:** I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

The Health and Social Care Board is working with the Trusts to introduce a new spinal pathway, whereby specialist physiotherapists in ICATS services throughout the North will triage, assess patients, arrange investigations and treat where appropriate, thereby ensuring that only patients who require surgical intervention will see a spinal surgeon.

The Belfast Trust has put in place additional spinal clinics aimed at reducing waiting times. However it continues to receive a large volume of urgent referrals. All patients continue to be treated in clinical order to ensure those in the greatest of need are prioritised.

It is important to recognise HSC staff who, notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Ms Mallon** asked the Minister of Health, in light of the comments by the deputy First Minister during Question Time on 19 September 2016, when she will present the (i) June monitoring round; and (ii) forthcoming October monitoring to the departmental committee.

**(AQW 3651/16-21)**

**Mrs O'Neill:** The Minister of Finance has advised that a new approach to in-year monitoring has been adopted for 2016/17, whereby input to monitoring rounds will be informed by ongoing engagement between departments and officials from the Department of Finance (DoF). Based on this engagement, DoF will provide details of key pressures to be considered alongside an analysis of the overall public expenditure position. This will inform Ministerial discussions and Executive agreement on allocations through the in-year monitoring process. The new approach allows for an objective assessment of genuine pressures across departments and as such, it is more appropriate that the focus should be on what the outcome of the monitoring round means for health and social care services.

My Department has updated the Committee on plans for the next budget period and addressed issues around the in-year position at that time.

**Mr McGrath** asked the Minister of Health to detail the number of people within her Department, the Health and Social Care Trusts and other departmental arm's-length bodies that are paid more than £100k per year, broken down by organisation. (AQW 4145/16-21)

**Mrs O'Neill:**

Public Body	Number of Staff Earning Over 100K 2015/16
Department of Health	2
Belfast HSC Trust	60
Northern HSC Trust	31
Southern HSC Trust	13
South Eastern HSC Trust	27
Western HSC Trust	23
NIAS	1
NIBTS	0
BSO	1
HSCB	7
PHA	7
NIGALA	0
NIMDTA	2
NISCC	0
PCC	0
NIPEC	0
RQIA	2
NIFRS	1
<b>Total</b>	<b>177</b>

**Mr Lyttle** asked the Minister of Health what difficulties exist to the recruitment and retention of senior consultants; and what action is being taken to remedy these difficulties.

(AQW 4619/16-21)

**Mrs O'Neill:** Trusts have experienced difficulties in the recruitment and retention of Consultant Staff in a number of specialities, including; Emergency Department, Radiology, Paediatrics, Geriatrics, Dermatology, Oncology, Cardiology, Oral & Maxillofacial Surgery (OMFS), and Urology.

In response to the current shortages in a number of medical specialities, a regional International Recruitment Project has been set up, and a framework of suppliers established. The primary supplier TTM Healthcare Ltd, has been engaged to source suitably qualified and experienced medical staff across a range of grades and specialities for consideration by HSC employers. The first recruitment campaign, which involved the interviewing of Paediatric and Emergency Medicine doctors, took place in India over the period 23rd – 29th November 2016. The team involved undertook a robust assessment of 37 candidates and have deemed 30 to be suitable for employment, 7 for Emergency Medicine and 23 for Paediatrics. HSC Medical Directors will now consider the final offers and allocations to be made after which timeframes for the arrival of appointees will be reviewed.

The Public Health Agency has also taken the lead on workforce planning reviews in relation to a series of medical specialities, to ascertain future training requirements.

Trusts are also working on various initiatives of their own to help with these difficulties, including:

- Developing recruitment and retention strategies;
- Targeted recruitment campaigns outside of Ireland and Britain for specific specialities;
- Ensure Job Plans are attractive and provide opportunities for continuing professional development, audit and research;
- Relocation and Associated expenses packages offered for substantive consultants appointments;
- The use of retired consultants on a part-time, time-limited basis to fill gaps while Trusts endeavour to fill the vacancies substantively;
- Surveys with doctors designed to improve the experience of joining a Trust; and
- Relocation support.

**Mr McCrossan** asked the Minister of Health what is the current waiting list for autism assessment, broken down by Health and Social Care Trust.

**(AQW 4845/16-21)**

**Mrs O'Neill:** Table 1 details the number of children waiting for an autism assessment at 30 September 2016 in each Health and Social Care (HSC) Trust area.

**Table 1**

HSC Trusts	Waiting time (weeks)							Total
	0 – 4	>4 – 8	>8 - 13	>13 - 18	>18 - 26	>26 - 39	>39	
Belfast	47	31	72	75	115	163	488	991
Northern	97	70	103	83	164	236	78	831
South Eastern	20	13	9	2	0	0	0	44
Southern	26	22	13	0	0	0	0	61
Western	4	29	46	64	72	81	102	398
<b>Total</b>	<b>194</b>	<b>165</b>	<b>243</b>	<b>224</b>	<b>351</b>	<b>480</b>	<b>668</b>	<b>2,325</b>

**Source:** Health and Social Care Board

Autism services in the North continue to be under significant pressure. Although staff in all of the HSC Trusts have been carrying out additional assessments since April by reliance on overtime and additional hours, the unprecedented demand for autism assessments continues to increase. The demand for assessments increased last year by 17% and this upward trend has continued into the current year.

As part of the Trust's recovery plans and utilising the additional £2 million investment made available this year, recruitment for additional permanent staff is well underway who, when in post, will have a key role in improving waiting list management. In addition, discussions are taking place to facilitate the assessment of children in some Trust areas to be undertaken by other Trusts where targets are currently being met.

**Mr Butler** asked the Minister of Health to detail the number of people waiting as of 1 October 2016 for elective surgery in each (i) hospital; and (ii) Health and Social Care Trust, broken down by procedure; and how this compares to 1 October in each of the last five years.

**(AQW 4925/16-21)**

**Mrs O'Neill:** Inpatient waiting times information is not produced at procedure level, but is published on a quarterly basis by specialty and HSC Trust level at the link below.

<https://www.health-ni.gov.uk/articles/inpatient-waiting-times>

Information on the number of people waiting for elective surgery in each hospital is shown in the following table for the position at 30th September in each of the last 5 years.

Hospital	Total number waiting at 30th September				
	2012	2013	2014	2015	2016
Altnagelvin <sup>2</sup>	6,039	6,019	5,742	8,708	11,674
Antrim <sup>1</sup>	2,755	2,141	2,893	3,365	3,654
Banbridge	191	205	76	86	39
Beechcroft	0	<5	0	0	0
Belfast City	4,918	4,321	5,950	7,977	8,589
Braid Valley	0	0	0	<5	8
Causeway	2,160	1,753	2,071	2,353	2,021
Craigavon Area	6,341	5,033	4,932	5,365	6,281
Daisy Hill	951	895	1,358	1,789	1,585
Downe	443	597	599	977	1,009
Knockbracken	<5	<5	<5	0	<5
Lagan Valley	1,035	891	1,105	1,709	1,633

Hospital	Total number waiting at 30th September				
	2012	2013	2014	2015	2016
Mater	3,193	2,991	3,195	2,855	3,757
Mid-Ulster	434	386	447	639	709
Musgrave Park	6,028	6,032	7,205	6,849	6,572
Newtownards	1,113	961	1,049	1,349	1,382
Royal - Children's	1,003	1,057	942	1,402	1,628
Royal Victoria	7,252	7,886	7,011	8,208	8,774
School of Dentistry	84	71	119	170	181
South Tyrone	1,449	1,152	1,401	1,906	1,829
South West <sup>3</sup>	1,137	1,058	1,099	1,232	1,446
Tyrone County	994	895	1,079	944	1,105
Ulster <sup>4</sup>	2,589	2,342	2,833	3,975	5,354
Whiteabbey	610	533	584	837	804

**Source:** DoH Inpatient Waiting Times Dataset

\*Cells containing less than five have been masked to protect patient confidentiality

- 1 A small number of cases which could not be attributed to a specific hospital site in Northern Trust have been included within the Antrim Area Hospital figures.
- 2 During 2015/16, Northern Trust ophthalmology patients treated by a visiting consultant from Western Trust have been attributed to Altnagelvin Hospital.
- 3 A small number of cases which could not be attributed to a specific hospital site in Western Trust have been included within the South West Acute Hospital figures.
- 4 A small number of cases which could not be attributed to a specific hospital site in South Eastern Trust have been included within the Ulster Hospital figures.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Butler** asked the Minister of Health to detail the number of outpatients that have not been seen within the maximum waiting time target in each local hospital, in the each of the last five years.

**(AQW 4927/16-21)**

**Mrs O'Neill:** Waiting times for a first consultant-led outpatient appointment is not available by hospital as it is collected and reported on the basis of Health and Social Care Trust, rather than hospital.

Information on the number of outpatients waiting over the maximum waiting time in each HSC Trust, during each of the last five years, is shown in the following table. Data are presented for the position at 30th September 2016, the most recent quarter for which official statistics are available; and at the same point in time for each of the four years previous.

It should be noted that the maximum waiting time target has changed over the five years. The maximum waiting time, as set out in the Ministerial target for each financial year, was as follows: 21 weeks at 30th September 2012; 18 weeks at 30th September 2013; 15 weeks at 30th September 2014; 18 weeks at 30th September 2015; and 52 weeks at 30th September 2016.

HSC Trust	30th September 2012	30th September 2013	30th September 2014	30th September 2015	30th September 2016
	Total Waiting >21 weeks	Total Waiting >18 weeks	Total Waiting >15 weeks	Total Waiting >18 weeks	Total Waiting >52 weeks
Belfast	3,379	5,156	23,252	48,189	22,939
Northern	177	811	4,852	13,357	1,955
South Eastern	967	65	5,494	23,963	6,019
Southern	529	205	4,577	13,676	3,827
Western	558	554	3,267	10,536	4,817

**Source:** Departmental CH3 Return

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

I have set out my vision for what our health and social care services should look like in Delivering Together; I am now seeking to engage with members of the public, organisations and medical professionals to get their input into shaping how services should be delivered.

**Mr Butler** asked the Minister of Health to detail the number of (i) nursing; and (ii) doctor posts and vacancies on 1 October in each of the last five years.

**(AQW 5041/16-21)**

**Mrs O'Neill:**

#### **Belfast HSC Trust**

##### **Posts**

At 14 October 2016, there were 7,418 Nursing & Midwifery staff (including nurse support staff) and 1,836 Medical staff in post in the Belfast HSC Trust. Information for previous years cannot be provided.

##### **Vacancies**

At 14 October 2016, there were 219 Band 5 nursing vacancies and 117.85 WTE doctor vacancies in the Belfast HSC Trust. Information for previous years cannot be provided.

#### **Northern HSC Trust**

##### **Posts**

At 30 September 2016, there were 2,847 nursing staff and 591 medical staff in post in the Northern HSC Trust. Information for previous years cannot be provided.

##### **Nursing vacancies on 1 October in each of the last 5 years**

Year	Vacancies *
October 2012	65
October 2013	84
October 2014	85
October 2015	Not available
October 2016	305

\* Includes vacant unfilled posts and those filled by candidates completing checks but not yet in post.



**Doctor vacancies**

At 18 October 2016, there were 34 medical vacancies in the Northern HSC Trust. Information for previous years cannot be provided.

**South Eastern HSC Trust****Posts**

At 18 October 2016, there were 2,033 nursing staff and 650 doctors in post in the South Eastern HSC Trust. Information for previous years cannot be provided.

**Vacancies**

At 1 October 2016, there were 13 doctor vacancies and at 18 October 2016 there were 128 nursing vacancies in the South Eastern HSC Trust. Information for previous years cannot be provided.

**Southern HSC Trust****Nursing posts on 30 September in each of the last five years**

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
September 2012	2,467	2067.35	30	23.06	2,497	2090.41
September 2013	2,466	2069.19	74	56.58	2,540	2125.77
September 2014	2,421	2057.99	83	65.62	2,504	2123.61
September 2015	2,544	2196.38	58	44.38	2,602	2240.76
31 August 2016	2,638	2302.29	50	30.29	2,688	2332.58

**Nursing vacancies on 30 September in each of the last five years**

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
September 2012	26	25.30	10	9.27	36	34.57
September 2013	22	18.56	6	4.25	28	22.81
September 2014	107	101.96	18	17.40	124	119.36
September 2015	89	83.16	11	8.54	94	91.70
31 August 2016	244	-	36	-	280	-

**Doctor posts on 30 September in each of the last five years**

\*Doctors in training are included as temporary

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
September 2012	337	304.11	250	238.68	587	542.79
September 2013	348	310.14	261	249.42	609	559.56
September 2014	357	287.41	262	250.68	619	538.09
September 2015	387	311.56	266	248.33	653	559.88
31 August 2016	376	311.44	267	249.03	643	560.47

**Doctor vacancies on 30 September in each of the last five years**

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
September 2012	13	13.00	10	9.93	23	22.93
September 2013	24	24.00	12	12.00	36	36.00
September 2014	16	15.20	23	23.00	39	38.20

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
September 2015	31	31.00	27	27.00	58	58.00
31 August 2016	62	-	21	-	83	-

**Western HSC Trust****Nursing posts on 1 October in each of the last five years**

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
October 2012	2,429	2187.72	118	106.12	2,547	2293.84
October 2013	2,389	2156.93	181	163.86	2,570	2320.79
October 2014	2,491	2251.74	146	128.75	2,637	2380.49
October 2015	2,488	2241.88	161	140.97	2,649	2382.85
October 2016	2,611	2362.05	93	83.14	2,704	2445.19

**Nursing vacancies on 1 October in each of the last five years**

Year	Vacancies
October 2012	107
October 2013	36
October 2014	52
October 2015	74
October 2016	110

**Doctor posts on 1 October in each of the last five years**

Year	Permanent		Temporary		Total	
	HC	WTE	HC	WTE	HC	WTE
October 2012	469	453.42	49	41.34	518	494.76
October 2013	477	458.00	52	39.70	529	497.70
October 2014	424	404.20	99	85.80	523	490.00
October 2015	305	287.21	224	212.65	529	499.86
October 2016	301	284.08	277	258.30	578	542.38

**Doctor vacancies**

At 18 October 2016, there were 127.9 WTE medical vacancies in the Western HSC Trust. Information for previous years cannot be provided.

**Mr Smith** asked the Minister of Health (i) to detail the number of departmental and arm's-length body staff that exited under the Voluntary Exit Scheme, broken down by grade; (ii) how many of these posts were then suppressed; and (iii) (a) what proportion; and (b) how many posts were later (1) advertised; and (2) filled by internal promotion.

**(AQW 5245/16-21)**

**Mrs O'Neill:** The table at Annex A details the (i) number of departmental and arm's-length body staff that exited under the 2015/16 Voluntary Exit Scheme, broken down by grade; (ii) the number of these posts that were suppressed; (iii)(a) the proportion suppressed and (b) the number of posts later (1) advertised and (2) filled by internal promotion. Several posts vacated through the HSC VES Scheme were filled by members of staff who were displaced as a result of organisational change, in accordance with the terms of the Scheme.

## Annex A

Organisation	Number of staff exiting (headcount) by grade 2015/16	Number of posts suppressed	Proportion of posts suppressed	Number of posts advertised	Number of posts filled
BHSCT	1 x Band 8D 1 x Band 8B 1 x Band 8A 6 x Band 7 7 x Band 6 4x Band 5 1 x Band 3	21	100%	0	0
WHSCT	1 x Band 8C 1 x Band 8B 3 x Band 8A 1 x Band 7 1 x Band 6 1 x Band 5 3 x Band 4 9 x Band 3 15 x Band 2 1 x Band 1	33	92%	0	1
NHSCT	1 x Senior Executive 1 x Band 8D 1 x Band 8C 2 x Band 8B 2 x Band 8A 6 x Band 7 3 x Band 6 3 x Band 5 1 x Band 4 5 x Band 3 4 x Band 2 1 x Band 1	29	97%	1	1
SHSCT	3 x Band 8B 1 x Band 8A 3 x Band 7 2 x Band 3 3 x Band 2	12	100%	0	1
SEHSCT	3 x Band 8C 4 x Band 8B 2 x Band 8A 2 x Band 7 1 x Band 6 5 x Band 5 1 x Band 4	16	89%	2	0
BSO	1 x Band 8B 1 x Band 8A 2 x Band 7 4 x Band 5 1 x Band 3	9	71%	3	3*
HSCB	1 x Consultant 3 x Band 8D 2 x Band 8C 8 x Band 8B 10 x Band 8A 2 x Band 7 5 x Band 6 2 x Band 5 8 x Band 4 1 x Band 3 1 x Band 2	43	100%	0	0

Organisation	Number of staff exiting (headcount) by grade 2015/16	Number of posts suppressed	Proportion of posts suppressed	Number of posts advertised	Number of posts filled
PHA	2 x Consultant 1 x Band 8D 6 x Band 8C 1 x Band 8B 3 x Band 8A 11 x Band 7 4 x Band 6 1 x Band 5 3 x Band 4 4 x Band 3	36	94%	0	2**
NIPEC	1 x Band 5 1 x Band 3	2	100%	0	0
NIFRS	1 x Scale 1 2 x Scale 6 1 x PO1 2 x Station Commander	6	100%	0	0
NIMDTA	1 x Community Dental Advisor 1 x Band 8B 1 x Band 6 1 x Band 4	4	100%	0	0
NIAS	1 x Band 5	1	100%	0	0
DoH	5 x Grade 5-7 11 x DP 8 x SO 5 x EO1 7 x EO2 6 x AO 16 x AA	20	34%	0	1

\* 1 post is a temporary cover

\*\* 2 posts backfilled on a temporary basis

**Mr Smith** asked the Minister of Health what is the (i) average; and (ii) longest time a breast cancer patient has had to wait for (a) a routine breast referral; (b) an urgent breast referral; and (c) breast surgery, in the South Eastern Health and Social Care Trust to date in 2016.

**(AQW 5342/16-21)**

**Mrs O'Neill:** The table below details the average and maximum waiting time (in days) for patients who were diagnosed with a new breast cancer between 1st January 2016 and 30th September 2016.

	(i) Average wait (days)	(ii) Max wait (days)
(a) Seen Following Routine Breast Referral	156.0	189.0
(b) Seen Following Urgent Breast Referral	12.2	24.0
(c) Surgery (from decision to treat)	12.8	33.0
(c) Surgery (from urgent referral)	37.0	79.0

**Source:** South Eastern HSC Trust

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Swann** asked the Minister of Health to detail the driving qualifications required for ministerial drivers when employed by (i) her Department; and (ii) herself or her party.

**(AQW 5571/16-21)**

**Mrs O'Neill:** Prior to April 2011 NICS drivers were recruited and employed by DOF (previously DFP), the last recruitment to these grades took place in 2001 and records have been destroyed in line with the disposal schedule. Should it be necessary to recruit a Ministerial driver in the future, the required driving qualifications will be considered at that stage.

**Mr Attwood** asked the Minister of Health to detail (i) the total financial reserves held by each Health and Social Care Trust; and (ii) the financial reserves each Health and Social Care Trust has used

in each of the last five years.

**(AQW 5581/16-21)**

**Mrs O'Neill:** The HSC Trusts' reserves for the period ending 31 March 2016 are summarised in the following table and have been extracted from the latest Statements of Financial Position contained within the 2015/16 audited annual accounts:

	<b>Revaluation Reserve<sup>(1)</sup></b> <b>£000</b>	<b>SoCNE Reserve<sup>(2)</sup></b> <b>£000</b>	<b>Charitable Trust Funds<sup>(3)</sup></b> <b>£000</b>	<b>Total Reserves</b> <b>£000</b>
WH SCT	87,763	372,058	3,503	463,324
BH SCT	195,658	745,056	42,550	983,264
SH SCT	47,080	168,430	2,855	218,365
SEH SCT	88,730	364,513	5,335	458,578
NH SCT	101,963	222,723	5,607	330,293
NIAS	6,377	7,509	0	13,886
	527,571	1,880,289	59,850	2,467,710

**Notes:**

- (1) Revaluation Reserve: This reserve is created when the value of an asset becomes greater than the value at which it was previously carried on the Statement of Financial Position. It is used for accounting purposes to record the underlying value of the trusts' assets.
- (2) SoCNE Reserve: The Statement of Comprehensive Net Expenditure Reserve is used for accounting purposes to record the accumulated balance of investment by the Department.
- (3) Charitable Trust Funds: Charitable Trust Funds are managed independently of normal HSC Trust operations and are utilised for the purpose intended by the benefactor.

The year on year movements and utilisation of these financial reserves reflect the various accounting policies applied each year and do not represent cash balances which are not allowed to be carried forward.

**Mr O'Dowd** asked the Minister of Health what plans the Southern Health and Social Care Trust has for the old health centre site in Banbridge; and whether in the interim it would be possible for the car park at the site to be used as a public car park as requested by Banbridge Chamber of Commerce.

**(AQW 5715/16-21)**

**Mrs O'Neill:** The Southern HSC Trust no longer requires this site for the delivery of health related service and the disposal process for this Trust property asset is currently underway. The Trust is currently working with Council representatives to progress this matter and has proposed a short term Lease to enable the Council to take over the site until such times as a disposal date is confirmed.

The Council is currently considering this proposal and has indicated that they will respond to the Trust after the next Council meeting on 19 December.

**Dr Farry** asked the Minister of Health to outline the circumstances when she or her Special Adviser must give clearance before a Freedom of Information response can be issued.

**(AQW 5799/16-21)**

**Mrs O'Neill:** Neither I nor my Special Adviser 'clear' Freedom of Information responses. Responses are issued directly by business areas in my Department. On occasions I will be given sight of responses prior to issue for information only. The only circumstance when I will be involved in the process of responding to a Freedom of Information request is when an exemption



under section 36 in the FOI Act is being applied. In this case I am required as the 'Qualified Person' under the legislation to satisfy myself that the public interest is best served by withholding the information requested under that exemption.

**Mr Carroll** asked the Minister of Health whether she will rule out any future of use of Private Finance Initiatives and Public Private Partnership schemes in the Health Service.

**(AQW 5834/16-21)**

**Mrs O'Neill:** While I do not believe PFI and PPP are the preferable route for financial decisions must consider value for money which is demonstrated in a Business Case that complies with the funding projects Guide to Economic Appraisal and Evaluation (NIGEAE). For projects in excess of £50m it is a requirement that alternative sources of finance such as PFI/PPP must be considered and therefore I cannot rule out future use of PFI/PPP.

**Mrs Dobson** asked the Minister of Health whether she will work with Her Majesty's Revenue and Customs to ease the process by which retired General Practitioners may return to practice on a part-time basis.

**(AQW 6016/16-21)**

**Mrs O'Neill:** I note that there was a change in the tax-free pension savings allowance in April this year which may potentially impact on retiring GPs wishing to return to practice. Whilst the setting of that rate is a reserved matter, I want to take steps to support GPs to remain in practice where possible. The GP retainer scheme for the north launched earlier this year, and has already secured the retention of 25 practitioners, who may otherwise have retired or moved into alternative roles.

**Mr Butler** asked the Minister of Health why Health and Wellbeing 2026: Delivering Together did not include costings or budget lines.

**(AQW 6147/16-21)**

**Mrs O'Neill:** The transformation programme outlined in my ministerial statement, Delivering Together cannot happen without investment.

The cost of transformation may be significant and the approach will be iterative over the next 10 years. At this point, it is not possible to be definitive about the cost of the overall programme of work. The detailed design of HSC services moving forward will be developed through a process of co-production. Once the process of design and co-production has started financial requirements will become clearer.

In endorsing the vision set out in Delivering Together, the Executive have recognised that there is a need for additional funding. I will continue to engage with the Department of Finance on funding of the transformation programme outlined in Delivering Together but cannot pre-empt the outcome of the budgetary process.

**Lord Morrow** asked the Minister of Health what assurances she can give that there will be no reduction in stroke services and clinics at the South West Acute Hospital.

**(AQW 6525/16-21)**

**Mrs O'Neill:** My Department is working with the Public Health Agency and the Health and Social Care Board to develop a new model of sustainable stroke services to further improve the standard of treatment and care provided to stroke patients in the North. A consultation on the proposed criteria to be used to reconfigure, change and improve our health service commenced on 11th November 2016. As part of this process a consultation on proposals to develop sustainable Stroke services will begin in February 2017.

The new model of stroke services will be built around improving care. It is not about hospitals; it is about providing better services and better outcomes. I can assure the member that any significant change in how services are delivered will include full engagement with those who use and deliver them.

**Mr Anderson** asked the Minister of Health when she will answer AQW 3725-16/21.

**(AQW 6757/16-21)**

**Mrs O'Neill:** I answered AQW 3725/16-21 on the 9 November 2016.

**Mr Anderson** asked the Minister of Health when she will answer AQW 3753-16-21.

**(AQW 6758/16-21)**

**Mrs O'Neill:** I answered AQW 3753/16-21 on the 9 November 2016.

**Mr Anderson** asked the Minister of Health when she will answer AQW 4046-16-21.

**(AQW 6759/16-21)**

**Mrs O'Neill:** I answered AQW 4046/16-21 on the 13 December 2016.

**Ms Seeley** asked the Minister of Health when her Department will bring forward revised fostering regulations.  
(AQW 6763/16-21)

**Mrs O'Neill:** I intend to seek Health Committee scrutiny of draft Fostering Regulations within a short timeframe.

**Ms Seeley** asked the Minister of Health whether her Department will issue a strategic statement on looked after children.  
(AQW 6764/16-21)

**Mrs O'Neill:** My Department is currently developing a specific strategy to improve the well-being and outcomes of all looked after children, which it is intended to issue for formal consultation by spring 2017.

**Mr Durkan** asked the Minister of Health how many people are on a waiting list for a hip operation in each Health and Social Care Trust; and what is the waiting time in each Trust.  
(AQW 6765/16-21)

**Mrs O'Neill:** Information on the number of patients waiting for hip replacement operations (including revisions), and the average waiting time in weeks at 30th June 2016, the most recent quarter for which official statistics are available, is shown in the table below.

HSC Trust <sup>1</sup>	Total Waiting <sup>2</sup>	Average Weeks Waiting
Belfast	1,484	28.7
South Eastern	<5	0.4
Southern	262	23.5
Western	659	39.4

**Source:** DoH Inpatient Waiting Times Dataset

\*cell sizes have been masked to protect patient confidentiality.

- Hip replacement operations are not carried out within the Northern HSC Trust.
- Hip replacement procedures were identified using the Office of Population Censuses and Surveys tabular list of operations and procedures (OPCS – 4.7) codes W37, W38, W39, W46, W47, W48, W93, W94 and W95.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr McNulty** asked the Minister of Health whether her Department regards Applied Behaviour Analysis as a science, with the relevant training standards associated with a scientific discipline.  
(AQW 6771/16-21)

**Mrs O'Neill:** Applied Behaviour Analysis is recognised by my Department as a therapy that uses a scientific approach and, as with other therapeutic interventions, those delivering Applied Behaviour Analysis should be appropriately trained to ensure the quality of service provided.

**Mr McPhillips** asked the Minister of Health how many GPs were employed in Fermanagh and South Tyrone in each of the last five years.  
(AQW 6773/16-21)

**Mrs O'Neill:** GPs are not employed but are independent contractors who hold a contract with the Health and Social Care Board. Information on the number of GPs who are located within Fermanagh and South Tyrone in each of the last five years is shown in Table 1 below.

**Table 1: Number of GPs in Fermanagh and South Tyrone in each of the last 5 years**

Year	Number of GPS
April 2012	77

Year	Number of GPS
April 2013	74
April 2014	75
April 2015	78
April 2016	81

**Source:** HSC Business Services Organisation

**Ms Boyle** asked the Minister of Health for an update on the expansion work at Parkview Nursing Home in Castlederg.  
(AQW 6774/16-21)

**Mrs O'Neill:** As Parkview House nursing home is operated and owned by Apex Housing Association, an independent care home provider, the Member should contact the owners directly for an update on any expansion work.

**Mr McPhillips** asked the Minister of Health whether her Department plans to increase car parking provision at the South West Acute Hospital.  
(AQW 6821/16-21)

**Mrs O'Neill:** The Trust continues to monitor the provision of car parking on the South West Acute Hospital site. Current provision has been impacted by a capital works scheme on site, which has required the segregation of a number of car parking spaces for use by the contractor. It is planned that these will be returned to general use in January 2017 when works are fully completed.

The Trust is working to identify opportunities on the hospital site to maximise the number of spaces and has completed a scoping exercise which has identified the potential for a small number of additional spaces. The Trust will prepare a business case for funding which will be considered alongside other capital investment priorities and will be dependent on future budget availability, value for money and affordability.

**Mr Mullan** asked the Minister of Health to detail the number of beds in the Causeway Hospital, Coleraine occupied by patients as a result of bed blocking in each of the last three years; and the number of beds occupied by patients where relatives failed to turn up to collect them in the same period.  
(AQW 6822/16-21)

**Mrs O'Neill:** It is not possible to identify the number of beds occupied by (i) patients as a result of bed blocking or (ii) patients where relatives failed to turn up to collect them.

My Department currently monitors the number of discharges from acute hospitals delayed longer than agreed timescales, as per the Commissioning Plan Direction, which states that:

'From April 2016, ensure that all non-complex discharges from an acute hospital take place within six hours.'

Information is presented in the table below on the total number of non-complex discharges in Causeway Hospital, the number of these delayed for longer than the target time of 6 hours and the number of delays in excess of the target, where the reason for delay was given as 'awaiting transport from family or friends'.

#### Non complex Discharges

Year	Total Non-Complex Discharges	Delayed over 6 hours	% within 6 hours	Delayed awaiting transport from family or friends
2013/14	8,769	275	96.9%	38
2014/15	8,972	354	96.1%	23
2015/16	8,554	338	96.0%	12

**Source:** Admissions and Discharges Universe, Business Objects

**Mr Lyttle** asked the Minister of Health when she plans to launch an ovarian cancer public awareness campaign.  
(AQW 6835/16-21)

**Mrs O'Neill:** The Public Health Agency is currently delivering a 'Be Cancer Aware' campaign to improve the public's awareness of signs and symptoms of cancer. As part of this campaign, the Agency launched an ovarian cancer awareness programme in September 2014 in partnership with Target Ovarian Cancer and Angels of Hope, a local charity. This entailed the widespread distribution of leaflets and posters to highlight the signs and symptoms of the illness.

The Agency has also developed a website at [www.becancerawareni.info](http://www.becancerawareni.info) which: provides information about signs and symptoms of a range of cancers, including ovarian cancer; explains what people can do if concerned; and signposts to recommended sources of support. The Agency is also reviewing available evidence from other cancer awareness campaigns to help inform the next phase of the Be Cancer Aware programme.

**Mr Butler** asked the Minister of Health to detail the total cost of treatment for overseas visitors that each Health and Social Care Trust has written off over each of the last five years, broken down by country of origin; and how many patients or treatments were involved.

**(AQW 6852/16-21)**

**Mrs O'Neill:** The Northern Health and Social Care Trust and the South Eastern Health and Social Care Trust have confirmed that they have not written off any debt in relation to the treatment of overseas visitors over the last five years. Information provided by the Western, Belfast and Southern Health and Social Care Trusts is set out in the tables below:

#### Western Health and Social Care Trust

Country of origin	£ (treatment episodes)				
	2011/12	2012/13	2013/14	2014/15	2015/16
Canada	-	73 (3)	34 (2)	238 (2)	-
China	-	-	-	-	6,922 (1)
Singapore	-	-	-	-	119 (1)
USA	1,300 (6)	604 (5)	4,685 (5)	5,859 (8)	76 (1)
Dubai	84 (1)	-	-	-	-
Senegal	232 (2)	-	-	-	-
<b>Total</b>	<b>1,616</b>	<b>677</b>	<b>4,719</b>	<b>6,097</b>	<b>7,117</b>

#### Belfast Health and Social Care Trust

Country of origin	£ (treatment episodes)		
	2013/14 1	2014/15	2015/16 2
Canada	-	-	31 (1)
USA	-	-	4,384 (3)
Nigeria	-	-	879 (1)
Not known	-	-	8,101 (2)
<b>Total</b>	<b>Nil</b>	<b>Nil</b>	<b>13,395</b>

#### Notes

- Information in the format requested is not available prior to 2013/14 financial year.
- Amounts written off in 2015/16 relate to treatment episodes which occurred in earlier years.

#### Southern Health and Social Care Trust 1

	£
2011/12	26,362
2012/13	3,628
2013/14	10,036
2014/15	11,768
2015/16	60,848

Note 1: Information is not available in the format requested. The table above details all chargeable patient debt written off by the Southern HSC Trust in the last five years. Chargeable patients include any patients not entitled to receive treatment free of charge and are not limited to overseas visitors.

**Mrs Dobson** asked the Minister of Health to detail any planned relocations of staff within the sites owned by the Southern Health and Social Care Trust.

**(AQW 6856/16-21)**

**Mrs O'Neill:** A small number of staff within the Older People & Primary Care Directorate may require relocation as a result of new management arrangements which will see the transfer of these staff from Intermediate Care and Stroke Services to Integrated Care Teams. It is planned to have these relocations completed by 31st March 2017.

Changes are expected for some staff within the Children and Young People Services Directorate following organisational changes within the Integrated Care Teams. The details are not yet confirmed.

A consultation process has completed following changes to the role of Social Worker within the Autism Service. This will result in some relocation of staff between sites. Relocation details are not yet finalised.

**Ms Mallon** asked the Minister of Health to detail (i) how many children and young people are on dental waiting lists; and (b) the length of time they are expected to wait for paediatric dental treatment, broken down by Health and Social Care Trust.

**(AQW 6857/16-21)**

**Mrs O'Neill:** Information on waiting times for a first consultant led outpatient dental appointment is not available by age, and therefore information in this response relates to inpatient waiting times only.

Information on the number, and average waiting time, of children and young people waiting for inpatient dental treatment at 30th June 2016 is shown in the following table.

HSC Trust	Number of children and young people waiting <sup>1</sup>	Average number of weeks waiting
Belfast	595	18.3
Northern	-	-
South Eastern	45	12.4
Southern	9	7.7
Western	54	17.4

**Source:** DoH Inpatient Waiting Time dataset

1 Information relates to those patients waiting within the following three specialties; oral surgery, restorative dentistry and paediatric dentistry. There were no patients awaiting inpatient treatment within these specialties in the Northern HSC Trust.

\* Children and young people are defined as those less than 18 years of age.

**Mrs Dobson** asked the Minister of Health pursuant to AQO 617/16-21, to list all areas she is raising with the Government of the Republic Of Ireland as potential sources of future cross-border health co-operation.

**(AQW 6900/16-21)**

**Mrs O'Neill:** I have proposed a number of areas where there is potential for further all-island collaboration in health and social care. These include human organ transplantation; rare diseases; genomic medicine; deep brain stimulation; stem cell and regenerative medicine; major trauma; acute hospital service provision; eating disorders; perinatal mental health services; and child and adolescent mental health services (CAMHS). My Department will continue to explore areas where there is potential for further collaboration on an all-island basis.

**Mr Anderson** asked the Minister of Health whether any unannounced inspections of Craigavon Area Hospital have been carried out by the Regulation and Quality Improvement Authority in the last 12 months; and to outline the findings of such inspections.

**(AQW 6970/16-21)**

**Mrs O'Neill:** An unannounced inspection of Craigavon Area Hospital took place in April 2016. The report of the findings is available on the RQIA website: [www.rqia.org.uk](http://www.rqia.org.uk).

**Mr Allister** asked the Minister of Health to detail (i) the persons or bodies to whom her Department has provided hospitality; and (ii) the cost of providing this hospitality, in each of the last twelve months.

**(AQW 6992/16-21)**

**Mrs O'Neill:**

- i. Hospitality expenditure in my Department has reduced by 88% in the last 7 years.
- ii. Details of the persons or bodies to whom my Department has provided hospitality to in each of the last twelve financial months (2015/16) is not readily available and can only be provided at a disproportionate cost.



iii. Hospitality expenditure in each of the last twelve financial months (2015/16) is set out in the table below.

April £	May £	June £	July £	Aug £	Sept £	Oct £	Nov £	Dec £	Jan £	Feb £	Mar £	Total £
1,520	3,330	3,029	173	764	536	2,084	2,344	1,266	1,838	3,129	4,223	24,236

**Mr Hussey** asked the Minister of Health whether the report into the treatment of clients at Ralph's Close in 2014 will be made public; and if not, to outline the reasons for this position.

**(AQW 7000/16-21)**

**Mrs O'Neill:** Allegations of abuse in respect of Ralph's Close first arose in July 2012 and were investigated under the Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults. The PSNI was the lead agency in this investigation. Once the PSNI investigation was completed, the Western Trust carried out its own adult protection investigation in line with regional policy and procedures which was completed in January 2014. Such reports are not normally published due to the information they contain that could prejudice future legal proceedings and, also in this case, to preserve the privacy of residents at Ralphs Close. The findings of the report were, however, shared with the families concerned, staff, the Health and Social Care Board, the Department of Health and the Regulation Quality Improvement Authority. The families have also been informed that they will receive a copy of the report, pertinent to their relative, once all the formal processes instigated by the Trust in relation to affected staff are completed.

**Mr Middleton** asked the Minister of Health what steps her Department is taking to produce a regional strategy and address the inequality of services faced by people affected by Huntingtons' Disease.

**(AQW 7003/16-21)**

**Mrs O'Neill:** While I have no plans to produce a regional strategy for Huntington's Disease, the member will wish to note that in October 2015, my Department published 'Providing High Quality Care for people affected by Rare Diseases – The NI Implementation Plan for Rare Diseases'.

The plan reaffirms my Department's commitment to ensure that people living with a rare disease such as Huntington's Disease have access to the best evidence-based care and treatment in the north of Ireland.

People diagnosed with Huntington's Disease have access to the full range of core community health and social care services across the North of Ireland including physiotherapy, occupational therapy, community nursing, speech and language therapy, dietetics, social work / social care, domiciliary care, day care and day time opportunities and respite, including specialist respite.

**Ms Seeley** asked the Minister of Health what steps her Department is taking to advance a regional strategy to improve services available for people effected by Huntington's Disease.

**(AQW 7005/16-21)**

**Mrs O'Neill:** While I have no plans to produce a regional strategy for Huntington's Disease, the member will wish to note that in October 2015, my Department published 'Providing High Quality Care for people affected by Rare Diseases – The NI Implementation Plan for Rare Diseases'.

The plan reaffirms my Department's commitment to ensure that people living with a rare disease such as Huntington's Disease have access to the best evidence-based care and treatment in the north of Ireland.

**Mr Robinson** asked the Minister of Health what plans her Department is developing to increase the use of IT in delivering patient services.

**(AQW 7006/16-21)**

**Mrs O'Neill:** The eHealth and Care Strategy for the HSC which was published in March this year set out a range of measures for the increased use of IT to support the delivery of health and cares services between now and 2020. A key commitment flowing from the Strategy is to develop ways to enable people to interact with the HSC electronically. There has already been significant progress in areas such as prescription ordering and online appointment booking, with 90% of GP practices now having the facility to offer these services.

On 25 October 2016 I published Health and Wellbeing 2026: Delivering Together setting out the actions I plan to take to lead the transformation of health and social care in the North. It reflects my belief that, by providing for greater online access to health and care advice and information, we can empower patients and service users to become more engaged in managing their own wellbeing. Key proposals to maximise the potential of IT include an extension of the pilot of the online and phone triage system, AskMyGP, to a further thirty GP practices by mid-December. Longer term proposals include the creation of an electronic patient portal which will enable citizens to interact with the health service and which will in due course provide for online access to personal health and care records. A portal for dementia patients is expected to be in place next year.

**Mr Swann** asked the Minister of Health how many times (i) Health and Social Care Trusts; (ii) agencies; and (iii) the Ambulance Service have exercised discretion in extending the period for which a member of staff could receive full pay or half pay, in each of the last three years.

**(AQW 7012/16-21)**

**Mrs O'Neill:** This question has been interpreted as relating to the management of HSC sickness absence. The table below sets out the number of times HSC Employers have exercised discretion in extending the period for which a member of staff could receive full pay or half pay, in each of the last three financial years is as follows.

Year	i) HSC Trust	(ii) Agencies*	(iii) NIAS
2013/14	3	0	1
2014/15	6	0	0
2015/16	5	1	1

\* For the purposes of this response "agencies" is taken to mean all other arms length bodies

**Mr Butler** asked the Minister of Health to detail the current number of children waiting for an autism spectrum assessment; and how this compares to each of the previous five years.

**(AQW 7041/16-21)**

**Mrs O'Neill:** Table 1 below details the number of children waiting for an autism spectrum assessment in the north of Ireland at 30 September in each of the last five years.

**Table 1**

Year	No. of children
2012	607
2013	653
2014	1,107
2015	1,836
2016	2,325

**Source:** Health and Social Care Board

Autism services in the North continue to be under significant pressure. Although staff in all of the HSC Trusts have been carrying out additional assessments since April by reliance on overtime and additional hours, the unprecedented demand for autism assessments continues to increase. The demand for assessments increased last year by 17% and this upward trend has continued into the current year.

Furthermore, an assessment for autism is a process rather than a single event which can occur over a series of appointments and take a number of months to complete. The number of children diagnosed with autism during the year ending 30 September 2016 increased by 49% compared with the previous year. These figures are published on the Department's website

<https://www.health-ni.gov.uk/publications/quarterly-autism-spectrum-disorder-statistics-ni-july-september-2016>

A key feature of the Trusts' recovery plans has been reliance on overtime and additional hours to increase capacity (due to the limited availability of appropriately skilled staff for temporary posts). Utilising the additional £2m investment made available this year, recruitment for additional permanent staff is well underway who, when in post, will have a key role in improving waiting list management. In addition, discussions are taking place to facilitate the assessment of children in some Trust areas to be undertaken by other Trusts where targets are currently being met.

**Ms P Bradley** asked the Minister of Health what plans she has to replace the 2011-2016 Promoting Good Nutrition policy. **(AQW 7066/16-21)**

**Mrs O'Neill:** At this time I do not have any plans to replace the Nutrition Strategy Promoting Good Nutrition: A Strategy for Good Nutritional Care for Adults in all Care Settings in N. Ireland 2011 - 2015.

'Promoting Good Nutrition: A Strategy for Good Nutritional Care for Adults in all Care Settings in N. Ireland 2011 - 2015' was launched in 2011.

The vision of the strategy was to improve the quality of nutritional care of adults in Northern Ireland in health and social care, through the prevention, identification and management of malnutrition in all health and social care settings including in their own homes.

**Mr McAleer** asked the Minister of Health to detail (i) what steps have been taken to implement the Rural Needs Act at all levels within her Department; and (ii) what training and guidance has been provided to managers and officials within her Department on how to apply it.

**(AQW 7159/16-21)**

**Mrs O'Neill:**

- (i) In line with the existing Executive commitment from 2002, which was reaffirmed in 2009, individual Departments are currently responsible for rural proofing their respective new and revised policies and strategies, meaning the implementation of the Rural Needs Act should not have a markedly different effect on the development of Departmental policies. Officials in my Department routinely develop and review policy in line with all statutory requirements and best practice guidance, including rural proofing, and this approach will continue in the future.

The Act will come into operation for Government Departments on 1 June 2017, and the existing training course for Departmental policy makers on rural-proofing, "Think Rural", will be updated to reflect the requirements of the Act. In addition, the existing guidance for public authorities on rural proofing "Thinking Rural:

- (ii) The Essential Guide to Rural Proofing" will be reviewed and updated by DAERA to take account of the new statutory requirements.

**Mr Butler** asked the Minister of Health what impact the absence of non-recurrent funding is having on the ability of Health and Social Care Trusts to undertake additional activity.

**(AQW 7199/16-21)**

**Mrs O'Neill:** I recently announced that I would be investing an additional £4m to address waiting times this year. This funding will help a further 10,000 people receive the care they need.

Addressing waiting times in the long term will require substantial reform of primary and secondary care, and existing patient pathways. In parallel, significant investment will be required to reduce waiting times and put sustainable solutions in place to meet demand. I will publish a plan early next year that will set out how we will address waiting lists over the next five years.

**Mr Butler** asked the Minister of Health to detail the volume of each commissioned core elective activity in each specialty that was undelivered over each quarter in each of the last three years, broken down by (i) Health and Social Care Trust; and (ii) hospital.

**(AQW 7200/16-21)**

**Mrs O'Neill:** The information is not available in the format requested. The volume of under delivery of commissioned core elective New Outpatient and Inpatient/ Daycase in each Trust in each of the last three years is provided in the table at Annex A.

These figures represent only a small proportion of the assessments and treatments carried out each year by the health service, the volume of which is increasing, and I would pay tribute to the staff who work very hard to deliver these services. There were an additional 8,196 new outpatient appointments and 8,037 elective inpatient and daycase treatments between April to September 2016, compared to the same period last year.

## Annex A

### New Outpatients

HSC Trust	Delivery of Commissioned Volumes of Core Activity		
	2013/14	2014/15	2015/16
Belfast	-9.9%	-10.2%	-9.9%
Northern	-2.3%	-7.2%	-4.2%
South Eastern	-0.6%	-4.2%	-6.9%
Southern	0.2%	-2.4%	1.0%
Western	-1.9%	-6.7%	-8.6%
Regional	-4.4%	-7.0%	-6.6%

### Inpatient/ Daycase Activity

HSC Trust	Delivery of Commissioned Volumes of Core Activity		
	2013/14	2014/15	2015/16
Belfast	-2.9%	-6.9%	-7.9%
Northern	-7.6%	-12.9%	-11.5%

HSC Trust	Delivery of Commissioned Volumes of Core Activity		
	2013/14	2014/15	2015/16
South Eastern	-5.4%	-10.1%	-11.1%
Southern	-3.5%	-3.8%	-4.4%
Western	-6.3%	-2.0%	-4.9%
Regional	-4.4%	-6.8%	-7.8%

**Mr Butler** asked the Minister of Health what additional in-house activity was carried out by each hospital associated with the limited non-recurrent funding available for elective care.

**(AQW 7452/16-21)**

**Mrs O'Neill:** The information is not available in the format requested. A total of £3.8m was allocated to Trusts in the period April to September 2016 to carry out additional elective care activity. A breakdown of this activity by Trust is as follows:

HSC Trust	Inpatient & Daycase Admissions	New Outpatient Attendances	Review Outpatient Attendances
Belfast	151	2762	4316
Northern	244	1316	1210
South Eastern	28	1521	796
Southern	131	1211	1399
Western	333	867	1321
Region	887	7677	9042

**Source:** HSCB.

Further to this, despite significant financial pressures across the health and social care sector, I have been able to identify £4 million to invest in elective care in the remainder of this year. I am grateful to my Executive colleagues for allowing me to retain this funding for re-investment in this critical area, rather than return it – further evidence of the extent of Executive support for health.”

This funding will ensure more rapid care for 10,000 people and shows the Executive's commitment to making a positive difference to people's lives.

Decisions around the specific services the additional funding will go to will be based upon a clinical assessment of where the money will have the greatest impact for patients.

I have set out the future model for health and social care in “Delivering Together”. For this model to succeed, the current unacceptable waiting lists must be dealt with.

I have also announced that I will bring forward a plan early in the new year, that will clearly set out how, over the next five years, we will address waiting lists.

**Ms Archibald** asked the Minister of Health to detail the average (i) elective; and (ii) urgent waiting times for a hip replacement in each Health and Social Care Trust.

**(AQW 7487/16-21)**

**Mrs O'Neill:** Information on the average waiting time for urgent and routine hip replacement operations (including revisions) at 30th June 2016, the most recent quarter for which official statistics are available, is shown in the table below.

HSC Trust*	Average Weeks Waiting	
	Urgent	Routine
Belfast	22.9	29.5
South Eastern	0.4	-
Southern	15.9	24.8
Western	37.5	40.0

**Source:** DoH Inpatient Waiting Times Dataset.

\*Hip replacement operations are not carried out within the Northern HSC Trust.

(Hip replacement procedures were identified using the Office of Population Censuses and Surveys tabular list of operations and procedures (OPCS – 4.7) codes W37, W38, W39, W46, W47, W48, W93, W94 and W95).

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Durkan** asked the Minister of Health what discussions her Department has held to ensure health insurance provision for residents of Northern Ireland will continue to be provided across the European Union.

**(AQW 7534/16-21)**

**Mrs O'Neill:** I am concerned about the impact that Britain's decision to withdraw from the EU will have on Health and Social Care. An initial assessment has been carried out on the potential impact of EU Exit on Health and Social Care services. One of the key areas identified relates to access to cross-border healthcare, including current arrangements for health insurance across the EU as provided for by the European Health Insurance Card scheme.

There remains a great deal of uncertainty around the implications of an EU Exit. My Department is working closely with colleagues in the South of Ireland and Britain on these implications and the decisions and actions that need to be taken.

**Ms Seeley** asked the Minister of Health how paramedics have been impacted following the Agenda for Change reviews.

**(AQW 7569/16-21)**

**Mrs O'Neill:** The Agenda for Change (AfC) Terms and Conditions of Service were introduced in October 2004. These apply (with the exception of Senior Executives) to all non medical health and social care staff, including the NIAS staff. A copy of the AfC Handbook is available at: <http://www.nhsemployers.org/tchandbook>

There have been no reviews of Agenda for Change conducted in the North of Ireland.

**Mr Butler** asked the Minister of Health to detail the number of full-time equivalent (i) clinical; and (ii) non-clinical staff employed by each Health and Social Care Trust over each of the last five years, including as of 1 November 2016.

**(AQW 7586/16-21)**

**Mrs O'Neill:** Due to the varied nature of individual roles within the entire HSC workforce, and the possibility that some roles involve both clinical and non-clinical aspects, an accurate representation of the number of clinical and non-clinical staff employed cannot be provided. However, a breakdown of staff employed by occupational family gives an indication of the nature of the work.

Information on the number of staff employed in each HSC Trust at 30 September in each of the last five years, broken down by occupational family, is detailed in the tables below.

**Staff Employed at 30 September, by Occupational Family & HSC Trust**

Occupational Family & HSC Trust		At 30 September				
		2012	2013	2014	2015	2016
<b>Administration &amp; Clerical</b>						
Belfast	HC	3,514	3,503	3,385	3,403	3,396
	WTE	3,045.03	3,037.72	2,923.43	2,943.77	2,938.47
Northern	HC	1,975	1,947	1,904	1,877	1,816
	WTE	1,648.95	1,627.37	1,576.35	1,546.22	1,495.19
South Eastern	HC	1,629	1,632	1,599	1,556	1,538
	WTE	1,393.06	1,384.66	1,353.62	1,311.16	1,302.65
Southern	HC	1,734	1,794	1,753	1,756	1,798
	WTE	1,454.13	1,479.28	1,443.67	1,447.02	1,488.19



Occupational Family & HSC Trust		At 30 September				
		2012	2013	2014	2015	2016
Western	HC	1,712	1,736	1,722	1,705	1,739
	WTE	1,516.79	1,540.12	1,524.23	1,498.12	1,523.55
NIAS	HC	88	96	88	91	91
	WTE	83.9	91.65	83.63	87.94	87.91
<b>Estates Services</b>						
Belfast	HC	216	225	236	231	223
	WTE	215.79	224.43	234.83	230.80	223.00
Northern	HC	128	128	133	133	130
	WTE	127.64	127.40	132.14	132.74	129.74
South Eastern	HC	93	86	95	91	84
	WTE	93.00	86.00	95.00	91.00	83.50
Southern	HC	109	99	102	105	102
	WTE	107.04	98.26	101.43	103.83	100.76
Western	HC	137	146	136	129	143
	WTE	136.80	145.60	135.59	129.00	143.00
NIAS	HC	-	-	-	-	-
	WTE	-	-	-	-	-
<b>Support Services</b>						
Belfast	HC	2,235	2,341	2,177	2,153	2,041
	WTE	1,667.25	1,709.12	1,622.63	1,608.92	1,556.29
Northern	HC	1,169	1,142	1,112	1,138	1,104
	WTE	840.77	823.40	803.63	815.35	788.39
South Eastern	HC	1,030	1,022	997	976	953
	WTE	769.10	773.21	751.67	735.93	730.59
Southern	HC	950	873	827	783	740
	WTE	687.71	636.25	608.79	582.27	555.94
Western	HC	1,067	1,063	1,066	1,046	1,054
	WTE	797.85	792.78	796.66	785.02	799.39
NIAS	HC	-	0	-	-	-
	WTE	-	0.00	-	-	-
<b>Qualified Nursing &amp; Midwifery</b>						
Belfast	HC	5,317	5,371	5,552	5,685	5,607
	WTE	4,557.1	4,642.6	4,810.28	4,963.09	4,914.39
Northern	HC	2,807	2,821	2,878	2,863	2,839
	WTE	2,361.9	2,389.1	2,441.80	2,438.07	2,429.57
South Eastern	HC	2,579	2,634	2,613	2,572	2,626
	WTE	2,182.8	2,242.6	2,244.54	2,215.81	2,283.98

Occupational Family & HSC Trust		At 30 September				
		2012	2013	2014	2015	2016
Southern	HC	2,749	2,811	2,779	2,899	3,027
	WTE	2,306.6	2,341.6	2,335.88	2,482.11	2,607.65
Western	HC	2,727	2,781	2,855	2,839	2,894
	WTE	2,450.3	2,498.5	2,568.70	2,541.16	2,600.71
NIAS	HC	0	0	0	0	0
	WTE	0.00	0.00	0.00	0.00	0.00
<b>Nursing &amp; Midwifery Support Staff</b>						
Belfast	HC	1,609	1,685	1,643	1,698	1,690
	WTE	1,353.3	1,427.1	1,387.46	1,450.01	1,451.77
Northern	HC	765	804	790	784	786
	WTE	647.4	681.1	669.93	665.85	667.04
South Eastern	HC	637	654	660	657	725
	WTE	548.7	563.9	567.83	563.71	626.43
Southern	HC	750	716	713	725	770
	WTE	637.5	604.3	611.88	621.89	664.03
Western	HC	804	782	803	798	848
	WTE	722.1	698.7	716.31	707.53	756.99
NIAS	HC	0	0	0	0	0
	WTE	0.00	0.00	0.00	0.00	0.00
<b>Social Services (excl. Home Helps)</b>						
Belfast	HC	1,943	1,975	1,930	1,960	2,035
	WTE	1,703.8	1,735.6	1,693.75	1,717.56	1,802.36
Northern	HC	1,734	1,728	1,712	1,768	1,746
	WTE	1,529.6	1,534.3	1,525.04	1,567.98	1,551.04
South Eastern	HC	1,322	1,322	1,354	1,351	1,364
	WTE	1,147.3	1,145.3	1,177.00	1,171.54	1,191.30
Southern	HC	1,231	1,259	1,263	1,331	1,395
	WTE	1,079.8	1,103.1	1,111.75	1,177.66	1,240.27
Western	HC	1,255	1,280	1,308	1,292	1,313
	WTE	1,126.9	1,152.7	1,185.95	1,170.24	1,195.63
NIAS	HC	0	0	0	0	0
	WTE	0.00	0.00	0.00	0.00	0.00
<b>Professional &amp; Technical</b>						
Belfast	HC	2,837	2,921	2,983	3,139	3,156
	WTE	2,508.68	2,601.02	2,630.37	2,742.65	2,760.30
Northern	HC	1,467	1,498	1,534	1,549	1,590
	WTE	1,222.49	1,252.24	1,279.87	1,291.86	1,321.26

Occupational Family & HSC Trust		At 30 September				
		2012	2013	2014	2015	2016
South Eastern	HC	1,036	1,130	1,166	1,156	1,202
	WTE	878.44	963.55	1,000.46	992.84	1,044.36
Southern	HC	1,223	1,287	1,315	1,332	1,365
	WTE	1,048.16	1,075.31	1,087.38	1,106.62	1,152.88
Western	HC	1,099	1,132	1,179	1,197	1,318
	WTE	989.74	1,012.94	1,052.34	1,061.39	1,167.50
NIAS	HC	0	0	0	0	0
	WTE	0.00	0.00	0.00	0.00	0.00
<b>Medical</b>						
Belfast	HC	1,614	1,618	1,637	1,660	1,717
	WTE	1,535.23	1,537.41	1,554.83	1,580.15	1,629.99
Northern	HC	561	564	559	583	581
	WTE	517.36	517.66	526.19	544.06	542.56
South Eastern	HC	572	569	602	598	595
	WTE	517.27	518.23	549.47	545.54	549.34
Southern	HC	539	550	576	606	600
	WTE	504.56	516.28	540.66	559.02	552.73
Western	HC	503	498	485	493	525
	WTE	477.98	484.89	466.80	476.09	507.96
NIAS	HC	-	-	-	-	-
	WTE	-	-	-	-	-
<b>Dental</b>						
Belfast	HC	52	57	54	55	52
	WTE	36.38	40.81	38.01	40.92	39.27
Northern	HC	30	29	30	32	32
	WTE	19.88	18.88	19.94	20.95	20.06
South Eastern	HC	36	38	42	35	40
	WTE	27.41	26.22	27.35	23.72	26.96
Southern	HC	15	15	15	14	14
	WTE	11.32	11.32	11.43	11.22	11.61
Western	HC	37	24	41	42	47
	WTE	31.72	19.92	33.97	35.27	41.25
NIAS	HC	0	0	0	0	0
	WTE	0.00	0.00	0.00	0.00	0.00
<b>Ambulance</b>						
NIAS	HC	1,052	1,086	1,060	1,092	1,106
	WTE	1,039.2	1,070.26	1,044.59	1,070.03	1,080.95

**Source:** Human Resources Management System (HRMS) & Human Resources, Payroll, Travel and Subsistence system (HRPTS)

Figures exclude staff on career breaks, bank staff, Chairs / Members of Boards, Out-of-Hours GPs, and staff with a whole-time equivalent of less than or equal to 0.03.

A dashed line (-) represents a cell count between 1 and 4 inclusive in order to minimise the risk of personal disclosure.

Information on the number of staff employed in each HSC Trust, broken down by occupational family, is published quarterly in the HSC Key Facts Workforce bulletin. This information, for quarters March 2015 to September 2016, can be found on the DoH website at the following link:

<https://www.health-ni.gov.uk/articles/staff-numbers>

**Mr Durkan** asked the Minister of Health what scoping exercise her Department has undertaken to assess the potential impact of a Brexit on Health Service staffing levels.

**(AQW 7643/16-21)**

**Mrs O'Neill:** I remain concerned about the impact of EU Exit on Health and Social Care. An initial assessment has been carried out on the potential impact of EU Exit on Health and Social Care services. One of the key areas identified relates to Health and Social Care workforce mobility, recruitment and professional regulation.

There remains a great deal of uncertainty around the implications of an EU Exit. I am working closely with my colleagues in England, Scotland, Wales and the South of Ireland on the implications and the decisions and actions that need to be taken.

**Mrs Dobson** asked the Minister of Health pursuant to AQW 4771/16-21, to outline the reasons for the disparity between Health and Social Care Trusts' spend on hospitality.

**(AQW 7836/16-21)**

**Mrs O'Neill:** All Health and Social Care Trusts have comprehensive policies and procedures in relation to the eligibility and entitlement to hospitality. An analysis of disparity in spend between Health and Social Care Trusts is not readily available and could only be provided at disproportionate cost.

**Mr Butler** asked the Minister of Health to list each configuration of health care specialities on the grounds of patient safety in each of the last ten years.

**(AQW 7839/16-21)**

**Mrs O'Neill:** There has been a huge amount of reconfiguration and consolidation over the past 10 years some of which has been planned; other necessary changes have been precipitated by circumstances where services have been found to be unsustainable either on grounds of patient safety or difficulty in filling vacancies. It would not be practicable to list all those changes.

**Mrs Dobson** asked the Minister of Health why Health Service Staff working for Business Services Organisation were paid recently in three instalments and subsequently advised not to withdraw funds from their accounts as the result of an apparent error in payment processing; and whether staff are being provided with a 1 per cent uplift.

**(AQW 7893/16-21)**

**Mrs O'Neill:** Health Service staff working for the Business Services Organisation were paid recently in three instalments due to a system outage experienced on 15th November. Contingency arrangements were communicated to all affected staff and successfully implemented.

All staff on weekly and fortnightly contracts were paid their salary for one payroll cycle on 17th November 2016. All weekly and fortnightly staff due to receive a 1% pay award, which included arrears, were paid on 18th November 2016. All staff on monthly contracts received their 1% uplift and arrears on 28th November 2016.

**Ms Bradshaw** asked the Minister of Health when she will consult on her vision document Health and Wellbeing 2026: Delivering Together.

**(AQW 7975/16-21)**

**Mrs O'Neill:** Health and Wellbeing sets out a roadmap for the future of Health and Social Care and the detail will be developed through a process of co-production with stakeholders. As such consultation will take place around the proposals for change as they emerge.

I am committed to the process of co-design and co-production and have already commenced a series of engagement with stakeholders and have found the response to my vision broadly positive.

The consultation on the criteria proposed by the Expert Panel for the reconfiguration of Health and Social Care services has begun as has the consultation on proposals to improve Pathology Services. I have also launched two strategies that will modernise and enhance paediatric healthcare over the next 10 years.

Consultation and engagement will be key features throughout the transformation process.

**Ms Bradshaw** asked the Minister of Health what dialogue she has had with the Minister for Communities on the provision of suitable housing accommodation to support people moving from Muckamore Abbey Hospital into the community.

**(AQW 7976/16-21)**

**Mrs O'Neill:** I am committed to working closely with all my Executive colleagues, including the Minister of the Communities, under the Programme for Government framework to ensure that appropriate services are in place in the community for people with a learning disability. This includes the provision of suitable accommodation to secure the effective discharge of patients from Muckamore. The HSC Board and Trusts continue to work with the Supporting People Unit of the Housing Executive at a regional and local level to plan for this.

**Mr Allen** asked the Minister of Health to detail the longest outpatient waiting time for a first consultant-led appointment in each Health and Social Care Trust.

**(AQW 8014/16-21)**

**Mrs O'Neill:** Information on the longest waiting time for a first consultant led outpatient appointment is not available as these waiting times are collected in specific aggregated timebands. At 30th September 2016, the most recent date for which official statistics are available, the number of patients waiting for a first consultant led outpatient appointment in the longest timeband available (>104 weeks) is detailed in the table below.

HSCT Trust	Number of patients waiting >104 weeks
Belfast	2,804
Northern	0
South Eastern	1,039
Southern	<5
Western	339

**Source:** Departmental CH3 return

\*cell sizes have been masked to protect patient confidentiality.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr McPhillips** asked the Minister of Health whether doctors from outside Fermanagh receive a relocation fee for taking up work in the area.

**(AQW 8037/16-21)**

**Mrs O'Neill:** In some circumstances newly appointed staff, including doctors, may receive financial assistance from the Western Health and Social Care Trust in accordance with agreed arrangements. These arrangements are laid down in the Western Trust's Removal and Associated Expenses Policy, April 2007. However, the Trust will only provide financial assistance when it is satisfied that changing an employee's home is necessary to fulfil the requirements of their employment and that the arrangements proposed are reasonable.

A range of financial support linked to the relocation of a newly appointed member of staff is available, up to a maximum of £10,000. Financial assistance may be provided for a range of expenditure incurred as a result of relocating to the Trust area to take up employment. This may include assistance with house sale in their previous area and house purchase within proximity to their new employment. Additionally the Trust may reimburse for the cost of removal of personal effects, and other ad hoc costs incurred. However the newly appointed member of staff must give an undertaking to remain in the Trust's employment for a minimum period or be liable to reimburse the Trust for a proportion of the financial assistance received.

**Mr Butler** asked the Minister of Health for a breakdown of each current overspend by each Health and Social Care Trust.

**(AQW 8040/16-21)**

**Mrs O'Neill:** All Trusts have a statutory obligation to deliver financial breakeven within their existing financial allocation and must ensure that deficits are not allowed to develop, and that where they do arise contingency arrangements are put in place to address the deficit.



With the exception of the Western Health and Social Care Trust all Trusts are currently forecasting a breakeven position.

The Western Health and Social Care Trust is currently projecting a year-end deficit of approximately £11m and officials are working with the Trust and the Health and Social Care Board in relation to this issue.

**Mr Butler** asked the Minister of Health whether she is aware of the number of Health Service doctors who also work in the independent sector; and for her assessment of this practice.

**(AQW 8044/16-21)**

**Mrs O'Neill:** Whilst doctors declare all work during their appraisal and job planning process, including independent sector work, this information is not maintained on any central record.

Schedule 9 of the Consultant Terms and Conditions of Employment and Code of Conduct for Private Practice, sets out standards of best practice governing the relationship between HSC work and private practice.

I am committed to building capacity within the HSC in the medium to long term, to reduce dependence on the independent sector.

**Mr K Buchanan** asked the Minister of Health whether the Northern Health and Social Care Trust contributes to the cost of respite care provided by Share the Care scheme to families that care for a person with learning or physical disabilities.

**(AQW 8098/16-21)**

**Mrs O'Neill:** The Share the Care scheme supports mainly adults with a learning disability, providing breaks in a respite carer's home ranging from overnight to weekends and longer. It is a volunteer scheme and the volunteers receive appropriate expenses by the Northern Health and Social Care Trust.

**Mr Wells** asked the Minister of Health why elderly patients seeking to book a chiropody appointments cannot book directly at the new Banbridge Health and Care Centre .

**(AQW 8106/16-21)**

**Mrs O'Neill:** In response to the introduction of Allied Health Professional (AHP) Waiting Time targets by the Department of Health in 2009, the Southern Health & Social Care Trust carried-out an AHP Reform and Modernization project, which oversaw the implementation of a range of measures to improve the management of waiting times and to improve service efficiency.

As part of the AHP Reform and Modernisation project, the Trust implemented a new approach resulting in all AHPs (including Podiatry) changing the process for booking review appointments. This introduced partial booking of review appointments across all AHPs.

This method ensures that all people are first of all triaged centrally to determine their clinical priority, with those with an urgent clinical presentation being appointed for a priority assessment and treatment. Those individuals triaged as routine, are assessed and treated chronologically. All individuals have choice over their appointment date and time. Individuals who wish to be seen in the Banbridge Care and Treatment Centre are offered appointments in that location. This process ensures fairness and equity of access to all patients, as well as improving the efficiency of the services offered.

**Ms Seeley** asked the Minister of Health whether there is the capacity in the regional fertility centre to move to two cycles of IVF.

**(AQW 8107/16-21)**

**Mrs O'Neill:** Each cycle of IVF costs £3684 and each cycle of ICSI costs £4264. These costs include investigation of infertility.

Based on current demand, the Regional Fertility Centre would not have the capacity to fully deliver 2 cycles of IVF/ICSI treatment for all HSC patients who might wish to avail of it.

I can advise you that I will give full consideration to the current situation regarding fertility treatment provision and I intend to work towards delivering the optimum number of cycles as identified.

**Ms Seeley** asked the Minister of Health to detail the cost to the Health Service of delivering one cycle of (i) In-vitro fertilisation; and (ii) Intra-cytoplasmic sperm injection.

**(AQW 8108/16-21)**

**Mrs O'Neill:** Each cycle of IVF costs £3684 and each cycle of ICSI costs £4264. These costs include investigation of infertility.

Based on current demand, the Regional Fertility Centre would not have the capacity to fully deliver 2 cycles of IVF/ICSI treatment for all HSC patients who might wish to avail of it.

I can advise you that I will give full consideration to the current situation regarding fertility treatment provision and I intend to work towards delivering the optimum number of cycles as identified.

**Mr Lunn** asked the Minister of Health what impact Brexit, and the likely re-location of the European Medicines Agency outside the UK, will have on the life sciences industry in Northern Ireland.

**(AQW 8130/16-21)**

**Mrs O'Neill:** It is difficult at this stage to make an assessment of any impact on the North of Ireland's life sciences industry arising from Britain's decision to withdraw from the EU and the probable relocation of the European Medicines Agency. This will largely depend on the terms of the relationship between Britain and the EU which are ultimately agreed.

However, it is clear that membership of the EU has brought benefits to the life sciences industry in the North, key examples being access to European funding and collaborative programmes for research, and access to skilled staff from other regions. It seems likely that some such benefits will no longer be accessible if we are taken out of the EU.

**Mr Beggs** asked the Minister of Health to detail the changes in practice that have occurred as a result of the publication and implementation of Making Communication Accessible for All, A Guide for Health and Social Care Staff.

**(AQW 8167/16-21)**

**Mrs O'Neill:** Following the publication and implementation of the guide, a number of changes in practice have taken place including:

- i Health and Social Care Trust websites have been designed with accessibility in mind with a range of features including;
  - Browsealoud - a speech enabling program that makes web content more accessible to anyone with difficulties reading and;
  - Alternative Text – users can easily change the text size using their browser settings.
- ii. Alternative versions of a document can be readily provided for those with particular needs (for example, in Easy Read format for those with a learning disability).
- iii. HSC Trusts have introduced an email address for patients who are partially sighted or blind for contact with the appointment booking office.
- iv. The font size in appointment letters has been increased to at least size 14.

**Mr Mullan** asked the Minister of Health to detail the amount of money paid to the independent sector for elective care services in each of the last three years.

**(AQW 8189/16-21)**

**Mrs O'Neill:** A breakdown of spend in the Independent sector for assessment and treatment over the last three years is provided in the following table:

	2013/14 £m	2014/15 £m	2015/16 £m
IS Assessments	10.77	6.5	4.62
IS Treatments	51.09	34.66	24.85
<b>Total</b>	<b>61.86</b>	<b>41.16</b>	<b>29.47</b>

The Independent Sector (IS) has commonly been used when the demand for certain types of outpatient or inpatient services is greater than the capacity within HSC hospitals or when additional short-term capacity is required to reduce a backlog of patients waiting.

The long term solution is the transformation set out in Delivering Together. We need to move to a population health model and we need to create a more sustainable service - one that makes the best use of the resources we have to deliver the best possible service to patients.

However, this future model cannot succeed if it inherits the waiting lists that we have currently. Urgent and sustained action is needed, which will require some short term investment. This is likely to take the form of increased in-house activity and also some use of the independent sector.

But we should be clear that these are short-term measures to bring down waiting times and allow people to be treated and to receive the care that they need. Ultimately, I want to get to the point where we have the capacity within the HSC to deliver the services patients need. But the overriding concern is ensuring that patients receive their treatment in a timely manner.

**Mr Mullan** asked the Minister of Health to detail the waiting lists for autism assessments in the (I) Western Health and Social Care Trust; and (II) Northern Health and Social Care Trust, in each of the last five years.

**(AQW 8191/16-21)**

**Mrs O'Neill:**

- (i) Table 1 details the waiting list in the Western Health and Social Care (HSC) Trust for autism assessments at 30 September in each of the last five years.

**Table 1**

Year	Waiting time (weeks)				Total
	0 – 4	>4 – 8	>8 - 13	>13	
2012	17	13	24	10	64
2013	18	16	24	1	59
2014	20	25	29	51	125
2015	21	27	45	187	280
2016	4	29	46	319	398

**Source:** Health and Social Care Board

- (ii) Table 2 details the waiting list in the Northern HSC Trust for autism assessments at 30 September in each of the last five years.

**Table 2**

Year	Waiting time (weeks)				Total
	0 – 4	>4 – 8	>8 - 13	>13	
2012	39	31	56	126	252
2013	54	46	4	0	104
2014	67	56	80	134	337
2015	90	87	87	336	600
2016	97	70	103	561	831

**Source:** Health and Social Care Board

Autism services in the North continue to be under significant pressure. Although staff in all of the HSC Trusts have been carrying out additional assessments since April by reliance on overtime and additional hours, the unprecedented demand for autism assessments continues to increase. The demand for assessments increased last year by 17% and this upward trend has continued into the current year.

As part of the Trust's recovery plans and utilising the additional £2 million investment made available this year, recruitment for additional permanent staff is well underway who, when in post, will have a key role in improving waiting list management. In addition, discussions are taking place to facilitate the assessment of children in some Trust areas to be undertaken by other Trusts where targets are currently being met.

**Ms Lockhart** asked the Minister of Health how many Emergency Department staff in each Health and Social Care Trust have been absent with stress over the last five years.

**(AQW 8237/16-21)**

**Mrs O'Neill:** Information on the percentage of hours lost in Emergency Departments due to non-work related stress or work-related stress, in each HSC Trust from 2014/15 onwards, is detailed in the table below. The required breakdown cannot be provided prior to 2014/15.

**Percentage of Hours Lost in Emergency Departments due to Non-Work Related Stress/ Work-Related Stress**

HSC Trust	Year		
	2014/15	2015/16	Apr-Oct 2016
Belfast	0.97%	0.87%	1.00%
Northern	0.50%	1.97%	1.90%
South Eastern	0.69%	0.43%	0.59%
Southern	0.45%	0.49%	0.41%
Western	1.84%	1.10%	1.80%

**Source:** HSC Trusts

Excludes bank staff and staff in Minor Injuries units.

**Mr McPhillips** asked the Minister of Health to detail the number of anti-depressant medications prescribed by each Health and Social Care Trust over the last three years, broken down by patient age.

**(AQW 8263/16-21)**

**Mrs O'Neill:** The number of anti-depressant medications prescribed is not known, but the number of anti-depressant items dispensed by a community pharmacist, dispensing doctor or appliance supplier, and presented for payment is recorded. The number of anti-depressant items dispensed, broken down by Health and Social Care Trust and patient age, in each of the last three financial years, are shown in Tables 1 to 3 overleaf. Some items cannot be assigned to a Trust or age band, due to missing patient details (either patient age or postcode) within the dispensing dataset, which is held and maintained by the Business Services Organisation.

**Table 1: The number of Anti-depressant<sup>1</sup> items dispensed by age group and Health and Social Care Trust<sup>2</sup>, 2013/14<sup>3,4</sup>**

Age Band	HSC Trust						Total
	Belfast	Northern	South Eastern	Southern	Western	Unknown <sup>3</sup>	
under 20	7,418	5,930	4,446	4,703	3,755	233	26,485
20 - 29	41,708	36,771	27,200	29,288	26,063	1,241	162,271
30 - 39	67,054	73,262	52,677	59,338	53,775	2,143	308,249
40 - 49	107,799	121,205	85,996	103,709	91,424	3,657	513,790
50 - 59	114,083	115,570	88,058	102,012	94,484	3,570	517,777
60 - 69	72,078	83,354	65,265	72,038	68,405	1,714	362,854
70 - 79	42,778	52,325	38,436	43,773	33,440	1,533	212,285
80 +	27,744	34,431	26,421	26,275	18,619	1,534	135,024
Unknown <sup>3</sup>	35	22	11	3	4	245,596	245,671
Total	480,697	522,870	388,510	441,139	389,969	261,221	2,484,406

**Source:** Family Practitioner Services, Information and Registration Unit, BSO

- 1 Anti-depressant items are those listed under Chapter 4 Section 3 of the BNF
- 2 Trust has been defined as the Trust in which a patient lives, based on their postcode
- 3 Some items cannot be assigned to a Trust or an age band, due to missing patient details or exclusions
- 4 Figures may not exactly match those given in answers to previous Assembly Questions, as they are taken from a live reporting system. Also, changes may have occurred in relation to those drugs included in Chapter 4 Section 3 of the BNF.

**Table 2: The number of Anti-depressant<sup>1</sup> items dispensed by age group and Health and Social Care Trust<sup>2</sup>, 2014/15<sup>3,4</sup>**

Age Band	HSC Trust						Total
	Belfast	Northern	South Eastern	Southern	Western	Unknown <sup>3</sup>	
under 20	7,498	6,841	5,602	5,349	4,245	178	29,713
20 - 29	43,975	39,923	29,031	30,972	27,962	928	172,791
30 - 39	70,213	74,386	55,515	60,531	54,630	2,039	317,314
40 - 49	107,909	125,654	89,581	106,799	93,666	3,145	526,754
50 - 59	122,057	125,347	93,826	110,045	98,572	3,233	553,080
60 - 69	74,678	88,475	68,136	75,734	70,442	1,471	378,936
70 - 79	44,557	56,261	41,300	47,392	35,128	1,096	225,734
80 +	28,159	34,703	27,228	27,117	19,129	1,405	137,741
Unknown <sup>3</sup>	24	0	28	7	24	313,804	313,887
Total	499,070	551,590	410,247	463,946	403,798	327,299	2,655,950

**Source:** Family Practitioner Services, Information and Registration Unit, BSO

- 1 Anti-depressant items are those listed under Chapter 4 Section 3 of the BNF
- 2 Trust has been defined as the Trust in which a patient lives, based on their postcode
- 3 Some items cannot be assigned to a Trust or an age band, due to missing patient details or exclusions
- 4 Figures may not exactly match those given in answers to previous Assembly Questions, as they are taken from a live reporting system. Also, changes may have occurred in relation to those drugs included in Chapter 4 Section 3 of the BNF.

**Table 3: The number of Anti-depressant<sup>1</sup> items dispensed by age group and Health and Social Care Trust<sup>2</sup>, 2015/16<sup>3,4</sup>**

Age Band	HSC Trust						Total
	Belfast	Northern	South Eastern	Southern	Western	Unknown <sup>3</sup>	
under 20	8,185	7,670	6,217	6,264	4,863	195	33,394
20 - 29	43,445	40,618	28,527	29,959	27,876	799	171,224
30 - 39	67,620	71,093	53,453	55,287	51,318	1,889	300,660
40 - 49	96,278	116,175	82,784	94,551	83,805	2,874	476,467
50 - 59	117,615	122,166	90,894	102,732	94,012	2,954	530,373
60 - 69	71,512	84,512	65,838	72,337	66,737	1,484	362,420
70 - 79	43,451	56,069	41,261	46,450	36,034	931	224,196
80 +	27,145	33,965	27,169	27,046	18,434	1,150	134,909
Unknown <sup>3</sup>	0	18	0	3	2	340,614	340,637
<b>Total</b>	<b>475,251</b>	<b>532,286</b>	<b>396,143</b>	<b>434,629</b>	<b>383,081</b>	<b>352,890</b>	<b>2,574,280</b>

**Source:** Family Practitioner Services, Information and Registration Unit, BSO

- 1 Anti-depressant items are those listed under Chapter 4 Section 3 of the BNF
- 2 Trust has been defined as the Trust in which a patient lives, based on their postcode
- 3 Some items cannot be assigned to a Trust or an age band, due to missing patient details or exclusions
- 4 Figures may not exactly match those given in answers to previous Assembly Questions, as they are taken from a live reporting system. Also, changes may have occurred in relation to those drugs included in Chapter 4 Section 3 of the BNF.

**Ms Bradshaw** asked the Minister of Health in which Health and Social Care Trust can patients avail of thrombectomy services; and when she envisages this service might be available (i) to all patients; and (ii) on a 24 hour, seven days a week basis.  
(AQW 8293/16-21)

**Mrs O'Neill:** Thrombectomy is a specialist procedure provided by neuro-radiologists in the Royal Victoria Hospital. It is currently provided between the hours of 08.30-17.30 hours, Monday to Friday. Suitable patients attending any emergency department in the North can access this service by referral during these hours.

The Health and Social Care Board is in discussion with the Belfast Trust on the feasibility of a phased expansion of the hours of this service. This service development will have to be carefully considered within the context of ongoing budget pressures and other competing HSC services requiring new investment in the years ahead.

**Ms Bradshaw** asked the Minister of Health how she proposes to assess public opinion of the interconnected aspects of Delivering Together.  
(AQW 8295/16-21)

**Mrs O'Neill:** I have already commenced a series of engagement with stakeholders and have found the response to Delivering Together broadly positive from both those who use and those who deliver the Health and Social Care (HSC) system. There is a real momentum building up for change.

I am committed to the process of co-design and co-production and am continuing with a series of engagements with stakeholders. Consultation will take place on the proposals for change as they emerge. The involvement of the public in the design of services will be a key feature throughout the transformation process.

**Ms Bradshaw** asked the Minister of Health how she proposes to consult on the various aspects of the transformation process contained in Delivering Together.  
(AQW 8296/16-21)



**Mrs O'Neill:** Health and Wellbeing sets out a roadmap for the future of Health and Social Care. All future changes will be designed with the involvement of those who use and those who provide services, and further consultation will be undertaken on specific service change proposals.

I am committed to the process of co-design and co-production and am continuing with a series of engagement with stakeholders. The consultation on the criteria proposed by the Expert Panel for the reconfiguration of Health and Social Care services began on 11 November and a number of consultation meetings have been scheduled in various locations in December 2016 and January 2017 to provide a real opportunity for people to put forward their views. Dates and venues are as follows:

Area	Venue	Date	Time
Omagh	Omagh Enterprise Company, The Conference Room, Great Northern Road, Omagh, Co. Tyrone, BT78 5LU	08.12.16	1900-2100
Derry	Millennium Forum, Studio Theatre, Newmarket Street, Derry, BT48 6EB	14.12.16	1900-2100
Ballycastle	Corrymeela, 5 Drumaroan Road, Ballycastle, BT54 6QU	19.12.16	1900-2100
Portadown	Seagoe Hotel, 22 Upper Church Lane, Portadown, BT66 6GZ	20.12.16	1900-2100
Cookstown	Glenavon House Hotel, Adair Suite, 52 Drum Road, Cookstown, Co Tyrone, BT80 8JQ	04.01.17	1900-2100
Lisburn	Trinity Community, Trinity Methodist Church, Ballymacross Avenue, Lisburn, BT28 2GU	05.01.17	1900-2100
North Belfast	Duncairn Centre for Culture & Arts, Duncairn Complex, Duncairn Avenue, Belfast, BT14 6BP	09.01.17	1900-2100
Central Belfast	Belfast Central Mission, Grosvenor Hall, 5 Glengall St, Belfast, BT12 5AD	10.01.17	1900-2100
Coleraine	The Sandel Centre, 6 Knocklynn Road, Coleraine, BT52 1WT	11.01.17	1900-2100
Downpatrick	Downpatrick Cricket Club, 2 Strangford Road, Downpatrick, BT30 6SL.	12.01.17	1900-2100
Newry	Newry Conferencing & Banqueting Centre, 39-41 The Mall, Newry, BT34 1AT	16.01.17	1900-2100
Enniskillen	The Killyhevlin Hotel, Lisgoole Suite, Killyhevlin, Enniskillen, BT74 6RW	17.01.17	1900-2100
Ballymena	Adair Arms, Glenariff Suite, 1-7 Ballymoney Road, Ballymena, BT43 5BS	18.01.17	1900-2100
North Down/Ards	The Somme Museum & Heritage Centre 233 Bangor Road, Newtownards, BT23 7PH	19.01.17	1900-2100

A consultation has also commenced on proposals to improve Pathology Services and I have launched two strategies that will modernise and enhance paediatric healthcare over the next 10 years.

Consultation and engagement will be key features throughout the transformation process.

**Mr McCrossan** asked the Minister of Health to detail the revenue raised by each Health and Social Care Trust in each of the last five years.

(AQW 8365/16-21)

**Mrs O'Neill:** The revenue raised by each Health and Social Care Trust in each of the last five years is summarised below.

	BHSCT £m	NIAS £m	NHSCT £m	SEHSCT £m	SHSCT £m	WHSCT £m	Total £m
2011/12	91.8	1.7	45.7	36.2	36.5	29.7	241.6

	BHSCT £m	NIAS £m	NHSCT £m	SEHSCT £m	SHSCT £m	WHSCT £m	Total £m
2012/13	90.7	1.9	48.5	40.8	38.8	30.4	251.1
2013/14	92.0	0.7	48.9	40.4	38.6	30.8	251.4
2014/15	87.5	0.6	51.8	40.7	38.6	31.0	250.2
2015/16	89.1	0.5	51.2	39.6	39.2	32.5	252.1
<b>Total</b>	<b>451.1</b>	<b>5.4</b>	<b>246.1</b>	<b>197.7</b>	<b>191.7</b>	<b>154.4</b>	<b>1,246.4</b>

**Note:** the details have been extracted from Trusts' audited annual accounts and includes other income raised by each Trust and excludes funding received from DOH, HSCB or PHA etc.

**Ms Seeley** asked the Minister of Health to outline what action her Department is taking to implement the policy priorities and recommendations to advance gender equality as issued by the Equality Commission.

**(AQW 8426/16-21)**

**Mrs O'Neill:** My Department and its Arm's Length Bodies are committed to ensuring gender equality in the workplace and the provision of appropriate health and social care to all Section 75 groups.

A wide range of initiatives are already in place across health and social care bodies to implement the policy priorities and recommendations to advance gender equality. In relation to those highlighted Equality Commission's policy priorities and recommendations for health care examples are as follows:

Gender appropriate health and social care to address the particular needs of women and men, trans people, and those with multiple identities is available through specialist sexual health services and Regional Gender Identity Services.

The Public Health Agency is recognised as a 'Diversity Champion' and a programme of training and awareness raising is in place across the sector to ensure understanding amongst health and social care professionals about gender equality with specific guidelines developed for the Royal College of GPs to raise awareness and understanding in supporting LG&B patients and the needs of transgender patients in primary care.

Lower life expectancy for men, higher suicide rates and health risks in relation to alcohol, drug and substance abuse than women is being addressed through the New Strategic Direction for Alcohol and Drugs Phase 2. The draft Protect Life 2 Strategy aims to reduce the differential in the suicide rate between the most deprived areas and the least deprived areas and will continue to have a focus on men.

Regarding barriers to women accessing health and social care services, including access to reproductive health services, RQIA recommendations have been implemented on staff training, arrangements for partner notification, provision of information about accessing services and endorsement of NICE guidance on long acting reversible contraception

(LARC). A number of regional and strategic recommendations including a focus on development of clinical sexual health services (including reproductive healthcare) are still being considered and are a key priority going forward.

Regarding gaps in research, The Executive Office has lead policy responsibility for promoting gender equality across government and addressing gender inequalities. The Gender Equality Strategy (2006-16) provides an overarching strategic policy framework to promote gender equality in partnership across government departments and the wider public sector. The Department of Health has progressed actions in respect of suicide prevention, domestic and sexual violence and abuse, and maternity care.

The link between socio economic disadvantage and health inequalities experienced by both men and women is recognised by Making Life Better and provides strategic direction for action to improve health and reduce health inequalities, through strengthened collaboration and an approach which takes account of the need for greater intensity of action for those with greater health and social need.

The Department of Finance is responsible for corporate Human Resource issues across the Civil Service and my Department is committed to fulfilling its responsibilities in this respect.

**Mrs Dobson** asked the Minister of Health for her assessment of the financial situation in the Western Health and Social Care Trust.

**(AQW 8443/16-21)**

**Mrs O'Neill:** All Trusts have a statutory obligation to deliver financial breakeven within their existing financial allocation and must ensure that deficits are not allowed to develop, and that where they do arise contingency arrangements are put in place to address the deficit.

The Western Health and Social Care Trust is currently projecting a year-end deficit and officials are working with the Trust and the Health and Social Care Board in relation to this issue.

A project to review the financial and accountability arrangements in place in the Trust has recently concluded highlighting that the Western Trust faces an 'exceptionally challenging environment' and emphasising the commitment of management to deliver on their financial management responsibilities.

**Mr McGrath** asked the Minister of Health pursuant to AQW 2730/16-21, whether there have been any discussions about the delivery model of the GP out-of-hours service at the Downe Hospital.  
(AQW 8467/16-21)

**Mrs O'Neill:** There are no plans to change the GP out of hours service model at the Downe Hospital.

To date the service has operated with no critical gaps in the GP out of hours rota. Contingency plans are in place should this situation change.

**Mr McNulty** asked the Minister of Health whether she has plans to introduce the nursing apprentice scheme, as announced by Health Secretary Jeremy Hunt; and how many places will be available.  
(AQW 8491/16-21)

**Mrs O'Neill:** At this time there are no plans to introduce the nursing apprentice scheme in the North of Ireland.

While the Department has no plans currently to formally introduce an apprenticeship in nursing, we do offer an alternative pathway into nursing for existing staff in the support worker grades via the Open University.

This programme offers those members of staff already employed in the HSC the opportunity to undertake a 4 year Nursing Degree. As they have prior experience within the HSC, these staff already have an understanding of the dynamics of care delivery and the culture of the HSC.

The programme offers career pathways for employees, enabling access to educational opportunities that might not otherwise be accessible. In 2016/17, the Department doubled its annual intake to OU to 50, and it is further hoped to expand in 2017/18.

**Mr Mullan** asked the Minister of Health how many departmental buildings have had defibrillators installed in each of the last five years.  
(AQW 8492/16-21)

**Mrs O'Neill:** My Department shares Castle Buildings with the Executive Office and the Department of Justice. Defibrillators have been in place in Castle Buildings since 2003.

It is for each individual Executive Department to decide what equipment should be installed in each of their departmental buildings.

**Ms P Bradley** asked the Minister of Health what plans she has to expand cross-border cooperation in health and social care services.  
(AQW 8493/16-21)

**Mrs O'Neill:** I have proposed a number of areas where there is potential for further all-island collaboration in health and social care. These include human organ transplantation; rare diseases; genomic medicine; deep brain stimulation; stem cell and regenerative medicine; major trauma; acute hospital service provision; eating disorders; perinatal mental health services; and child and adolescent mental health services (CAMHS). My Department will continue to explore areas where there is potential for further collaboration on an all-island basis.

**Mr Durkan** asked the Minister of Health to outline the threats posed by anti-microbial resistance.  
(AQW 8517/16-21)

**Mrs O'Neill:** Antimicrobial resistance (AMR) arises when a microbe evolves to become more or fully resistant to antimicrobials which previously could treat it. The emergence and spread of infections caused by bacteria that are resistant to treatment by existing antibiotics is a major and growing threat to modern medical and veterinary practice and is regarded by the World Health Organization as one of the most serious global threats to health. Many infectious diseases risk becoming untreatable and uncontrollable. If resistance continues to emerge at a faster rate than the development of new antibiotics, many modern medical interventions that depend on the availability of robust anti-infective agents e.g. cancer chemotherapy, organ transplantation, caesarean sections, care of extremely premature neonates and major surgery, become jeopardised. Routine medical and surgical practices such as hip replacements may become much riskier.

It is estimated that each year AMR causes 700,000 deaths world-wide. The major review on AMR led by Jim O'Neill, which was completed this year, has projected that without policies to stop the spread of AMR the number could rise to 10 million by the year 2050. This is greater than the current annual number of cancer-related deaths.

**Mr Durkan** asked the Minister of Health what action her Department is taking to address antibiotic resistance.  
(AQW 8518/16-21)

**Mrs O'Neill:** Antimicrobial Resistance (AMR) is one of the most serious global threats to human health. Antimicrobial stewardship – which refers to co-ordinated efforts to improve the appropriate use of antimicrobials - is a key element of my Department's Strategy to Tackle Antimicrobial Resistance (STAR).

This year updated guidelines on the management of infections have been produced for use in primary and community care. HSC Board resources linked to these guidelines have been updated and disseminated.

Other initiatives to support antimicrobial stewardship in general practice with the appropriate prescribing of antibiotics include the appointment of Practice-Based Pharmacists. In addition, a new Locally Enhanced Service is being developed for GPs. To participate in the service, a GP practice must appoint an "Antibiotic Champion" who will be responsible for taking forward antimicrobial stewardship.

In secondary care the Antimicrobial Pharmacists Network is well established. Part of its remit is to promote prudent antibiotic use along with other activities outlined in STAR. Furthermore, the Public Health Agency is taking forward the development of a surveillance system to provide information on antimicrobial usage and antimicrobial resistance.

The Agriculture Minister and I recently promoted European Antibiotics Awareness Day to highlight the importance of responsible use of antibiotics in both human health and agriculture. This cooperation reflects the importance of the "One health" approach which coordinates policy across health, agriculture and food safety in tackling antimicrobial resistance.

AMR is a complex issue which requires a multi-faceted response and close cooperation between agencies. My Department leads the Strategic Antimicrobial Resistance and Healthcare-Associated Infections Group which includes leaders from healthcare, public health, DAERA and the Food Standards Agency. To drive progress at operational level, the PHA leads the Regional Healthcare-Associated Infections and Antimicrobial Stewardship Improvement Board.

**Mr K Buchanan** asked the Minister of Health whether the waiting time for elective operations in orthopaedics has increased in the last twelve months.

**(AQW 8536/16-21)**

**Mrs O'Neill:** Inpatient waiting times are published on a quarterly basis by specialty and at HSC Trust level. This information is available to view or download at the following link:

<https://www.health-ni.gov.uk/publications/northern-ireland-waiting-time-statistics-inpatient-and-day-case-waiting-times-september-2016>

**Mr K Buchanan** asked the Minister of Health for her assessment of waiting times for a second appointment following a first outpatient, inpatient or diagnostic test appointment.

**(AQW 8537/16-21)**

**Mrs O'Neill:** Follow up appointments make up just over two thirds of all outpatient activity across the North of Ireland. During 2015/16, there were 484,806 new and 1,034,491 review attendances at consultant led outpatient services within HSC hospitals. I am advised by the HSC Board that there are currently 224,069 patients waiting for a review outpatient appointment. No waiting time targets are set for review appointments as the timescales for these are determined by clinicians.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

**Mr Smith** asked the Minister of Health to detail each budgetary pressure that (i) her Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.

**(AQW 8540/16-21)**

**Mrs O'Neill:** The budgetary pressures that my Department and each of its arm's length bodies were facing at 1 December 2016 were, and continue to be, considerable, and these are being proactively managed in order to live within our resources. I will continue to engage with the Department of Finance to address the additional investment necessary to support the delivery of services.

**Ms P Bradley** asked the Minister of Health whether she will ask the Public Health Agency to evaluate data from the HeadSmart campaign, which raises awareness of the signs and symptoms of brain tumours.

**(AQW 8596/16-21)**

**Mrs O'Neill:** The HeadSmart campaign was conducted through The Brain Cancer Charity.

While the Public Health Agency does not formally evaluate campaign data from charities, this source of data is often useful in informing the Agency's approach to raising awareness of particular conditions. The Public Health Agency is currently reviewing available evidence from a number of cancer awareness campaigns to help inform the next phase of the Be Cancer Aware campaign.

**Mr McMullan** asked the Minister of Health whether she will consider a pilot project for East Antrim in Cushendall fire station to make the case for collaborative working between the Ambulance Service and the Fire and Rescue Service.

**(AQW 8599/16-21)**

**Mrs O'Neill:** On 19 September 2016 the Fire and Rescue Service and the Ambulance Service launched a pilot scheme in the Lurgan area, which will see Fire and Rescue personnel alerted to certain pre-determined emergency calls. The pilot will run for six months until February 2017.

At the end of the pilot a full evaluation will be carried out by both services to examine its potential for continuation and further roll out throughout the north.

**Mr Wells** asked the Minister of Health for her assessment of the success of the Meningitis B vaccination programme since it was first launched.

**(AQW 8601/16-21)**

**Mrs O'Neill:** Approximately 96% of the first eligible cohort of babies born between July and September 2015 have received the first 2 doses of the vaccine. Feedback from the service is that the uptake for the 3rd and final dose is expected to be equally high.

Over the last three calendar years in the north of Ireland there have been around 8 or 9 cases of meningitis B disease in babies under 1 year of age. Between 1 January and 30 November 2016 there were two cases in babies under 1 year of age. These figures suggest that the vaccination programme is having a high level of success in protecting those most at risk from the disease.

Advancing Gender Equality

**Mr Lynch** asked the Minister of Health what actions she is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8626/16-21)**

**Mrs O'Neill:** My Department and its Arm's Length Bodies are committed to ensuring gender equality in the workplace and the provision of appropriate health and social care to all Section 75 groups.

A wide range of initiatives are already in place across health and social care bodies to implement the policy priorities and recommendations to advance gender equality. In relation to those highlighted Equality Commission's policy priorities and recommendations for health care examples are as follows:

Gender appropriate health and social care to address the particular needs of women and men, trans people, and those with multiple identities is available through specialist sexual health services and Regional Gender Identity Services.

The Public Health Agency is recognised as a 'Diversity Champion' and a programme of training and awareness raising is in place across the sector to ensure understanding amongst health and social care professionals about gender equality with specific guidelines developed for the Royal College of GPs to raise awareness and understanding in supporting LG&B patients and the needs of transgender patients in primary care.

Lower life expectancy for men, higher suicide rates and health risks in relation to alcohol, drug and substance abuse than women is being addressed through the New Strategic Direction for Alcohol and Drugs Phase 2. The draft Protect Life 2 Strategy aims to reduce the differential in the suicide rate between the most deprived areas and the least deprived areas and will continue to have a focus on men.

Regarding barriers to women accessing health and social care services, including access to reproductive health services, RQIA recommendations have been implemented on staff training, arrangements for partner notification, provision of information about accessing services and endorsement of NICE guidance on long acting reversible contraception (LARC). A number of regional and strategic recommendations including a focus on development of clinical sexual health services (including reproductive healthcare) are still being considered and are a key priority going forward.

Regarding gaps in research, The Executive Office has lead policy responsibility for promoting gender equality across government and addressing gender inequalities. The Gender Equality Strategy (2006-16) provides an overarching strategic policy framework to promote gender equality in partnership across government departments and the wider public sector. The Department of Health has progressed actions in respect of suicide prevention, domestic and sexual violence and abuse, and maternity care.

The link between socio economic disadvantage and health inequalities experienced by both men and women is recognised by Making Life Better and provides strategic direction for action to improve health and reduce health inequalities, through strengthened collaboration and an approach which takes account of the need for greater intensity of action for those with greater health and social need.

The Department of Finance is responsible for corporate Human Resource issues across the Civil Service and my Department is committed to fulfilling its responsibilities in this respect.

**Mrs Dobson** asked the Minister of Health for her assessment of the (i) prevalence; and (ii) success of GPs providing telephone consultations instead of appointments to help reduce demand.

**(AQW 8636/16-21)**



**Mrs O'Neill:** GPs are independent contractors who contract with the Health and Social Care Board to provide general medical services to their practice population. As independent contractors, GPs are responsible for the day to day running of their practice and decisions about how best to manage demand for their services, including through the use of telephone consultations. General information on the prevalence and success of telephone consultations in GP practices is not therefore collected centrally.

However, recognising the pressures on GP-led services, funding has been provided to pilot the phone and online triage system AskMyGP in practices here. This system was initially piloted in four GP practices, and has now been extended across a further thirty sites. The results from the initial pilot have demonstrated that this technology has the potential to improve access to GP services and impact positively on GP workload. Patients using the system typically received a call back within 30 to 40 minutes and 94% of patients reported they were either satisfied or very satisfied with the service.

**Mr McPhillips** asked the Minister of Health for her assessment of GP provision in Fermanagh.  
(AQW 8641/16-21)

**Mrs O'Neill:** I refer you to my response to your recent AQWs 8481/16-21 and 8484/16-21, answered on 9 December 2016.

**Mr McPhillips** asked the Minister of Health to detail the number of general practitioners employed in Fermanagh and South Tyrone in each of the last ten years.  
(AQW 8642/16-21)

**Mrs O'Neill:** GPs are not employed but are independent contractors who hold a contract with the Health and Social Care Board. Information on the number of GPs located within Fermanagh and South Tyrone in each of the last ten years is shown in Table 1 overleaf.

**Table 1: Number of GPs in Fermanagh and South Tyrone in each of the last 10 years**

Year	Number of GPs
April 2007	76
April 2008	74
April 2009	77
April 2010	78
April 2011	78
April 2012	77
April 2013	74
April 2014	75
April 2015	78
April 2016	81

**Source:** HSC Business Services Organisation

**Mr McPhillips** asked the Minister of Health to detail the amount of money spent on locum GP's in each Health and Social Care Trust in each of the last five years.  
(AQW 8643/16-21)

**Mrs O'Neill:** The Department does not collect expenditure information on locum GPs by Trust. Only total expenditure in the "medical and dental agency" category is collected. Due to variations in coding and recording of information across HSC organisations information on HSC Trust expenditure for Locum GPs is not readily available.

**Mr McCrossan** asked the Minister of Health to detail the level of sick absence in the Northern Ireland Ambulance Service in each of the last 12 months.  
(AQW 8646/16-21)

**Mrs O'Neill:** This information is available in the NIAS Trust Board Papers which can be found on the NIAS website at the following link: <http://www.nias.hscni.net/about-the-trust/corporate-information/>

**Mr Butler** asked the Minister of Health how many home visits new mothers receive from a health visitor in the first 6 months after giving birth.  
(AQW 8664/16-21)

**Mrs O'Neill:** As stated in my Department's publication, "Healthy Child, Healthy Future", Child Health Promotion Programme in NI, May 2010, new mothers receive three core visits at home by a health visitor in the first 6 months after giving birth at:

- 10-14 days new baby review;
- 6-8 weeks health review; and
- 14-16 weeks health review.

Additional visits can be undertaken based on the assessed need of the family.

**Ms Bradshaw** asked the Minister of Health for an update on the availability of the Post-Exposure Prophylaxis drug by prescription.

**(AQW 8688/16-21)**

**Mrs O'Neill:** Post-Exposure Prophylaxis drugs are used to treat patients after they have been exposed to a pathogen to prevent infection by the pathogen and development of the disease. The drugs may be used, for example, following exposure to rabies, tetanus, botulism, hepatitis B and HIV. Post-Exposure Prophylaxis drugs for these purposes are available in the health service in the north of Ireland.

**Mr McElduff** asked the Minister of Health whether her Department will intervene to ensure that the Fire and Rescue Service in Omagh will retain full-time weekend cover.

**(AQW 8689/16-21)**

**Mrs O'Neill:** The professional assessment of risk and the proportionate allocation of resource to risk is an operational matter for the Fire and Rescue Service.

The change to crewing model at Omagh is as a result of the Fire and Rescue Service is most recent risk assessment.

A public consultation on the proposals ran from 14 December 2015 until 14 March 2016.

**Lord Morrow** asked the Minister of Health whether anti-ligature clothing is used in instances of vulnerable in-patients at risk of deliberate or accidental self-harm; and what alternatives are available or deployed in these cases.

**(AQW 8727/16-21)**

**Mrs O'Neill:** Patients in hospital wear their own clothes. However, where appropriate, staff in mental health or learning disability wards remove any potentially dangerous items of clothing. Mental health and learning disability inpatient facilities are risk-assessed for ligature points and anti-ligature measures are taken where practicable. Staff provide additional special observation for patients who are deemed to be specifically vulnerable.

**Ms P Bradley** asked the Minister of Health whether her Department would consider funding treatment outside Northern Ireland for patients with alopecia areata, should successful treatment be identified.

**(AQW 8728/16-21)**

**Mrs O'Neill:** HSC Trusts provide treatment for patients diagnosed with alopecia areata, alopecia totalis, and alopecia universalis according to the British Association of Dermatology (BAD) guidelines (2012). These are the same as those offered in Great Britain. Treatments include the use of anti-inflammatory ointments, steroid creams, steroid injections and Minoxidil lotion to help slow hair loss and promote hair growth.

Patients who wish to be considered for treatment that is not routinely commissioned in the North, should apply through the Extra Contractual Referral (ECR) process via their Consultant. Further information on the ECR process is available at the following link: [http://www.hscbusiness.hscni.net/pdf/Protocol\\_ECR\\_and\\_\\_IFR\\_arrangements.pdf](http://www.hscbusiness.hscni.net/pdf/Protocol_ECR_and__IFR_arrangements.pdf)

**Ms P Bradley** asked the Minister of Health what research is being undertaken in Northern Ireland into (i) alopecia areata; (ii) alopecia totalis; and (iii) alopecia universalis.

**(AQW 8729/16-21)**

**Mrs O'Neill:** Health and Social Care (HSC) research is carried out in all Trusts, usually in association with universities. The HSC R&D Fund, managed through the Public Health Agency, supports research that focuses on benefits for patients and the population. Funding is provided for the Northern Ireland Clinical Research Network (NICRN), which involves all Trusts. A clinician who wishes to carry out research on a particular disease or condition may apply to the Network for support to carry the research out.

I am not aware of any local research in relation to (i) alopecia areata; (ii) alopecia totalis; and (iii) alopecia universalis, although care of patients continues to be informed by best available evidence and national guidelines.

Details on clinical trials are available on the Clinical Trials Gateway [www.ukctg.nihr.ac.uk](http://www.ukctg.nihr.ac.uk)

Details on clinical trials across the globe are available on [www.clinicaltrials.gov](http://www.clinicaltrials.gov)

**Ms P Bradley** asked the Minister of Health to outline the cost of the treatments offered to people diagnosed with (i) alopecia areata; (ii) alopecia totalis; and (iii) alopecia universalis, in each of the last five years.

**(AQW 8730/16-21)**

**Mrs O'Neill:** The information requested is not routinely collected and could only be provided at disproportionate cost.

**Ms P Bradley** asked the Minister of Health what treatments are offered to people diagnosed with (i) alopecia areata; (ii) alopecia totalis; and (iii) alopecia universalis; and whether these treatment options are the same as elsewhere in the United Kingdom.

**(AQW 8731/16-21)**

**Mrs O'Neill:** HSC Trusts provide treatment for patients diagnosed with alopecia areata, alopecia totalis, and alopecia universalis according to the British Association of Dermatology (BAD) guidelines (2012). These are the same as those offered in Great Britain. Treatments include the use of anti-inflammatory ointments, steroid creams, steroid injections and Minoxidil lotion to help slow hair loss and promote hair growth.

Patients who wish to be considered for treatment that is not routinely commissioned in the North, should apply through the Extra Contractual Referral (ECR) process via their Consultant. Further information on the ECR process is available at the following link:

[http://www.hscbusiness.hscni.net/pdf/Protocol\\_ECR\\_and\\_\\_IFR\\_arrangements.pdf](http://www.hscbusiness.hscni.net/pdf/Protocol_ECR_and__IFR_arrangements.pdf)

**Ms P Bradley** asked the Minister of Health how many people were diagnosed with (i) alopecia areata; (ii) alopecia totalis; and (iii) alopecia universalis, in each of the last five years.

**(AQW 8732/16-21)**

**Mrs O'Neill:** The information requested is not collected centrally and is therefore not available.

**Mr McGlone** asked the Minister of Health to detail the total cost to each Health and Social Care Trust of (i) homecare provision provided directly by the Trust; and (ii) homecare provision provided by the private or independent sector, for each of the last five years.

**(AQW 8736/16-21)**

**Mrs O'Neill:** The table below details expenditure on homecare provision provided directly by each Health and Social Care Trust and by the independent sector, for each of the last five years.

HSC Trusts	Providers	2011/12	2012/13	2013/14	2014/15	2015/16
Belfast	Trust	£10,104,762	9,854,103	9,842,086	9,503,902	10,530,067
	Independent	£17,907,751	16,439,197	16,018,708	14,827,889	15,215,557
Northern	Trust	N/A	27,374,961	27,536,157	26,840,172	26,666,820
	Independent	N/A	13,200,903	15,338,706	16,494,449	18,269,179
South Eastern	Trust	£13,072,333	12,781,411	12,471,616	11,848,805	11,071,191
	Independent	£28,286,460	31,221,515	33,109,399	35,805,304	30,950,605
Southern	Trust	£20,551,545	20,720,208	21,099,962	18,754,688	17,768,924
	Independent	£13,201,403	15,613,151	17,572,349	16,853,543	16,705,948
Western	Trust	£12,002,000	12,015,000	12,244,000	11,927,000	11,793,000
	Independent	£12,179,000	14,141,000	15,855,000	17,519,000	18,679,000

**Mr T Buchanan** asked the Minister of Health to outline the rationale for the proposed removal of the full-time weekend Fire and Rescue Service cover from the Omagh Fire Station.

**(AQW 8746/16-21)**

**Mrs O'Neill:** Omagh is one of ten Fire Stations which will see changes to its crewing model to rebalance existing wholtime firefighter resources appropriately and proportionately across the North of Ireland following the Fire and Rescue Service's most recent risk assessment.

Twenty three Retained Duty firefighters continue to provide 24/7 service delivery as and when required in Omagh in addition to the new day crewing arrangements by wholtime firefighters. The Fire and Rescue Service state there will be minimum impact on service delivery.

**Mr T Buchanan** asked the Minister of Health whether there is sufficient part-time cover to deal with emergencies when the removal of the full-time weekend Fire and Rescue Service cover from Omagh takes place.

**(AQW 8749/16-21)**

**Mrs O'Neill:** The Fire and Rescue Service currently employ 23 Retained Duty System (RDS) firefighters at Omagh Fire Station to provide availability and to respond to fire and other emergency incidents 24 hours a day, 365 days a year in addition to the new day crewing arrangements by wholetime firefighters.

The change to crewing model at Omagh is as a result of the Fire and Rescue Service's most recent risk assessment.

**Mr McGrath** asked the Minister of Health to detail the number of community paediatrician posts; and how many of these posts are vacant.

**(AQW 8751/16-21)**

**Mrs O'Neill:** Belfast HSC Trust

Information on community paediatrician posts and vacancies in the Belfast HSC Trust at 12 December 2016 is detailed in the table below.

Grade	Posts	Vacancies
Consultant	7	0
Staff Grade/Associate Specialists/Speciality Doctor	5	1
Training	5	2
<b>Total</b>	<b>17</b>	<b>3</b>

#### Northern HSC Trust

Information on community paediatrician posts and vacancies in the Northern HSC Trust at 15 December 2016 is detailed in the table below.

Grade	Staff in Post (WTE)	Vacancies (WTE)
Consultant *	2.3	0
Staff Grade/Associate Specialists/Speciality Doctor	6.1#	0.6

\* An additional 0.40 WTE consultant community capacity to be built into new/reconfigured posts in the next 4 months.

# An additional 2.0 WTE recruited and commencing work in next 2 months.

The Northern HSC Trust also has 3 WTE posts assigned to NI Medical and Dental Training Agency (NIMDTA) paediatric trainees, 2 at middle grade ST3-8 level, and 1 at ST1-2 junior trainee level. The extent to which these posts are filled by the deanery is variable by six month blocks.

#### South Eastern HSC Trust

At 13 December 2016, the South Eastern HSC Trust had 6.38 WTE community paediatric posts with 2.00 WTE posts vacant.

#### Southern HSC Trust

Information on the number of community paediatricians in the Southern HSC Trust at 31 October 2016 is detailed in the table below.

Job Description	Headcount	WTE
Consultant	3	3.00
Associate Specialist	4	3.10
Specialty Doctor	6	2.80
GP Sessions	2	0.73
<b>Total</b>	<b>15</b>	<b>9.63</b>

At 13 December 2016, the Southern HSC Trust had 5 community paediatrician vacancies (3 consultant posts and 2 specialty doctor posts).

**Western HSC Trust**

Information on community paediatricians in the Western HSC Trust at 12 December 2016 is detailed in the table below.

Grade	Posts (WTE)	Staff in Post (Headcount)	Vacancies (WTE)
Consultant	4.10	4	1.10
Associate Specialist/ Specialty Doctor	8.65	11	1.40
<b>Total</b>	<b>12.75</b>	<b>15</b>	<b>2.50</b>

**Mrs Dobson** asked the Minister of Health whether patients that are requested by a General Practitioner to obtain a second opinion on a myalgic encephalomyelitis diagnosis can recoup the resultant costs, given the absence of a consultant physician. (AQW 8753/16-21)

**Mrs O'Neill:** General Practitioners can refer patients diagnosed with myalgic encephalomyelitis (ME) to consultants in Health and Social Care Trusts for an opinion, including a second opinion, and there is no cost to the patient for this. Where there are no ME specialist services, the GP can.

**Mrs Dobson** asked the Minister of Health to outline the arrangements made by the Health and Social Care Board to appoint a Consultant in Public Health Medicine to take forward a patient pathway for Myalgic Encephalomyelitis. (AQW 8754/16-21)

**Mrs O'Neill:** The HSCB Commissioning Plan for Chronic Fatigue Syndrome (CFS) services includes the appointment of a regional medical lead and clinical leads in each Trust. This multi-disciplinary team will support GPs in making the diagnosis and managing the care of most patients and will provide specialist care for patients with more complex needs referred by their GP.

This is to complement and enhance existing services in Belfast Trust and Northern Trust, the latter of which has been the subject of a successful evaluation. The roll out of specialist Myalgic Encephalomyelitis (ME)/CFS clinics to the other three Trusts will be subject to the availability of funding and the appointment of a regional medical lead.

The HSCB is being supported by a Consultant in Public Health Medicine from the Public Health Agency to work with the stakeholder group in developing appropriate services.

The HSCB is seeking to appoint a regional medical lead for the management of patients with ME/CFS. Expressions of interest were sought from medical consultants currently working in HSC Trusts, however none came forward by the deadline of 5 September 2016.

The HSCB and PHA have since discussed options with the Medical Directors of the Trusts and have assigned the task of leading the process of reviewing the proposed job profile to a public health consultant.

Plans are already in place to discuss the way forward with the Patient and Client Council and the ME/CFS stakeholder group, which includes patients and carer advocacy groups as well as health care professionals, with a view to re-advertising the position early in 2017.

**Mrs Dobson** asked the Minister of Health in light of the end of the PACE trial, whether she has considered that the pilot specialist service for ME-CFS in the Northern Health and Social Care Trust could be rolled out for all ME patients. (AQW 8755/16-21)

**Mrs O'Neill:** There are established Allied Health Professional services for ME in the Northern and Belfast Trusts, which provide personalised self-management support to ME patients, as recommended by NICE. The Health and Social Care Board plans to roll out the services to the Western, Southern and South Eastern Trusts, subject to additional funding being available, and the appointment of a regional medical specialist lead. The Health and Social Care Board is working with the ME Stakeholder Group and the Public Health Agency to identify a regional medical lead who will then plan and implement the roll-out and development of the service.

**Mr Butler** asked the Minister of Health for an update on the Maynard Sinclair ward in the Ulster Hospital. (AQW 8776/16-21)

**Mrs O'Neill:** The temporary closure of the Maynard Sinclair ward, and any inconvenience caused to young patients and their families, is regrettable.

However, this was an out-of-the-ordinary situation resulting from staff illness and requiring an immediate operational response from the South Eastern Health and Social Care Trust. The provision of safe services to patients must always take priority.

Temporary amalgamation of the paediatric medical and surgical wards at the hospital has allowed the Trust to continue to provide the level and range of services largely as normal, with virtually all paediatric medical emergency admissions being accommodated in the unit and virtually all surgical elective patients also being managed as normal.



The South Eastern Trust will continue to monitor the situation on a daily basis and liaise with other Paediatric Units and the Public Health Agency to manage the issue. All appropriate support is also being provided to staff and both the Trust and I are extremely grateful for the continued commitment and dedication of staff.

**Mr Butler** asked the Minister of Health pursuant to AQW 7986/16-21, how the number of Assembly Questions contributed to the delay; and when she was first provided a draft response by her departmental officials.  
(AQW 8777/16-21)

**Mrs O'Neill:** Since 12 September 2016, I have received fourteen questions in relation to the Working Group on Fatal Fetal Abnormality. I clarified the position to the House in my reply to an oral question from Naomi Long, MLA, on 18 October 2016 by stating that it was not intended to publish the report or its recommendations until the Executive have concluded their deliberations (AQO 489/16-21 refers).

The large volume of AOs received by my Department means that I prioritise questions that have not already been answered in the Assembly. My Private Office received a draft response to AQW 7986/16-21 on 30 November 2016. My Private Office received a draft response to AQW 5443/16-21 on 18 October 2016.

**Mr McCrossan** asked the Minister of Health which general practices have written to (i) her Department; (ii) each Health and Social Care Trust; and (iii) the Health and Social Care Board over the last twelve months concerning pressures in their workforce.

(AQW 8785/16-21)

**Mrs O'Neill:**

- (i) The following general practices have written directly to my Department over the last twelve months to highlight pressures in their workforce:
  - Dr Crawford and Partners, Bangor Health Centre; and
  - Coagh Medical Centre.
- (ii) Dr Crawford and Partners, Bangor Health Centre have also written to the South Eastern Health and Social Care Trust.
- (iii) With regard to correspondence between GP practices and the Health and Social Care Board, given the contractual arrangements between the two parties for the provision of primary care services, it would not be appropriate for me to provide information regarding individual practices. However, I can confirm that, over the last twelve months, 57 practices have contacted the Health and Social Care Board regarding workforce pressures.

**Ms Lockhart** asked the Minister of Health what is included in the Health and Education Special Educational Needs Interface Project Board's Action Plan for Post-19 provision.

(AQW 8795/16-21)

**Mrs O'Neill:** The Action Plan you refer to is a cross-departmental Action Plan being led by the Department for Economy which aims to improve gaps in provision for young people with severe learning disabilities transitioning from school to adult services.

The main actions for my Department in this Action Plan are being taken forward through the implementation of the Regional Model for Day Opportunities for People with Learning Disabilities. The roll out of this model is being progressed across all Health and Social Care Trusts to ensure that the range and quality of post-19 opportunities for those with a learning disability across the North is more consistent. It is anticipated that this programme of change could take up to five years to complete and its success is highly dependent on the cooperation of relevant government departments and their agencies, the new local government Councils and voluntary and community organisations.

**Ms Lockhart** asked the Minister of Health to outline the terms of reference for the Health and Education Special Educational Needs Interface Project Board.

(AQW 8796/16-21)

**Mrs O'Neill:** The Special Educational Needs and Health Interfaces Project Board is jointly chaired by the Department of Education and my Department. It was established in June 2016 to consider each of the education and health interfaces within the special educational needs framework. The draft Terms of Reference for the Project Board are provided in the attached Annex. These are currently undergoing amendment following a meeting of the Project Board on 12th December 2016.

**Annex**

#### **SEN Education and Health Interfaces Project Board Draft Terms of Reference**

##### **1 Purpose**

The purpose of this document is to set out a terms of reference for an Education and Health Interfaces Project Board. The Project Board will oversee and provide strategic input and direction to a number of time-bound projects to improve

the interfaces and cooperation by education (Education Authority (EA)) and health (the five Health and Social Care Trusts (HSCTs)) within the special educational needs (SEN) framework, thereby improving the services to children and young people with SEN.

## 2 Background and Context

The Children's Services Cooperation (CSC) Act 2015 has placed a duty on children's authorities and other children's service providers to co-operate.

Importantly, the Special Educational Needs and Disability (SEND) Act 2016, through Assembly amendment, will put in place very specific duties (not yet commenced) regarding co-operation between health and education to identify, assess and provide services to children with SEN, including in the preparation of a transition plan.

During the progress of the SEND Bill, a Department of Education (DE) led group was formed in order to understand the delays within the statutory assessment process for children with SEN with a specific focus on the process for receipt of health advice. The group has representatives from DE; Department of Health (DoH); Education Authority (EA); the Health and Social Care Board (HSCB); the Public Health Agency (PHA), and Health and Social Care Trusts (HSCTs). It is proposed that this group is used to form the new SEN Education and Health Interfaces Project Board.

## 3 Scope and Aims

The Project Board's primary focus relates to the range of interfaces between education and health within the current SEN framework and taking into account the new duties provided for under the CSC Act 2015 and the SEND Act 2016.

The aim is to agree and implement, for SEN related processes, improvements to Education/Health interfaces and co-operation. To do this a series of time-bound focussed projects will be taken forward. The outputs from the projects, namely practical improvements, should also assist in informing the content of the revised Code of Practice on the identification and assessment of SEN.

The work of the Project Board may be informed by other relevant EA or HSCTs initiatives.

## 4 Project Structure

DE and DoH will jointly establish, and jointly chair, a cross-cutting SEN Education and Health Interfaces Project Board to provide strategic direction and oversee the progress of the interfaces projects.

The Project Board will be responsible for the delivery of a number of phases representing specific time-bound projects. Each time-bound project will identify, recommend and agree implementation of improvements to the SEN Education and Health interfaces within the SEN framework.

Project Board membership shall consist of nominees from DE; DoH; EA; HSCB; PHA/AHP and HSCTs.

Project Teams will be established to ensure the practical delivery of the various agreed time-bound projects. Discrete terms of reference for each of these projects will be agreed in advance with the Project Board. Each Project Team shall report back to the Project Board at agreed intervals.

Each Project Team will normally be made up of staff from DE; key operational staff from the EA and the 5 HSCTs, with additional support from the Special Education and Inclusion Review Team (DE); the Special Education Team (DE), and the Learning Disability Team (DoH), as required.

Membership of each Project Team may change throughout the life of the time-bound projects so that those involved with each project will have the appropriate knowledge and expertise - for example, assistance from IT staff in the Trusts and the EA may be required at certain points.

## 5 Timescales of projects

It is envisaged that appropriate time-bound projects will take place in phases:

Phase 1: October 2016 to April 2017 - Notification, Referral and Statutory Assessment Project.

Future phases: Whilst in no particular order (as priority and timing will be determined by the Project Board), it is anticipated that further time-bound interface projects could include:

- Annual Review and Reassessment.
- Determination of whether a child with a statement who is leaving school has a disability.
- Transitions and EA/Trusts co-operation and joint planning [‘prepare a joint plan for the exercise of those functions’ detailed in Clause 4 (specifically 12A (2) (b) inserted in 1996 Education Order), Special Educational Needs and Disability Act (Northern Ireland) 2016.]
- Determination of how the monitoring of the new processes will take place and how refinements can be put in place (requirement for this to take place at defined periods in the future).

## 6 Project Board representative membership

- |   |  |
|---|--|
| ■ Department of Education (Joint Chair) | ■ Health and Social Care Board                     |
| ■ Department of Health (Joint Chair)    | ■ Health and Social Care Trusts                    |
| ■ Education Authority                   | ■ Public Health Agency/Allied Health Professionals |

**Mr Durkan** asked the Minister of Health whether there is a shortage in each Health and Social Care Trust of neurologists specialising in the treatment of Parkinson's Disease.

**(AQW 8803/16-21)**

**Mrs O'Neill:** While some consultants specialise in this condition, all consultant neurologists across the Health and Social Care Trusts are trained to meet the medical needs of patients with Parkinson's disease.

A neurology medical workforce plan 2016-2024 is currently being undertaken by the Public Health Agency under the auspices of the Department of Health Regional Workforce Planning Group. This is considering the current consultant neurology workforce capacity, recommended consultant levels and the potential impact of neurology service modernisation. It will make recommendations on the numbers of consultant neurologists required for the north, and the number of trainee neurologists required to achieve this over the period 2016-2024.

In the Western Health and Social Care Trust a range of health care professionals such as general practitioners, care of elderly consultants and Parkinson's disease nurse specialists provide care for patients suffering from Parkinson's disease. Patients may also be seen in general neurology clinics or in specialist Parkinson's disease clinics, which may be provided locally or in specialist clinics in Belfast.

**Mr Durkan** asked the Minister of Health what provision exists for the care and treatment of people living with Parkinson's Disease in the Western Health and Social Care Trust.

**(AQW 8804/16-21)**

**Mrs O'Neill:** While some consultants specialise in this condition, all consultant neurologists across the Health and Social Care Trusts are trained to meet the medical needs of patients with Parkinson's disease.

A neurology medical workforce plan 2016-2024 is currently being undertaken by the Public Health Agency under the auspices of the Department of Health Regional Workforce Planning Group. This is considering the current consultant neurology workforce capacity, recommended consultant levels and the potential impact of neurology service modernisation. It will make recommendations on the numbers of consultant neurologists required for the north, and the number of trainee neurologists required to achieve this over the period 2016-2024.

In the Western Health and Social Care Trust a range of health care professionals such as general practitioners, care of elderly consultants and Parkinson's disease nurse specialists provide care for patients suffering from Parkinson's disease. Patients may also be seen in general neurology clinics or in specialist Parkinson's disease clinics, which may be provided locally or in specialist clinics in Belfast.

**Mr Mullan** asked the Minister of Health whether her Department plans to introduce body cameras for frontline staff.

**(AQW 8823/16-21)**

**Mrs O'Neill:** Whilst my Department has no plans at present to introduce body cameras for frontline staff, each HSC Trust currently operates a robust Zero Tolerance policy, overseen by a senior director. The policy requires provision of a working environment where employees can undertake their duties without fear of abuse or violence.

**Mr Swann** asked the Minister of Health pursuant to AQW 4920/16-21 and AQW 6898/16-21, when the systems issue in the Northern Health and Social Care Trust will be resolved.

**(AQW 8832/16-21)**

**Mrs O'Neill:** The systems issue in the Northern Health and Social Care Trust referred to in my answer to AQW 6898/16-21 has been rectified and the data produced will be quality assured on an ongoing basis.

**Mr Swann** asked the Minister of Health pursuant to AQW 4920/16-21 & AQW 6898/16-21, whether the Northern Health and Social Care Trust became aware of this systems issue as a result of these questions.

**(AQW 8833/16-21)**

**Mrs O'Neill:** To answer AQW 6898/16-21 within the required timescales, the Northern Trust used the planning tool to provide the requested information. It was when this information was cross-checked that anomalies were found, explored and corrected.

The planning tool system issue has now been rectified and the data produced will be quality assured on an ongoing basis.

**Mr Dickson** asked the Minister of Health pursuant to AQW 7707/16-21, to outline the alternative options which will be explored by the Health and Social Care Board to ensure GP services in Glenarm continue to be delivered when the current contractor retires at the end of March 2017; and whether the GP service can be maintained in the current timeframe.

**(AQW 8834/16-21)**

**Mrs O'Neill:** As set out in AQW 7707/16-21, the Health and Social Care Board advertised a new full-time contract for the provision of GMS services in Glenarm, welcoming single or joint applications. The closing date for applications was 18 November 2016. No applications were received.

The HSCB is currently in discussions with neighbouring GP practices to establish the possibility of one of these practices merging with Antrim Coast Medical Practice. Every effort is being made to try to ensure a GP service in Glenarm continues, however should this not be achieved the HSCB will seek to deploy patients to the other GP practices in the area.

The HSCB has been assured that GP services in Glenarm will continue to be provided in the interim until the current practitioner retires at the end of March 2017.

**Ms Bradshaw** asked the Minister of Health whether the air ambulance will have a medic onboard in line with the Helicopter Emergency Medical Service model delivered in England.

**(AQW 8839/16-21)**

**Mrs O'Neill:** I refer the Member to my recent response to AQO 758/16-21.

**Ms Bradshaw** asked the Minister of Health how she plans to respond to the Global Health's Viral Hepatitis Elimination Strategy by 2030, to which the UK Government has signed up, in terms of developing and delivering a public health campaign and associated action plan.

**(AQW 8840/16-21)**

**Mrs O'Neill:** In 2007 my Department published an action plan for the prevention, management and control of hepatitis C in the north of Ireland. The Hepatitis C Managed Clinical Network was established as part of the Action Plan and the network has taken forward many areas in the plan in collaboration with other agencies. In 2011 the work of the network was expanded to include hepatitis B in view of its shared risk factors, and now brings together stakeholders with an interest in hepatitis B and C.

The WHO Global Health Sector Strategy on Viral Hepatitis 2016—2021 is referenced at pages 16-17 in the 2016 annual network report. The report can be found at- <http://pha.site/HepBCreport>. The Hepatitis B and C Network shares its overall goals that new infections should be prevented, all people at potential risk of infection should be tested and those found to be positive should be referred for assessment for treatment and care.

I fully support the work of the Hepatitis B and C Managed Clinical Network to reduce the impact of hepatitis on the population of the north of Ireland.

**Ms Bradshaw** asked the Minister of Health which (i) clinicians; and (ii) patients groups were consulted in her decision not to follow the new National Institute for Health and Care Excellence and Cancer Drugs Fund (CDF) recommended for use within the CDF process, on access to cancer medicines.

**(AQW 8841/16-21)**

**Mrs O'Neill:** The Cancer Drugs Fund (CDF) applies only to England. As there is no equivalent to the Cancer Drugs Fund in the north of Ireland, there has been no change in respect of my Department's policy position on the matter.

Various professional studies have discredited the effectiveness and equity of the CDF as an effective measure for targeting limited resources at commissioning specialist drugs. On reviewing the CDF the National Audit Office found it was not sustainable in its original form. The annual budget for the CDF was increased from £200m in 2011/12 to £340m in 2015/16. The CDF has exceeded its budget each year since 2013/14 with the final position for 2015/16 being £466m - an overspend of £126m. Subsequent to the NAO report NICE took over the management of the CDF, which has been capped at £340m.

All cancer drugs that have been recommended by the NICE for routine use in the NHS are available in the North. In England those drugs for which there is significant remaining clinical uncertainty may be recommended for inclusion in the CDF and made available for a period of up to two years, after which time it will be re-evaluated by NICE and either recommended for routine commissioning or not.

In the North this category of drug may be accessed, where clinical exceptionality can be established, via the current Individual Funding Request (IFR) process.

The IFR process is currently being revised and this work is well advanced. I expect my officials to report to me very shortly and I will publish the new IFR policy as soon as possible after this subject to available funding.

**Mr Chambers** asked the Minister of Health pursuant to AQW 7062/16-12, whether all 48 additional nursing positions will be filled by summer 2017; and if not, what plans she has to ensure the safe and efficient running of the new facility.

**(AQW 8850/16-21)**

**Mrs O'Neill:** South Eastern Health and Social Care Trust is anticipating all of these additional posts being filled by Summer 2017.

**Mr McCrossan** asked the Minister of Health how much it would cost to have a doctor on board the air ambulance service.

**(AQW 8854/16-21)**

**Mrs O'Neill:** The annual cost of having a doctor on board the Helicopter Emergency Medical Service (HEMS) is estimated to be in the region of £435k.

**Mr McCrossan** asked the Minister of Health what consideration was given to the strategic placement of the air ambulance base.

**(AQW 8855/16-21)**

**Mrs O'Neill:** My Department's public consultation concluded that the Helicopter Emergency Medical Service (HEMS) should ideally be located in a geographically central location, as this would offer the greatest benefit in terms of its proximity to the greatest number of potential HEMS missions, the Major Trauma Centre, the Blood Transfusion Service, and a pool of physicians/paramedics from across the region who will staff HEMS rotas. This reflected advice from the Association of Air Ambulances (AAA) which indicated that the type and frequency of incidents to which a HEMS is likely to be tasked are directly linked to the distribution of the population, suggesting a base close to where the population is most concentrated. Based on this, a location options assessment of potential sites in the greater Belfast area has been submitted by the Ambulance Service to my Department for consideration alongside the HEMS business case, which is currently under consideration by the Department of Finance. I will make an announcement confirming the HEMS base location in the near future.

**Mr T Buchanan** asked the Minister of Health what is the waiting time for an appointment with an audiologist in each Health and Social Care Trust.

**(AQW 8860/16-21)**

**Mrs O'Neill:** Audiology waiting list data is not held centrally and was requested from the Health and Social Care (HSC) Board. Their response can be found in the Tables below.

**Table 1. Number of patients waiting for an appointment with an audiologist by weeks waiting (as at 31st October 2016).**

HSC Trust	0-6	>6 to 9	>9 to 13	>13 to 18	> 18	Total
Belfast	-	-	-	-	-	--
Northern	124	38	59	337	0	558
South Eastern	309	118	161	316	0	904
Southern	223	14	2	0	0	239
Western	318	66	45	28	0	457

**Source:** HSC Board

Belfast HSC Trust has been unable to supply waiting list figures as above.

**Table 2. Patients waiting for a Hearing Aid to be fitted by weeks waiting (as at 31st October).**

Trust	0-3	>3 to 6	>6 to 9	> 9 to 13	> 13 to 21	>21 to 26	>26	Total
Belfast	14	22	13	8	44	0	0	101
Northern	78	159	170	184	410	609	84	1,694
South Eastern	187	227	177	249	402	163	289	1,694
Southern	284	256	104	0	0	0	0	644
Western	243	204	199	187	210	8	0	1,051

**Source:** HSC Board

The HSC Board and Trusts are currently working to produce a workforce plan for audiology services to meet rising demand from an aging population coupled with recruitment, training and retention issues. This work will include an assessment of delivering hearing loss services in a primary care/community setting.

In addition HSC Trusts are currently undertaking an audiology waiting list backlog initiative to ensure that no patient over 55 years old is waiting longer than 9 weeks for access and 13 weeks to have a hearing aid fitted, once diagnosed, by 31 March 2017.

**Mr T Buchanan** asked the Minister of Health how many audiologists are employed in each Health and Social Care Trust.

**(AQW 8861/16-21)**

**Mrs O'Neill:** Information on the number of audiologists employed in each Health and Social Care (HSC) Trust is detailed in the table below.

#### Audiologists Employed

HSC Trust	Headcount	WTE
Belfast	18	17.06



HSC Trust	Headcount	WTE
Northern	13	11.14
South Eastern	9	7.43
Southern	16	15.00
Western	11	10.72

**Source:** HSC Trusts

**Mr T Buchanan** asked the Minister of Health how many audiologists have been trained in Northern Ireland in the each of the last five years.

**(AQW 8862/16-21)**

**Mrs O'Neill:** My Department has not commissioned any audiology training within the last five years.

**Mr Lyttle** asked the Minister of Health whether each Health and Social Care Trust provides Autism Spectrum Disorder services to individuals across the intellectual spectrum.

**(AQW 8870/16-21)**

**Mrs O'Neill:** The Health and Social Care Trusts provide support services based on assessment of need, not condition, in line with relevant legislation and NICE guidelines.

People with Autism who have co-morbid learning disability, mental health or medical issues will have their presenting needs addressed by the Autism Spectrum Disorder service and/or other appropriate Trust services.

**Mr Lyttle** asked the Minister of Health whether IQ level is a barrier to receiving Autism Spectrum Disorder services.

**(AQW 8871/16-21)**

**Mrs O'Neill:** The Health and Social Care Trusts provide support services based on assessment of need, not condition, in line with relevant legislation and NICE guidelines.

People with Autism who have co-morbid learning disability, mental health or medical issues will have their presenting needs addressed by the Autism Spectrum Disorder service and/or other appropriate Trust services.

**Ms Armstrong** asked the Minister of Health how many psychiatrists are employed in the South Eastern Health and Social Care Trust.

**(AQW 8872/16-21)**

**Mrs O'Neill:** Information on the number of psychiatrists employed in the South Eastern HSC Trust is detailed in the table below.

Grade	Headcount	WTE
Consultant	22	20.95
Associate Specialist	3	2.58
Specialty Doctor	8	6.50
<b>Total</b>	<b>33</b>	<b>30.03</b>

**Source:** South Eastern HSC Trust

**Ms Armstrong** asked the Minister of Health to detail the number of community psychiatric nurses employed in the South Eastern Health and Social Care Trust in each year since 2011.

**(AQW 8873/16-21)**

**Mrs O'Neill:** Information on the number of community psychiatric nurses employed in the South Eastern HSC Trust, in each year since 2011, is detailed in the table below.

#### Community Psychiatric Nurses Employed

Year	Adult Services	Mental Health Services for Older People	Total
2011	88	9	97
2012	95	9	104

Year	Adult Services	Mental Health Services for Older People	Total
2013	95	14	109
2014	94	18	112
2015	89	16	105
2016	100	20	120

**Source:** South Eastern HSC Trust

**Ms Armstrong** asked the Minister of Health for an update on waiting times for mental health services provision in the South Eastern Health and Social Care Trust.

**(AQW 8874/16-21)**

**Mrs O'Neill:** Mental health is one of my key priorities. I am committed to moving towards parity of esteem for mental health, as well as continuing to reform and improve services.

Table 1, overleaf, details waiting times for adult mental health service provision in the South Eastern Health and Social Care (HSC) Trust at 30th October 2016.

**Table 1**

Waiting time (weeks)			Total
0 - 3	>3 - 6	>6	
320	179	40	539

**Source:** Health and Social Care based on monthly returns received from the HSC Trusts

Please note that the South Eastern HSC Trust Child and Adolescent Mental Health Service provision is managed by and reported under the Belfast HSC Trust.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Butler** asked the Minister of Health for an update on the potential blacklisting of eligible items for free prescription.

**(AQW 8879/16-21)**

**Mrs O'Neill:** I have no plans to amend the current list of drugs, medicines or other substances which cannot be prescribed on a health service prescription.

**Mr Butler** asked the Minister of Health pursuant to AQW 4926/16-21, to detail and breakdown each pressure.

**(AQW 8880/16-21)**

**Mrs O'Neill:** All bodies have a statutory obligation to deliver financial breakeven within their existing financial allocation and must ensure that deficits are not allowed to develop, and that where they do arise contingency arrangements are put in place to address the deficit.

To this end the Department and each of its arms-length bodies are managing 2016/17 budgetary pressures through a range of measures.

The identification and management of pressures is an ongoing process involving continuous interaction between the Trusts, the Board, the Department and other bodies.

The collation of the requested information would entail a major exercise by all bodies to provide an accurate and complete response. The information required, therefore, is not readily available and can only be obtained at disproportionate cost.

**Mr Butler** asked the Minister of Health pursuant to AQW 7940/16-21, (i) to detail why the information is not now available when such information was available in the past, as is demonstrated in the response to AQW 53109/11-16; and (ii) when she will answer the original question.

**(AQW 8881/16-21)**

**Mrs O'Neill:**

(i) Waiting times for a first consultant-led outpatient appointment are routinely collected and reported quarterly by the Department at Health and Social Care Trust level, rather than hospital. Due to the configuration of services, not all HSC Trusts record or report outpatient waiting times at hospital level. As such, information is not comparable at hospital level for all five HSC Trusts.

(ii) I answered AQW4928-16/21 on 9th December 2016.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality

and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mrs Dobson** asked the Minister of Health for her definition of co-production of services.

**(AQW 8883/16-21)**

**Mrs O'Neill:** Co-production will underpin how we operate in the future, whether that be at a system level designing how our HSC services should be configured, or at a service level designing how care pathways and the care of individuals should be delivered differently. Very importantly, it signals a collaborative approach between the people who provide services and the people who depend on them.

It is recognised however that there is no single 'one size fits all' approach to co-production as the appropriate approach to engagement, involvement and co-design will depend on the nature of the services or the change being considered. My Department has commissioned a short piece of work from the PHA and PCC, working with users and other stakeholders, to define an approach to co-production that strands of work under the auspices of Delivering Together will be expected to adopt.

**Mrs Dobson** asked the Minister of Health (i) whether it is her target to abolish the Health and Social Care Board by March 2018; and (ii) for an update on the transfer of responsibilities to other areas of the local health and social care system.

**(AQW 8885/16-21)**

**Mrs O'Neill:** I have committed that the development of the design for new structures and approaches to support the reform of planning and administration of the HSC will have taken place by March 2017. This is one element of the work being overseen by the Transformation Implementation Group (TIG) which has already met twice. As previously stated I will be providing a six monthly update on the progress of all 18 actions in "Delivering Together" to my Assembly colleagues.

Over the course of 2017 and 2018 there will be much more planning work to take place in aligning where the functions of the HSCB will sit in the remodelled system. I will be relying on the vast experience of the dedicated and skilled staff that we already have in our system to achieve this.

**Mrs Dobson** asked the Minister of Health to detail each of the pressures facing (i) elective care; and (ii) non-elective care, broken down by Health and Social Care Trust.

**(AQW 8886/16-21)**

**Mrs O'Neill:** There are significant front line pressures right across health and social care from the hospital sector, through community services to social care. Section 2 of the Expert's Panel's report, Systems, Not Structures, provides a comprehensive assessment of the pressures facing Health and Social Care, including hospital services.

**Mr Durkan** asked the Minister of Health what is the estimated cost per annum to adopt the National Institute for Health and Clinical Excellence and Cancer Drug Fund process for access to cancer medicines.

**(AQW 8887/16-21)**

**Mrs O'Neill:** The Cancer Drugs Fund applies only to England. Currently there is a £340m cap on the (England) CDF. It is not possible to provide an accurate prediction on the cost to the North should a CDF be introduced here, however a simple extrapolation would suggest the cost to my Department would be in the region of £10-£14m; this would assume that the

population of the North would be diagnosed with the same types of cancer, at the same stage which required the same treatment regime.

All cancer drugs that have been recommended by the NICE for routine use in the NHS are available in the North. Those drugs which have not been recommended by NICE or which are recommended for inclusion in the Cancer Drugs Fund may be accessed, where clinical exceptionality can be established, via the current Individual Funding Request (IFR) process.

**Mr Durkan** asked the Minister of Health for her assessment of the impact that the decision not to follow National Institute for Health and Clinical Excellence proposals for the recommended for use with the Cancer Drugs Fund process will have on health inequalities.

**(AQW 8888/16-21)**

**Mrs O'Neill:** I would refer the member to my answer to AQW 8841/16-21.

**Mr Lyttle** asked the Minister of Health whether Autism Spectrum Disorder services are being allocated by each of the Health and Social Care Trusts irrespective of an individual having a co-existing condition or disability, such as a learning disability.

**(AQW 8904/16-21)**

**Mrs O'Neill:** The Health and Social Care Trusts provide support services based on assessment of need, regardless of co-existing conditions or disability, in line with relevant legislation and NICE guidelines.

People with autism who have co-morbid learning disability, mental health or medical issues will have their presenting needs addressed by the Autism Spectrum Disorder service and/or other appropriate Trust services.

**Ms Lockhart** asked the Minister of Health to outline the waiting times for appointments with the scoliosis clinic for (i) children; and (ii) adults.

**(AQW 8912/16-21)**

**Mrs O'Neill:** Reason for referral, or confirmed diagnosis, is not collected for patients waiting for a first consultant-led outpatient appointment. Therefore it is not possible to separately identify the waiting times for patients (children or adults) with scoliosis.

Waiting times for a first consultant-led outpatient appointment are collected on the basis of specialty, not future diagnosis of the patient. Therefore, it is not possible to identify the number of patients with scoliosis waiting for a first outpatient appointment.

**Ms Lockhart** asked the Minister of Health how much investment has been made in the Child Development Clinic in Lurgan over the last five years.

**(AQW 8913/16-21)**

**Mrs O'Neill:** Investment in the Child Development Clinic in Lurgan over the last five years is provided below.

Year	Investment (£)
2011/12	874,476
2012/13	1,005,668
2013/14	938,426
2014/15	995,544
2015/16	1,090,526
<b>Total</b>	<b>4,904,640</b>

**Ms Lockhart** asked the Minister of Health for an update for the provision of a Cerebral Palsy strategy.

**(AQW 8914/16-21)**

**Mrs O'Neill:** While I have no plans to produce a regional strategy for Cerebral Palsy, the member will wish to note that in October 2015, my Department published 'Providing High Quality Care for people affected by Rare Diseases – The NI Implementation Plan for Rare Diseases'.

The plan reaffirms my Department's commitment to ensure that people living with a rare disease such as Cerebral Palsy have access to the best evidence-based care and treatment in the north of Ireland.

In addition, those diagnosed with Cerebral Palsy have access to the full range of core community health and social care services across the north of Ireland including physiotherapy, occupational therapy, community nursing, speech and language therapy, dietetics, social work / social care, domiciliary care, day care and day time opportunities and respite, including specialist respite.

**Mrs Overend** asked the Minister of Health pursuant to AQW 6942/16-21, (i) when this Priority Written Question will be answered; (ii) what is the reason for the delay in responding to the urgent matter; and (iii) how this complies with Standing Order 19(5).

**(AQW 8915/16-21)**

**Mrs O'Neill:** I answered AQW 6942/16-21 on the 12 December 2016. I always answer questions as clearly and fully as possible.

**Ms Bradshaw** asked the Minister of Health whether she intends to instruct the extension of pre-natal testing to include Hepatitis C.

**(AQW 8916/16-21)**

**Mrs O'Neill:** The National Screening Committee, an independent expert body which advises the four Health Departments in Britain and the north of Ireland about all aspects of screening, has advised that universal screening for hepatitis C in pregnancy is not recommended as there is insufficient evidence to support its effectiveness.

**Ms Bradshaw** asked the Minister of Health how many people were diagnosed with Hepatitis C in (i) 2013-14; (ii) 2014-15; and (iii) 2015-16.

**(AQW 8917/16-21)**

**Mrs O'Neill:** Information on the number of people diagnosed with Hepatitis C is published annually by the Public Health Agency and can be found at the following link <http://pha.site/HepBCreport>

**Ms Bradshaw** asked the Minister of Health how many people are living with Hepatitis C.

**(AQW 8918/16-21)**

**Mrs O'Neill:** Information is not available on the number of people currently living with Hepatitis C.

**Ms Bradshaw** asked the Minister of Health to list the locations that provide testing for Hepatitis C.

**(AQW 8919/16-21)**

**Mrs O'Neill:** Testing for hepatitis C is available from the following locations and services in the north of Ireland;

- HSC hospitals,
- Genitourinary Medicine (GUM) clinics,
- GP practices,
- Occupational Health Departments,
- drug outreach and treatment services in most Trusts,
- the Sexual Assault Referral Centre (SARC),
- the Belfast Sex Worker Service of the Belfast HSC Trust,
- the screening service for new entrants to Northern Ireland within the Belfast HSC Trust,
- homeless outreach teams, and
- the prison healthcare service.

**Mr Durkan** asked the Minister of Health for her assessment of the importance of voluntary drivers to Health and Social Care Trusts.

**(AQW 8934/16-21)**

**Mrs O'Neill:** I very much appreciate the dedication and enthusiasm of the many members of the public who carry out voluntary work in a variety of roles in our Health and Social Care Trusts, and complement or enhance existing services.

Volunteer car drivers use their own cars to provide transport for patients who are considered suitable for this form of transport and who might otherwise have difficulty travelling to and from their homes to hospital and/or social care facilities. They provide a friendly and caring service to the patient or client, ensuring their safety, wellbeing and comfort on the journey.

**Mr Agnew** asked the Minister of Health what qualifications are required by the staff who service and maintain wheelchairs and electric wheelchairs for Department.

**(AQW 8956/16-21)**

**Mrs O'Neill:** Wheelchairs and electric wheelchairs used by HSC Trusts are serviced and maintained by a service company through a regional HSC Trust maintenance framework contract which requires the contractor to ensure that its employees are adequately trained and competent to service and maintain the range of equipment included in the contract.



**Mr Swann** asked the Minister of Health pursuant to AQW 4922/16-21, to detail the source and the data used in the Regional Day Opportunities document for the Bamford Task Force (draft 5), published in May 2013, which set the Northern Ireland Average (Traditional) Day Care Cost for Health and Social Care Trusts at approximately £72.67 per day.

**(AQW 8959/16-21)**

**Mrs O'Neill:** The £72.67 you refer to is the Statutory Sector rate for day care from 2011/12 Trust Financial Returns. This figure was based on the average daily cost of a traditional day centre placement across the five Health and Social Care Trusts, which, customarily all those with a learning disability would have attended, irrespective of their individual needs.

Since 2011/12 there has been a shift to services being delivered within the Day Opportunities Model. This has resulted in people receiving a range of day opportunities in their community (based on an individual Person Centred Assessment), rather than in a traditional day centre building.

The current cost and activity associated with day care and day opportunity models of care cannot be separately identified in Trust Financial Returns.

**Mr Ford** asked the Minister of Health to provide the cost of providing a helipad at the Regional Trauma Centre at the Royal Victoria Hospital; and when this helipad will be operational.

**(AQW 8978/16-21)**

**Mrs O'Neill:** The estimated cost of providing a helipad at the Royal Victoria Hospital is £750k.

It is expected that the helipad will be operational approximately 9 months after business case approval however the operational timescale may be impacted by lead times on specialist fire fighting equipment. The business case is currently under consideration by the Department of Finance.

**Mr Ford** asked the Minister of Health to detail the reasons for her decision to base the Air Ambulance service at Maze/Long Kesh rather than an established airport.

**(AQW 8979/16-21)**

**Mrs O'Neill:** I welcomed the First Minister and deputy First Minister's recent decision to allow the Maze Long Kesh site to be considered as a potential base for the Helicopter Emergency Medical Service (HEMS). This facilitated the completion of a location options assessment of potential sites which has been submitted by the Ambulance Service to my Department for consideration alongside the HEMS business case, which is currently under consideration by the Department of Finance. I will make an announcement confirming the HEMS base location in the near future.

**Mr Ford** asked the Minister of Health what training will be provided to (i) paramedics; and (ii) doctors on the Air Ambulance service.

**(AQW 8980/16-21)**

**Mrs O'Neill:** All paramedics working on Helicopter Emergency Medical Service (HEMS) operations will require HEMS training, additional clinical training, air operations familiarisation and HEMS dispatch training. Doctors are considered as medical passengers on the aircraft and therefore are not required to complete a HEMS training course, however as a matter of good practice will be expected to avail of this. Crew Resource Management (CRM) training will be compulsory for all personnel on the aircraft and must be undertaken in advance of HEMS operations. This training will be provided by the aircraft operator and other established HEMS services in conjunction with the Association of Air Ambulances, and will be updated on an annual basis.

**Mr Ford** asked the Minister of Health to detail the estimated annual running costs of the Air Ambulance service, broken down by those costs expected to be met by (i) the Department of Health; and (ii) charitable sources.

**(AQW 8981/16-21)**

**Mrs O'Neill:** The annual running costs for the Helicopter Emergency Medical Service (HEMS) are estimated to be in the region of £2m. It is envisaged that the HEMS charity partner will provide the aviation side of the service and fund the non-medical costs of HEMS, at an estimated cost of approximately £1m. The medical staff and equipment will be provided and funded by Health and Social Care services, also at an estimated cost of approximately £1m. To date no capital costs have been incurred.

**Mr Ford** asked the Minister of Health to detail the capital costs to date of the Air Ambulance service, broken down by those costs met by (i) the Department of Health; and (ii) charitable sources.

**(AQW 8982/16-21)**

**Mrs O'Neill:** The annual running costs for the Helicopter Emergency Medical Service (HEMS) are estimated to be in the region of £2m. It is envisaged that the HEMS charity partner will provide the aviation side of the service and fund the non-medical costs of HEMS, at an estimated cost of approximately £1m. The medical staff and equipment will be provided and funded by Health and Social Care services, also at an estimated cost of approximately £1m. To date no capital costs have been incurred.

**Mr Butler** asked the Minister of Health pursuant to AQW 7840/16-21, why she referred me to another Assembly Question response that did not answer the question; and whether she will now answer the original question.  
(AQW 8988/16-21)

**Mrs O'Neill:** The response to AQW 7840 is the same as the response to AQW 6708. The original response explains why it is not possible to answer the question.

**Mr Butler** asked the Minister of Health pursuant to AQW 8662/16-21, how her Department monitors the under delivery commissioned volumes of core elective activity.  
(AQW 8989/16-21)

**Mrs O'Neill:** The Health & Social Care Board has required Trusts to produce elective improvement plans for a number of specialities detailing the forecast improvement in delivery of core activity by March 2017. The Board will continue to monitor Trusts' performance against these plans at regular elective performance meetings to ensure that progress is being made to deliver the agreed outcomes or, where this is not the case, to agree what actions the Trust plans to take to address this.

**Mr Butler** asked the Minister of Health to list every Ministerial Target she has on mental health services; and to detail the performance on each as at 31 October 2016, including how many patients are currently waiting beyond the maximum target length of time for each across each Health and Social Care Trust.  
(AQW 8990/16-21)

**Mrs O'Neill:** Mental health is one of my key priorities. I am committed to moving towards parity of esteem for mental health, as well as continuing to reform and improve services.

The following Ministerial targets in relation to mental health services have been set for 2016/17:

- From April 2016, no patient waits longer than: nine weeks to access child and adolescent mental health services; nine weeks to access adult mental health services; nine weeks to access dementia services; and 13 weeks to access psychological services (any age).
- From April 2016, ensure that 99% of all mental health discharges take place within seven days of the patient being assessed as medically fit for discharge, with no discharge taking more than 28 days.

Performance against these targets as at 31 October 2016 is as follows:

- 106 patients were waiting longer than nine weeks to access child and adolescent mental health services;
- 898 patients were waiting longer than nine weeks to access adult mental health services;
- 33 patients were waiting longer than nine weeks to access dementia services; and
- 1,548 patients were waiting longer than 13 weeks to access psychological services.

Regionally during October 2016, 97% (380 out of 391) of mental health discharges took place within seven days of the patient being assessed as medically fit for discharge, and five took more than 28 days.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who, notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Butler** asked the Minister of Health how many staff are currently absent across each hospital due to stress related sickness; and how this compares to the same period in each of the last five years.  
(AQW 8991/16-21)

**Mrs O'Neill:** Information on the percentage of hours lost due to non-work related stress or work related stress, in each hospital from 2014/15 onwards, is detailed in the table below. The required breakdown cannot be provided prior to 2014/15.

**Percentage of Hours Lost due to Non-Work Related Stress/ Work-Related Stress, by Hospital**

HSC Trust / Hospital	2014/15	2015/16	Apr - Oct 2016
<b>Belfast HSC Trust</b>			
Belfast City Hospital	1.98%	1.87%	3.36%
Royal Victoria Hospital	1.60%	1.72%	1.94%

HSC Trust / Hospital	2014/15	2015/16	Apr - Oct 2016
Musgrave Park Hospital	2.31%	3.65%	3.31%
Mater Hospital	2.54%	2.26%	3.99%
Community Hospitals	3.82%	3.32%	4.79%
<b>Northern HSC Trust</b>			
Antrim Hospital Site	0.92%	1.12%	1.23%
Causeway Hospital Site	1.24%	1.51%	1.50%
Other *	1.21%	1.28%	1.28%
* Includes Braid Valley, Dalriada, Holywell, Mid Ulster, Moyle, Robinson, Route and Whiteabbey Hospital Sites.			
<b>South Eastern HSC Trust</b>			
Ards Community Hospital	1.77%	1.89%	1.20%
Bangor Community Hospital	2.04%	0.81%	0.47%
Downe Hospital	1.06%	1.70%	1.68%
Downshire Hospital	1.63%	1.59%	1.21%
Lagan Valley Hospital	0.63%	0.63%	0.63%
Ulster Hospital	1.11%	1.08%	0.98%
<b>Southern HSC Trust</b>			
Craigavon Area Hospital	0.69%	0.72%	0.74%
Daisy Hill Hospital	0.58%	0.39%	0.90%
Lurgan Hospital	0.85%	0.70%	0.92%
South Tyrone Hospital	0.63%	0.91%	0.63%
St Luke's Hospital	0.54%	0.51%	0.71%
Tower Hill	0.56%	0.44%	0.57%
Other Sites	0.90%	1.01%	0.89%
<b>Western HSC Trust</b>			
Atnagelvin	1.24%	0.95%	0.98%
Gransha Hospital (incl Lakeview)	1.02%	1.30%	1.25%
Waterside Hospital	0.78%	1.17%	0.20%
Southwest Acute Hospital	1.14%	1.03%	1.28%
Tyrone County Hospital	0.71%	1.63%	1.61%
Tyrone & Fermanagh Hospital	2.10%	2.27%	1.64%

Source: HSC Trusts

Excludes bank staff.

**Mrs Dobson** asked the Minister of Health to detail the (i) number; and (ii) cost of free prescriptions dispensed in each of the last three years.

(AQW 8992/16-21)

**Mrs O'Neill:** All primary care prescriptions have been free since April 2010. The number and cost of prescription items dispensed by a community pharmacist, dispensing doctor or appliance supplier, and presented for payment in each of the last three years are shown in Table 1 below.

**Table 1: Number and cost of prescription items dispensed, 2013 to 2015**

Calendar Year	Number of Prescription Items (Millions)	Ingredient Cost of Prescription Items (Before Discount) £Million*
2013	38.66	£409.02m
2014	39.69	£420.51m
2015	40.58	£440.44m

**Source:** Prescription Cost Analysis, Information and Registration Unit, BSO

\* figures exclude dispensing fees

**Mrs Dobson** asked the Minister of Health to detail the total (i) number; and (ii) cost of (a) gluten free products; and (b) nutritional drink products that were dispensed as free prescriptions in each of the last three years.  
(AQW 8993/16-21)

**Mrs O'Neill:**

#### Gluten-free products

Financial year	Number of items	Gross Ingredient Cost
2013/2014	85,270	£1,787,984
2014/2015	81,314	£1,690,536
2015/2016	76,373	£1,570,060

**Source:** HSC Business Services Organisation

#### Oral Nutritional Supplements

Financial year	Number of items	Gross Ingredient Cost
2013/2014	179,037	£9,047,444
2014/2015	163,282	£8,488,962
2015/2016	166,236	£8,516,046

**Source:** HSC Business Services Organisation

Press Office

**Mrs Dobson** asked the Minister of Health to (i) list every Ministerial Target she has on Allied Health Professional Services; and (ii) detail the performance on each as at 31 October 2016, including how many patients are currently waiting beyond the maximum target length of time for each, across each Health and Social Care Trust.  
(AQW 8994/16-21)

**Mrs O'Neill:** The Ministerial target for Allied Health Professional (AHP) Services is that, by March 2017, no patient should wait longer than 13 weeks from referrals to commencement of treatment by an allied health professional.

As at 31st October 2016, the number of patients waiting beyond 13 weeks to commence treatment was as follows:

Trust	Position at 31st October 2016
BHSCT	4,592*
NHSCT	7,866
SEHSCT	622
SHSCT	4,963
WHSCT	1,928
<b>Total</b>	<b>19,971</b>

**Source:** HSCB

\* Estimated figure

During 2015/16, the HSC Board and Public Health Agency worked with Trusts to complete a demand and capacity exercise to ensure that there is sufficient capacity in each of the AHP services to meet patient demand. Trusts are currently working to reduce AHP waiting times from within available resources.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mrs Dobson** asked the Minister of Health to detail how many outpatient appointments were cancelled due to staff unavailability or hospital pressures, broken down by each hospital over each of the last three years.

**(AQW 8995/16-21)**

**Mrs O'Neill:** Information on the number of hospital cancellations in HSC hospitals is collected and published annually broken down by reason for cancellation.

The variable 'reason for cancellation' was only made mandatory for completion from March 2013. Following this decision, an audit of the reasons for cancellation was undertaken and updated methodology was put in place from 1st July 2013. As such information is only available from 1st July 2013.

Health and Social Care Trusts must now use one of the agreed regional reasons for cancellation when recording a hospital cancellation therefore it is not possible to identify from the cancelled appointments how many of these were due to hospital pressures.

The number of appointments cancelled by hospitals in each of the requested years broken down by reason for cancellation, is available to download at the following link:

<https://www.health-ni.gov.uk/publications/hospital-statistics-outpatient-activity-statistics-201516>

**Mrs Dobson** asked the Minister of Health to list every Ministerial Target she has on mental Allied Health Professional services; and to detail the performance on each as at 31 October 2016, including how many patients are currently waiting beyond the maximum target length of time for each across each Health and Social Care Trust.

**(AQW 9002/16-21)**

**Mrs O'Neill:** The Ministerial target for Allied Health Professional (AHP) Services is that, by March 2017, no patient should wait longer than 13 weeks from referrals to commencement of treatment by an allied health professional.

As at 31st October 2016, the number of patients waiting beyond 13 weeks to commence treatment was as follows:

Trust	Position at 31st October 2016
BHSCT	4,592*
NHSCT	7,866
SEHSCT	622
SHSCT	4,963
WHSCT	1,928
<b>Total</b>	<b>19,971</b>

**Source:** HSCB

\* Estimated figure

During 2015/16, the HSC Board and Public Health Agency worked with Trusts to complete a demand and capacity exercise to ensure that there is sufficient capacity in each of the AHP services to meet patient demand. Trusts are currently working to reduce AHP waiting times from within available resources.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.



That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Ms Lockhart** asked the Minister of Health how many hours of physio have been provided in each of the special schools over the last five years.  
(AQW 9013/16-21)

**Mrs O'Neill:** This information is not regularly collected and to provide it would require a manual trawl through hundreds of records at disproportionate cost.

**Mr Lynch** asked the Minister of Health whether her Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.  
(AQW 9017/16-21)

**Mrs O'Neill:** I fully support the Diversity initiative being promoted by the Commissioner for Public Appointment.

My Department is working towards improving the gender balance across the boards of its public bodies whilst ensuring that all public appointments are made on the basis of merit.

As a result in a recent public appointment competition,, 45% of the applications received were from women. Overall across all of the Department's public bodies the current gender balance is 59% male and 41% female.

**Mr Hussey** asked the Minister of Health to outline (i) whether the current waiting list for referral to occupational therapy services in the Western Health and Social Care Trust is 38 weeks; (ii) how many patients are on the waiting list; (iii) how many Occupational Therapists are employed in the Trust; and (iv) how many patients are delayed transfer from hospital to home on a weekly basis awaiting urgent referral to an Occupational Therapist.  
(AQW 9025/16-21)

**Mrs O'Neill:**

- (i) Currently, the longest waiting time for Occupational Therapy referral is 60.6 weeks.
- (ii) A total of 2,366 patients were waiting for Occupational Therapist referrals, as at 30th November 2016.
- (iii) The number of Occupational Therapists employed by the WHSCT as at 30th September 2016.

Headcount	Whole-time equivalent
144	130

**Source:** HRPTS.

Excludes bank staff and staff on career breaks.

- (iv) The Western Trusts' information systems do not record the information in the format requested and it is, therefore, not available.

I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff who, notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr Chambers** asked the Minister of Health whether the Hospital Travel Costs Scheme is being processed by the various Health and Social Care Trusts using the same criteria with the same outcomes.  
(AQW 9073/16-21)

**Mrs O'Neill:** The Department's Hospital Travel Costs Scheme applies equally across all HSC Trusts.

More information on the scheme is available at the following link:  
<https://www.nidirect.gov.uk/articles/hospital-travel-costs-scheme>.

**Mr Butler** asked the Minister of Health pursuant to AQW 8775/16-21, to outline why no break down by recruitment agency was requested, despite the original question asking for information that required it to be requested.  
(AQW 9105/16-21)

**Mrs O'Neill:** Data for the past five years is not readily available from all Arms-length bodies in an accessible format and it is therefore not possible to provide an accurate validated answer.

As advised previously fees paid to recruitment agencies is an operational matter for Arms-length bodies.

**Mr Butler** asked the Minister of Health pursuant to AQW 8778/16-21, to outline (i) why her answer referred to another response which also did not answer the original question; and (ii) what makes it not practicable to list all changes.

**(AQW 9108/16-21)**

**Mrs O'Neill:** The original response to AQW 6708 explains why it is not possible to answer the question.

**Mrs Barton** asked the Minister of Health to detail the number of patients whose discharge has been delayed due to difficulties in providing a domiciliary care package; broken down by each hospital in the Western Health and Social Care Trust over the last four years.

**(AQW 9116/16-21)**

**Mrs O'Neill:** Data on the number of patients in the Western HSC Trust whose discharge from hospital was delayed as they were awaiting a domiciliary care package have been provided below from 2012/13 to 2015/16, by hospital site.

**Source:** Western HSC Trust

Year	Altnagelvin	South West Acute	Tyrone County
2012/13	64	36	18
2013/14	51	57	20
2014/15	46	62	32
2015/16	58	94	28

My Department is currently undertaking a regional review of the domiciliary care workforce to ensure the availability of a domiciliary care workforce to meet future service demands.

**Mrs Barton** asked the Minister of Health whether she will guarantee that student nurses will be assured of employment following graduation over the next three years.

**(AQW 9117/16-21)**

**Mrs O'Neill:** I can guarantee that student nurses will be assured of employment in the HSC following graduation over the next three years, subject to satisfying the usual recruitment processes of the employing Trusts. The HSC Trusts are offering Year 3 student nurses job opportunities on successful completion of their training.

## Department of Justice

**Lord Morrow** asked the Minister of Justice whether the additional security measures in Thompson House are to reduce the frequency of agency monitoring and Designated Risk Manager visits for offenders placed therein.

**(AQW 8388/16-21)**

**Ms Sugden (The Minister of Justice):** Thompson House is managed by the Presbyterian Church Ireland (PCI). My Department is not aware of the introduction of additional security measures. PCI would be better placed to provide information in relation to this.

The Probation Board for Northern Ireland (PBNI) uses accommodation, such as Thompson House, to assist in the supervision of offenders who have served their prison sentence and have been released back into the community.

PBNI staff undertake visits to all offenders subject to their supervision. This includes offenders residing in hostel accommodation, such as Thompson House.

The frequency and nature of these visits is determined on a case by case basis, subject to the individual offender's assessed risk, the associated risk management plan and nature of their offending.

**Mr Allister** asked the Minister of Justice in respect of the offence of careless driving causing death, to detail (i) the number of prosecutions since the introduction of the offence; (ii) the number of prosecutions resulting in convictions, by (a) pleading guilty; and (b) jury conviction; and (iii) the number of immediate custodial sentences imposed.

**(AQW 8473/16-21)**

**Ms Sugden:** Offences related to careless driving causing death may be prosecuted as the offence 'causing death or grievous bodily injury by careless or inconsiderate driving' under the Road Traffic (Northern Ireland) Order 1995. This offence

description was introduced following implementation of Article 52 of the Criminal Justice (Northern Ireland) Order, 2008 and only applies to offences committed after 16th July 2008.

However, to identify in which of these cases a death occurred would require a manual trawl of court records, which, given the numbers of cases involved, would incur a disproportionate cost. Therefore, information in relation to the more generic offence has been provided.

**Prosecutions and convictions for the offence careless driving causing death or grievous bodily injury, 2008 – 2015**

Year	Prosecutions	Convictions	Custodial sentence	Guilty plea	Jury conviction
2008	2	1	1	1	0
2009	20	17	4	17	0
2010	73	48	3	43	1
2011	98	55	3	46	0
2012	91	66	6	58	1
2013	96	54	5	41	3
2014	90	56	4	48	1
2015	77	45	3	41	0

**Notes:**

- 1 Figures relate to convictions which included at least one count of the offences specified.
- 2 Figures for prosecutions include cases where the initial charge was withdrawn and a lesser charge was substituted.
- 3 The figures provided relate to convictions for all classifications of the offences specified.
- 4 Figures relate to initial disposals at court: disposals as a result of appeals are not included.

**Lord Morrow** asked the Minister of Justice pursuant to AQW 6195/16-21, to provide or place a copy of the report which HSENI compiled following an incident in HMP Maghaberry in 2013, in the Assembly Library.  
(AQW 8503/16-21)

**Ms Sugden:** An account of the incident was produced by the Health & Safety Executive Northern Ireland (HSENI) but not forwarded to the Northern Ireland Prison Service (NIPS). As the report does not belong to NIPS it should therefore be requested from the HSENI.

**Mr Smith** asked the Minister of Justice to detail each budgetary pressure that (i) her Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.  
(AQW 8564/16-21)

**Ms Sugden:** My Department continues to manage its in-year financial position within the resources that have been allocated.

**Mr Beggs** asked the Minister of Justice to detail (i) the total amount collected for animal welfare fines; and (ii) how it was spent.  
(AQW 8573/16-21)

**Ms Sugden:** Offences relating to animal cruelty may be prosecuted under the Welfare of Animals (Northern Ireland) Act 1972, the Wildlife (Northern Ireland) Order 1985, the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 and the Welfare of Animals Act (Northern Ireland) 2011.

Information on the monetary total of fines imposed in cases concluded at courts in the last two years, 2014 and 2015, has been provided. These fines are paid to the Northern Ireland Consolidated Fund.

**Monetary value of fines imposed as penalties for convictions at courts related to animal welfare offences, 2014 – 2015**

Year	Total (£) fines imposed
2014	4,825
2015	7,775

**Note:**

- 1 Figures relate to fines imposed upon conviction for one of the offences specified.
- 2 The figures provided relate to convictions for all classifications of the offences specified.

- 3 Figures relate to initial disposals at court: disposals as a result of appeals are not included.
- 4 Figures include prosecutions brought by PPS on behalf of PSNI and other bodies.

**Mr Allister** asked the Minister of Justice what criteria is applied in deciding whether or not an equality impact assessment should be held in respect of departmental policy or proposals.

**(AQW 8579/16-21)**

**Ms Sugden:** In fulfilling the Department's obligations under Section 75 of the Northern Ireland Act, my Department's Equality Scheme includes a commitment to carry out equality screening as part of the policy development process. Where screening identifies that a policy has major potential to impact on equality of opportunity and good relations, an Equality Impact Assessment will be undertaken.

**Mr Allister** asked the Minister of Justice what criteria is applied in deciding whether or not a public consultation should be held in respect of departmental policy or proposals.

**(AQW 8580/16-21)**

**Ms Sugden:** It is Government policy that where new policy is being developed a consultation process should be included as a key part of that development. The nature of the process will vary depending on the nature and scope of the policy development and should be proportionate.

A consultation process will not normally be appropriate where an urgent matter of policy arises, or when national legislation is being progressed which becomes the subject of a time critical Legislative Consent Motion.

**Mr Wells** asked the Minister of Justice to detail how many people were convicted for the misuse of snares, in each of the last five years.

**(AQW 8581/16-21)**

**Ms Sugden:** The use of snares in Northern Ireland is regulated by the Wildlife (Northern Ireland) Order 1985. This Order was amended by the Wildlife and Natural Environment Act (NI) 2011 (WANE) which introduced new controls over the use of snares in Northern Ireland.

There were no convictions at courts for this offence in the last five years for which information is available, 2011 – 2015.

**Lord Morrow** asked the Minister of Justice to outline (i) when it become policy or practice not to have the The Health and Safety Executive for Northern Ireland investigate incidents in HMP Maghaberry; (ii) who made this decision; (iii) why was it made; and (iv) whether this was officially approved and/or signed off by departmental officials, and on what date.

**(AQW 8592/16-21)**

**Ms Sugden:** It has never been policy or practice to have the Health and Safety Executive for Northern Ireland investigate incidents in any NIPS establishment, this is an employer's duty to undertake. This is the same procedure for any organisation be it private or public bodies.

The HSE Inspectors are free to come in at any time to liaise with NIPS on any items that may be of concern to them. NIPS currently fulfil all the requirements of RIDDOR (Reporting of Injuries Diseases and Dangerous Occurrences Regulations), NIPS report all relevant incidents to HSENI.

**Mr Anderson** asked the Minister of Justice to outline why a significant number of community service orders fail to be successfully completed.

**(AQW 8624/16-21)**

**Ms Sugden:** The Probation Board for Northern Ireland (PBNI) has a statutory responsibility to supervise Community Service Orders and to ensure that individuals who are subject to such Orders fully comply with their sentence.

PBNI has advised there may be occasions when these Orders are not completed. The reasons for non-completion can vary but, on occasion, may include extenuating circumstances such as; ill-health or if an individual is remanded into custody. PBNI assess each case on its particular circumstances.

Where there are no extenuating circumstances, PBNI initiate enforcement proceedings and it is for the Court to decide on the appropriate action to be taken.

**Mr McCrossan** asked the Minister of Justice to outline all (i) community; (ii) voluntary; and (iii) charitable organisations that received funding from her Department, in West Tyrone, in each of the last 3 years.

**(AQW 8647/16-21)**

**Ms Sugden:** The community, voluntary and charitable organisations in West Tyrone that received funding from my Department, including its Agencies but not its arm's-length bodies, in each of the last 3 financial years are listed below:

**2015-16**

- Sion Mills Community Forum
- Connect
- Strabane Access Youth Engagement

**2014-15**

- None

**2013-14**

- Ardstraw & District Community Development Association
- Carlton Drive/Greeves Park Cross Community Association
- Culmore & O'Kane Residents Association
- Omagh Youth Support (Extern)
- Sion Mills Community Forum
- Strabane Sigersons Ladies Club

My Department also provides funding to a range of community and voluntary organisations who deliver services across Northern Ireland. Some of these services may be available in West Tyrone.

My Department also provides funding to Policing and Community Safety Partnerships who work with a wide range of bodies including community and voluntary organisations, some of which may be in West Tyrone.

**Mr Lynch** asked the Minister of Justice what actions she is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8682/16-21)**

**Ms Sugden:** My Department has recently received a copy of the Gender Equality Policy Priorities and Recommendations report, published by the Equality Commission in November 2016, and this has been distributed to officials who have a responsibility for leading on policy across the department for their considerations.

In respect of civil servant employees, my Department aligns with the NICS commitments on gender equality, led by Department of Finance, in relation to pay, flexible working and childcare support and we actively participate in diversity initiatives including the Diversity Champions Network and diversity and equality awareness training for staff.

In relation to public appointees, my Department ensures that it complies with the Commissioner for Public Appointments Code of Practice and implements the diversity initiatives outlined within it, including giving consideration to diversity issues at the outset of Public Appointment competitions. We are contributing to the development of a cross departmental strategic action plan, led by TEO, which will underpin the delivery of Executive diversity targets and commitments agreed in February 2016.

In addition my department is currently revising its Equality Action Plan and Disability Action Plan for the period 2017-2021 and we will give due consideration to the ECNI recommendations on gender equality as part of the development.

In terms of tackling transphobic hate crime, the Community Safety Strategy sets out my Department's approach to tackling all forms of hate crime and the harm it causes through prevention, awareness, education and support for victims and communities. To deliver on this commitment, my Department chairs a multi-agency Hate Crime Delivery Group, who have developed a comprehensive Action Plan around increasing reporting and providing support for victims of all hate crime, including through the regional Hate Crime Advocacy Service which is jointly funded by the PSNI and DOJ. The Advocacy Service includes a specific homophobic and transphobic hate crime Advocate based in the Rainbow Project, who provides personal and practical support to victims, including support to report hate crimes in the first instance.

The seven year 'Stopping Domestic and Sexual Violence and Abuse Strategy' published in March 2016 takes a zero tolerance approach to domestic violence. The Strategy is not gender-specific but rather seeks to ensure that the particular needs of all victims and potential victims of domestic and sexual violence, are identified and responded to appropriately.

**Mr Hussey** asked the Minister of Justice to outline why her Department claimed that the Charity Commission Northern Ireland's office held a secure premises certificate from the Police Service of Northern Ireland, when a freedom of information request from PSNI revealed that no such premises security certificate was granted or applied for.

**(AQW 8715/16-21)**

**Ms Sugden:** My Department made no such claim. It advised that documents removed temporarily from the office of the Disabled Police Officers' Association Northern Ireland by the Charity Commission for Northern Ireland were held in a PSNI-approved secure facility. My Department understands from the Commission that the Commission's offices in Lurgan, where the documents were held, were built to PSNI physical security requirements, and subsequently inspected and signed off.

**Mr Swann** asked the Minister of Justice pursuant to AQW 6583/16-21, to detail how this money is also allocated against expenditure.

**(AQW 8720/16-21)**



**Ms Sugden:** Fines generated by the Northern Ireland Road Safety Partnership (NIRSP) detections receipts are collected by the Northern Ireland Courts & Tribunals Service (NICTS) and transferred to the PSNI to hold on behalf of the NIRSP. The NICTS submit invoices to PSNI to recover their costs and this expenditure is accounted for in the Fine Trust Statements.

The remaining balance is ring-fenced and held in an account by PSNI on behalf of the NIRSP pending relevant approvals.

Capital expenditure has been supported through the PSNI's monitoring rounds and the assets are accounted for in PSNI's accounts.

**Lord Morrow** asked the Minister of Justice whether she can provide a copy of the NIPS death in custody action plan, or place one in the Assembly library.

**(AQW 8739/16-21)**

**Ms Sugden:** The procedures for managing a death in custody are laid out in the current SPAR Policy and Standard Operating Procedure. This is currently under review. The current policy can be viewed at:

<https://www.justice-ni.gov.uk/publications/suicide-and-self-harm-prevention-policy>

**Lord Morrow** asked the Minister of Justice to outline why NIPS is promoting an enhanced status, permitting some prisoners to select separated conditions with a different regime of movement and supervision, thereby breaching equality amongst the prison population, in relation to equality of all prisoners as defined in HM Inspectorate of Prisons and Criminal Justice Inspection reports.

**(AQW 8740/16-21)**

**Ms Sugden:** There is a clear published criteria for prisoners to access separated conditions, that criteria is the responsibility of the Secretary of State for Northern Ireland. The Northern Ireland Prison Service does not promote enhanced status for prisoners in separated conditions.

The regime offered for all prisoners at Maghaberry Prison is designed for the type of prisoner held in each location. In that context managing separation is a unique and challenging issue for Maghaberry Prison.

The Maghaberry Management Team have been working to ensure that a more stable regime is in place for the whole population of the prison and this was reflected in the low impact review carried out by Criminal Justice Inspection Northern Ireland in September of this year.

**Lord Morrow** asked the Minister of Justice to outline (i) who is in charge and/or responsible for audits on closed Supporting Prisoners at Risk Scheme's; and (ii) the objectives of those tasked with carrying out same.

**(AQW 8742/16-21)**

**Ms Sugden:** Audits of closed Supporting Prisoners At Risk (SPAR) documents are carried out by the Prisoner Safety and Support Team in Maghaberry, for Maghaberry, and by designated local managers in Magilligan and Hydebank Wood. The objective of auditing closed booklets is to find examples of both positive and negative practice, to recognise the good and to challenge the negative, to target training needs and to improve outcomes for prisoners at risk of suicide and self-harm.

**Mr McCrossan** asked the Minister of Justice whether she has had any discussions with the Chief Constable concerning the McGurk's bar bomb.

**(AQW 8763/16-21)**

**Ms Sugden:** I have been in discussion with a range of stakeholders on dealing with the legacy of the past, including the Chief Constable. While we have discussed the challenges faced by the Police Service of Northern Ireland in respect of its legacy obligations and the consequent importance of securing political agreement to establish the Historical Investigations Unit, we have not discussed the investigation into the deaths which occurred at McGurk's bar.

**Ms Boyle** asked the Minister of Justice to outline the actions she has taken to implement the policy priorities and recommendations to advance Gender Equality issued by Equality Commission.

**(AQW 8764/16-21)**

**Ms Sugden:** My Department has recently received a copy of the Gender Equality Policy Priorities and Recommendations report, published by the Equality Commission in November 2016, and this has been distributed to officials who have a responsibility for leading on policy across the department for their considerations.

In respect of civil servant employees, my Department aligns with the NICS commitments on gender equality, led by Department of Finance, in relation to pay, flexible working and childcare support and we actively participate in diversity initiatives including the Diversity Champions Network and diversity and equality awareness training for staff.

In relation to public appointees, my Department ensures that it complies with the Commissioner for Public Appointments Code of Practice and implements the diversity initiatives outlined within it, including giving consideration to diversity issues at the outset of Public Appointment competitions. We are contributing to the development of a cross departmental strategic action plan, led by TEO, which will underpin the delivery of Executive diversity targets and commitments agreed in February 2016.

In addition my department is currently revising its Equality Action Plan and Disability Action Plan for the period 2017-2021 and we will give due consideration to the ECNI recommendations on gender equality as part of the development.

In terms of tackling transphobic hate crime, the Community Safety Strategy sets out my Department's approach to tackling all forms of hate crime and the harm it causes through prevention, awareness, education and support for victims and communities. To deliver on this commitment, my Department chairs a multi-agency Hate Crime Delivery Group, who have developed a comprehensive Action Plan around increasing reporting and providing support for victims of all hate crime, including through the regional Hate Crime Advocacy Service which is jointly funded by the PSNI and DOJ. The Advocacy Service includes a specific homophobic and transphobic hate crime Advocate based in the Rainbow Project, who provides personal and practical support to victims, including support to report hate crimes in the first instance.

The seven year 'Stopping Domestic and Sexual Violence and Abuse Strategy' published in March 2016 takes a zero tolerance approach to domestic violence. The Strategy is not gender-specific but rather seeks to ensure that the particular needs of all victims and potential victims of domestic and sexual violence, are identified and responded to appropriately.

**Lord Morrow** asked the Minister of Justice to outline the action she has taken or is intending to take to implement a Safer Custody Strategy for all prison facilities, and in particular HMP Maghaberry; and provide a time table for this process. **(AQW 8812/16-21)**

**Ms Sugden:** The Prison Service is tasked to deliver safe, decent and secure prisons with rehabilitation at their core.

The recent deaths in custody and reports from the Ombudsman and Criminal Justice Inspectorate brought into sharp focus the issue of mental health in prisons and how we support vulnerable prisoners.

Since becoming Justice Minister I have made mental health provision a priority and have discussed this with the Health Minister on several occasions. This culminated in my announcement to the Assembly on 21 November of a joint review into support for vulnerable people in custody.

Additionally and in partnership with the South Eastern Health and Social Care Trust the Northern Ireland Prison Service is developing a new joint strategy which will be completed in early 2017.

**Lord Morrow** asked the Minister of Justice pursuant to AQW 7673/16-21, to outline how many prisoners are currently subject to a SPAR, and of these how many are (i) regarded as having a mental health issue; (ii) not regarded as having a mental health issue; and (iii) awaiting assessment to ascertain if they have a mental health issue, broken down by prison facility. **(AQW 8813/16-21)**

**Ms Sugden:** As at 19 December 2016 the numbers of prisoners who are currently subject to a SPAR are:

Maghaberry	Magilligan	Hydebank College
24	1	8

The South Eastern Health and Social Care Trust (SEHSCT) is responsible for the provision of mental health support in prisons.

On the 21 November I, along with the Minister for Health, announced a review of Vulnerable people in Custody which will include an appraisal of mental health service provision in prisons.

**Mr Hussey** asked the Minister of Justice pursuant to AQW 7942/16-21, to outline (i) whether her Department gave authority for Police Rehabilitation and Retraining Trust staff to change the locks of the Disabled Police Officers' Association Northern Ireland office in August 2014 in the absence of a warrant or order; (ii) why there is no legal requirement for her Department to change locks of the DPOANI office when 144 DPOANI members, private, confidential and medical files were taken by the Charity Commission for Northern Ireland without their permission; and (iii) the threat assessment her Department performed in relation to this security breach. **(AQW 8815/16-21)**

**Ms Sugden:** Police Rehabilitation and Retraining Trust staff secured the premises of the Disabled Police Officers' Association Northern Ireland on receipt of a written request to do so from the Charity Commission for Northern Ireland. The authority came from the Commission in the pursuit of its statutory inquiry, not from the Department of Justice.

The DPOANI is not an arm's-length body of the Department of Justice. My Department is not responsible for the security of information held by the DPOANI: that is a matter for the DPOANI Board. I understand that, following the issuing by the Commission of an order to trustees of the DPOANI, papers were removed from the offices of the DPOANI by the Commission in the pursuit of its statutory inquiry, and subsequently returned to the custody of the DPOANI Interim Manager, when appointed. I can confirm that the Department did not carry out any threat assessment in relation to this process. It is not the role of the Department of Justice to evaluate the activities of the Charity Commission or the DPOANI.

**Mr Mullan** asked the Minister of Justice to detail the number of people convicted of hit and run crimes, in each of the last three years. **(AQW 8844/16-21)**

**Ms Sugden:** Departmental convictions datasets do not contain details of the circumstances of an offence and it is not possible, from information held, to identify those convictions handed down, as a result of hit and run crimes. To identify such convictions would require a manual trawl of court records, which would incur a disproportionate cost. Therefore, it has not been possible to provide the information requested.

However, offences such as failing to stop where an accident occurred, failing to remain where an accident occurred and failing to report an accident, which may be prosecuted under the Road Traffic Act (Northern Ireland) Order 1981, may constitute some of the offences associated with hit and run incidents. Information in relation to convictions for these offences in the years 2013 – 2015, the most recent available, has been provided.

**Convictions at courts for offences related to failing to stop, remain or report an accident, 2013 – 2015**

	2013	2014	2015
Convictions	441	403	439

**Notes:**

- 1 Figures relate to cases which included at least one count of the offences specified.
- 2 The figures provided relate to convictions for all classifications of the offences specified.
- 3 Figures relate to initial disposals at court: disposals as a result of appeals are not included.
- 4 Figures relate to offences relating to accidents where either damage or injury was caused.

**Mr Mullan** asked the Minister of Justice to outline how her Department is reducing incidents of anti-social behaviour in Limavady and Coleraine.

**(AQW 8845/16-21)**

**Ms Sugden:** I am fully aware of the impact anti-social behaviour (ASB) and its associated issues have on local communities and individuals. My Department and the Northern Ireland Policing Board provide funding and support to the Policing and Community Safety Partnerships (PCSPs) to enable issues such as this to be identified at a local level and to help develop solutions.

Causeway Coast and Glens PCSP supports a range of initiatives involving cross agency and partnership working to address ASB in Limavady and Coleraine and elsewhere where needed across the Causeway Coast and Glens area. For example:

- During the September to December school term, over 1,200 primary school children from across the district will have participated in the RADAR programme that includes anti-social behaviour awareness. In January 2017 a further five schools will attend RADAR and receive and benefit from this experience.
- On 7 December the PCSP, in partnership with the PSNI, held a Neighbourhood Watch Conference for Neighbourhood Watch Coordinators to provide information and advice on community safety issues including ASB.
- To coincide with Alcohol Awareness Week in November, the PCSP Last Orders programme was delivered in all post-primary schools and local college campuses exploring risk-taking behaviours and the consequences of ASB.

Given the wide spectrum of behaviours which people may consider to be anti-social, there is also a range of legislation available to address this issue including the Anti-social Behaviour (Northern Ireland) Order 2004. Local Councils, for example, have powers for tackling littering, noise, on-street drinking and the NIHE has powers for dealing with anti-social tenants.

I understand there has been an overall downward trend, since 2007, of reported incidents of ASB, and Causeway Coast and Glens PCSP, and the PSNI which is a member of the PCSP, have advised that ASB within the district is decreasing compared to this time last year.

To ensure this success continues, my Department is also represented on several working groups, including Reducing Offending Partnerships, Interagency Advisory Groups, ASB forums and other partnership initiatives, to strategically address ASB and its associated issues. As a result of this work I have asked my officials to scope out, in association with relevant stakeholders, how a holistic review of anti-social behaviour can be taken forward.

**Mr Ford** asked the Minister of Justice to detail how much the decision not to proceeding with the rationalisation of the court estate will cost (i) the Northern Ireland Courts and Tribunal Service; (ii) the Northern Ireland Prison Service; and (iii) the Police Service of Northern Ireland, in (a) 2016/17; (b) 2017/18; and (c) 2018/19.

**(AQW 8869/16-21)**

**Ms Sugden:** There are no additional costs associated with the decision not to close the courthouses.

As I indicated in the Assembly on 25 October 2016, I decided not to rationalise the court estate in the context of the Executive's Programme for Government; the publication of the Review of Civil and Family Justice published by Lord Justice Gillen; my focus on Problem Solving Justice; and the developing digital justice environment.

In reaching my decision, I was conscious of the concern within local communities about the adverse impact the closures would have on Access to Justice and the ongoing Judicial Reviews which were challenging the adequacy of the consultation process leading to the decision to close the six courts.

I reversed the decision to close the courthouses to allow for proposals for alternative uses to be developed and full public consultation to be undertaken.

**Lord Morrow** asked the Minister of Justice to detail the estimated impact on Legal Aid as a result of increased travel and subsistence costs from defence teams required to travel to various courts other than original divisions to accommodate judiciary that have carriage of specific cases but sitting in various locations, as a result of the introduction of a single jurisdiction. (AQW 8938/16-21)

**Ms Sugden:** No cases have transferred from one Administrative Court Division to another to accommodate judiciary with carriage of the case following the introduction of a single jurisdiction. Therefore there has been no impact on the legal aid budget.

**Lord Morrow** asked the Minister of Justice pursuant to AQW 7903/16-21, (i) to detail how many occasions reports were copied to HSENI that were (a) rejected; and/or (b) amended; and (ii) for her assessment on the independence of such internal investigations. (AQW 8940/16-21)

**Ms Sugden:** On all occasions that an incident fulfils the requirements of Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) it is reported to the HSENI. None of these reports have been rejected or amended. All employers are required to investigate incidents even though they do not fulfil the requirements of RIDDOR.

**Lord Morrow** asked the Minister of Justice to outline (i) whether all victims of sexual or violent crime in which a perpetrator is imprisoned are notified prior to release date, as per Point 19 of the Victim's Charter; and (ii) which agency is responsible for such notification. (AQW 8941/16-21)

**Ms Sugden:** Not all victims in these circumstances are notified prior to a release date. As advised in response to AQW8329/16 victims are informed when an offender leaves hospital or custody, or will be supervised by the Probation Board as part of their sentence, where a victim has decided to register with the relevant victim information scheme. These schemes are available if a prison sentence of six months or more is awarded, the sentence includes supervision by the Probation Board for Northern Ireland or the offender has been sent to hospital under a restriction order. Victims are not notified where they decide not to register with one of the relevant schemes.

Information about the release of an offender is provided by the Victim Information Unit, which is managed by the Probation Board for Northern Ireland. That Unit co-locates the Prisoner Release Victim Information Scheme, the Probation Board for Northern Ireland Victim Information Scheme and the Mentally Disordered Victim Information Scheme.

**Mr McPhillips** asked the Minister of Justice to outline the steps her Department is taking to prevent human trafficking. (AQW 8962/16-21)

**Ms Sugden:** The Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/17 sets out the strategic response by my Department and its delivery partners to tackling modern slavery in Northern Ireland. It is underpinned by four strategic priorities, including preventing and reducing the risk of human trafficking and modern slavery offences in and to Northern Ireland. A number of objectives and actions have been identified in support of this strategic priority, including engagement with perceived 'at-risk' groups to reduce risk; and raising awareness to increase reporting and to reduce demand.

Work is currently ongoing with delivery partners to implement the strategy, which is available on the Department's website at:

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/ni-human-trafficking-and-modern-slavery-strategy-2016-17.pdf>

**Mr McPhillips** asked the Minister of Justice to detail the number of people prosecuted and convicted for modern day slavery, in each of the last three years. (AQW 8964/16-21)

**Ms Sugden:** Offences relating to modern day slavery are associated with human trafficking and may be prosecuted under the Sexual Offences Act 2003 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The most recent three year period for which prosecution and conviction information is available is 2013 – 2015. Information for prosecutions concluded and convictions handed down during that period, for the offences specified, has been provided in the following table.

**Number of prosecutions and convictions at courts for human trafficking modern slavery related offences, 2013 – 2015**

	2013	2014	2015
Prosecutions	2	4	0
Convictions	1	1	0

**Notes:**

- 1 Figures relate to cases which included at least one count of the offences specified.
- 2 The figures provided relate to convictions for all classifications of the offences specified.
- 3 Figures relate to initial disposals at court: disposals as a result of appeals are not included.

**Mrs Barton** asked the Minister of Justice to detail the number of convictions for mobile phone use whilst driving by (i) HGV drivers; and (ii) Coach/Bus drivers, since 2013.  
(AQW 8973/16-21)

**Ms Sugden:** There is no offence relating to using a mobile phone whilst driving that is specific to HGV drivers or to coach/bus drivers, and convictions datasets held by the Department do not contain information as to the nature of the vehicle being driven when such an offence is committed. To identify such convictions would require a manual trawl of court records, which would incur a disproportionate cost. Therefore, it has not been possible to provide the information requested.

Offences relating to using a mobile phone whilst driving, whatever the vehicle driven, may be prosecuted under Article 56A of the Road Traffic (Northern Ireland) Order 1995. The most recent three year period for which conviction information is available is 2013 – 2015 and information for convictions handed down during that period, for the offence specified, has been provided in the following table.

**Convictions at courts for 'using a mobile phone whilst driving' offences, 2013 – 2015.**

Year	Convictions
2013	1,034
2014	960
2015	878

**Notes:**

- 1 Figures relate to convictions which included at least one count of the offences specified.
- 2 The figures provided relate to convictions for all classifications of the offence specified.
- 3 Figures relate to initial disposals at court: disposals as a result of appeals are not included.

**Mr Lynch** asked the Minister of Justice whether her Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.  
(AQW 9016/16-21)

**Ms Sugden:** My Department ensures that it complies with the Commissioner for Public Appointments Code of Practice and implements the diversity initiatives outlined within it. This includes consideration of diversity issues at the outset of Public Appointment competitions.

In addition, the Executive Office is leading on the development of a cross departmental strategic action plan which will underpin the delivery of Executive diversity targets and commitments which were agreed in February 2016. Consultation on the draft strategic action plan is expected to commence in the near future. My Department will actively engage with the Executive Office in this regard.

My officials will work with the Commissioner's Office, both directly and through the inter-departmental Public Appointments Forum, to ensure the strategic action plan is implemented in my Department and progress is made on increasing diversity amongst public appointees.

**Mr Kennedy** asked the Minister of Justice whether she has had any (i) discussions; or (ii) correspondence with Executive colleagues regarding the legality of claims for funds under the non-domestic Renewable Heat Incentive scheme.  
(AQW 9098/16-21)

**Ms Sugden:** I have not had any discussions or correspondence about the legality of claims for funds under the Renewable Heat Incentive (RHI) scheme.

The RHI scheme was, however, discussed at the Executive on Thursday 15 December. Discussions focused on present difficulties with the scheme and the need to resolve these and restore public confidence.

**Mr McKee** asked the Minister of Justice pursuant to AQW 6851/16-21, to detail whether the number of orders have since changed; and if so in what way.  
(AQW 9100/16-21)

**Ms Sugden:** As of 19 December 2016 there has been no change to the numbers of orders detailed as live and discharged in AQW/6851/16-21.



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# Northern Ireland Assembly

Friday 6 January 2017

## Written Answers to Questions

### The Executive Office

**Mr Allister** asked the First Minister and deputy First Minister to detail the process by which the post of Executive Press Secretary was recently filled, including the advertising process and the number of applicants short listed and interviewed.  
**(AQW 2998/16-21)**

**Mrs Foster and Mr McGuinness (The First Minister and deputy First Minister):** Prior to the appointment, and in consultation with Corporate HR and the Departmental Solicitor's Office, a job description and person specification were drafted. In considering a range of potential candidates as well as the job description and person specification we concluded that the individual best suited to the role was Mr David Gordon.

The appointment was made under the Civil Service Commissioners (Northern Ireland) Order 1999, as amended by prerogative order made by us acting jointly under section 23(3) of the Northern Ireland Act 1998 on 8 September 2016.

Under the terms of the Order there was no requirement upon us to advertise the post.

**Mr Allister** asked the First Minister and deputy First Minister whether the new Executive press secretary is being employed on a self-employed or employee basis, and if the latter, to detail his employer.  
**(AQW 3363/16-21)**

**Mrs Foster and Mr McGuinness:** The Executive press secretary is employed by the Executive Office.

**Mr McKee** asked the First Minister and deputy First Minister to outline all formal communications between The Executive Office and the Department of Education on the Article 71 of the Fair Employment and Treatment Order 1998.  
**(AQW 5332/16-21)**

**Mrs Foster and Mr McGuinness:** While we have had no formal communication, as you describe it, our officials are currently working together to consider the matter.

**Dr Farry** asked the First Minister and deputy First Minister whether the potential economic, social and financial implications of the United Kingdom leaving the European Union are being factored into the targets in the forthcoming Programme for Government.  
**(AQW 5565/16-21)**

**Mrs Foster and Mr McGuinness:** The Programme for Government, Delivery Plans and supporting strategies will take account of relevant external factors, including relations with the European Union. It is too early to say what the implications of this will be as the nature of the future relationship between the UK and the EU is not yet known. The responses to consultation and engagement exercises on the draft Programme will provide an opportunity for us to consider and respond to these issues in practical terms as we roll out the delivery programme.

**Mr Allister** asked the First Minister and deputy First Minister what are "the common principles" guiding the ongoing discussions between the Executive and the Irish Government in respect of Brexit.  
**(AQW 7447/16-21)**

**Mrs Foster and Mr McGuinness:** The Common Principles which will guide ongoing discussions are outlined in our letter of 10 August to the Prime Minister and in her response of 14 October.

These letters are already in the public domain.

**Mr McPhillips** asked the First Minister and deputy First Minister what discussions have taken place between the Executive and Northern Ireland's Members of the European Parliament since the EU Referendum.  
**(AQW 7666/16-21)**

**Mrs Foster and Mr McGuinness:** The Office of the Northern Ireland Executive in Brussels has regular contact with the three Members of the European Parliament. This engagement includes such matters as bilateral meetings on specific topics of interest, meetings with delegations and general briefings to promote the Executive's priorities and to gain a perspective from the European Parliament.

In the week following the UK Referendum, the Head of the Civil Service engaged with our Members of the European Parliament as part of his programmed visit to Brussels. Minister Ó Muilleoir also met with Jim Nicholson MEP as part of his programme of visits in Brussels on 16 November.

**Mr Allister** asked the First Minister and deputy First Minister pursuant to AQW 4917/16-21, whether the robust process includes security vetting.  
(AQW 8324/16-21)

**Mrs Foster and Mr McGuinness:** The Department has taken steps to ensure robust governance processes are in place in respect of SIF grants. In particular, all Social Investment Fund projects are required to have an approved business case which takes account of advice from finance and economist colleagues. The Finance Sub-Committee and DoF were involved, where appropriate. There is also robust vouching and verification processes in place to ensure projects are delivering and finances are being allocated appropriately.

Prior to any funding award, processes are in place to assess the capability of the lead partner. This includes consideration of the organisational structure and its financial and governance processes to ensure the organisation has the capability and experience in managing public money.

Security vetting is not a routine part of the process of managing organisations in receipt of government grants.

**Ms Mallon** asked the First Minister and deputy First Minister to confirm (i) whether the Victim and Survivors Service is no longer processing applications for Support for the Injured scheme until the Executive releases further funding; (ii) why this funding has not been released; and (iii) when the funding will be released.  
(AQW 8381/16-21)

**Mrs Foster and Mr McGuinness:** The Victim and Survivors Service (VSS) deliver funding and support to victims and survivors across a range of schemes. Since 1 April 2016 the VSS has processed and issued 7,404 awards to 5,256 individuals under the Individual Needs Programme including the Support for the Injured scheme. All of these awards will be honoured on the production of valid claims.

The VSS made an additional £150k available to the Individual Needs Programme, the 2016/17 budget for which is currently fully committed.

VSS also funds organisations across the region to deliver services including chronic pain management, physiotherapy, complementary therapies and psychological support.

These services and other social support are available to all victims and survivors, and can be accessed via the network of organisations funded under the Victims Support Programme. More information about these organisations and the services that they deliver can be found on the VSS website: <http://www.victimsservice.org/find-support-in-your-area/>

**Mr Mullan** asked the First Minister and deputy First Minister to outline any discussions they have had with the Irish Government concerning the future of cross-border projects.  
(AQW 8511/16-21)

**Mrs Foster and Mr McGuinness:** We regularly discuss cross border projects with the Irish Government when we meet under the auspices of the North South Ministerial Council.

While the focus of the last NSMC Plenary on 18 November was on the outcome of the EU referendum, we also had a good discussion on the implementation of cross border infrastructure projects outlined in Section E of the Fresh Start Agreement. We agreed that we would receive a further update on this topic at a future meeting.

We remain committed to the principle of practical, mutually beneficial cooperation.

## Department for Communities

**Mrs Little Pengelly** asked the Minister for Communities to detail how many rough sleepers were identified in the last year in South Belfast.  
(AQW 8178/16-21)

**Mr Givan (The Minister for Communities):** For the period 1st December 2015 – 1st December 2016, the Welcome Organisation Street Outreach Team, funded by the Northern Ireland Housing Executive, encountered 3 individuals per week on average engaged in street activity (which includes Rough Sleeping, Street Drinking and Begging) in the South Belfast area.

Some of these clients will have been seen on multiple occasions over the period in question in South Belfast and in other areas of the city.

**Mr Beggs** asked the Minister for Communities to detail how many NIHE properties have no insulation in their cavity walls. (AQW 8944/16-21)

**Mr Givan:** The Housing Executive implemented a major programme to install cavity wall insulation from the mid to late 1980s. This was prior to the introduction of the Housing Executive's computerised recording of completed works and therefore detailed information on the incidence of cavity wall insulation in the stock is incomplete.

For this reason the Housing Executive is taking forward further surveying in order to establish the extent and quality of cavity wall insulation in its stock.

It should be noted that a substantial number of Housing Executive Houses (solid wall homes, many of non-traditional construction) have no wall insulation at all.

**Mr Beggs** asked the Minister for Communities to detail how many representative sample surveys of NIHE homes insulation were carried out as part of the External Cyclical Maintenance schemes in the last twelve months. (AQW 8945/16-21)

**Mr Givan:** The Housing Executive has advised that there have been no representative sample surveys of insulation carried out as part of External Cyclical Maintenance (ECM) schemes in the last 12 months.

Such surveys are now included in the range of inspections carried out in Housing Executive ECMs, but the instruction to undertake such surveys was only introduced this year.

Consequently, all future surveys in ECM schemes will include - where applicable - boroscope testing to determine the state of the cavity wall insulation.

**Mr Hussey** asked the Minister for Communities pursuant to AQW 8853/16-21, AQW 7948/16-21 and AQW 8716/16-22, to outline (i) whether there is no Memorandum of Understanding currently in place between the Charity Commission NI, the Charity Commission for England and Wales and the RQIA; (ii) whether the MOU with the PSNI was up for renewal in 2014 and not yet renewed; (iii) whether the actions he is taking to ensure the Commissioners for the Charity Commission are making transparent and accurate records in their Board Minutes and Risk Register; (iv) whether action points in the Charity Commission's Board meeting minutes marked completed are in some instances underway; and (v) whether the Charity Commissioners and the accounting officer role of the CCNI's Chief Executive are accountable to his Department. (AQW 9027/16-21)

**Mr Givan:**

- (i) The Commission advises that it has an MOU with the Charity Commission for England and Wales and is currently developing one with the RQIA.
- (ii) The Commission advises that the MOU with the PSNI was not up for renewal in 2014.
- (iii) While the Board Minutes are a matter for the Charity Commissioners, the Commission's Risk Register is regularly reviewed by the Department.
- (iv) The Board Minutes are a matter for the Charity Commissioners. It is the Commissioners who determine at what stage they are content for action points to be closed.
- (v) The Charity Commissioners and the Accounting Officer are accountable to the Department as stipulated in the Management Statement and Financial Memorandum between the Department and the Commission.

**Mr Hussey** asked the Minister for Communities whether (i) the only power to enter charity premises and remove documents in the Charities Act (NI) 2008 is found in Section 52 and only exercised when the Commission has obtained a Court Order from a Magistrate; and (ii) a Court Order was obtained or applied for when Commission staff entered the DPOANI office in August 2014 and removed personal files containing members' private, confidential and medical information. (AQW 9028/16-21)

**Mr Givan:**

- (i) The only power for the Commission to enter charity premises and remove documents in accordance with the Charities Act (NI) 2008 is found in Section 52 and can only be exercised when the Commission has obtained a warrant from a lay magistrate.
- (ii) The Commission has advised that in the case of the DPOANI an order was issued by the Commission for the charity trustees to provide documentation relevant to the inquiry. As the order was complied with there was no need to apply for a warrant in this case. The Commission has further advised that although some of the documentation provided related to individuals this did not include medical records and that all documentation was held securely by the Commission at all times and returned to the charity on 21/11/2014.

**Ms Archibald** asked the Minister for Communities for an update on the Sign Language Framework.  
**(AQW 9030/16-21)**

**Mr Givan:** My predecessor, the former Minister for Culture, Arts and Leisure,

Carál Ní Chuilín, launched a consultation on the Sign Language Framework which included policy proposals for legislation on 15th March 2016. The consultation period closed on 4th July 2016.

Departmental officials are currently analysing the responses received to the consultation in various formats, including a large number of filmed sign language clips.

Upon completion of this analysis I will make a decision on the way forward.

**Dr Farry** asked the Minister for Communities to outline the status of the Executive's Economic Inactivity Strategy entitled Enabling Success.  
**(AQW 9033/16-21)**

**Mr Givan:** Enabling Success was the last Executive's strategy for addressing economic inactivity within Northern Ireland.

The Executive remains committed to tackling economic inactivity and my Department will take this forward through the Programme for Government which is now being consulted upon.

My department has developed a Programme for Government Delivery Plan that sets out the interventions which it believes will lead to a reduction in economic inactivity. Building on Enabling Success, the commitments made are action oriented and focused on delivering a step change in our approach to supporting economically inactive people with health conditions and disabilities, and those with family and caring responsibilities who want to work.

Through the actions proposed we will ensure that work pays, that people have the skills they need to access and progress in work, that they have access to health related support they may need to stay in work, and that they can afford the childcare they may need.

The Delivery Plan proposes an important role for local government, working closely with my Department through the Community Planning process, to deliver improved skills and employability outcomes for the economically inactive.

The actions have been designed with input from the Department of Health, the Departments for the Economy and Education, as well as the Public Health Agency, Health and Safety Executive, employers, employer organisations and other important stakeholders. Each of these partners will also have a role in delivery.

The proposals in the Delivery Plan are the subject of a full public consultation as part of the next stage of the Programme for Government process over the coming weeks.

**Dr Farry** asked the Minister for Communities for an update on the Executive's Economic Inactivity Strategy entitled Enabling Success.  
**(AQW 9034/16-21)**

**Mr Givan:** Enabling Success was the last Executive's strategy for addressing economic inactivity within Northern Ireland.

The Executive remains committed to tackling economic inactivity and my Department will take this forward through the Programme for Government which is now being consulted upon.

My department has developed a Programme for Government Delivery Plan that sets out the interventions it believes will lead to a reduction in economic inactivity. Building on Enabling Success, the commitments made are action oriented and focused on delivering a step change in our approach to supporting people with health conditions and disabilities, and those with family and caring responsibilities who want to work.

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The proposals in the Delivery Plan are the subject of a full public consultation as part of the next stage of the Programme for Government process over the coming weeks.

**Mr Agnew** asked the Minister for Communities with reference to departmental letters sent recently to those receiving benefits to a post office account, asking them to change to a bank account, whether (i) he is aware a number of people receiving this letter believed it was a scam; and (ii) there are plans to better communicate this policy to service users in the future.  
**(AQW 9049/16-21)**

**Mr Givan:** The Department for Communities (DfC) is aware that some claimants and their representatives had concerns around the authenticity of letters received asking them to change from a Post Office card account to a bank account.

In response, my Department issued a statement to the Belfast Telegraph on 5 December 2016 to reassure claimants that recent correspondence from the Department about switching payment accounts is genuine. A further statement was released on the Department's Twitter account, the Department's website and the NI Direct website on 9 December 2016.

In addition, a letter was issued to the Advice Sector on 15 December 2016 to advise their clients that the Department for Work and Pensions was issuing these official letters on behalf of the Department for Communities.

The Department is committed to battling financial exclusion and views the use of a transactional bank account as a key enabler to preparing people for the world of work and enabling them to budget effectively and can also provide utility bill savings through payment by direct debit and easy to access to cash at ATMs. Post Office card account is not a transactional account and does not support our ambitions for the majority of working age benefit claimants. For this reason, the Department for Communities will continue to avail of every opportunity to speak with claimants about switching to a bank, building society or credit union account.

**Mr Lunn** asked the Minister for Communities for his assessment on the Human Rights Commission's annual statement's findings that anti-poverty strategy is an area which requires urgent attention.  
(AQW 9064/16-21)

**Mr Givan:** I have already announced that I plan to bring a draft Social Strategy to the Executive with the intention of having it issued for public consultation, subject to Executive approval. The Social Strategy will be our strategy to promote opportunity, tackle poverty, social exclusion and patterns of deprivation based on objective need.

The definition of 'overall poverty' adopted by the UN includes social discrimination and exclusion. This is precisely why we have incorporated our work to tackle poverty in a much wider social strategy looking at all these inter-related issues.

**Mr Smith** asked the Minister for Communities pursuant to AQW 8781/16-21, to detail the expenditure on all projects to date.  
(AQW 9110/16-21)

**Mr Givan:** There has been no expenditure to date. My officials are currently considering mechanisms to access and administer the funding from the Fresh Start agreement for shared housing projects, and have identified an 18 month lead-in time to develop the necessary mechanisms.

My Department is scoping the capacity of the Housing Executive, Housing Associations, the construction industry and local Councils to deliver more shared housing in Northern Ireland.

**Mr Allen** asked the Minister for Communities to detail the cost to build a new social house and new affordable house, broken down by house size.  
(AQW 9114/16-21)

**Mr Givan:** The figures below show the costs for new social housing and are calculated using the current Northern Ireland Average 2016/17 Departmental Total Cost Indicators (TCI) and Grant Rates. All dwellings are built to DfC Housing Association Design Guide standards.

Dwelling Type	Area	NI Average Total Cost Indicator per unit	Average Housing Association Grant per unit
Three person two bedroom flat	60/65m <sup>2</sup>	£101,633	£57,728
Three person two bedroom house	70/75m <sup>2</sup>	£110,650	£62,849
Five person three bedroom house	90/95m <sup>2</sup>	£128,667	£73,120

In terms of affordable housing my Department currently sponsors four housing associations to supply affordable housing across Northern Ireland. These houses are provided through three schemes; Co-Ownership, the Rent to Own initiative and the Affordable Home Loans pilot. Both Co-Ownership and Rent to Own are based on properties purchased from the open market with a ceiling price of £150,000. The Affordable Home Loans pilot allows housing associations to build and/or refurbish homes for sale.

The cost of building these homes will vary according to location and other factors, such as, site development costs. However, the average government investment across all the schemes mentioned above is around £35,000 per home. This investment is provided through loan funding which, the house associations must pay back to the Department.



## Department for the Economy

**Mr Allister** asked the Minister for the Economy what ministerial consideration was given to the costs and cost control of the Renewable Heat Incentive Scheme before its introduction.

**(AQW 2643/16-21)**

**Mr Hamilton (The Minister for the Economy):** Ministerial approval was obtained for the business case. However, the cost controls set out in the business case proved to be insufficient and the Department subsequently missed opportunities to introduce further controls.

**Dr Farry** asked the Minister for the Economy what research has been commissioned by his Department to assess the impact on Northern Ireland's economy from the UK (i) continuing to participate in the Single Market; (ii) being part of the European Economy Area; (iii) negotiating a Free-Trade Agreement with the European Union; (v) becoming part of the European Customs Union; and (vi) defaulting to World Trade Organisation rules.

**(AQW 6469/16-21)**

**Mr Hamilton:** My Department is carrying out detailed research and analysis into the potential impact of the UK leaving the European Union and the issues that will affect us locally, including the UK's future relationship with the European Union and future relationships with other countries and organisations.

**Dr Farry** asked the Minister for the Economy for his assessment of the impact on Northern Ireland's economy of the UK (i) continuing to participate in the Single Market; (ii) being part of the European Economy Area; (iii) negotiating a Free-Trade Agreement with the European Union; (v) becoming part of the European Customs Union; and (vi) defaulting to World Trade Organisation rules.

**(AQW 6470/16-21)**

**Mr Hamilton:** My Department is carrying out detailed analysis of the potential impact of the UK leaving the European Union and the issues that will affect us locally, including any future relationship with the European Union.

**Mr McNulty** asked the Minister for the Economy to outline any plans or preparations the Executive has made to help host a potential 2023 Rugby World Cup by Ireland, including (i) capital investments planned; (ii) capital financial assistance programmes for bodies seeking to provide sporting facilities to facilitate a bid; and (iii) discussions held with sporting bodies about a bid.

**(AQW 6766/16-21)**

**Mr Hamilton:** An Interdepartmental Group chaired by the Head of the NI Civil Service has been established to ensure that Executive Departments play a full and supportive role to help develop a winning IRFU bid to host the Rugby World Cup in 2023.

Costs associated with any upgrades to stadia as a result of a successful bid have been factored into the Rugby World Cup costings. Kingspan, Casement Park and Celtic Park are all included on the long list of possible stadiums. There is no capital assistance programme for bodies seeking to provide sporting facilities to facilitate a bid. Investment in such facilities will only occur after we have won the bid.

Whilst my officials have not been in direct discussions with sporting bodies, other than the Ulster Branch of the Irish Rugby Football Union, I understand the bid Team have had several meetings with relevant bodies and will continue to do so when appropriate.

**Mr Allister** asked the Minister for the Economy pursuant to AQW 4324/16-21, how many staff work as back up to the press officers.

**(AQW 6817/16-21)**

**Mr Hamilton:** The Department for the Economy Press Office has two administrative staff who are not part of the Executive Information Service.

**Ms S Bradley** asked the Minister for the Economy what discussions have been held with InterTrade Ireland in light of the EU referendum result.

**(AQW 7637/16-21)**

**Mr Hamilton:** My Department will continue to work with InterTradeIreland to scope the key issues and opportunities for cross border trade and business development.

**Mrs Palmer** asked the Minister for the Economy whether he intends to introduce digital apprenticeship service accounts for businesses that will be paying the apprenticeship levy.

**(AQW 7711/16-21)**

**Mr Hamilton:** Following an enquiry from my Department regarding access to the Digital Apprenticeship Service Account for those who will contribute to the Apprenticeship Levy in Northern Ireland, the UK Government have indicated that the Digital

Apprenticeship Account Service will be made available to English Levy paying employers only. Consequently the Digital Apprenticeship Service Account will not be available to levy paying employers in Northern Ireland.

I have no such plans to introduce a Digital Apprenticeship Service Account specific to Northern Ireland for Levy payers.

Apprenticeships and wider work force training in Northern Ireland will remain available for all employers, provided the criteria for the training programmes are met, regardless of whether the employer contributes to the Levy.

I have recently launched a consultation to seek the views of employers in Northern Ireland on the introduction of the Apprenticeship Levy.

This consultation will be designed to take the views of the business community and focus thoughts regarding the needs of businesses in terms of skills and apprenticeships. I would encourage all interested parties, particularly those who will pay the Levy to participate.

**Mr McCrossan** asked the Minister for the Economy what consideration he has given to ensuring Northern Ireland remains a participant in the EC Regulation regime (Council Regulation 1346/2000) governing cross-border insolvency.

**(AQW 7884/16-21)**

**Mr Hamilton:** European Council Regulation 1346/2000 on insolvency proceedings was revised and updated in 2015. Most of the provisions of the recast Regulation will apply from 28 June 2017, although some of its requirements, including the introduction of a European Union wide insolvency register, will not be fully implemented until 2019.

The United Kingdom is working toward compliance with the recast Regulation and my officials are liaising with their counterparts in Great Britain to identify any amendments to relevant domestic legislation that will be required. The recast Regulation (2015/848) applies to all member states and Northern Ireland will remain a full participant.

Matters relating to cross border insolvency will, however, form part of the UK government's negotiations relating to exiting the EU. My Department is liaising closely with the Department for Business, Energy and Industrial Strategy on the future participation in the regime for the United Kingdom as a whole.

**Mrs Dobson** asked the Minister for the Economy how he plans to strengthen transport links with the United States of America following the decision to cancel the Belfast to Newark, New Jersey service.

**(AQW 7889/16-21)**

**Mr Hamilton:** It is important that we have a trans-Atlantic service to the United States to support economic development in Northern Ireland through investment, exports and inbound tourism. I am keen to see that a direct link is restored as soon as possible and my Department continues to work with Belfast International Airport regarding other airlines that may be interested in introducing trans-Atlantic flights. I will consider any proposed route which has the potential to help grow our economy on a case by case basis.

**Ms S Bradley** asked the Minister for the Economy whether he is aware that papers presented from arm's-length-bodies could not be tabled at meetings of the Committee for the Economy as they had not received Ministerial sign off.

**(AQW 8332/16-21)**

**Mr Hamilton:** I am aware of the importance of providing briefing to the Committee in a timely manner. However, there are occasions, even with best endeavours, when it proves impractical to meet the arbitrary deadlines set by the Committee.

**Mr Hussey** asked the Minister for the Economy to outline what negotiations have taken place to set up an Immigration Naturalisation Service at Belfast International Airport to provide pre-immigration clearance to North America.

**(AQW 8428/16-21)**

**Mr Hamilton:** No negotiations have taken place. A commitment to consider the feasibility of Pre-Clearance formed part of the Northern Ireland Economic Pact in June 2013, as part of the actions to support Northern Ireland's air travel links.

This concluded that a number of significant barriers currently inhibit the introduction of Pre-Clearance facilities in Northern Ireland, including a minimum passenger level of 400,000, which the US authorities require before the establishment of Pre-Clearance facilities would be considered. In 2015 there were approx 77,000 passengers between Northern Ireland airports and the United States.

Consideration would need to be given to capital costs to establish any facility and ongoing operating costs. The decision on whether to operate such facilities at airports overseas ultimately rests with the US authorities.

**Mr Smith** asked the Minister for the Economy to detail each budgetary pressure that (i) his Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.

**(AQW 8542/16-21)**

**Mr Hamilton:** My Department and its Arm's Length Bodies continue to manage emerging budget pressures from within existing resources.

**Mr McKee** asked the Minister for the Economy pursuant to AQW 7035/16-21, how many loans in each year were taken up after being offered.

**(AQW 8555/16-21)**

**Mr Hamilton:** Under the broiler scheme three loans have commenced drawdown in the 2015/16 year. In the 2016/17 year to-date two loans have commenced drawdown. Three further loans are expected to commence drawdown over the coming months.

**Mr Lynch** asked the Minister for the Economy what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8628/16-21)**

**Mr Hamilton:** Several of the Equality Commission's policy priorities and recommendations are directly applicable to the work of my Department.

As part of the Success Strategy 2015-2020 for Careers Education and Guidance, the Department's Careers Service is promoting greater access for all, and wider participation across gender in employment opportunities.

Similarly, gender was a key theme within a major review of Apprenticeships and Youth Training, which resulted in the development and testing of measures to support greater gender participation across all occupations.

The Department's Further Education Strategy, Further Education Means Success, aims to widen participation for groups of individuals facing barriers to further education, including gender specific groups such as young males in working class areas.

Other aspects of the Equality Commission's broad recommendations relating to gender equality are also reflected in other of the Department's current policies, programmes and services.

**Mr Agnew** asked the Minister for the Economy what training is in place for departmental staff regarding the Northern Ireland Guide to Expenditure Appraisal and Evaluation and its appropriate use; and (ii) whether he has undertaken this training.

**(AQW 8631/16-21)**

**Mr Hamilton:** The Centre for Applied Learning in the Department of Finance provides awareness training to relevant departmental staff on the Northern Ireland Guide to Expenditure Appraisal and Evaluation.

Ministers do not attend training developed for civil servants.

**Mr McCrossan** asked the Minister for the Economy to detail the funding drawdown from the Horizon 2020 programme.

**(AQW 8645/16-21)**

**Mr Hamilton:** The most recent figures released by the European Commission indicate that, between January 2014 and June 2016, Northern Ireland researchers successfully secured €47.2 million from Horizon 2020.

**Mr McKee** asked the Minister for the Economy pursuant to AQW 6938/16-21, how many of the 12 applications rejected by Ofgem were later approved by the Department.

**(AQW 8660/16-21)**

**Mr Hamilton:** Of the 12 applications rejected by Ofgem, one application from 2013 was later approved by the Department following a statutory review and legal advice on compatibility with state aid funding.

**Mr Nesbitt** asked the Minister for the Economy to list the Special Advisers to the Minister for the Economy and the Minister of Enterprise, Trade and Investment between May 2011 and May 2016; and the period each served as a Special Adviser.

**(AQW 8666/16-21)**

**Mr Hamilton:** Dr Andrew Crawford served as Special Adviser to the Minister for Enterprise, Trade and Investment from 8 May 2007 to 5 May 2011 and from 16 May 2011 to 11 May 2015.

Mr Timothy Cairns served as Special Adviser to the Minister for Enterprise, Trade and Investment from 12 May 2015 to 10 September 2015 and from 21 October 2015 to 5 May 2016.

**Mr McKee** asked the Minister for the Economy pursuant to AQW 6145/16-21, to answer the question that was asked; and why he did not do so in the first instance.

**(AQW 8672/16-21)**

**Mr Hamilton:** I answered this question on 6 December 2016, however the Business Office published the wrong answer on the Aims Portal. This has now been corrected by the Business Office.

**Mr McElduff** asked the Minister for the Economy whether his Department will encourage Ulster University to include Gaelic Games coaching in its newly devised degree programme that incorporates soccer coaching and business management modules.

**(AQW 8690/16-21)**

**Mr Hamilton:** While my Department provides funding and sets the strategic direction for the higher education sector, Ulster University is an autonomous institution and as such is responsible for its own course provision.

It is therefore not within my remit to encourage or advise Ulster University on the content of any courses which it provides.

**Mr Lynch** asked the Minister for the Economy whether his Department has adopted and implemented the diversity initiative as promoted by the Commissioner for Public Appointments.

**(AQW 8800/16-21)**

**Mr Hamilton:** My Department is working alongside other departments, via the cross-departmental Public Appointments Forum, on a range of measures in response to the Commissioner's diversity initiative.

**Mr Agnew** asked the Minister for the Economy what discussions he had with the Minister of Finance prior to sanctioning spending on subsidies to (i) United Airlines and (ii) the City of Derry Airport.

**(AQW 8802/16-21)**

**Mr Hamilton:** In relation to the support for United Airlines to continue the Belfast-Newark route, urgent Executive approval was obtained from the First Minister and deputy First Minister and the Finance Minister was kept informed as part of that process.

The Executive agreed and announced the £7 million package of support for City of Derry Airport, £2.5 million of which is for route development. The Finance Minister was involved in that process.

**Mr Agnew** asked the Minister for the Economy what advice he sought prior to his Department's announcement over the legality of a £7m subsidy to the City of Derry airport, specifically with regard to EU State Aid rules.

**(AQW 8863/16-21)**

**Mr Hamilton:** The Executive agreed and announced a support package of £7million for the North-West to assist development and growth around the City of Derry Airport.

My Department is liaising with the airport in relation to the £2.5 million route development element of this support package and the mechanism for delivery will take account of EU State Aid requirements.

**Mr Durkan** asked the Minister for the Economy whether he will introduce a warm homes discount scheme, similar to the scheme available in Wales, Scotland and England.

**(AQW 8905/16-21)**

**Mr Hamilton:** I have no current plans to introduce a Warm Home Discount Scheme in Northern Ireland.

The costs of such a scheme would be borne by customers including, potentially, those who would benefit and in a small market such as ours would significantly increase electricity bills. It would also introduce additional administrative costs for suppliers which could have unintended consequences for supplier tariffs and competition at retail level.

**Mr Mullan** asked the Minister for the Economy what assessment has been undertaken concerning the impact that Further Education budget cuts will have on course numbers.

**(AQW 8909/16-21)**

**Mr Hamilton:** The process to determine Further Education budget allocations for 2017-18 has not yet been completed. Therefore, I am unable to assess the financial implications for Further Education.

**Mr McCrossan** asked the Minister for the Economy to detail the number of people that have had their Renewable Heat Incentive payments (i) suspended; and (ii) removed, to date.

**(AQW 8930/16-21)**

**Mr Hamilton:** Eleven applicants have had payments suspended pending investigation.

Investigations are currently ongoing.

**Ms S Bradley** asked the Minister for the Economy what legal advice he has taken with a view to immediately stopping payments from Renewable Heat Incentive scheme.

**(AQW 8942/16-21)**

**Mr Hamilton:** My Department is exploring a number of potential cost control options, all of which will need careful consideration and expert advice. Officials are in discussion with legal advisors from both the Departmental Solicitor's Office and the Attorney General's Office. Options on the way forward will be informed by that advice.

**Ms S Bradley** asked the Minister for the Economy for a breakdown of the (i) costs to date; and (ii) anticipated future costs of the fourteen applications suspected of fraud under the Renewable Heat Incentive scheme.

**(AQW 8948/16-21)**

**Mr Hamilton:** Any potential instances of fraud or abuse of the scheme are being fully investigated. It would therefore be inappropriate to comment further at this time.

**Mr Eastwood** asked the Minister for the Economy whether he will publish all internal correspondence on the non-domestic Renewable Heat Incentive Scheme between September, October and November of 2015.

**(AQW 8958/16-21)**

**Mr Hamilton:** A number of key documents around the non domestic Renewable Heat Incentive Scheme have now been published on the Department's website. A fact finding investigation is underway to establish the facts around the period.

**Mr Eastwood** asked the Minister for the Economy whether he will publish the legal opinion that advises against publishing the names of the recipients of the non-domestic Renewable Heat Incentive Scheme.

**(AQW 8961/16-21)**

**Mr Hamilton:** The legal opinion I have received is considered to be legal professional privilege and cannot therefore be released.

**Mr Chambers** asked the Minister for the Economy what meetings he, or his officials, have had with local councils to help draft local area plans.

**(AQW 8975/16-21)**

**Mr Hamilton:** While there is no formal requirement for my Department to assist councils with their local area plans, assistance and advice are provided by Invest NI and Tourism NI, as my Department's official statutory partners in Community Planning.

Under the Review of Public Administration, it is the councils themselves who have the legislative responsibility to draft local area plans and my Department will engage in the consultation processes, as appropriate.

## Department of Agriculture, Environment and Rural Affairs

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 7934/16-21, whether her Department (i) has any research; (ii) or will now conduct any research, to determine how many farmers do not have access to a computer or the internet.

**(AQW 8901/16-21)**

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** The latest available figures from the EU Farm Structure Survey show that 60% of all farms in Northern Ireland reported having internet access in 2013. The level of reported access ranged from 55% on very small farms to 83% on medium/large farms. Figures from the EU Farm Structure Survey for 2016 will be published next year.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs (i) to detail the scale of the illegal dump at Mobuoy Road, including the size and projected volume of waste on the site; (ii) for an update on the Department's project approach; (iii) for an update on the work of the Environment Crime Unit; (iv) how many prosecutions are being pursued; and (v) to detail the estimated total cost of the removal of the waste from the site.

**(AQW 9019/16-21)**

**Miss McIlveen:** The Mobuoy Road illegal waste site consists of the City Industrial Waste (CIW) and Campsie Sand & Gravels (CSG) sites, separated by the Mobuoy Road. CIW covers an area of c. 14 hectares, with CSG approximately 33 hectares.

The estimated volume of controlled waste illegally disposed at the Mobuoy illegal waste site is reported to be a minimum of 913,105m<sup>3</sup>. An estimated additional 252,050m<sup>3</sup> of controlled waste is present in the area of the former licensed landfill, some of which has been deposited illegally.

My Department is developing the Mobouy Remediation Strategy in line with UK best practice in environmental risk management. The environmental risk assessment for the site, which was supported by an extensive investigation of the illegal deposits of waste and the ground conditions (in addition to environmental monitoring of the site and the River Faughan), is now complete.

The next stage is to develop a costed remediation strategy detailing the remediation treatments that must be implemented at the site to meet clean up targets and thus protect the River Faughan and the wider environment. This work will start in January 2017 and is expected to be completed by Spring 2017. The Department's strategic remediation objectives are to protect water quality in the River Faughan and to protect NI Water's drinking water abstraction.

Removal of the waste is one of three remediation options for cleaning up the site, the other two being;

- (a) Containment using a capping system, incorporating gas management and hydraulic barriers and controls;



- (b) On site treatment that may involve one or more treatments such as physical segregation and recycling, composting, recovery, etc.

These remediation options will be further assessed and as part developing the remediation strategy for the site.

At this stage, best case and worst case cost estimates have been provided for each remediation option. The minimum estimated costs, in the region of £20m, reflect those for the containment option. The maximum estimated costs are for the excavation and disposal option, and are in excess of £100m.

The Environmental Crime Unit (ECU) has overseen extensive and complex criminal and financial investigations into the activities at the Mobuoy Road. The prosecution case has been before the courts for some considerable time now, and is yet to reach a conclusion. As such, I can provide no further detail at this time, on either the work carried out by ECU or the associated prosecutions.

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs to outline her understanding of the section of Carlingford Lough that forms part of Northern Ireland.

**(AQW 9023/16-21)**

**Miss McIlveen:** The ownership issue of Carlingford Lough is not a matter within the competence of this Assembly. I cannot therefore comment on the section of Carlingford Lough which forms part of Northern Ireland.

The Jurisdictional dispute of both Carlingford Lough and Lough Foyle can only be resolved by the agreement of the Foreign and Commonwealth Office in London and the Department of Foreign Affairs and Trade in Dublin. I understand that discussions are on-going between the two Governments.

## Department of Education

**Mrs Overend** asked the Minister of Education pursuant to AQW 8446/16-21, whether trade unions were consulted by either (i) himself; or (ii) the Education Authority before the Draft Strategic Area Plan for School Provision was published in October 2016. **(AQW 9090/16-21)**

**Mr Weir (The Minister of Education):** Consultation on the "Providing Pathways" draft strategic Area Plan for School Provision 2017-2020 (the draft Area Plan) was led by the Education Authority (EA).

The EA led the development of the draft Area Plan through the Area Planning support structures in partnership with the Council for Catholic Maintained Schools, as a statutory planning authority, and sector support bodies.

All other interested parties, including trade unions, were invited to comment on the draft Area Plan through the online questionnaire and a face-to-face meeting on 25 November 2016 which the Ulster Teachers' Union and GMB representatives attended.

**Mrs Overend** asked the Minister of Education to outline what funding model he will propose to the Executive to ensure the delivery of the Ten Year Strategy for Affordable and Integrated Childcare 2015-2025. **(AQW 9091/16-21)**

**Mr Weir:** I hope to bring forward the final version of the Childcare Strategy to my Executive colleagues in the new year.

The budget for the Childcare Strategy from 2017 will be determined in the context of the Executive's consideration of future year budgets.

**Mr Kennedy** asked the Minister of Education to detail the date on which he will be presenting the Childcare Strategy to the Executive.

**(AQW 9096/16-21)**

**Mr Weir:** The affordability of childcare has been recognised as a key issue for families during the development of the Childcare Strategy. The first phase of the Strategy led to the establishment of the Bright Start School Age Childcare Grant Scheme, which financially supports low cost childcare places and has, to date, supported some 3,000 low cost childcare places across Northern Ireland.

The first phase of the Childcare Strategy has sought to promote and encourage uptake of financial assistance available to help parents meet the costs of childcare, principally, childcare vouchers and the childcare element of Working Families' Tax Credit. This is something I hope to build on in the future as HMRC introduces the Tax-Free Childcare scheme.

I am aware of the recent report 'Northern Ireland Childcare Cost Survey 2016', issued by Employers for Childcare, which highlighted a number of issues with the costs of childcare including the cost variations across areas, different types of settings and for different services such as summer schemes, breakfast clubs and afterschool clubs.

The forthcoming Childcare Strategy will seek to address accessibility and affordability issues. I hope to bring forward the full version of the Childcare Strategy to my Executive colleagues in the new year.

**Mr Kennedy** asked the Minister of Education what he is doing to address the rising cost of childcare  
(AQW 9097/16-21)

**Mr Weir:** The affordability of childcare has been recognised as a key issue for families during the development of the Childcare Strategy. The first phase of the Strategy led to the establishment of the Bright Start School Age Childcare Grant Scheme, which financially supports low cost childcare places and has, to date, supported some 3,000 low cost childcare places across Northern Ireland.

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The forthcoming Childcare Strategy will seek to address accessibility and affordability issues. I hope to bring forward the full version of the Childcare Strategy to my Executive colleagues in the new year.

**Mr Smith** asked the Minister of Education pursuant to AQW 8781/16-21, to detail the expenditure on all projects to date.  
(AQW 9111/16-21)

**Mr Weir:** Expenditure to date on Fresh Start funded shared and integrated education projects is as follows:

Project Name	Spend to 30 November 2016
Braidside Integrated Primary School	£ 167,000
Drumlins Integrated Primary School	£ 487,000
Roe Valley Integrated Primary School	£ 1,000
<b>Total</b>	<b>£655,000</b>

The majority of the projects announced to receive Fresh Start Funding in March 2016 are in the early stages of planning and have not yet incurred expenditure.

## Department of Health

**Mr Anderson** asked the Minister of Health what action her Department is taking to reduce waiting times for patients in the Southern Health and Social Care Trust.  
(AQW 3723/16-21)

**Mrs O'Neill (The Minister of Health):** I am firmly of the view that the current waiting lists are unacceptably long. However, unless we tackle the root causes this will remain the case across all HSC Trusts, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

It is important to recognise HSC staff across all HSC Trusts who, notwithstanding the structural issues, continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

**Mr K Buchanan** asked the Minister of Health what criteria is used to allocate residential respite care.  
(AQW 3985/16-21)

**Mrs O'Neill:** There is no standard criteria used by Health and Social Care Trusts to allocate residential respite care. All cases are assessed on an individual basis, taking into account the needs of the client and their primary carer.

**Mr McElduff** asked the Minister of Health to detail the health prevention, promotion, exchange or research projects that have received European funding in each of the last five years; and whether a withdrawal of European Union membership will have a detrimental impact on such projects or on professional and patient mobility and access to services.  
(AQW 4039/16-21)

**Mrs O'Neill:** In the period 2007-13 the key EU structural funds programme for the Department was Interreg IVA. The programme provided €22.5m in European funding to support 12 strands of cross-border activity with the South of Ireland in a

range of areas including acute hospital services, support for older people and those with disabilities, as well as projects aimed at tackling social exclusion and fostering positive mental health. The programme came to an end in May 2015.

In the period 2014-20 the North of Ireland would expect to receive some €31.8m from a total of €53m which has been allocated under the Interreg VA programme to support a range of health and social care projects with the South of Ireland and Scotland. Applications for funding in areas such as disability, mental health, children's and older people's services are currently undergoing assessment. The British Treasury has now given an assurance that, where devolved administrations sign up to structural fund projects prior to EU exit, they will be funded to meet these commitments in full.

As regards competitive EU funding programmes, it should be noted that activity in this area within the Health and Social Care service (HSC) was not routinely monitored prior to 2013. The available records indicate that the HSC has been successful in 16 competitive funding applications since 2011, in programmes including FP7, Horizon 2020 and the 3rd Health Call, either as a lead partner or partner. These projects are or have been of varying duration between 2 and 7 years and their value to the HSC is approximately €5m. The British Treasury believe that bids for competitive EU funds should continue and said that they will work with the Commission to ensure payment when funds are awarded, even when specific projects continue beyond the date of EU exit.

I remain concerned about the impact of EU exit on patient and professional mobility. Any type of hard barrier that could be created as a result of EU exit is unacceptable to me and I will be working to ensure the impact on the HSC is minimised.

**Mr Allister** asked the Minister of Health how many staff are employed in her Department's Information Service; and what is the annual cost of this service.

**(AQW 4414/16-21)**

**Mrs O'Neill:** There are currently 6.95 (full time equivalent) Executive Information Service (EIS) staff employed in DoH Press Office.

The total salary costs for EIS Press Officers in DoH Press Office for 2015/16 was £289,615.

**Mr Agnew** asked the Minister of Health how a UK exit from the European Union will impact on children, with reference to any protections enshrined in EU law that are not currently transposed into UK and Northern Irish legislation.

**(AQW 4621/16-21)**

**Mrs O'Neill:** We have undertaken some initial scoping which has identified a number of potential areas of difficulty. These will be considered as part of a detailed assessment of the potential impact for us of a withdrawal from the EU and will feed into negotiations going forward. In particular, we will consider what, if any, EU law relating to children is not reflected in domestic legislation.

**Mr Hussey** asked the Minister of Health when she will answer AQW 3471/16-21; and AQW 4904/16-21.

**(AQW 5967/16-21)**

**Mrs O'Neill:** I answered AQW 3471/16-21 on the 23 November 2016 and AQW 4904/16-21 on the 7 December 2016.

**Mr Hussey** asked the Minister of Health when she will answer AQW 3469/16-21, AQW 3468/16-21 and AQW 3467/16-21.

**(AQW 6110/16-21)**

**Mrs O'Neill:** I answered AQW 3469/16-21 on the 19 December 2016, AQW 3468/16-21 on the 22 November 2016 and AQW 3467/16-21 on the 4 November 2016.

**Mr M Bradley** asked the Minister of Health whether she has plans for a scheme to compensate patients infected with contaminated blood during surgery or childbirth.

**(AQW 6756/16-21)**

**Mrs O'Neill:** It is extremely rare for someone to develop a viral infection from a blood transfusion, which may be required during surgery or childbirth, due to the advanced and strict testing processes and blood donor selection rules.

While I have not considered any proposals that are specific to patients infected during surgery or childbirth, I have made a decision on reforms to financial support for people who have been infected or affected by contaminated NHS-supplied blood or blood products. Details of the reforms are set out in my Written Statement of 22 December 2016 to the Assembly.

**Mr Butler** asked the Minister of Health to detail (i) the Terms of Reference for the newly formed Strategic Health Partnership Forum; (ii) the make-up of the forum membership; (iii) how the membership was determined; (iv) how often the forum will meet; (v) the reporting structure; and for an update on the first meeting.

**(AQW 6838/16-21)**

**Mrs O'Neill:** The first meeting of the Partnership Forum, which I chaired on 12 October, was attended by my Department's top management group, Trust Chief Executives and 9 Trade Union representatives from across the HSC. Members had an open and encouraging discussion about the Terms of Reference for the Forum, including the membership list.

The Terms of Reference were signed off at the second meeting of the Forum on 1 December. I have placed a copy of these in the Assembly Library for the information of Members.

**Ms Boyle** asked the Minister of Health for an update on the radiotherapy unit at Altnagelvin.  
(AQW 6922/16-21)

**Mrs O'Neill:** The North West Cancer Centre is now operational and radiotherapy treatment commenced week beginning 28 November 2016. Full handover of the building, including the car-parks and the external landscaped areas, took place on 21 November 2016. The building provides the following patient, public and staff accommodation: The lower ground floor provides 100+ car park spaces for cancer patients. An ambulance set down area is also located on this level, which links directly to the radiotherapy treatment area and the inpatient ward. The ground floor of the building is where the radiotherapy pre-treatment clinics; treatment planning and treatment delivery suites are located. The oncology outpatient clinics and chemotherapy treatment services are also located on the ground floor, as well as haematology and palliative care services. A satellite facility of the hospital's main radiology department is located on the ground floor, providing CT and MRI scanning services. The 27 bed inpatient ward for oncology and haematology patients is located on the first floor. The second floor is where radiotherapy treatment planning and patient scheduling work is conducted by the oncologists, medical physicists and therapeutic radiography staff. This floor also houses training rooms and staff accommodation.

Full implementation of radiotherapy will be phased, the initial phase saw a small number of new patients with prostate cancer receive their treatment in week beginning 28 November 2016. Phase two, which will commence in the New Year, will see a gradual increase in the number of patients and different types of cancers being treated at the centre. It is planned that the new centre will be fully operational by Summer 2017.

**Lord Morrow** asked the Minister of Health why there is no flexibility in the Western Health and Social Care Trust for staff on sick leave having to attend absence reviews if they cause distress, pain or exacerbation of condition, particularly when Human Resources have been advised by an occupational doctor of unfitness to work.  
(AQW 6976/16-21)

**Mrs O'Neill:** The Western Health and Social Care Trust has developed a Managing Attendance Protocol to ensure a consistent and effective approach to the management of absence. It reflects the HSC Regional Policy Framework of Best Practice for managing absence and is compliant with employment legislation and the Disability Discrimination Act.

The Trust recognises it has a duty to support staff when they become ill, facilitating them in as far as is possible to return to work safely as early as they can. Absence Review meetings are a support mechanism to manage absence because communication between the employee and their manager during absence is essential to the planning of services so that the impact on patient and client care can be reduced. It also allows communication to deal with the fact that absence places additional pressure on employees who are not affected by illness. Review meetings deal with return to work issues, whether full return to work or if restrictions or modifications are required to return the employee to work.

The protocol is sensitive to special needs and support required by a staff member. When a return to work cannot be achieved, it is important that review meetings have been held to ensure all issues have been considered. Employees are afforded the opportunity to have Trade Union representation at these meetings as an additional support.

**Mrs Dobson** asked the Minister of Health how many incidents of (i) physical assault; and (ii) verbal abuse against health professionals have been recorded by each Health and Social Care Trust in each of the last three years.  
(AQW 7008/16-21)

**Mrs O'Neill:** The Table below details how many incidents of (i) physical assault; and (ii) verbal abuse against health professionals that have been recorded by each Health and Social Care Trust in each of the last three years.

**Total Recorded Incidents - Year Ending 31 March 2014**

	Verbal Abuse	Physical Attacks	Total
Belfast HSC Trust	788	2083	2871
Western HSC Trust	425	829	1254
Northern HSC Trust	402	902	1304
Southern HSC Trust	393	702	1095
South East HSC Trust	247	490	737
NI Ambulance Trust	205	142	347

**Total Recorded Incidents - Year Ending 31 March 2015**

	Verbal Abuse	Physical Attacks	Total
Belfast HSC Trust	774	2494	3268

	Verbal Abuse	Physical Attacks	Total
Western HSC Trust	359	857	1216
Northern HSC Trust	460	916	1376
Southern HSC Trust	431	723	1154
South East HSC Trust	358	560	918
NI Ambulance Trust	193	148	341

**Total Recorded Incidents - Year Ending 31 March 2016**

	Verbal Abuse	Physical Attacks	Total
Belfast HSC Trust	788	2774	3562
Western HSC Trust	334	759	1093
Northern HSC Trust	426	851	1277
Southern HSC Trust	289	886	1175
South East HSC Trust	314	627	941
NI Ambulance Trust	174	160	334

Each Health and Social Care (HSC) Trust has a robust Zero Tolerance policy in place with a Senior Director responsible for ensuring staff safety and support is properly and consistently managed across the Trust. This is underpinned by health and safety legislation, which places a duty on Trusts to provide a safe and secure environment for staff and others.

**Mrs Dobson** asked the Minister of Health what support is provided by (i) each Health and Social Care Trust; (ii) the Northern Ireland Ambulance Service; (iii) the Northern Ireland Fire and Rescue Service, to staff that have been subject to (a) physical assault; and (b) verbal abuse.

**(AQW 7009/16-21)**

**Mrs O'Neill:** Each HSC Trust, including the NI Ambulance Service Trust, operates a robust Zero Tolerance Policy, overseen by a Senior Director. The policy is intended to provide a working environment where employees can undertake their duties without fear of abuse or violence.

HSC Trusts and the Fire and Rescue Service (NIFRS) are responsible for providing care for staff and others following a violent or aggressive incident, such as debriefing meetings, referral to Occupational Health or Independent Counselling such as Care Call, and ensuring support is given to staff who wish to pursue legal proceedings.

NIFRS also provides staff with Critical Incident Stress Management debriefers who can meet with individuals to provide a 4-stage support programme as required.

A joint Memorandum of Understanding (MOU) exists between the PSNI, Public Prosecution Service and the Department to ensure there are clear lines of communication and clarity for staff regarding prosecution policies.

**Mrs Dobson** asked the Minister of Health to detail (i) the location of each vacant property owned by her Department in Upper Bann; (ii) the date the property became vacant; (iii) her Department's intent for the future of each property; and (iv) her Department's estimated value of each vacant property.

**(AQW 7010/16-21)**

**Mrs O'Neill:** My Department does not own any vacant properties in the Upper Bann area, however the following 3 properties, owned by the Southern Health and Social Care Trust, are currently vacant in Upper Bann:

- 1 Scarva Street Clinic, Banbridge – property was vacated in March 2016 and is currently in the disposal process. Estimated value £200,000.
- 2 Ballydown Old School – property was vacated in March 2016 and is currently being considered for re-use by the Trust. No current valuation available.
- 3 Skeagh House, Dromore – although this property was vacated in March 2013 the Trust are currently awaiting the outcome of a legal issue before deciding on future use. No current valuation available.

**Mr Allen** asked the Minister of Health what action he has taken to allow the service provided by Employers for Childcare to become exempt from VAT in line with other childcare facilities.

**(AQW 7209/16-21)**



**Mrs O'Neill:** Under the VAT Act 1994, organisations providing welfare services directly connected with the care or protection of children and young people must be state-regulated in order to be exempt from VAT. As there is currently no legislative basis for the regulation of organisations such as Employers for Childcare Solutions, the exemption does not apply.

My Department is exploring legislative options which would allow childcare agencies to claim a VAT exemption in the same way as other childcare providers. This would require them to be regulated (subject to registration and inspection) and enable them to become VAT-exempt as a result. These changes will require amendments to primary legislation and I intend to consult on proposed changes to legislation as part of consultation on an Adoption and Children Bill.

**Mr Butler** asked the Minister of Health why the maximum permitted waiting times for a first outpatient appointment was increased from 18 weeks in the 2015-16 Ministerial target to 52 weeks in the 2016-17 Ministerial target.  
(AQW 7387/16-21)

**Mrs O'Neill:** Targets to reduce elective waiting times are reviewed annually to ensure they remain challenging but realistic, and take into account current performance and the resources which are expected to be available to the HSC in that year.

The elective care targets for 2016/17 were approved by the previous Health Minister as part of the Commissioning Plan Direction which was published on the Department of Health website in April 2016. The Commissioning Plan Direction is issued annually and sets out the priorities, standards and targets for the HSC. The elective care targets were also published by the Health and Social Care Board following their board meeting in June 2016 and are detailed in the quarterly departmental press releases on waiting times – both in quarter ended June 2016 (published on 25 August 2016) and again for quarter ended September 2016 (published on 24 November 2016).

The objectives should reflect the reality of the situation we face. That is why, in my first week in office, I acknowledged the challenges and pledged my commitment to transforming health and social care. It is my intention to publish a plan in January 2017 that will clearly set out how I will address waiting lists.

**Mrs Dobson** asked the Minister of Health what assistance is provided to GP Surgeries to enable them to ensure that defibrillators used (i) in surgeries; and (ii) in GPs' cars are up to date and serviceable.  
(AQW 7416/16-21)

**Mrs O'Neill:** GPs are independent contractors who contract with the Health and Social Care Board to provide primary medical services to their registered patients. As independent contractors, GPs are responsible for the day to day running of their practice, including the purchase and maintenance of medical equipment such as defibrillators.

Defibrillators in the vehicles used by out of hours service providers are regularly checked and serviced.

**Ms Ruane** asked the Minister of Health how her Department plans to accommodate each of Muscular Dystrophy's six Muscle Pledges.  
(AQW 7486/16-21)

**Mrs O'Neill:** I have attached at Annex A details of how my Department will address each of Muscular Dystrophy's six Muscle Pledges.

Annex A

Pledge 1 - The creation of a Northern Ireland Neuromuscular Forum - We call on the Health and Social Care Board and Belfast Health and Social

Care Trust to work with Muscular Dystrophy UK to create a Northern Ireland Neuromuscular Forum to ensure that Northern Ireland follows the clinical network approach adopted by Scotland, Wales and regions of England.

The Health and Social Care Board (HSCB) and PHA have been working with the All Party Group (APG) and the Belfast Health and Social Care Trust (BHSCT) to explore arrangements for a network approach to neuromuscular care, as per Recommendations 4 and 5 of the McCollum Report. Engagement with stakeholders has been predominantly via the APG, as requested previously by members of the APG.

Pledge 2 - Faster access to treatments - We call on consistent funding arrangements to be put in place by the Northern Ireland Executive for treatments for muscle-wasting conditions which receive positive guidance from NICE.

The HSCB is committed to ensuring that all patients have access to a wide range of drug therapies, including new specialist medicines. The HSCB commissions new medicines where there is a substantive evidence base of the clinical and cost effectiveness as determined by National Institute for Health and Care Excellence (NICE) or other relevant UK bodies.

When NICE issues definitive guidance on the use of a specific therapy, including those for muscle wasting conditions, the HSCB will commission in line with the NICE recommendation.

Pledge 3 - Better support at diagnosis - We call on research to be conducted by the Belfast Health and Social Care Trust, in conjunction with Muscular Dystrophy UK, to identify the priorities for the types of support which should be available following diagnosis.

BHSCT will be happy to work with Muscular Dystrophy UK in order to identify priorities for the types of support which should be available following diagnosis.

Pledge 4 - Improved access to physiotherapy and OT support - we call on the Health and Social Care Board to clarify arrangements for accessing physiotherapy and OT services and to increase the amount of information available to people with muscle-wasting conditions.

During 2015/16, the HSCB/PHA worked with Trusts to agree regional evidence based care pathways across elective AHP services, including physiotherapy and occupational therapy. This will help reduce variation in practice across the region and will assist in the delivery of more efficient, timely and consistent approaches to care.

The HSCB/PHA have also worked with Trusts to complete a demand and capacity exercise to ensure there is sufficient capacity in each of the AHP services to meet patient and service demand. Based on the outcome of this exercise, the HSCB has required Trusts to prioritise the funding for additional AHP posts from within their existing resources. The HSCB will also continue to work with Trusts to target opportunities to reduce waiting times through the allocation of non-recurrent funding when available. Trusts continue to review skill mix, including the appropriate use of assistants to improve efficiency and access to services.

Pledge 5 - More coordination of clinic appointments - we call on Belfast Health and Social Care Trust to set out a plan for the co-ordination of appointments in the 'one-stop shop' model of care.

There is a generic, regional neuromuscular clinic for all age groups provided by the Belfast Trust which is led by an adult neurologist and a paediatric neurologist with an interest in neuromuscular conditions. There is one neurophysiotherapist assigned to the regional clinic who works with both adult and paediatric patients. Occupational therapy services for neuromuscular patients are available in the community.

The management of neuromuscular conditions also requires input from other specialties such as cardiology, orthopaedics and respiratory medicine. Other specialties, for example, endocrinology and gastroenterology may also be involved.

The HSC Board has resourced an expansion in capacity for the adult neuromuscular service including the transition of young people to the adult service. Going forward the vision is to establish Belfast as a robust central hub which will in due course support a north of Ireland axis linked to local services as well as tertiary/quaternary services in GB.

Pledge 6 - Fewer delays and improvement in wheelchair service - we call on each of the Health and Social Care Trusts to publish plans for how to reduce delays to waiting times and improve wheelchair service provision.

All referrals for wheelchair provision are based on clinical assessment of each client's need, which allows for their individual need to be prioritised which is initially carried out in each Trust area by wheelchair therapists; there is an overarching pathway which allows for individual need to be prioritised.

In addition to local wheelchair therapists, there is a regional specialist seating service based at Musgrave Park Hospital, BHSCT provided by two Bio-engineers who work closely with all five Trusts. The BHSCT is currently reviewing and evaluating the specialist seating service improvement plan that was put into place in 2014 and intend to shortly produce an options paper in relation to equity of wheelchair provision along with maintenance and repair.

The HSCB continues to liaise with the BHSCT in relation to this and wheelchair performance.

**Mr Durkan** asked the Minister of Health what action is being taken to secure North-South collaboration in paediatric cardiac services.

**(AQW 7531/16-21)**

**Mrs O'Neill:** The establishment of the all-island Congenital Heart Disease (CHD) Network in April 2015 provided the structure for securing a permanent, collaborative approach to providing paediatric cardiac services, in line with the recommendations of the International Working Group. I refer the Member to my Joint Statement with Minister Simon Harris TD on 4 July 2016 setting out our shared commitment and investment of up to £42m to realise the Network Board's vision of a world class, family-centric CHD service for the island of Ireland. Ensuring this remains on course will remain high on my agenda for future discussions with Minister Harris.

**Mr Durkan** asked the Minister of Health what plans her Department has to mitigate future loss of European funding.

**(AQW 7532/16-21)**

**Mrs O'Neill:** The Department continues to consider the potential impact of Britain's decision to withdraw from the EU and the issues that will affect us locally. It would not be appropriate to share details of our assessment as it will be used to inform the Executive's input to the British Government's negotiating position. Nonetheless work undertaken to identify those areas of Departmental business impacted by the departure from the EU has highlighted EU funding as an area of concern. I recognise that EU funding has been, and continues to be, important for health, and I will continue to consider the implications as negotiations progress.

**Mr McCrossan** asked the Minister of Health to detail the number of incidents where patients medical details have gone missing in each of the last five years, broken down by Health and Social Care Trust.

**(AQW 8010/16-21)**

**Mrs O'Neill:** The number of incidents where patients' medical details have gone missing in each of the last five years broken down by Health and Social Care Trust are detailed in the table below:

HSC Trust	Nov 2011 to Apr 2012	Apr 2012 to Mar 2013	Apr 2013 to Mar 2014	Apr 2014 to Mar 2015	Apr 2015 to Mar 2016	Apr 2016 to Nov 2016
South Eastern	0	4	0	4	1	0
Belfast	1	5	3	2	2	1
Northern	0	1	0	0	1	0
Southern	0	0	0	0	0	0
Western	4	11	3	5	6	0

**Mr Butler** asked the Minister of Health for an update on the development of a Never Events list, including when it will be in operation.

**(AQW 8041/16-21)**

**Mrs O'Neill:** A local Never Events list has been in place as part of the Serious Adverse Incident process since 17th November 2016.

**Mr Butler** asked the Minister of Health to detail the year-end deficit each of the Health and Social Care Trusts are (i) reporting for 2015-16; and (ii) projecting for 2016-17.

**(AQW 8042/16-21)**

**Mrs O'Neill:** The final outturn position of each Health and Social Care Trust for the 2015/16 financial year has been reported in their published annual accounts and this information is already in the public domain.

In 2016/17 all Trusts are expected to break even, with the exception of the Western Trust, which is currently projecting a year-end deficit of approximately £11m. Officials are working with the Trust and Health and Social Care Board in relation to this issue.

**Ms Lockhart** asked the Minister of Health to outline the amount of investment in primary care over the last five years; and the planned investment over the next five years.

**(AQW 8053/16-21)**

**Mrs O'Neill:** The latest published information in relation to investment in general practice in the north of Ireland is available in the Investment in General Practice Report, published by NHS Digital. The report can be found at the following web address:

<http://content.digital.nhs.uk/searchcatalogue?productid=21527&topics=0%2fPrimary+care+services&sort=Relevance&size=10&page=3#top>

Investment in primary care over the next 5 years will be considered as part of the ongoing budget process. What I have committed to in Delivering Together 2026 is to invest in our primary care services.

A key element in this will be the establishment of multi-disciplinary teams that will help further integrate how primary care services are provided. These teams, which will be embedded around general practice and comprise a range of disciplines, will focus on areas such as the pro-active management of long term conditions. By March 2017, every GP practice will have a named district nurse, health visitor and social worker to work with. I will also support the development of new roles such as Physician Associate and Advanced Nurse Practitioners.

I recognise that there are increasing pressures facing general practice. I want to ensure that GPs are supported to face these challenges and help make a career in general practice in the North more attractive both to existing GPs and those in training.

I have already taken steps to increase the number of GPs in training, which over the next 2 years will rise from the current 85 per annum to 111 training places per year. Building on the rise in training numbers agreed earlier this year, this represents an increase of more than 70% in GP training places within a three year period. I have also indicated my commitment to redirect funding for undergraduate training so that undergraduate medical students get more experience of general practice. Other initiatives are also in place including a GP retainer scheme launched earlier this year which provides support and mentoring to GPs who might otherwise have been lost to general practice.

My Department will continue to invest in the Practice Based Pharmacists scheme to help optimise the use of medicines to improve patient outcomes as well as taking pressure off GPs. It is expected that close to 300 pharmacists will be employed to support GP practices across the North by 2020/21. In addition, I have committed to further investment in technology to help free up GP time, through the continued rollout of the AskMyGP online and telephone triage system. I will also bring forward a consultation on the role of GP Federations.

These commitments, which will help to ease GP workload pressures and attract more doctors into general practice, will build on the already significant investment in general practice over recent years and reflect some of the recommendations of the GP-led Care Working Group. That report identified a number of other actions aimed at addressing the pressures facing general practice and ensuring that it remains an attractive career choice.

**Mr Girvan** asked the Minister of Health to explain the disparity in the time taken to process care home operators retrospective VAT claims among Health and Social Care Trusts; and why the Southern Trust hasn't processed any claims despite requests dating back six months or more.

**(AQW 8094/16-21)**

**Mrs O'Neill:** A high court judgement in 2002 created an entitlement for care homes operating prior to March 2002 to seek to claim back VAT for expenditure incurred in the period 1993-2002.

During 2016, some 23 years after the relevant initial claim period a number of retrospective VAT claims have been made against Health and Social Care Trusts in the north of Ireland.

The length of time required to process each claim will vary depending on a range of factors, including the size and complexity of the claim, the availability and quality of archived records held by Trusts and the quality of information provided by the care home. It is important that all claims are properly verified in order to ensure their legitimacy.

The Southern Trust has received nine claims to date; four claims have been processed and paid and five remain outstanding. The Trust is continuing to make every effort to resolve outstanding claims.

**Mr Girvan** asked the Minister of Health for her assessment of the delays experienced by care home operators seeking to make retrospective VAT claims.

**(AQW 8095/16-21)**

**Mrs O'Neill:** A high court judgement in 2002 created an entitlement for care homes operating prior to March 2002 to seek to claim back VAT for expenditure incurred in the period 1993-2002.

During 2016, some 23 years after the relevant initial claim period a number of retrospective VAT claims have been made against Health and Social Care Trusts in the north of Ireland.

The length of time required to process each claim will vary depending on a range of factors, including the size and complexity of the claim, the availability and quality of archived records held by Trusts and the quality of information provided by the care home. It is important that all claims are properly verified in order to ensure their legitimacy.

The Southern Trust has received nine claims to date; four claims have been processed and paid and five remain outstanding. The Trust is continuing to make every effort to resolve outstanding claims.

**Ms Bradshaw** asked the Minister of Health what dialogue she has had with the Minister for the Economy to find ways to address the lack of funding for the continued delivery of sexual health services in Queen's University, Belfast.

**(AQW 8128/16-21)**

**Mrs O'Neill:** The commissioning of primary care health services is the responsibility of the Health and Social Care Board (HSCB) in conjunction with the Public Health Agency (PHA).

The sexual health clinic, which is operated through the Queen's University Health Centre, was originally initiated as a GP pilot project. It was funded as a GP enhanced service using non recurrent monies until April 2016. Further non-recurrent monies were again made available in-year 2016/17 to support the service. The HSCB and the PHA are currently exploring funding options to secure recurrent monies for the clinic.

**Mr Agnew** asked the Minister of Health to outline the number of appointment letters, in each Health and Social Care Trust, which have been sent in the accessible format of large print, in each of the last five years.

**(AQW 8208/16-21)**

**Mrs O'Neill:** Health and Social Care Trusts do not hold this information.

**Mr Beggs** asked the Minister of Health what her Department has done to raise awareness among people who are partially sighted or blind of the availability of appointment letters in accessible formats, such as large print, braille and electronic.

**(AQW 8235/16-21)**

**Mrs O'Neill:** Following publication of the guide, 'Making Communication Accessible for All' a Guide for Health and Social Care Staff in January 2016, a number of changes in practice have taken place to help raise awareness including;

- i In HSC Trusts, outpatient letters offer patients the opportunity to contact the Trust's Equality Department if they require information about their appointments in an accessible format.
- ii. Trusts also raise awareness of the availability of accessible formats at the point of referral, where service users are asked what their preferred method of communication is.
- iii. HSC Trusts have introduced an email address for patients who are partially sighted or blind for contact with the appointment booking office and the font size in appointment letters has been increased to at least size 14.

In addition, the guide itself has been greatly informed by the input and quality assurance from a range of disability organisations.

**Ms Lockhart** asked the Minister of Health how many working days and hours have been lost as a result of stress and anxiety sick leave in each Health and Social Care Trust over the last five years.

**(AQW 8238/16-21)**

**Mrs O'Neill:** Information on the percentage of hours lost due to non work-related stress, work-related stress and anxiety, in each HSC Trust from 2014/15 onwards, is detailed in the table below. The required breakdown cannot be provided prior to 2014/15.

**Percentage of Hours Lost in due to Non Work-Related Stress/Work-Related Stress/Anxiety**

HSC Trust	Year		
	2014/15	2015/16	Apr-Oct 2016
Belfast	1.06	1.08	1.14
Northern	0.48	1.55	1.67
South Eastern	1.47	1.42	1.37
Southern	0.89	0.91	0.94
Western	1.41	1.65	1.74
NI Ambulance Service	1.84	1.77	1.95

**Source:** HSC Trusts

Excludes bank staff.

**Ms Seeley** asked the Minister of Health to detail the total spend on adult brain injury services compared to children's brain injury services (i) across Health and Social Care Trusts; and (ii) across community/voluntary organisations in the last five years.

**(AQW 8289/16-21)**

**Mrs O'Neill:**

- (i) Health and Social Care Trusts do not hold information solely in relation to brain injury as it falls under the more general category of Physical Disability. Furthermore, no distinction is made between Adult and Children's Services within the records relating to Physical Disability therefore the information requested is not available.
- (ii) This information is not available.

**Mrs Dobson** asked the Minister of Health pursuant to AQW 4567/16-21, to detail the results of the evaluation conducted following the pilot specialist service for ME-CFS in the Northern Health and Social Care Trust.

**(AQW 8298/16-21)**

**Mrs O'Neill:** The evaluation of the outcomes of the pilot in the Northern Health and Social Care Trust, alongside feedback from the existing ME/CFS service in the Belfast Health and Social Care Trust, indicates that the wider availability of a ME/CFS rehabilitation service would manage the needs of the majority of new patients with ME/CFS.

The Health and Social Care Board (HSCB) is working with the ME Stakeholder Group and the Public Health Agency to identify a regional medical lead who will then plan and implement the roll-out and development of the service. The HSCB plans to roll out the services to the Western, Southern and South Eastern Trusts, subject to available funding, and the appointment of a regional medical specialist lead.

**Mr Boylan** asked the Minister of Health for an update on a Armagh City health hub.

**(AQW 8300/16-21)**

**Mrs O'Neill:** Plans for a new Primary and Community Care Centre in Armagh are included in the Health and Social Care Board's Strategic Implementation Plan for primary care. Future investment in new primary care facilities cannot be progressed until the pilot projects for health and care centres in Lisburn and Newry are evaluated. This evaluation is expected to be completed before the end of the year.

Delivery of the implementation plan, including plans for a hub in Armagh will be considered alongside other capital investment priorities and will be dependent on future budget availability, value for money and affordability.

**Mrs Overend** asked the Minister of Health how her Department provides support (i) to families of children with autism; and (ii) to specific groups that support those parents.

**(AQW 8435/16-21)**

**Mrs O'Neill:** The Health and Social Care Trusts provide support services based on assessment of need, in line with relevant legislation and NICE guidelines. These can include specialist occupational therapist and clinical psychology and programmes/workshops for social skills and communication issues. Support services can extend beyond the autism specialist service to include, for example, Speech and Language Therapy, Occupational Therapy, Community Paediatrics, Child and Adolescent



Mental Health Services, Psychology, Social Services and family support hubs. Autism specific supports can be specific behavioural, sensory, sleep, feeding, toileting and anger issues. The Trusts also provide support to a range of organisations that provide autism-specific services to families of children with autism. This can take the form of financial support; training for volunteers/staff; advice and guidance; signposting of parents to local support groups, and support for funding applications.

**Mr McGrath** asked the Minister of Health how much (i) her Department; (ii) the Health and Social Care Board; and (iii) each Health and Social Care Trust spent on non-medical external business consultants during each of the last five years.  
(AQW 8466/16-21)

**Mrs O'Neill:** The table below details the expenditure on non-medical external business consultants during each of the last five years.

#### Non Medical External Business Consultant Expenditure

Organisation	Consultancy Expenditure by Financial Year					
	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	Total £'000
DoH	121	30	143	227	165	686
HSCB	139	667	485	19	34	1,344
NIAS	22	2	-	-	-	24
BHSCT	4	-	8	18	-	30
NHSCT	102	16	11	36	13	178
SHSCT	18	9	-	-	-	27
SEHSCT	-	27	-	-	-	27
WHSCT	2	-	-	-	-	2
<b>Total</b>	<b>408</b>	<b>751</b>	<b>647</b>	<b>300</b>	<b>212</b>	<b>2,318</b>

**Mr Swann** asked the Minister of Health what plans she has to increase patients' access to the internet so they can communicate with friends and family outside visiting hours, which would allow hospitals to enforce strict visiting times, thus allowing for better infection control and other associated pressures.  
(AQW 8487/16-21)

**Mrs O'Neill:** There are no current Departmental plans to increase patient access to the internet. HSC Trusts primary focus is to expand delivery of wifi access in HSC facilities to support delivery of mobile based technology for HSC staff.

**Ms P Bradley** asked the Minister of Health whether her Department plans to publish a Northern Ireland Cancer Patient Experience survey in 2017.  
(AQW 8494/16-21)

**Mrs O'Neill:** I wish to answer AQWs 8494/16-21, 8295/16-21, 8496/16-21 and 8594/16-21 together.

It is anticipated that the Cancer Patient Experience Survey (CPES) will be repeated in 2017/18 to benchmark progress against the 2015 CPES and surveys undertaken in England and Wales; a report summarising the findings is expected to be published in 2018.

The methodology for the 2015 CPES was identical to that used in England and Wales and, mirroring England and Wales, patients under 16 were not included.

All brain and central nervous system (CNS) tumours, including low grade tumours, have been captured. Given the incidence of brain and CNS cancers the patient responses were not large enough for a meaningful analysis at tumour site level however this group of patients were reflected in the "all cancers" analysis.

Care provided to brain tumour patients is consistent with advice issued by NICE, including a NICE pathway on the management of brain tumours and advice on specialist therapies.

Clinical management guidance which sets out details of patient management, including the drug regimens which are applicable for people with brain tumours, has also been drafted and approved by the Northern Ireland Cancer Network.

The Health and Social Care Board and the Public Health Agency are making additional resources available to increase the clinical time available for multidisciplinary meetings.

**Ms P Bradley** asked the Minister of Health what actions she will take to address the shortcomings in care and support reported by brain tumour patients in the 2015 Northern Ireland Cancer Patient Experience Survey.  
(AQW 8495/16-21)

**Mrs O'Neill:** I wish to answer AQWs 8494/16-21, 8295/16-21, 8496/16-21 and 8594/16-21 together.

It is anticipated that the Cancer Patient Experience Survey (CPES) will be repeated in 2017/18 to benchmark progress against the 2015 CPES and surveys undertaken in England and Wales; a report summarising the findings is expected to be published in 2018.

The methodology for the 2015 CPES was identical to that used in England and Wales and, mirroring England and Wales, patients under 16 were not included.

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Clinical management guidance which sets out details of patient management, including the drug regimens which are applicable for people with brain tumours, has also been drafted and approved by the Northern Ireland Cancer Network.

The Health and Social Care Board and the Public Health Agency are making additional resources available to increase the clinical time available for multidisciplinary meetings.

**Ms P Bradley** asked the Minister of Health whether she will consider expanding the Northern Ireland Cancer Patient Experience survey to include the experience of (i) adults with a low-grade brain tumour; (ii) children; and (iii) young people. (AQW 8496/16-21)

**Mrs O'Neill:** I wish to answer AQWs 8494/16-21, 8295/16-21, 8496/16-21 and 8594/16-21 together.

It is anticipated that the Cancer Patient Experience Survey (CPES) will be repeated in 2017/18 to benchmark progress against the 2015 CPES and surveys undertaken in England and Wales; a report summarising the findings is expected to be published in 2018.

The methodology for the 2015 CPES was identical to that used in England and Wales and, mirroring England and Wales, patients under 16 were not included.

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Clinical management guidance which sets out details of patient management, including the drug regimens which are applicable for people with brain tumours, has also been drafted and approved by the Northern Ireland Cancer Network.

The Health and Social Care Board and the Public Health Agency are making additional resources available to increase the clinical time available for multidisciplinary meetings.

**Ms Bradshaw** asked the Minister of Health for an update on developing a compensation scheme for those people who contacted HIV, Haemophilia or Hepatitis C through the administering of unscreened blood prior to 1991. (AQW 8553/16-21)

**Mrs O'Neill:** I have adopted a set of reforms to the financial support for people who have been infected or affected by contaminated NHS blood or blood products. Details of the reforms are set out in my Written Statement of 22 December 2016.

**Ms P Bradley** asked the Minister of Health what actions she is taking to improve the outcomes of brain tumour patients. (AQW 8594/16-21)

**Mrs O'Neill:** I wish to answer AQWs 8494/16-21, 8295/16-21, 8496/16-21 and 8594/16-21 together.

It is anticipated that the Cancer Patient Experience Survey (CPES) will be repeated in 2017/18 to benchmark progress against the 2015 CPES and surveys undertaken in England and Wales; a report summarising the findings is expected to be published in 2018.

The methodology for the 2015 CPES was identical to that used in England and Wales and, mirroring England and Wales, patients under 16 were not included.

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Clinical management guidance which sets out details of patient management, including the drug regimens which are applicable for people with brain tumours, has also been drafted and approved by the Northern Ireland Cancer Network.

The Health and Social Care Board and the Public Health Agency are making additional resources available to increase the clinical time available for multidisciplinary meetings.

**Ms P Bradley** asked the Minister of Health what assessment she has made of the implications for her Department of the recommendations in The Brain Tumour charity's Finding Myself in Your Hands: The Reality of Brain Tumour Treatment and Care, published in January 2016.

**(AQW 8597/16-21)**

**Mrs O'Neill:** I wish to answer AQWs 8597/16-21 and 8598/16-21 together.

I welcome the Brain Tumour Charity's report and their patient guide for advancing the understanding of patient needs and aspirations. Patient care provided in the North is consistent with advice issued by NICE, with improvements in services for cancer patients being informed by ongoing reviews of the Cancer Service Framework.

Many of the recommendations from the Brain Tumour Charity's report are already being taken forward, for example the Public Health Agency is currently progressing a 'Be Cancer Aware' public awareness campaign, which includes information on brain tumours on the Agency's website and the Health and Social Care Board is currently investing in a programme that will expand the number of cancer clinical nurse specialists.

**Ms P Bradley** asked the Minister of Health what assessment she has made of the implications for her Department of the recommendations in The Brain Tumour charity's Patient Guide to Brain Tumour Treatment and Services, published in November 2016.

**(AQW 8598/16-21)**

**Mrs O'Neill:** I wish to answer AQWs 8597/16-21 and 8598/16-21 together.

I welcome the Brain Tumour Charity's report and their patient guide for advancing the understanding of patient needs and aspirations. Patient care provided in the North is consistent with advice issued by NICE, with improvements in services for cancer patients being informed by ongoing reviews of the Cancer Service Framework.

Many of the recommendations from the Brain Tumour Charity's report are already being taken forward, for example the Public Health Agency is currently progressing a 'Be Cancer Aware' public awareness campaign, which includes information on brain tumours on the Agency's website and the Health and Social Care Board is currently investing in a programme that will expand the number of cancer clinical nurse specialists.

**Mr Hussey** asked the Minister of Health how much has been paid to (i) 3fivetwo group; (ii) the Ulster Independent Clinic; and (iii) Northwest Independent Clinic for healthcare provision in the (a) 2013-14; (b) 2014-15; and (c) 2015-16 financial years.

**(AQW 8637/16-21)**

**Mrs O'Neill:** Expenditure incurred by Health and Social Care Trusts to; i) 3fivetwo group; (ii) the Ulster Independent Clinic; and (iii) Northwest Independent Clinic, in each of the last three years, is set out in the table below.

	2015/16 £m	2014/15 £m	2013/14 £m
3fivetwo group	13.3	22.5	30.6
Ulster Independent Clinic	0.007	0.7	0.7
Northwest Independent Clinic	2.5	7.7	11.7

**Ms Lockhart** asked the Minister of Health why the hydropool at Craigavon Area Hospital is not used for people diagnosed with MS.

**(AQW 8686/16-21)**

**Mrs O'Neill:** The hydropool in Craigavon Area Hospital is used by a variety of patients. Each patient is assessed individually on a clinical need basis regardless of the particular condition.

## Department of Justice

**Mr Beattie** asked the Minister of Justice how many prison officers have been assaulted over the last twelve months broken down by (i) prison; and (ii) type of assault.

**(AQW 9040/16-21)**

**Ms Sugden (The Minister of Justice):** The table below provides details of how many prison officers have been assaulted over the last twelve months broken down by establishment.

Assaults on Staff	1/12/2015 – 30/11/2016
Maghaberry	49
Magilligan	6
Hydebank College	22
<b>Total</b>	<b>77</b>

Assaults in prison cover a wide range of violent incidents and it is not possible to provide a further breakdown by type.

**Mr Beattie** asked the Minister of Justice to detail how many judicial reviews have been brought forward by prisoners over the last twelve months; broken down by (i) prison; and (ii) house.

**(AQW 9041/16-21)**

**Ms Sugden:** Records show that in the twelve month period from 1 December 2015 to 30 November 2016 there were 48 judicial reviews brought by prisoners against the Northern Ireland Prison Service. Of these 29 came from Maghaberry, 12 from Magilligan and 7 from Hydebank Wood. The provision of the information by house is not possible due to the regular movement of prisoners between houses and indeed between prisons.

**Mr Beattie** asked the Minister of Justice to outline what discussions has she had with (i) the Chief Constable of the PSNI; and (ii) the Minister for Justice and Equality in relation to the admission by Kieran Conway that he assisted in the murder of British Soldiers as a member of the IRA.

**(AQW 9042/16-21)**

**Ms Sugden:** I have spoken to the Chief Constable about this issue. I have been assured that all reasonable enquiries will be explored and that, where appropriate, collaboration with other law enforcement agencies will be undertaken.

I have not yet raised this matter with the Minister for Justice and Equality. This is, however, an operational policing matter for the PSNI and, where appropriate, An Garda Síochána.

**Mr Beattie** asked the Minister of Justice to outline what discussions she has had with (i) the PSNI; and (ii) the Minister for Justice and Equality in relation to Mr Gerry Adams confirming he has information about the name of an individual who has further information about the murderer of Prison Officer Brian Stack given (a) Mr Adams resides in Northern Ireland; and (b) that one of those named by Mr Adams is presently a Member of Parliament.

**(AQW 9043/16-21)**

**Ms Sugden:** The murder of Prison Officer Brian Stack is an operational policing matter therefore I have had no discussions with the Chief Constable or the Minister for Justice and Equality regarding this matter.

**Mr Beattie** asked the Minister of Justice to detail (i) the cases the Director of Public Prosecutions has directed the PSNI Legacy Investigations Branch to investigate; and (ii) the outcome of those investigations, in respect to nothing found or charges laid.

**(AQW 9044/16-21)**

**Ms Sugden:** The information requested is not held by my Department. The decision to make a referral to the Chief Constable under section 35 of the Justice (Northern Ireland) Act 2002 is a matter for the Director of the Public Prosecution Service, who is of course independent of my department. In response to your question, I requested information from the Public Prosecution Service regarding referrals made in respect of legacy investigations by the PSNI and I am advised as follows:

Over the last five years, the Director has made a request to the Chief Constable under section 35 of the Justice (Northern Ireland) Act 2002 to investigate 8 legacy cases. Of these requests, prosecutions have been commenced in respect of one individual. No files have yet been received in respect of the remaining 7 cases.

If you have any additional questions, you may wish to direct those to the Director of Public Prosecutions.

**Mr Lunn** asked the Minister of Justice for her assessment on the Human Rights Commission's annual statement's findings that Termination of pregnancy is an area which requires urgent attention.

**(AQW 9060/16-21)**

**Ms Sugden:** The Health Minister and I have said that proposals on fatal fetal abnormality will be brought to the Executive in the New Year. We want to make progress on this as soon as possible. Decisions on future policy and legislative direction are for the Executive to make.

In its statement, the Human Rights Commission also made reference to the judgment of the High Court in November 2015 and the subsequent Court of Appeal case. As noted by the Commission, the outcome of that appeal is still awaited.

**Mr Lunn** asked the Minister of Justice for her assessment on the Human Rights Commission's annual statement's findings that conflict related deaths: transitional justice and Legacy inquests and inquiries are areas which require urgent attention. (AQW 9061/16-21)

**Ms Sugden:** I agree with Human Rights Commission's assessment that urgent action is necessary.

Since coming to office, I have been determined to secure the necessary investigation of outstanding Troubles-related deaths. For this reason, I have committed to playing my part in advancing the legacy commitments of the Stormont House Agreement to establish an independent Historical Investigations Unit and to improve legacy inquests.

**Mr Lunn** asked the Minister of Justice for her assessment on the Human Rights Commission's annual statement's findings that the remand of children is an area which requires urgent attention. (AQW 9062/16-21)

**Ms Sugden:** The information set out in the Human Rights Commission annual statement in relation to children held on remand has been drafted following face-to-face meetings and correspondence between the Commission and myself, and is therefore an accurate assessment of the current position. I share the desire to ensure that children are only admitted to custody as a last resort and only for reasons of seriousness of offending.

There is clearly an issue in terms of the number of children admitted to custody in Northern Ireland who do not ultimately serve a custodial sentence. This overuse of remand was a key consideration of the Scoping Study conducted into children in the justice system, and the Department and its agencies are continuing to seek ways to address each of the contributing factors.

There is no simple solution, as there is no single root cause of the problem; rather there are a range of diverse causes including delay in processing cases, lack of viable alternative accommodation in the community, and legislative provision in need of revision. Consideration is being given to each of these issues, but until we address the multiple issues which affect children in the justice system in a truly cross-departmental way, they are likely to continue to end up in custody. Working with our colleagues in other Departments to make these long-term changes is what lies at the heart of the Scoping Study, and I am undertaking bilateral discussions with my counterparts in those key Departments to take the work forward.

**Mr Lunn** asked the Minister of Justice for her assessment on the Human Rights Commission's annual statement's findings that corporal punishment of children is an area which requires urgent attention. (AQW 9063/16-21)

**Ms Sugden:** I have noted the Human Rights Commission's annual statement with regard to the corporal punishment of children and the defence of reasonable chastisement.

This is an issue that has been raised with me previously and I am considering my position alongside the need to consult with Executive colleagues.

## Northern Ireland Assembly Commission

**Mrs Dobson** asked the Assembly Commission whether it believes that in implementing the Independent Financial Review Panel's 2016 determination that changes in terms and conditions for members support staff were conducted contrary to employment law. (AQW 9120/16-21)

**Mr Hussey (The Representative of the Assembly Commission):** The Assembly established the Independent Financial Review Panel ("the Panel") to make Determinations as to the salaries, allowances, pensions and gratuities payable to Members of the Assembly. The Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 issued by the Panel in March 2016, defines the amounts of financial support available to Members in carrying out their Assembly functions and, importantly, establishes the criteria for claiming such support. Any Member who wishes to avail of the funding available under any part of the Determination must comply fully with these criteria.

Under the provisions of Part 4 of the Determination, Members may only recover the costs of employing staff if the specific conditions set out in the Determination are met. These include appointment of staff on merit following a fair and open recruitment process and engagement of staff on the standard contract of employment as appended to the Determination.

The independence of the Panel to determine the salaries, allowances, pensions and gratuities payable to Members is enshrined by section 3(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 which states that "the Panel shall not, in the exercise of its functions, be subject to the direction or control of the Assembly or the Commission."

The Commission's administrative role is solely to implement each Determination that is issued by the Panel. As a legal instrument made under an Act of the Assembly, there is a presumption that the Determination is lawful and the Commission must undertake its administrative role on that basis.





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# Northern Ireland Assembly

Friday 13 January 2017

## Written Answers to Questions

### The Executive Office

**Mrs Long** asked the First Minister and deputy First Minister for their assessment of the role of European Union migrant workers in the local economy following the United Kingdom's withdrawal from the European Union.  
(AQO 471/16-21)

**Mrs Foster and Mr McGuinness (The First Minister and deputy First Minister):** Our assessment of the role of migrant workers from the EU and elsewhere is set out in our letter of 10 August to the Prime Minister.

It is critical to our economy that both domestic and Foreign Direct Investment ventures retain their competitiveness and do not incur additional costs.

Access to labour, skilled and unskilled, is not only essential to our growing private sector, but to the public sector, who are also heavily dependent on EU and other migrant labour to meet demands.

We acknowledge and value the continuing positive contribution of minority ethnic people and migrant workers, not just to our economic life, but to our public, political, social and cultural life too. We must ensure this continues.

**Ms Dillon** asked the First Minister and deputy First Minister to outline any discussions regarding inward investment during their recent trip to the United States of America.  
(AQO 700/16-21)

**Mrs Foster and Mr McGuinness:** During the recent visit to the US, the deputy First Minister had company meetings with one current investor and three potential investors in addition to a luncheon meeting with the West Coast Advisory Council.

**Mr Smith** asked the First Minister and deputy First Minister to detail each budgetary pressure that (i) their Department; and each (ii) of its arm's-length bodies were facing at 1 December 2016.  
(AQW 8563/16-21)

**Mrs Foster and Mr McGuinness:** Details of pressures across the Department and its ALBs are currently being considered as part of the January Monitoring process, the outcome of which will be advised to the Assembly in due course.

### Department for Communities

**Mr Allister** asked the Minister for Communities pursuant to AQW 6677/16-21, whether the outcome of the unpublished hotel study has been shared with Causeway Coast and Glens Council; and if so, when.  
(AQW 7897/16-21)

**Mr Givan (The Minister for Communities):** The outcome of the Portrush Hotel Scoping Study was shared with Causeway Coast and Glens Borough Council officials in September 2015.

**Mr Hussey** asked the Minister for Communities pursuant to AQW 7946/16-21, to outline (i) why 144 personal files containing DPOANI members' private confidential and medical details were taken by Charity Commission for Northern Ireland staff when they entered the DPOANI office in August 2014; (ii) the date CCNI informed all Trustees of their actions; (iii) the level of appropriate security clearance CCNI staff claimed to have to handle such documents; and (iv) why CCNI staff claimed their premises was a PSNI approved facility when a freedom of information request to PSNI revealed no such approval was given.  
(AQW 9029/16-21)

**Mr Givan:** In relation to AQW7946/16-21, (i) The Commission advises that they did not remove 144 personal files containing DPOANI members' private confidential and medical details. Membership files were kept within cabinets at the DPOANI offices that were not accessed by Commission staff. Items found on the office floor and unsecured on work surfaces were provided

to the Commission and held securely by it at the request of the charity's trustees who were present, following the issue of order 0025. While some of the documentation related to individuals, no medical records were included.

- (ii) The Commission advises that all trustees were informed by 22 August 2014.
- (iii) The Commission further advises that Enquiries Team staff within the Commission hold Security Cleared (SC) level security clearance.
- (iv) The facility used by the Charity Commission was built by DSD in 2011 to PSNI physical security requirements which have been inspected and signed off.

**Mr Milne** asked the Minister for Communities to detail what investment his Department has made in the creation of employment opportunities for people with a learning disability in (i) the Mid Ulster area; and (ii) across the North; broken down into (i) paid employment; and (ii) unpaid employment opportunities.  
**(AQW 9079/16-21)**

**Mr Givan:** The Department for Communities is responsible for providing help and support to people with disabilities, including those with a learning disability, to enable and empower them to progress towards, move into and sustain paid employment.

The Department, through its Disability Employment Service, has responsibility for the implementation of the 'Employment Strategy for People with Disabilities', which was launched in March 2016. This strategy is aimed at those with more significant disability related barriers, including those with learning disabilities or difficulties.

Whilst responsibility for investment in job creation lies with the Department for Economy, the Department for Communities is investing a significant amount of finance, as well as time and effort in order to support individuals with a learning disability, their respective employers, and a number of local disability organisations who work with this client group.

The range of services, programmes and projects on which the Disability Employment Service is leading and which are all supporting people with a learning disability, includes the following:

**Workable (NI):** 705 people are currently being supported through this specialist in-work disability programme throughout Northern Ireland. The programme is delivered on behalf of the department by nine local disability organisations. 335 (47%) of the programme participants have a learning disability or difficulty.

**Employment Support:** 463 people are currently being supported through this employer subsidy and support programme throughout Northern Ireland. 269 (58%) of the programme participants have a learning disability or difficulty.

**Access to Work (NI):** currently provides practical and financial support to 733 people with a range of disabilities, to help them move into and / or retain paid work. Currently 174 of this client group have a learning disability or difficulty.

The total expenditure on these three specialist disability employment programmes in 2015/16 was £8.4m. Unfortunately, it is not possible at this stage to provide a breakdown by electoral constituency for the expenditure, as payments are made to a combination of individuals, employers and support providers, but this is something that the Disability Employment Service is committed to developing as part of its Management Information improvements within the new strategy.

Full details of all these disability employment programmes can be found at: <https://www.nidirect.gov.uk/information-and-services/employment-support/work-schemes-and-programmes>

In addition to the mainstream disability programmes and expenditure, the Department is also responsible for the following projects:

**Work First Project:** This is a partnership project between the department and the Northern and Southern regional colleges of Further Education, specifically the Discrete Learning Units within these college campuses. Since September 2015, 34 students, all of whom have a learning disability or who are on the autistic spectrum, have been referred to the Work First project. The primary objective of this project is to ensure that those students who want to work and who are capable of doing so, are given dedicated support to help them find a suitable work placement, which will hopefully lead to paid employment on a part-time or full-time basis.

**European Social Fund:** The Department for Communities also provides public match funding to 17 disability employment projects, 7 of which are targeted specifically at people with a learning disability. The overall aim of each project is to engage with participants in order to improve their employability and social inclusion, and to secure paid jobs. The European Social Fund is managed and administered by the Department for Economy.

**Parkanaur College:** The Department provides annual funding to Parkanaur residential college, near Dungannon, to enable up to 15 disabled trainees to attend and receive vocational and employability training, with a view to moving towards and into employment. The majority of these trainees have a learning disability and other complex needs, which act as a barrier to their participation in further education or training in a more conventional setting. The Department invests approximately £300k per annum to support this cohort of trainees at Parkanaur.

## Department for Infrastructure

**Mr McCrossan** asked the Minister for Infrastructure to detail how much has been spent on new vehicles by (i) his Department; and (ii) its arm's-length bodies over the last ten years, broken down by vehicle type.  
**(AQW 8279/16-21)**

**Mr Hazzard (The Minister for Infrastructure):**

(i) The following table details the number of vehicles owned by the Department and its arms length bodies:

Business Area	No of Vehicles
Department (inc TNI, DVA & Rivers)	684
Translink	144*
NI Water	454

\* This figure excludes Translink's bus fleet and railway rolling stock.

(ii) The amount spent on vehicles by the Department and its arms length bodies are detailed in the attached table. As not all figures are available broken down by vehicle type, I have included the total figure spent on vehicles over the last ten years for the Department and its arms-length bodies.

Business Area	Total Spend (last 10 years)
Department (inc TNI, DVA & Rivers)	£17,318,115
Translink	£2,545,100*
NI Water	£9,335,000

\* This figure excludes Translink's bus fleet and railway rolling stock.

**Mr K Buchanan** asked the Minister for Infrastructure to detail the streets in Mid Ulster that are earmarked for future road-calming measures.

**(AQW 8655/16-21)**

**Mr Hazzard:** TransportNI's Local Transport and Safety Measures Draft Programme 2017-2019 includes the following traffic calming schemes in the Mid Ulster District Council area:

- Riverside Drive Cookstown
  - Eglishe Village
  - Cloneen, Dungannon
  - Forth Glen, Cookstown
  - Sixtowns Road, Straw (At Gael Scoil)
- Please note that delivery of schemes at these locations will be dependent on availability of funding and that this draft programme may be subject to change, depending on the assessed priority of new requests for traffic calming.

**Mr Lynch** asked the Minister for Infrastructure what actions he is taking to implement the policy priorities and recommendations, issued by the Equality Commission, to advance gender equality.

**(AQW 8685/16-21)**

**Mr Hazzard:** I am aware of the Equality Commission's revised Gender Equality Policy Priorities and Recommendations published on 30 November 2016.

My Department is contributing fully to the work being done within the NICS to put in place training, provide mentoring opportunities for women to overcome barriers to progression to senior levels within the civil service and identify other measures to promote gender equality. The Department also works hard to ensure there is a balanced pool of applicants for public appointments and engages with the Commissioner for Public Appointments in Northern Ireland (CPANI) on this and other issues.

**Mr Chambers** asked the Minister for Infrastructure whether Transport NI has ongoing responsibility to clear soil and debris accumulated on roadway kerbsides; and whether there is a schedule in place to carry out this work in North Down.

**(AQW 8852/16-21)**

**Mr Hazzard:** I should firstly advise the Member that my Department's Transport NI has no legal duty under Article 8 of the Roads (Northern Ireland) Order 1993 to remove an obstruction, which is something lying loose on the surface of a road, examples of which include, snow, ice, litter, mud, soil, grit, gravel, stones, leaves, oil spillages, etc. The legal duty under Article 8 is to maintain the fabric of the road.

However, Article 10 of the Order gives the Department a discretionary power to remove obstructions from the surface of a road. The general principle is that Transport NI has no legal liability for deciding not to exercise a discretionary power unless the decision to do nothing is irrational or creates a hazard or danger to the public. Transport NI has in the past and will continue to exercise this discretionary power to carry out cleaning of kerblines where appropriate and when resources permit.

I can also confirm that Article 7 of the Litter (Northern Ireland) Order 1994, as amended by the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, places a duty on District Councils in relation to the cleaning of the roads. For clarity, this legislation places a similar duty on my Department for "non-relevant" roads (motorways and special roads). As there are no roads of either category in the Ards and North Down Borough Council area, all roads in the area are categorized as "relevant" roads for which the duty falls to the district council.

I am aware that Ards and North Down Borough Council carries out kerblines by way of mechanical sweeper however this operation extends only to roads within the town development, limits normally defined by the 30 mph speed limit.

Given the defined responsibilities of Transport NI and the Council as set out above, I can confirm that Transport NI does not have a schedule in place to carry out this work in North Down.

**Mr F McCann** asked the Minister for Infrastructure to detail the action he is taking to implement the recommendations made by the Equality Commission in its document entitled Gender Equality: Policy Priorities and Recommendations.  
**(AQW 8868/16-21)**

**Mr Hazzard:** I am aware of the Equality Commission's revised Gender Equality Policy Priorities and Recommendations published on 30 November 2016.

My Department leads the NICS Diversity Champion's Network which has developed training to compliment training already mandatory in the NICS. This training is specifically designed to tackle prejudicial attitudes and stereotyping, one of the policy priorities outlined by the Equality Commission. The Diversity Champion's Network also works closely with NICS Women's Network to promote the progression of women to senior levels within the civil service by creating mentoring initiatives.

**Mr Wells** asked the Minister for Infrastructure why previous commitments to resurface Mill Road, Killeel have not been acted upon.  
**(AQW 9024/16-21)**

**Mr Hazzard:** Transport NI remains committed to the resurfacing of Mill Road, Killeel. It had been hoped that the scheme could be progressed in late 2016. However, the scheme has been slightly delayed to facilitate works to be undertaken by a property developer engaged in construction works at a private housing development which fronts Mill Road. The works to be carried out by the property developer will involve excavation in the carriageway in order to provide service alterations and connections.

It is envisaged that the resurfacing scheme will be completed in 2017 subject to all the construction works along the Mill Road being successfully completed.

**Mr Chambers** asked the Minister for Infrastructure pursuant to AQW 8115/16-21 (i) whether he is aware that a section of ranch style fencing on the Ballyrobert Road, Crawfordsburn, that was part of a recent footpath replacement scheme, has not been constructed to the standard quoted in his reply; (ii) whether this design was signed off by TransportNI; (iii) to detail the cost element of the fencing; and (iv) whether he will have this fencing corrected as a matter of urgency.  
**(AQW 9050/16-21)**

**Mr Hazzard:** I can advise the Member that officials from my Department's TransportNI are aware of the situation regarding the erection of fencing at Ballyrobert Road, Crawfordsburn as set out in his question. This would not comply with the standard quoted in my reply to his previous question reference AQW 8115/16-21, albeit it replicated a section of existing adjacent fencing.

Following a review the contractor has been instructed to remedy the situation by relocating the rails on the new section of fencing to the rear of the posts. Work was scheduled to commence ahead of the Christmas holidays with completion immediately afterwards. The cost of this work will be agreed between the Department and the contractor when the remedial work is complete.

**Mrs Overend** asked the Minister for Infrastructure to detail the allocated budget for (i) local transport; and (ii) safety measures; including (a) traffic calming; (b) pelican and pedestrian crossings; and (c) speed restrictions outside schools, in the Causeway Coast and Glens Borough Council area.  
**(AQW 9092/16-21)**

**Mr Hazzard:** My Department's TransportNI does not allocate budget by District Council, rather budgets are allocated on a basis of need using a range of weighted indicators. Divisions use these indicators when apportioning budget to ensure, as far as possible, an equitable distribution of funds.

Causeway Coast & Glens Council falls into TransportNI's Northern Division. My officials meet bi-annually with District Councils to give information on expenditure and progress of schemes within their Council area.

Causeway Coast & Glens Council received an interim update at their meeting on 22nd November 2016; the attached hyperlink can be used to view this report, I would draw your particular attention to Pages 32 to 40 which provide progress information on Minor Capital and Transportation works within the Councils boundaries.

<https://www.infrastructure-ni.gov.uk/publications/annual-report-causeway-coast-and-glens-borough-council-2016>



**Mrs Overend** asked the Minister for Infrastructure to detail how much has been allocated to (i) local transport; and (ii) safety measure schemes in the Causeway Coast and Glens Council area compared with each of the last three years.

**(AQW 9093/16-21)**

**Mr Hazzard:** My Department does not analyse expenditure in the format requested, however it can provide an analysis of expenditure on Minor Capital and Transportation Policy by District Council.

Activities covered within these summary analyses are detailed in Tables 1 & 2 below

**Table 1 – Activities within Minor Capital**

<b>B50020</b>	<b>Network Development Schemes - Minor</b>
B50021	Traffic Management
B50022	Minor Bridge Strengthening
B50024	Collision Remedial
B50025	Traffic Calming
B50026	Vehicle Restraint Systems
B50027	Pre Adoption Repairs

**Table 2 – Activities within Transportation Policy**

<b>B50060</b>	<b>Bus Priority Measures</b>
B50061	Pedestrian Measures
B50062	Cycling Measures
B50063	Park & Share
B50064	Travel Information
B50065	Rapid Transportation Measures

You should note that Causeway Coast & Glens Council only came into being on 1st April 2015, as such in answering your comparison query I have approximated expenditure in that Council area for the years 2013-14 & 2014-15 by combining outturns for the legacy Council areas of Ballymoney, Coleraine, Limavady and Moyle which merged to form Causeway Coast & Glens Council.

	<b>2013-2014 Approx.</b>	<b>2014-2015 Approx.</b>	<b>2015-2016</b>
<b>Causeway Coast &amp; Glens Council</b>			<b>£'k</b>
Minor Capital	1,705	2,277	1,452
Transportation Policy	316	617	143
<b>Total</b>	<b>2,021</b>	<b>2,894</b>	<b>1,595</b>

I refer you to my answer to your question AQW 9092/16-21 which explains why it is not possible to provide a forecast for 2016-17, however I can advise that my Departments TransportNI Northern Division is currently forecasting expenditure on Minor Capital and Transportation Policy for the total Division in 2016-17 of £1,967k.

District Councils areas within Northern Division are Antrim & Newtownabbey, Causeway Coast & Glens and Mid & East Antrim.

## Department for the Economy

**Mr McPhillips** asked the Minister for the Economy what discussions his Department has had with the Bank of Ireland following its decision to close the Belleek branch.

**(AQW 2379/16-21)**

**Mr Hamilton (The Minister for the Economy):** I met with representatives of the Bank of Ireland in September. During this meeting I took the opportunity to discuss issues relevant to branch closures, including the proposed closure of the Belleek branch of Bank of Ireland.

**Ms Mallon** asked the Minister for the Economy to detail the funding received from (i) his Department; and (ii) its arm's-length bodies by (a) WiggleCRC; (b) Concentrix; (c) Bombardier; (d) British Home Stores; (e) Caterpillar; (f) Michelin; (g) JTI Gallaher; and (h) Fivemiletown Creamery, in each of the last ten years.

**(AQW 6777/16-21)**

**Mr Hamilton:** Of the companies listed, only Bombardier has received funding directly from my Department over the last 10 year period as outlined in the table 1 below:

**Table 1: Funding Received (£000s)**

2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
340	207	261	480	342	484	626	529	458	553

Caterpillar and Michelin benefited from funding to third parties to deliver assured skills and skills solutions projects respectively within the 10 year period. £326k of funding was paid across the 2014-15 and 2015-16 financial years to third party training providers for a Caterpillar assured skills project and £7,877 paid in 2010-11 for the Michelin skills solution.

Table 2 below details the financial assistance paid to each company by the arm's-length bodies of my Department (and those of the former Department for Employment and Learning and the Department of Enterprise, Trade and Investment) in the 10 years to 2015-16.

**Table 2: Financial Assistance Paid (£000s)**

Company	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Bombardier	3,786	853	6,008	6,968	13,850	9,194	5,093	1,209	5,089	6,643
BHS	-	-	-	-	-	-	-	-	-	-
Caterpillar	5,178	357	1,804	2,131	96	1,355	113	479	-	712
Concentrix	1,396	1,396	304	203	116	4	15	-	-	3,109
Fivemiletown	7	26	34	29	35	16	11	31	-	-
JTI Gallaher	54	81	54	19	112	80	46	-	-	-
Michelin	293	302	1,067	1,115	338	407	155	695	390	292
Wiggle CRC	-	-	-	-	-	-	-	-	-	25

**Note:**

- Table includes funding provided by InterTradeIreland (ITI) through the Innova programme to Bombardier. ITI is an arm's-length body of the Department for the Economy (DfE) and the Irish Republic's Department of Jobs, Enterprise and Innovation (DJEI). It is funded on a 2:1 ratio by the DJEI and the DfE. Therefore, two thirds of the total c£114k of ITI funding included in the table was provided by the DJEI.

**Mr Dunne** asked the Minister for the Economy what action he is taking to restore a direct air-link between Northern Ireland and the United States of America.

**(AQW 7275/16-21)**

**Mr Hamilton:** It is important that we have a trans-Atlantic service to the United States to support economic development in Northern Ireland through, investment, exports and inbound tourism. I am keen to see that a direct link is restored as soon as possible and my Department continues to work with Belfast International Airport regarding other airlines who may be interested in introducing transatlantic flights. I will consider any proposed route which has the potential to help grow our economy on a case by case basis.

**Mr McKee** asked the Minister for the Economy to list each Ministerial Direction he has issued since May 2016, including (i) the date; (ii) its purpose (iii) whether he was overruling any concerns of officials either before or after the Direction; and (iv) whether each Direction was accompanied by a full business case.

**(AQW 7292/16-21)**

**Mr Hamilton:** I have issued one Ministerial Direction since taking up office in May 2016. On 9th August 2016, I directed that financial support should be provided to United Airlines for the continued operation of the Belfast-Newark service.

I gave careful consideration to the advice presented by my officials. With the agreement of the First Minister and deputy First Minister, I was satisfied that the retention of the route would be beneficial in terms of trade, investment and tourism.

It was not possible to produce a formal business case in the tight timescales required by United Airlines for a decision.

**Mr Smith** asked the Minister for the Economy to detail each occasion (i) he; (ii) his predecessor; or (iii) any of his officials attended a meeting (a) with; or (b) at the request or facilitation of Brown Rudnick over the last three years, including the date and purpose of each meeting.

**(AQW 7592/16-21)**

**Mr Hamilton:** Neither I, my predecessor, nor my officials have had any such meetings.

**Mr Eastwood** asked the Minister for the Economy what discussions he has held with representatives of (i) Belfast international Airport; and (ii) Belfast City Airport regarding the impacts of a proposed Brexit.

**(AQW 7631/16-21)**

**Mr Hamilton:** I have regular discussions with representatives of Northern Ireland's airports on how to improve our air connectivity to support economic development. Such discussions will continue and will, I'm sure, include the potential implications for air access of the UK exiting the EU.

**Ms S Bradley** asked the Minister for the Economy what considerations have been given to ensure access to European supply chains.

**(AQW 7635/16-21)**

**Mr Hamilton:** Invest NI has been a partner member of the Enterprise Europe Network (EEN) since 2008. The EEN facilitates European and international business collaboration and access to markets via its network of over 600 business support organisations. These collaborations can be for the purposes of R&D, technology transfer, or supply chains. It is expected that the EEN in its current form will be available as a service in the UK for around 4 more years, depending on the date of the UK's exit from the European Union.

Invest NI also provides support to local companies involved in the SC21 supply chain excellence programme - a UK wide industry standard designed to develop the capability of suppliers in the aerospace sector with the objective of unlocking new business opportunities.

**Ms S Bradley** asked the Minister for the Economy what work has been tasked to InvestNI to take account of the EU referendum result.

**(AQW 7636/16-21)**

**Mr Hamilton:** Invest NI was tasked with establishing a Business Liaison Group by the First Minister and the Deputy First Minister. The Group provided a mechanism to gather and channel information in relation to businesses' view of the impact of the EU referendum result. The Group has met with both local and Whitehall Ministers to highlight the specific Northern Ireland opportunities and challenges resulting from the EU referendum vote.

Invest NI continues to review and develop its range of support to build the competitiveness of Northern Ireland businesses and in September I launched a Trade Accelerator Plan to further assist companies in their international activity.

Going forward, Invest NI will play a key role in contributing to my recently announced International Trade Plan.

**Mr Mullan** asked the Minister for the Economy what securities can be offered to universities and companies involved in advanced research and development.

**(AQW 7762/16-21)**

**Mr Hamilton:** Within the context of a future withdrawal from the European Union, the UK Government has made two formal commitments for research and development. Firstly, to underwrite payments of EU funding awards, including those beyond the UK's departure from the EU and, secondly, the announcement of an additional £2 billion per year for research and development by 2020.

**Mrs Hale** asked the Minister for the Economy at what level of salary are post graduates expected to begin repayments of student loans; and how does this compare with other UK jurisdictions.

**(AQW 7851/16-21)**

**Mr Hamilton:** There are currently two types of student loan and they are known as Plan 1 and Plan 2.

Plan 1 loans apply to students from England and Wales who started their courses before September 2012 and to all students from Northern Ireland and Scotland. These students start repaying their loan when their income reaches £17,495 and they repay 9% on any earnings above that threshold. Any loan remaining after 25 years will be written off.

Plan 2 loans, only apply to English and Welsh students who started their courses from September 2012 onwards.

When students from Northern Ireland are able to apply for postgraduate tuition fee loans from September 2017, their postgraduate loan will be added on to their undergraduate loan. If they have an undergraduate and a postgraduate loan they will pay 9% of earnings over the income threshold (currently £17,495).

**Ms S Bradley** asked the Minister for the Economy for his assessment of whether the Narrow Water Bridge Project would benefit tourism in South Down.

**(AQW 7868/16-21)**

**Mr Hamilton:** If implemented as part of a strategically integrated plan, the Narrow Water Bridge Project could contribute to the tourism potential of the South Down area.

**Mr Allister** asked the Minister for the Economy in light of the pending Brexit, why SONI is not considering further interconnection between Northern Ireland and Great Britain, not least as the Republic of Ireland is advancing its interconnection with France.

**(AQW 7980/16-21)**

**Mr Hamilton:** With the restoration of the full capacity on the Moyle Interconnector we now enjoy a healthy level of interconnection with the Great Britain market which is important for both security of supply and efficient trading of electricity.

Planning for the delivery of an interconnector requires time. It is also important to get the right amount of interconnection with other markets. In this respect consideration of export and import capacity and availability of supply is critical.

Further interconnection with Great Britain would also require detailed discussion with a range of bodies. These include National Grid who operate the GB system, in order, for example, to examine suitable cable landing points and respective transmission network reinforcements in GB and Northern Ireland, and with the respective regulatory authorities who would be responsible for assessing the cost implications for consumers.

My Department works closely with the Utility Regulator and System Operator for Northern Ireland on an ongoing basis to consider how best to ensure our security of supply.

**Mr McKee** asked the Minister for the Economy to outline (i) the training or advice provided to officials within his Department and each of its Arm's Length Bodies in relation to outcomes-based accountability; (ii) who delivered the training; (iii) an overview of each session including the number of people in attendance and themes covered; (iv) the total paid to each individual or organisation involved in the delivery of training up to 28 November 2016; and (v) the projected costs to be paid to each individual or organisation involved in the delivery training in 2016/17.

**(AQW 8033/16-21)**

**Mr Hamilton:** Outcome Based Accountability (OBA) training has been provided to NISRA statisticians in all Executive Departments, to Programme for Government Senior Responsible Officers and their teams, and to policy officials with a particular identified requirement.

In addition, OBA familiarisation sessions have been provided at meetings of senior officials involved in Programme for Government implementation across Departments.

All of this training has been provided, at no cost to Departments, by NISRA statisticians seconded to the Executive Office.

In addition, the Centre for Applied Learning (CAL) has developed an online resource on OBA which is available to all staff in my Department. CAL is centrally funded by the NICS Departments and the cost of the provision of these eLearning packages is included in my Department's up-front contribution for 2016/17.

**Mr McPhillips** asked the Minister for the Economy how he is encouraging gender balance in the STEM sector.

**(AQW 8185/16-21)**

**Mr Hamilton:** The STEM Strategy, 'Success through STEM' was published in 2011 and detailed 20 recommendations to be taken forward by business and government to address the declining interest in, and uptake of, STEM subjects amongst our young people.

Addressing gender balance in STEM was one of the five recommendations to be taken forward by business. A STEM Business Sub Group was established to drive progress on the business-focused recommendations and a number of initiatives have since been implemented in the area of improving gender diversity.

'Addressing Gender Balance – Reaping the Gender Dividend in STEM' was published by the STEM Business Sub Group in 2013. It set out the business case for increasing gender equality in STEM, examined best practice in the area and set in motion the establishment of the STEM CEO Charter.

The STEM CEO Charter was launched in 2014, in conjunction with the Equality Commission for Northern Ireland. The Charter provides STEM employers with the opportunity to make a clear commitment to ensuring that men and women have equality of opportunity in terms of accessing jobs in their companies.

In addition, the STEM Business Sub Group has produced a series of STEM supplements which have been published in the local press to coincide with key junctures at which students make decisions regarding their future education and careers. These supplements included the profiles of several females who have successfully followed a STEM careers pathway.

My Department's Careers Service continues to provide advice and guidance to young people at key decision points in their careers including when making subject choices. Careers Advisers ensure all students are aware of the opportunities in STEM-related sectors and the skills and qualifications required to access those opportunities.

The Department's higher education strategy, 'Graduating to Success', recognises the need to rebalance the profile of course provision so that it more closely reflects the needs of the economy. In particular the strategy aims to increase the number of enrolments in economically relevant, including narrow STEM related, subjects.

Increasing the proportion of females studying economically relevant STEM subjects will remain a key consideration as we continue to deliver and develop skills policy in line with our economic and societal ambitions.

**Lord Morrow** asked the Minister for the Economy pursuant to AQW 6195/16-21, for a breakdown on the nature of incidents that each of the relevant figures relate in (i) 2013; and (ii) 2015.

**(AQW 8386/16-21)**

**Mr Hamilton:** In 2013 a Health and Safety Executive for Northern Ireland (HSENI) Inspector attended HMP Maghaberry to meet with the Chairman and a member of the Prison Officers Association to discuss several health and safety issues. During that year a HSENI Inspector also attended HMP Maghaberry to investigate an incident involving a vehicle and a Prison Service employee. A brief report of the incident was completed.

In 2015 a HSENI Inspector attended HMP Maghaberry regarding Boiler inspections on the site to assess compliance with the Dangerous Substances and Explosive Atmospheres Regulations and the Pressure Systems Safety Regulations PSSR. During that year a HSENI Inspector attended HMP Maghaberry regarding a security incident at a protest at the "extern" gate. A brief report of the incident was completed.

**Mrs Overend** asked the Minister for the Economy how many students left their apprenticeship before completion in (i) 2013-14; (ii) 2014-15; and (iii) 2015-16.

**(AQW 8447/16-21)**

**Mr Hamilton:** The table below details the number of people who left ApprenticeshipsNI in each of the academic years 2013/14, 2014/15 and 2015 /16 and of these, the number and percentage who left without achieving their targeted qualification.

**Table: Students Who Left ApprenticeshipsNI, 2013/14 - 2015/16**

	Total Students Who Left ApprenticeshipsNI	Students Who Left Before Gaining Targeted Qualification	
		Number	%
2013/14	6,413	1,854	29%
2014/15	5,277	1,663	32%
2015/16	4,130	1,410	34%

**Mrs Dobson** asked the Minister for the Economy pursuant to AQW 5264/16-21, to detail the meetings undertaken between InvestNI and Lakeland Dairies relating to the Banbridge site, including (i) dates; (ii) location; and (iii) attendees.

**(AQW 8633/16-21)**

**Mr Hamilton:** Invest NI met with Kieran Lonergan, Foodservice Director, Lakeland Dairies on 23 August 2016 at the Armagh City Hotel in relation to the Banbridge site. The meeting was attended by Andrew Horne, Client Manager for the Dairy sector.

In addition to this meeting, Invest NI had a number of telephone calls with Mr Lonergan to discuss the plans for the Banbridge site. Andrew Horne also met with Tim Acheson, General Manager of L.E. Pritchitt Ltd (a wholly owned subsidiary of Lakeland Dairies) on 19 October 2016 at the company's premises in Newtownards. The main purpose of this meeting was to discuss an ongoing investment project at Pritchitt's, however the Banbridge plant was also discussed.

**Mrs Dobson** asked the Minister for the Economy pursuant to AQW 1472/16-21 and in relation to the decision that Netherleigh would be the substantive Ministerial Headquarters, (i) who took the decision; (ii) when was that decision taken; and (iii) what were the financial costs.

**(AQW 8638/16-21)**

**Mr Hamilton:** Prior to Departmental restructuring, both Adelaide House and Netherleigh House were Ministerial Headquarter buildings for the Department of Employment and Learning and the Department of Enterprise, Trade and Investment respectively. On taking up office as Minister on 9 May I took the decision to locate my office in Netherleigh, as a Ministerial office already existed in Netherleigh.

There were no financial costs associated with this decision other than those relating to the relocation of a small number of staff.

**Ms Archibald** asked the Minister for the Economy what actions he is taking to implement the policy priorities and recommendations issued by Equality Commission to advance gender equality.

**(AQW 8737/16-21)**



**Mr Hamilton:** A meeting is being arranged between my Department and the Equality Commission to discuss the Commission's recommendations and consider the way forward.

**Mr Mullan** asked the Minister for the Economy to detail the amount of funding given to each Further Education institution in each of the last three years.

**(AQW 8908/16-21)**

**Mr Hamilton:** The amount of recurrent block grant funding given to each Further Education college in each of the last three years is summarised in the table below:-

FE Institution	2014/15 (£m)	2015/16 (£m)	2016/17 Allocation (£m)
Belfast Metropolitan College	34.8	32.4	32.3
Northern Regional College	22.1	20.8	21.0
North West Regional College	23.6	22.5	22.5
South Eastern Regional College	25.0	23.7	23.8
Southern Regional College	26.4	25.5	25.5
South West College	17.3	16.8	16.8

**Mr Dickson** asked the Minister for the Economy for an update on future funding of Social Enterprise Hubs.

**(AQW 8910/16-21)**

**Mr Hamilton:** The Social Enterprise Hubs pilot project was one of the Signature Programmes taken forward with funding support, to the end of financial year 2015/16, from the Northern Ireland Executive's Delivering Social Change framework.

Following a positive evaluation of the pilot phase, an extension to funding in the 2016/17 financial year was provided by the Department for Communities and my Department. The contracts for that one year extension are due to end on 31 March 2017. Consideration is currently being given to the potential for future funding beyond that date.

**Mr Allister** asked the Minister for the Economy for his assessment of the comments by the then Minister of Enterprise, Trade and Investment in the Assembly during the Renewable Heat Incentive debate on 21 December 2015 that the RHI would still bring something like £130 million into the Northern Ireland economy over the next five years and that Northern Ireland would have to contribute around £100 million over the next five years, but the £130 million is additional investment over and above our block grant.

**(AQW 8920/16-21)**

**Mr Hamilton:** The Executive will receive around £130 million of Annually Managed Expenditure (AME) funding towards the Renewable Heat Incentive over the next 5 years. The estimated costs to the Executive are around £144 million over the next 5 years.

**Ms S Bradley** asked the Minister for the Economy for a geographical breakdown by District Council area of the successful applications under the Renewable Heat Incentive scheme.

**(AQW 8947/16-21)**

**Mr Hamilton:** The Department does not hold a geographical breakdown of applications by District Council Area.

**Mrs Barton** asked the Minister for the Economy what plans Invest NI has for providing additional business parks in Fermanagh and South Tyrone.

**(AQW 8974/16-21)**

**Mr Hamilton:** Invest NI's landholding across the Fermanagh and South Tyrone constituency totals some 214 acres of which 37 acres remain available to support business development.

The agency will continue to monitor the situation to consider any future need for government intervention.

**Mr Aiken** asked the Minister for the Economy how many staff are currently involved with the management or review of the Renewable Heat Incentive scheme.

**(AQW 8976/16-21)**

**Mr Hamilton:** A core team of 9 staff are involved with the direct management of the Renewable Heat Incentive schemes (RHI).

**Mr Allister** asked the Minister for the Economy to detail the outcome of the investigation initiated 'into the effectiveness of the control and regulation of the RHI Initiative in light of the significant increase in uptake of the scheme', as referred to at

paragraph 14 on the Minister of Enterprise, Trade and Investment's submission to Executive ministers in February 2016 in support of the proposed closure of the Renewable Heat Incentive scheme.

**(AQW 9078/16-21)**

**Mr Hamilton:** Following the significant increase in uptake of the Non Domestic Renewable Heat Incentive (RHI) scheme at the end of 2015, Internal Audit Service (IAS) was commissioned to complete a review of the system of control over the scheme within the Department for Enterprise, Trade and Investment (DETI). The IAS Report concluded that the system of risk management, control and governance established by officials was unacceptable and made eight recommendations for improvement which the Department is taking forward.

The IAS and Northern Ireland Audit Office reports and ongoing Public Accounts Inquiry have raised significant issues about the RHI which are being taken very seriously. It is clear that the design and management of the Scheme were not sufficient to prevent potential abuse. Key management structures were not put in place and costs should have been controlled through regular tariff reviews and the inclusion of tiering and caps at the outset.

**Mr Chambers** asked the Minister for the Economy to detail whether any officials in his Department, either current or past, have raised concerns in relation to his labelling of them as so-called policy experts.

**(AQW 9082/16-21)**

**Mr Hamilton:** No concerns have been raised with me.

## Department of Agriculture, Environment and Rural Affairs

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs why the importation of Chinese Water Deer into Northern Ireland has been permitted.

**(AQW 9037/16-21)**

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** My Department licences the importation of live animals from Great Britain and Third countries under the Diseases of Animals (Northern Ireland) Order 1981 and the Trade in Animals and Related Products Regulations (Northern Ireland) 2011 (as amended) respectively. The trade in live animals between EU member states is regulated by EU legislation.

Chinese water deer are a non-native species to Northern Ireland, therefore under the Wildlife (Northern Ireland) Order 1985 (as amended) it is illegal for them to be released into the wild. According to our records, any consignments of Chinese water deer that have been imported into Northern Ireland have complied with the conditions of Specific Import Licences issued by my Department and animals have been moved directly into a licensed DAERA premises.

**Mr Wells** asked the Minister of Agriculture, Environment and Rural Affairs why the Northern Ireland Environment Agency / Queen's University Belfast report on the survey of Muntjac in the Ards Peninsula in 2013-14 has not been published.

**(AQW 9038/16-21)**

**Miss McIlveen:** The report referred to has been used by the Department to inform approaches to dealing with Muntjac deer in the Ards Peninsula area. The Department does not routinely formally publish reports that are commissioned and this report has been retained for internal use.

**Mr Lyttle** asked the Minister of Agriculture, Environment and Rural Affairs whether snares will be used to capture badgers as part of the TB Strategic Partnership Group's bTB Eradication Strategy.

**(AQW 9039/16-21)**

**Miss McIlveen:** The TB Strategic Partnership Group launched their Strategy and Implementation Plan for the eradication of BTB in the cattle herd in Northern Ireland on 15th December 2016.

I have received the Strategy and have asked my officials to provide me with advice on the Strategy and recommendations.

When I decide how I want to proceed I am likely to issue a consultation and would encourage you to respond so that your views can be considered.

**Ms Armstrong** asked the Minister of Agriculture, Environment and Rural Affairs to outline the Northern Ireland Environment Agency's policy in relation to the responsibility of an off-mains sewage system.

**(AQW 9047/16-21)**

**Miss McIlveen:** Under the Water (Northern Ireland) Order 1999, the consent of the Department of Agriculture, Environment and Rural Affairs is required to make a discharge of sewage effluent from an off mains sewage system into a waterway or water contained in underground stratum.

The responsibility for obtaining such consents lies with the individual(s) making the discharge in question, and once, consent has been issued responsibility for compliance rests with the holder of said consent.

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs to list the (i) local anaerobic digestion plants; and (ii) weight of waste each plant has used in each year since 2011.

**(AQW 9068/16-21)**

**Miss McIlveen:** Please see below, in Appendix 1, a spreadsheet containing all of the local anaerobic digestion plants, and the weight of waste each plant has used in each of the years 2011 to 2015 inclusive in tonnes. There are no figures for 2016, as these are required to be submitted to the Agency by the end of January 2017.

**Appendix 1 Details of Anaerobic Digestion Plants in Northern Ireland**

Combined Authorisation number	Site name and address	2011 (T)	2012 (T)	2013 (T)	2014 (T)	2015 (T)
WML 01/40 LN/14/20	Assured Energy LLP 22 Gobrana Road Glenavy, Crumlin Co Antrim BT29 4LQ	n/a	n/a	n/a	2,854	682
WML 03/42 LN/15/02	Assured Energy LLP 250m SE of Crossnenagh Road Derrynoose, Keady Armagh Co Armagh BT60 3HW	n/a	n/a	n/a	n/a	873
WML 05/18 LN/15/25	Alastair Taylor 21 Drumlee Road Finvoy Ballymoney Co Antrim BT53 7LE	n/a	n/a	n/a	n/a	2,142
WML 06/26 LN/14/07	Progress Energy (NI) Ltd 33 Greenogue Road Co Down BT25 1RG	n/a	n/a	n/a	1,617	8,508
WML 06/27 LN/14/21	Assured Energy LLP 156 Ballygowan Road Dromore Banbridge Co Down BT32 3QS	n/a	n/a	n/a	1,266	7,257
WML 09/26 LN/12/10	Blakiston Houston Estates 28 Carrowreagh Road Dundonald Co Down BT16 1TS	n/a	2,634	4,180	1,911	500
WML 10/34 LN/14/08	Ballyrashane Co-op Agricultural and Dairy Society Ltd 18 Creamery Road Cloyfin Coleraine Co Londonderry BT52 2NE	n/a	n/a	n/a	733	1,136
WML 12/36 LN/11/43	Richard Hunniford 76 Moy Road Portadown Co Armagh BT62 1QW	0	13,183	25,548	29,832	25,797
WML 12/36 LN/11/43/V2	Richard Hunniford 76 Moy Road Portadown Co Armagh BT62 1QW	n/a	n/a	n/a	n/a	9,090
WML 19/49 LN/12/35	Agri Food and Biosciences Institute AFBI Large Park Hillsborough Co Down BT26 6DR	n/a	168	6,922	7,025	7,330
WML 20/34 LN/13/13	GTG Biogas (Toomebridge) Ltd 20m W of 61 Creagh Road Castledawson Magherafelt Co Londonderry BT45 8EY	n/a	n/a	12,387	19,146	18,492
WML 25/39 LN/14/26	Assured Energy LLP 21 Shannaragh Road Dromore Co Tyrone BT78 3EJ	n/a	n/a	n/a	2,580	2,196
WML 26/27 LN/12/05	Greenville Energy Ltd 40 Greenville Road Ardstraw Newtownstewart Co Tyrone BT78 4LU	n/a	3,355	24,404	29,945	n/a

Combined Authorisation number	Site name and address	2011 (T)	2012 (T)	2013 (T)	2014 (T)	2015 (T)
WML 26/27 LN/12/05/M	Greenville Energy Ltd 40 Greenville Road Ardstraw Newtownstewart Co Tyrone BT78 4LU	n/a	n/a	n/a	n/a	36,438
WML 26/28 LN/13/12	Evergreen Natural Energy Ltd 100 NW of 26 Deerpark Road Ardstraw Newtownstewart Co Tyrone BT78 4LA	n/a	n/a	0	0	9,417
WML 30/02 LN/16/28	Bridge Energy (NI) Ltd 40m W of 31 Reservoir Road Banbridge Co Down BT32 4LD	n/a	n/a	n/a	n/a	n/a
WML 33/07 LN/16/22	ALG Biogas Ltd 42 Deerpark Road Newtownstewart Co Tyrone BT78 4LB	n/a	n/a	n/a	n/a	n/a
WML 34/02 LN/16/09	Stephen Bothwell 80m N of 71 Creevehill Road Fivemiletown Dungannon Co Tyrone BT75 0SX	n/a	n/a	n/a	n/a	n/a
WPPC 04/04 P0469/15A	Ballymena BioEnergy Ltd, Tully CAD & CHP plant 116 MOORFIELDS ROAD Ballymena Co Antrim BT42 3HJ	n/a	n/a	n/a	n/a	0
WPPC 15/06 P0413/12A	Granville Ecopark Ltd. Granville Industrial Estate Dungannon Co Tyrone BT70 1NJ	n/a	n/a	n/a	7,454	3,365
WPPC 15/06 P0413/12A/V1	Granville Ecopark Ltd. Granville Industrial Estate Dungannon Co Tyrone BT70 1NJ	n/a	n/a	n/a	n/a	15,884
P0106/05A	JMW Tonnagh Farm, Tonnagh Hill Road, Killylea, Armagh, BT60 4PZ	n/a	n/a	20,000	20,000	20,000
P0075/05A	Foyle Food Group, Lisahally, Campsie, Londonderry, BT47 6TJ	n/a	n/a	n/a	15,000	15,000

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs to list the (i) waste plants that use municipal, commercial and industrial waste as a feed source; and (ii) weight of waste each plant has used in each year since 2011.

**(AQW 9069/16-21)**

**Miss McIlveen:** Please find below, in Appendix 1, a spreadsheet containing all of the local waste plants that use municipal, commercial and industrial waste as a feed source.

Appendix 1 contains a list of the sites that operate in accordance with a waste authorisation or a Pollution Prevention and Control Permit, along with the weight of waste each plant has used in each of the years 2011 to 2015 inclusive. There are no figures for 2016, as these are required to be submitted to the Agency by the end of January 2017.

Combined authorisation number	Process and main feed stock	Company name and address	2011 (Tonnes p/a)	2012 (Tonnes p/a)	2013 (Tonnes p/a)	2014 (Tonnes p/a)	2015 (Tonnes p/a)
WML 01/40 LN/14/20	anaerobic digestion	Assured Energy LLP, 22 Gobra Road, Glenavy, Crumlin, Co Antrim BT29 4LQ	n/a	n/a	n/a	2,854	682

Combined authorisation number	Process and main feed stock	Company name and address	2011 (Tonnes p/a)	2012 (Tonnes p/a)	2013 (Tonnes p/a)	2014 (Tonnes p/a)	2015 (Tonnes p/a)
WML 03/42 LN/15/02	anaerobic digestion	Assured Energy LLP, 250m SE of Crossnenagh Road, Derrynoose, Keady, Armagh. Co Armagh BT60 3HW	n/a	n/a	n/a	n/a	873
WML 05/18 LN/15/25	anaerobic digestion	Alastair Taylor, 21 Drumlee Road, Finvoy, Ballymoney, Co Antrim BT53 7LE	n/a	n/a	n/a	n/a	2,142
WML 06/26 LN/14/07	anaerobic digestion	Progress Energy (NI) Ltd, 33 Greenogue Road, Dromore, Co Down BT25 1RG	n/a	n/a	n/a	1,617	8,508
WML 06/27 LN/14/21	anaerobic digestion	Assured Energy LLP, 156 Ballygowan Road, Banbridge, Co Down BT32 3QS	n/a	n/a	n/a	1,266	7,257
WML 09/26 LN/12/10	anaerobic digestion	Blakiston Houston Estates, 28 Carrowreagh Road, Dundonald, Co Down BT16 1TS	n/a	2,634	4,180	1,911	500
WML 10/34 LN/14/08	anaerobic digestion	Ballyrashane Co-op Agricultural and Dairy Society Ltd, 18 Creamery Road, Coleraine, Co Londonderry BT52 2NE	n/a	n/a	n/a	733	1,136
WML 12/36 LN/11/43	anaerobic digestion	Richard Hunniford, 76 Moy Road, Portadown Co Armagh BT62 1QW	0	13,183	25,548	29,832	25,797
WML 12/36 LN/11/43/V2	anaerobic digestion	Richard Hunniford, 76 Moy Road, Portadown Co Armagh BT62 1QW	n/a	n/a	n/a	n/a	9,090
WML 19/49 LN/12/35	anaerobic digestion	Agri Food and Biosciences Institute, AFBI, Large Park, Hillsborough, Co Down BT26 6DR	n/a	168	6,922	7,025	7,330
WML 20/34 LN/13/13	anaerobic digestion	GTG Biogas (Toomebridge) Ltd, 20m W of 61 Creagh Road, Castledawson, Magherafelt, Co Londonderry BT45 8EY	n/a	n/a	12,387	19,146	18,492
WML 25/39 LN/14/26	anaerobic digestion	Assured Energy LLP, 21 Shannaragh Road, Dromore, Co Tyrone BT78 3EJ	n/a	n/a	n/a	2,580	2,196



Combined authorisation number	Process and main feed stock	Company name and address	2011 (Tonnes p/a)	2012 (Tonnes p/a)	2013 (Tonnes p/a)	2014 (Tonnes p/a)	2015 (Tonnes p/a)
WML 26/27 LN/12/05	anaerobic digestion	Greenville Energy Ltd,40 Greenville Road, Ardstraw, Newtownstewart, Co Tyrone BT78 4LU	n/a	3,355	24,404	29,945	n/a
WML 26/27 LN/12/05/M	anaerobic digestion	Greenville Energy Ltd,40 Greenville Road, Ardstraw, Newtownstewart, Co Tyrone BT78 4LU	n/a	n/a	n/a	n/a	36,438
WML 26/28 LN/13/12	anaerobic digestion	Evergreen Natural Energy Ltd, 100 NW of 26 Deerpark Road, Ardstraw, Newtownstewart, Co Tyrone BT78 4LA	n/a	n/a	0	0	9,417
WML 30/02 LN/16/28	anaerobic digestion	Bridge Energy (NI) Ltd,40m W of 31 Reservoir Road, Banbridge, Co Down BT32 4LD	n/a	n/a	n/a	n/a	n/a
WML 33/07 LN/16/22	anaerobic digestion	ALG Biogas Ltd, 42 Deerpark Road, Newtownstewart, Co Tyrone, BT78 4LB	n/a	n/a	n/a	n/a	n/a
WML 34/02 LN/16/09	anaerobic digestion	Stephen Bothwell,80m N of 71 Creevehill Road, Fivemiletown, Dungannon Co Tyrone BT75 0SX	n/a	n/a	n/a	n/a	n/a
WPPC 04/04 P0469/15A	anaerobic digestion	Ballymena BioEnergy Ltd, Tully CAD & CHP plant, 116 Moorfields Road,, Ballymena, Co Antrim BT42 3HJ	n/a	n/a	n/a	n/a	0
WPPC 15/06 P0413/12A	anaerobic digestion	Granville Ecopark Ltd, Granville Industrial Estate, Dungannon, Co Tyrone, BT70 1NJ	n/a	n/a	n/a	7,454	3,365
WPPC 15/06 P0413/12A/V1	anaerobic digestion	Granville Ecopark Ltd, Granville Industrial Estate, Dungannon, Co Tyrone, BT70 1NJ	n/a	n/a	n/a	n/a	15,884
P/05C/013 (Part C)*	incineration of animal carcasses, mainly 020202 & 020102	Enviro-Care (NI) Ltd, Drumdoney, Derrylin, Enniskillen, Co Fermanagh BT92 9LJ	2,550	2,842	3,106	3,390	3,559

Combined authorisation number	Process and main feed stock	Company name and address	2011 (Tonnes p/a)	2012 (Tonnes p/a)	2013 (Tonnes p/a)	2014 (Tonnes p/a)	2015 (Tonnes p/a)
PPC/C/CI/01 (Part C)*	incineration of animal carcasses, mainly 020102	AFBI (VSD), 43 Beltany Road, Omagh, Co Tyrone BT78 5NF	15	87	55	43	31
PC/47(NIPG 5.2)1 (Part C)	incineration of bodies, mainly 180102	Roselawn Crematorium,129 Ballygowan Road, Crossnacreevy, Belfast, BT5 7TZ	no data	300	314	316	337
PPC/04/C/0040/V1 (Part C)*	combustion of wood chips, mainly 150103	Eglinton (Timber Products) Ltd, Longfield Industrial Estate West, Eglinton, Derry Co Londonderry BT47 3PY	1,267	944	413	336	607
PPC/06/C/0001 (Part C)	combustion of wood chips	Strabane Mills Ltd,3 Art Road, Artigarvan, Co Tyrone BT82 0HA	no data	1,425	no data	0	0
PPC0168/08B (Part B)	incineration of animal carcasses, mainly 020102	AFBI (VSD), Stoney Road, Stormont, Belfast BT4 3SB	no data	127	185	180	17
P0081/05A (Part A)	incineration of sewage sludge, mainly 190805	Veolia Water Outsourcing Ltd,Belfast WWTW 117-121 Duncrue Street, Belfast BT3 9JS	17,266	36,203	36,914	36,500	37,197
P0374/11A (Part A)	combustion of wood, mainly 191207, some 170201 & 030105	Tyrone Energy Ltd, 3 Art Road, Artigarvan, Co Tyrone BT82 0HA	n/a	12,735	no data	22,778	25,604
P0054/04A (Part A)	combustion of recovered liquid fuels, mainly 190208	Quinn Building Products Ltd,Gortmullan Cement Works,Enniskillen, Co Fermanagh, BT92 9AU	no data*	no data*	no data*	0	0
P0387/12A (Part A)	combustion of wood, mainly 191207	ERE Developments Ltd, 18 Lisahally Road, Derry, Co Londonderry BT47 6FL	n/a	n/a	0	0	29,029
P0052/04A (Part A)	combustion of recovered liquid fuels, mainly 190208	Lafarge Tarmac Cement & Lime Ltd, 29 Sandholes Road, Cookstown, Co Tyrone BT80 9AR	no data*	no data*	no data*	1,539	no data*

Combined authorisation number	Process and main feed stock	Company name and address	2011 (Tonnes p/a)	2012 (Tonnes p/a)	2013 (Tonnes p/a)	2014 (Tonnes p/a)	2015 (Tonnes p/a)
P0064/05A (Part A)	incineration of confidential waste, mainly 191201	PSNI, Seapark, 151 Belfast Road, Carrickfergus, Co Antrim BT38 8PL	no data*	281	391	350	244
P0446/14A (Part A)	combustion of refuse derived fuel	Full Circle Generation Ltd, 7 Airport Road, Belfast, BT3 9DZ	n/a	n/a	n/a	n/a	n/a

\*The Industrial Pollution and Radiochemical Inspectorate (IPRI) of Northern Ireland Environment Agency (NIEA) regulate a number of energy from waste facilities (EFWs) under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013. IPRI's role is to ensure the operation of the facility complies with the standards laid down in the Industrial Emissions Directive which are delivered through permits. The quantity of material processed annual is not held by IPRI and where this is the case the entry has a no data\*

**Mr McMullan** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 8073/16-21, to list the number of cases of breach of Cross-Compliance being investigated in regard to illegal dumping on land receiving area based scheme payments.

**(AQW 9070/16-21)**

**Miss McIlveen:** I stated in my response to AQW 8073/16-21 that there is no specific Cross-Compliance verifiable standard relating to illegal dumping. Illegal dumping could be the cause of breaches being identified across a number of Cross-Compliance Statutory Management and Good Agricultural Environmental Condition verifiable standards.

Therefore, my Department cannot identify which Cross-Compliance breaches have been caused by illegal dumping without incurring disproportionate cost.

## Department of Finance

**Ms Hanna** asked the Minister of Finance, in relation to the Northern Ireland Law Commission's recommendations, whether he will introduce regulations for property management agents.

**(AQW 6107/16-21)**

**Mr Ó Muilleoir (The Minister of Finance):** I am pleased to advise that the Executive has agreed to the introduction of a Managing Agents Bill ("the Bill") which will provide for a compulsory register of managing agents operating here. The Bill has been included in the Executive's Legislative Programme and my officials have formally instructed the Office of Legislative Counsel to begin drafting the Bill.

**Mr Lynch** asked the Minister of Finance for a list of the Executive assets in County Fermanagh.

**(AQW 6772/16-21)**

**Mr Ó Muilleoir:** I have arranged for a list of Executive Department's and their Arm's Length Bodies' land and buildings in County Fermanagh, to be placed in the Assembly Library.

**Mr Allister** asked the Minister of Finance what was the level of write-off of rates debt in 2015-16; and how this compares with the previous three years.

**(AQW 7746/16-21)**

**Mr Ó Muilleoir:** The net amount of rates debt written-off in 2015/16 and in each year from 2012/13 to 2014/15 is given in the table below.

Rating Year	Net Debt Written Off
2015/16*	£28,664,250
2014/15	£25,318,182
2013/14	£31,625,354
2012/13	£29,105,727

\* 2015/16 figure Subject to Audit Assurance

LPS will only write off debt under the terms of the LPS Guidelines for Writing off Rating Debt. These guidelines are based on best practice recommended by "Managing Public Money Northern Ireland (Section A.4.10 Losses and Write Off)" and in accordance with Accounting Officer delegations and DoF Supply approval where appropriate. All write-offs processed are open to scrutiny by DoF Internal Audit and the Northern Ireland Audit Office.

No debt is written off until all possible rate recovery actions have been exhausted. In the event of non-payment of rates, LPS will continue to pursue recovery action through the Enforcement of Judgements Office or bankruptcy.

The main contributory factor to write-off levels during the reported period was debtor insolvency. Where a debtor is insolvent; such as in cases of bankruptcy, or liquidation etc, that debt is uncollectable under existing insolvency legislation and LPS has to write this off. Over this period the percentage of debt written off as a result of insolvency peaked at 70.3% in 2014/15 and in 2015/16 had reduced marginally to 67.4%. This was largely due to the economic downturn, which rendered higher levels of businesses insolvent than prior to the recession, and left a number of domestic ratepayers in negative equity.

LPS write off levels are comparable with similarly sized English Councils, where non-payment of rates is a criminal offence and therefore has stronger penalties.

**Mr Agnew** asked the Minister of Finance following his statement on 22 September 2016, to outline the evidence he has that the £58m spent on industrial derating provides sound value for money, including any evidence of job creation.  
(AQW 8210/16-21)

**Mr Ó Muilleoir:** The last time this issue was examined in detail was in 2008, when the (then) Economic Research Institute (ERINI) undertook a full study for the Department. The report is available in the following link:

<http://eservices.afbini.gov.uk/erini/pdf/ERINIMon19.pdf#>

For clarification, I made my statement on the Rates Rethink proposals on 22 November 2016.

**Mr Allen** asked the Minister of Finance to detail how much (i) funding was deducted from the Executive in each year as a result of not implementing welfare reform; (ii) has been regained; and (iii) the final scale of the penalty will account for.  
(AQW 8552/16-21)

**Mr Ó Muilleoir:** Deductions applied to the Executive's DEL budget as a consequence of Welfare Reform not being implemented were £13 million in relation to 2013-14, £87 million in 2014-15 and £114 million in 2015-16.

As part of the Fresh Start Agreement, the British Government agreed that welfare reductions for 2015-16 would stop following Assembly approval of the consent motion to allow changes to the welfare system and that the proportion of the deduction relating to the remainder of the year would be refunded. As a result £20 million is being returned to the Executive in 2016-17 and a further £21 million in 2017-18.

Therefore the net reduction to the Executive's DEL was £173 million.

Of course, this must be viewed in the context of the protection it provided for some of the most vulnerable in society by ensuring no financial loss was suffered by those in receipt of welfare payments.

**Mr Lyttle** asked the Minister of Finance what impact the European Investment Bank's decision to withdraw its commitment to offer direct support to the Northern Ireland Investment Fund has on the delivery of this fund.  
(AQW 9215/16-21)

**Mr Ó Muilleoir:** I remain committed to the delivery of the Investment Fund. My Department will now directly procure a Fund to invest in key target areas where market failure has been identified. This includes regeneration projects, including Grade A office, and low carbon projects.

The European Investment Bank (EIB) remains directly involved in the delivery of the Investment Fund by providing advisory services to my Department in the lead up to procurement.

## Department of Health

**Mr Anderson** asked the Minister of Health when she will answer AQW 3723/16-21.  
(AQW 6895/16-21)

**Mrs O'Neill (The Minister of Health):** I answered AQW 3723/16-21 on the 3 January 2017.

**Mr Butler** asked the Minister of Health pursuant to AQW 6708/16-21, why she could not list all the changes; and whether she will do so now.  
(AQW 7841/16-21)

**Mrs O'Neill:** I refer the member to my reply to AQW 6708/16/21.

**Mr Durkan** asked the Minister of Health when she will answer AQW 6765/16-21.  
(AQW 8516/16-21)

**Mrs O'Neill:** I answered AQW 6765/16-21 on the 19 December 2016.

## Department of Justice

**Lord Morrow** asked the Minister of Justice pursuant to AQW 8229/16-21 and AQW 4890/16-21, to outline the disparity in these answers given both individual detections/convictions occurred prior to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.  
(AQW 9146/16-21)

**Ms Sugden (The Minister of Justice):** In all cases where an adult is identified as a potential victim of trafficking and their case is referred to the National Referral Mechanism to be assessed by a competent authority they are able to access support and assistance. The Department of Justice funded support service for potential adult victims of human trafficking was in operation at the time of the cases raised in AQW/4890/16-21 and AQW/8229/16-21 and access to it is with the consent of the individual.

The case raised in AQW/4890/16-21 included a significant number of victims and it was considered possible to provide details without risk of identification. As AQW/8229/16-21 referred to an individual, and taking into consideration the need to protect the victim, it was considered inappropriate to provide any detail that may lead to their identification or location. The response to AQW/8229/16-21 should have clarified this position.





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# Northern Ireland Assembly

Friday 20 January 2017

## Written Answers to Questions

### Department for Communities

**Mr Beggs** asked the Minister for Communities to detail how many extractions of defective cavity wall insulation were carried out in each of the last two years.

**(AQW 8943/16-21)**

**Mr Givan (The Minister for Communities):** The Housing Executive has advised that in the last 2 years a total of 220 properties have had works done to extract and refill cavity wall insulation.

**Mr Swann** asked the Minister for Communities whether he has, or intends to explore the potential of a universal basic income model instead of the current benefit system.

**(AQW 9133/16-21)**

**Mr Givan:** The current system of income related social security benefits is being replaced by Universal Credit in September 2017. There are currently no plans for a further overhaul of the social security system to change to a universal basic income model where all citizens or residents of a country would regularly receive an unconditional sum of money, either from a government or some other public institution, in addition to any income received from elsewhere.

**Mr Easton** asked the Minister for Communities to detail the Housing Executive's costs in dealing with fly-tipping on their lands, over the last two years.

**(AQW 9140/16-21)**

**Mr Givan:** The Housing Executive has advised that it has incurred £532,820 in costs associated with fly-tipping for the two years from 01 January 2015 to 31 December 2016.

**Ms Mallon** asked the Minister for Communities for (i) an update on the review on the Role and Regulation of the Private Rented Sector; and (ii) when he intends to make an announcement in relation to the review.

**(AQW 9170/16-21)**

**Mr Givan:** On 10 January I published proposals for change for the private rented sector as a result of an extensive review of the role and regulation of the private rented sector. The public consultation on the proposals closes on 3 April 2017.

**Ms Bailey** asked the Minister for Communities whether she has given consideration to the introduction of legislation similar to the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

**(AQW 9261/16-21)**

**Mr Givan:** On 10 January I published proposals for change for the private rented sector as a result of an extensive review of the role and regulation of the private rented sector. The standard of properties, including plans to introduce a minimum energy efficiency standard for the private rented housing sector, is within the scope of the review. The public consultation on the proposals closes on 3 April 2017.

**Mr Hussey** asked the Minister for Communities to outline (i) whether he or his Department received complaints from members or former members of DPOANI about the removal of their personal information by the Charity Commission; (ii) when these complaints were made; and (iii) when he expects to be in a position to provide a full detailed response to those complaints.

**(AQW 9321/16-21)**

**Mr Givan:**

- (i) The Department received complaints from one member/former member of the DPOANI about the removal of their personal information by the Charity Commission.
- (ii) These complaints were made in May and August 2016.
- (iii) A final response on this matter was issued on 16 January 2017.

## Department for Infrastructure

**Ms S Bradley** asked the Minister for Infrastructure when he was first made aware of the May 2015 report Preliminary Analysis On the Impact of a UK Referendum on its Membership of the European Union, compiled by the European Policy and Coordination Unit within the Office of First Minister and deputy First Minister.

**(AQW 4361/16-21)**

**Mr Hazzard (The Minister for Infrastructure):** I only became aware of the report in media coverage.

**Mr Easton** asked the Minister for Infrastructure why the pedestrian safety islands on Ballycrochan Road, Bangor are yet to be built.

**(AQW 9153/16-21)**

**Mr Hazzard:** My Department has included the provision of pedestrian safety islands on Ballycrochan Road, Bangor in the current programme of works.

I expect this work will be completed by the end of the current financial year.

**Ms Armstrong** asked the Minister for Infrastructure for an update on the Accessible Transportation Strategy.

**(AQW 9246/16-21)**

**Mr Hazzard:** I am committed to delivering a transport network that is inclusive and accessible to all through a new Accessible Transport Strategy. The new Strategy is currently being developed taking into account the representations around transport accessibility made to my Department during the recent public consultation on my Programme for Government Delivery Plan. Issues raised around transport accessibility during other Departments' consultations on Programme for Government will also be taken into consideration.

I expect to publish an Accessible Transport Strategy later in 2017.

**Ms Armstrong** asked the Minister for Infrastructure whether an allocation of funding is secured in his budget to enable delivery of the Accessible Transportation Strategy outcomes.

**(AQW 9247/16-21)**

**Mr Hazzard:** A new Accessible Transport Strategy is currently being finalised taking into account the representations around transport accessibility made to my Department and others during the recent public consultation on Programme for Government Delivery Plans.

In respect of future funding, as you will be aware a Budget for 2017-18 has yet to be agreed. Therefore, no allocations can be confirmed at this time.

**Mr McNulty** asked the Minister for Infrastructure to detail the last time an evening commuter train from Dublin to Belfast arrived on time.

**(AQW 9250/16-21)**

**Mr Hazzard:** The evening commuter train from Dublin to Belfast arrived on time on 10 January 2017. Its punctuality depends critically on the train path out of Connolly Station.

Punctuality during period 9 (21 November 2016 to 25 December 2016) for all Enterprise arrivals was 98.84%. Reliability was 100%.

**Mr McNulty** asked the Minister for Infrastructure to detail (i) the current anticipated costs for the proposed new Belfast Transport Hub; and (ii) any anticipated increase in the £150m project budget.

**(AQW 9251/16-21)**

**Mr Hazzard:** The first stage Outline Business Case (OBC) for the Hub, identifying a preferred option, was approved by both the Department for Infrastructure and the Department of Finance. This includes initial estimates of cost based on a range of assumptions.

This strategic project is currently at design and planning stage and a budget has been identified to progress it this year and next before a second more detailed OBC will be produced. The second stage OBC2 is currently still being developed. This will provide greater clarity and certainty with respect to project costs, timing, risks, benefits and affordability.

It is planned to complete OBC2 by May 2017 for consideration by my Department. By the time the OBC2 is ready for submission to the Department of Finance the affordability assessment can also be informed by the Executive's Capital Budget for the period 2017-18 to 2020-21 and also the most up to date guidance provided by the UK Government regarding EU Funding (in particular TEN-T) following the Brexit referendum.

**Mr McNulty** asked the Minister for Infrastructure to detail (i) whether he was aware of the poor performance of the Enterprise service over the last year prior an article in the Irish News on 26 November 2016; (ii) when he became aware of the failings; and (iii) what actions he has taken to address this issue.

**(AQW 9252/16-21)**

**Mr Hazzard:** Translink monitors service performance on a daily, weekly and monthly basis, as well as over a rolling 26-week period. Monthly punctuality figures are posted in stations and online. The information provided in response to the FOI question additionally reported on delays outside of its Customer Charter commitment, i.e. inclusion of delays outside the control of NIR and delays of less than 10 minutes.

Actions taken to address performance were as follow:

- Daily conference calls with Translink's counterparts in Irish Rail;
- Continuous monitoring of service performance;
- Daily Mechanical Engineering meetings; and
- Daily Infrastructure Management meetings to lift the speed restrictions.

My Department monitors performance on an ongoing basis as part of the conditions of the service agreement entered into with Translink in October 2015.

In response to my concerns about the Enterprise service performance a joint service improvement team has been established representing NI Railway and Iarnród Éireann with the objective of addressing performance issues associated with the Enterprise service. This was set up prior to the 26 November 2016.

**Lord Morrow** asked the Minister for Infrastructure , in relation to traffic attendant patrols in Coalisland, to detail (i) who or which agency decided that only warning notices would be given out in the initial stages; and (ii) where is this defined in regulation or legislation.

**(AQW 9302/16-21)**

**Mr Hazzard:**

- (i) When deploying enforcement patrols to a location for the first time or when recommencing deployment after a break my Department's standard practice is to issue Warning Notices for a short period.
- (ii) This practice is not defined in regulation or legislation. It is a concession afforded to drivers to allow a settling in period following the introduction of new restrictions or upon recommencement of enforcement after a break.

**Mr McNulty** asked the Minister for Infrastructure should he call the application in, when he expects to be able to make a decision on the planning application for the redevelopment of Casement Park.

**(AQW 9417/16-21)**

**Mr Hazzard:** The new planning application for the redevelopment of Casement Park has not yet been submitted. I am therefore not in a position to speculate on when a decision could be made. I have however indicated to my officials that I am minded to call in the application once it has been made to the council.

**Ms Bailey** asked the Minister for Infrastructure , pursuant to AQW 7709/16-21, for an update on whether a decision from the Departmental Solicitor's Office has been made regarding Northern Ireland Water's statutory powers to carry out work on an asset that is on private property as part of the South Belfast Flood Alleviation Project.

**(AQW 9448/16-21)**

**Mr Hazzard:** A review of legal powers has concluded that NI Water has no statutory authority to enter Balmoral Golf Club to progress drainage work associated with the Sicily Park Flood Alleviation Scheme without the landowner's formal agreement. NI Water has advised me that discussions continue with the Golf Club, which are intended to reach an amicable way forward and enable the project to progress.

## Department for the Economy

**Mr McKee** asked the Minister for the Economy for his assessment of the observation and management of the Renewable Heat Incentive Scheme in the period from its introduction to 2016.

**(AQW 6936/16-21)**

**Mr Hamilton (The Minister for the Economy):** The design and management of the Renewable Heat Incentive Scheme were not sufficient to prevent abuse. Key management structures were not put in place and costs should have been controlled through regular tariff reviews and the inclusion of tiering and caps at the outset.

**Mr McElduff** asked the Minister for the Economy to detail his Department's assessment of broadband problems experienced by people living in Garvaghey, County Tyrone; and to outline his Department's efforts and plans to provide proper broadband to the Garvaghey community.

**(AQW 7575/16-21)**

**Mr Hamilton:** I am aware of the broadband issues facing rural communities across Northern Ireland.

Under my Department's Northern Ireland Broadband Improvement Project, BT has reported, at 30 June 2016, that some 5,629 premises have benefited in West Tyrone, of which almost 1,300 have taken up new broadband services delivered through this project.

The contract, with BT, has a mechanism which requires funding to be returned for re-investment when take up of service exceeds a certain threshold. This additional funding of around £3million will allow more premises to see improvements across Northern Ireland.

My Department is also currently delivering the Superfast Roll-out Programme which is expected to provide access to superfast broadband, with speeds of at least 24 Megabits per second, to a further 39,000 premises by 31 December 2017. Improvements are scheduled to take place in some areas of Garvaghey but it is too early to indicate precise locations that will benefit. Details of the current roll-out plans at 5 digit postcode level can be found at <https://www.economy-ni.gov.uk/articles/superfast-rollout-programme-phase-2>.

It is important to recognise that there are alternative technologies that can be used to deliver broadband services. The Department provides support, under the Better Broadband Scheme. Further details can be found on DfE's website at: <http://www.economy-ni.gov.uk/articles/northern-ireland-better-broadband-scheme>

**Mr Eastwood** asked the Minister for the Economy what discussions he has held with representatives from the City of Derry Airport regarding the impacts of a proposed Brexit.

**(AQW 7632/16-21)**

**Mr Hamilton:** I have had no discussions with the City of Derry Airport in relation to the impact of the UK's exit from the European Union.

**Mr Agnew** asked the Minister for the Economy whether employees of the former Department of Enterprise, Trade and Investment were eligible to benefit from the non-domestic Renewable Heat Incentive scheme; and how many employees of the former Department received payment under the scheme.

**(AQW 8790/16-21)**

**Mr Hamilton:** The eligibility criteria for the non-domestic Renewable Heat Incentive (RHI) is set out in Volume 1 of the guidance on the non-domestic RHI, which is available at the link below. Information on whether employees of the former Department received payment under the scheme is not held by the Department.

[https://www.economy-ni.gov.uk/sites/default/files/publications/deti/NIRHI\\_Guidance\\_Volume\\_1\\_V2.1\\_0.pdf](https://www.economy-ni.gov.uk/sites/default/files/publications/deti/NIRHI_Guidance_Volume_1_V2.1_0.pdf)

**Mr Allister** asked the Minister for the Economy to place in the Assembly library a full copy of the letter of 21 December 2015 to which Minister Bell referred during the debate on 15 February 2016 on the Renewable Heat Initiative scheme, as requested in AQW 54492/11-16 tabled 18th February 2016.

**(AQW 8867/16-21)**

**Mr Hamilton:** The response from the then Minister to AQW 54492/11-16 provided the relevant extract from the internal letter which was referred to during the debate on 15 February 2016.

**Mr Chambers** asked the Minister for the Economy which parts of his Department face budget cuts to cover unforeseen Renewable Heat Incentive payments.

**(AQW 8977/16-21)**

**Mr Hamilton:** My Department has not made budget cuts to fund payments under the Renewable Heat Incentive Scheme in 2016/17.

**Mrs Barton** asked the Minister for the Economy in relation to the Renewable Heat Incentive Scheme (non-domestic), to detail (i) how many audits were carried out in buildings to calculate the heat requirement and number of boilers necessary prior to installation and (ii) how many audits of buildings were carried out to assess the present levels of insulation prior to installation of boilers.

**(AQW 9035/16-21)**

**Mr Hamilton:** There was no requirement under the non domestic Renewable Heat Incentive Scheme to carry out audits to assess heat requirements prior to installation, or audits to assess levels of insulation prior to the installation of the boilers.



**Mr Dickson** asked the Minister for the Economy to provide copies of the Department's Codes of Practice for whistleblowers, from 2013 to present.

**(AQW 9052/16-21)**

**Mr Hamilton:** Departmental guidance for whistleblowers from 2013 to present has been placed in the Assembly Library.

**Mr Dickson** asked the Minister for the Economy to outline (i) who from his Department, or the former Department of Enterprise, Trade and Investment, met or corresponded with the whistleblower in relation to the non-domestic Renewable Heat Incentive scheme; and (ii) on what dates this occurred.

**(AQW 9055/16-21)**

**Mr Hamilton:** The 'whistleblower'/concerned individual met with the Director of Energy Division and officials following initial correspondence to the Minister. Follow up correspondence was by email to/from officials.

The initial correspondence to the Minister was on 24/8/2013 and a reply issued on 5/9/2013 offering a meeting with officials. On 4/10/2013 the 'whistleblower'/concerned individual provided an agenda for the meeting which took place on 8/10/2013. There was further email correspondence on 11/6/2014 and again on 11/3/2015.

**Mr Lyttle** asked the Minister for the Economy to outline (i) on what basis the decision was taken; and (ii) by whom that decision should not be included in the Renewable Heat Incentive Scheme when it was introduced in GB in April 2014.

**(AQW 9058/16-21)**

**Mr Hamilton:** Degression was not introduced in Northern Ireland in 2014 as demand was low.

An independent investigation is being undertaken to establish the facts surrounding the development and management of the scheme.

**Mr Lyttle** asked the Minister for the Economy to outline why cost controls into the non-domestic scheme were not introduced when the Department of Enterprise, Trade and Investment produced a domestic Renewable Heat Incentive Scheme with greater cost controls than the non-domestic one.

**(AQW 9059/16-21)**

**Mr Hamilton:** The domestic Renewable Heat Incentive Scheme is separate and operates under its own Regulations and Guidelines.

At the time of introduction of the domestic scheme in 2014, the non domestic scheme was underperforming in that the number of applications was less than anticipated.

However, it is now accepted that further cost controls should have been introduced at an earlier stage.

**Ms Armstrong** asked the Minister for the Economy for his assessment on the impact of the revocation of Open Electric's licence on (i) their consumers; and (ii) the wider energy market.

**(AQW 9065/16-21)**

**Mr Hamilton:** The actions taken by the Utility Regulator, Power NI and Northern Ireland Electricity Networks under the "Supplier of Last Resort" process have ensured no disruption to supply for the former customers of Open Electric. Power NI will write to all those affected providing a transfer pack containing essential information and the Regulator has published question and answer guidance on its website. Customers who have transferred may elect to remain with Power NI or switch to another supplier.

While Open Electric's exit from the electricity supply market means one less supply option for customers it is important to put that into perspective. As a supplier that entered the market just over one year ago, it served just over one thousand customers.

With its exit from the market there are still five domestic electricity suppliers and eight active suppliers in the industrial and commercial market.

**Mr Allister** asked the Minister for the Economy to detail on the outcome of the investigation initiated 'into the effectiveness of the control and regulation of the RHI Initiative in light of the significant increase in uptake of the scheme', as referred to at paragraph 14 on the Minister of Enterprise, Trade and Investment's submission to Executive ministers in February 2016 in support of the proposed closure of the Renewable Heat Incentive scheme.

**(AQW 9077/16-21)**

**Mr Hamilton:** Following the significant increase in uptake of the Non Domestic Renewable Heat Incentive (RHI) scheme at the end of 2015, Internal Audit Service (IAS) was commissioned to complete a review of the system of control over the scheme within the Department for Enterprise, Trade and Investment (DETI).

The IAS Report concluded that the system of risk management, control and governance established by officials was unacceptable and made eight recommendations for improvement, which the Department is taking forward.

The IAS and Northern Ireland Audit Office reports and ongoing Public Accounts Inquiry have raised significant issues about the RHI, which are being taken very seriously. It is clear that the design and management of the Scheme were not sufficient. Key management structures were not put in place and costs should have been controlled through regular tariff reviews and the inclusion of tiering and caps at the outset.

The Department has received a report from an independent review, which was commissioned into allegations of potential abuse of the RHI scheme. The priority going forward will be to respond to recommendations arising from this review and urgently take forward work to reduce ongoing cost and strengthen the scheme governance and controls.

My Department will also continue to make itself available to the Public Accounts Committee's ongoing Inquiry on the RHI scheme.

**Mr Aiken** asked the Minister for the Economy when the Department of Enterprise, Trade and Investment was first advised on how much of the non domestic Renewable Heating Incentive was (i) to be funded out of the block grant and; (ii) how much was to be funded out of Annually Managed Expenditure.

**(AQW 9080/16-21)**

**Mr Hamilton:** In April 2011, an email from HM Treasury Officials stated that Renewable Heating Incentive spending was not being treated as standard Annually Managed Expenditure (AME) and if RHI spending in one year exceeded the profile set in the spending review, the Department would need to repay this in future years and would incur a Departmental Expenditure Limit penalty, likely to be 5%.

In November 2013, Department of Energy and Climate Change wrote to the Department drawing attention to the changes made in GB to ensure affordability and value for money (including deggression). This was followed, in January 2014, by a letter confirming that the NI allocation of AME funding would be based on a Barnett formula share (3%) of the GB RHI budget.

**Mr McKee** asked the Minister for the Economy in relation to non-domestic applications to the Renewable Heat Incentive Scheme, to detail (i) how many were for new heat requirements; (ii) the size and output of the boilers installed in each case; and (iii) how each of these were permissible under the scheme.

**(AQW 9101/16-21)**

**Mr Hamilton:** Information received from applicants shows that 1305 installations were for new heat requirements. The table below details the size and output of the installations involved.

Tariff Band	Installations	Installation Capacity Range
Large Solid Biomass Boiler	11	129 – 999 kWth
Medium Ground Source Heat Pump	6	20 – 84 kWth
Medium Solid Biomass Boiler	1266	22 – 199 kWth
Small Ground Source Heat Pump	7	11 – 19 kWth
Small Solar Thermal	6	1 – 30 kWth
Small Solid Biomass Boiler	8	15 – 19 kWth
Small Water Source Heat Pump	1	17 – 17 kWth
<b>Total</b>	<b>1305</b>	

Each application is assessed against the Regulations, which allow support under the Scheme for a new heat use.

Of the 1305 applications, which stated there was no previous source of heat, 10 applications have been rejected. A further 125 have yet to be determined, and may therefore ultimately be either accredited or rejected.

**Mr McKee** asked the Minister for the Economy (i) to detail how many applicants in receipt of funding under the non-domestic Renewable Heat Incentive scheme have since sold or transferred their claims to another claimant; and (ii) for his assessment of the practice and whether he is aware of any flaws.

**(AQW 9102/16-21)**

**Mr Hamilton:** Ofgem has been notified of change of ownership for eight accredited installations. The process to transfer ownership has been completed for five of these cases. Ofgem is currently determining whether the transfer of ownership for the remaining three installations meets the requirements set out in Regulations.

Ofgem assesses each request for transfer of ownership against criteria set out in the regulations/ guidelines. Recipients of Renewable Heating Incentive support have an ongoing duty to inform us of material changes including changes of ownership, and there are sanctions powers in regulations, which can apply where there is a material failure to meet ongoing obligations.

Ofgem has advised that its processes are subject to regular internal and external review and assurance. Ofgem's most recent review did not identify any issues with its transfer of ownership process.

**Mr Smith** asked the Minister for the Economy to detail (i) how many successful applicants for the non-domestic Renewable Heat Incentive are involved in the process of drying materials later used for burning; and (ii) the size and number of the boilers involved.

**(AQW 9109/16-21)**

**Mr Hamilton:** Installations are not differentiated in the Regulations or recorded separately.

Ofgem has told my Department that 267 current participants referred to drying in their application form. However, the records do not indicate which, if any, of these 267 are drying materials, which will later be used for burning.

The table below provides the breakdown of the 267 installations by tariff band and range of capacity.

Tariff Band	Number of installations	Installation Capacity Range
Large Solid Biomass Boiler	6	999 (kWh)
Medium Solid Biomass Boiler	258	34 - 199(kWh)
Small Ground Source Heat Pump	2	11 - 12 (kWh)
Small Solar Thermal	1	3 (kWh)
<b>Total</b>	<b>267</b>	

**Ms Archibald** asked the Minister for the Economy to detail (i) the number and (ii) the percentage, of (a) households; and (b) rural households, in East Derry with access to fixed line broadband.

**(AQW 9118/16-21)**

**Mr Hamilton:** My Department does not hold this information.

**Ms Archibald** asked the Minister for the Economy to detail (i) the number; and (ii) the percentage of (a) businesses; and (b) rural businesses, in East Derry with access to fixed line broadband.

**(AQW 9119/16-21)**

**Mr Hamilton:** My Department does not hold this information.

**Mr Aiken** asked the Minister for the Economy what steps have been taken to upgrade the (i) physical; and (ii) regulatory frameworks locally to cope with additional electricity generation from renewable energy sources.

**(AQW 9124/16-21)**

**Mr Hamilton:** The electricity transmission and distribution networks are owned by Northern Ireland Electricity (NIE) Networks. My Department has no statutory role in grid capacity policy.

Upgrades to physical and regulatory frameworks are matters for NIE Networks, the System Operator Northern Ireland and the Utility Regulator.

I am aware, however, that NIE Network's business case outlining proposed expenditure on the distribution and transmission networks over the 6th Price Determination period from 2017 to 2024 (RP6) is being considered by the Utility Regulator.

**Mr Aiken** asked the Minister for the Economy for his assessment of the cost of connection to the electricity grid for individual wind turbine developments.

**(AQW 9125/16-21)**

**Mr Hamilton:** The electricity transmission and distribution network is owned by Northern Ireland Electricity (NIE) Networks and operates under a regulatory framework determined by the Utility Regulator. My Department has no statutory role in relation to grid connection policy.

NIE is required to provide the Least Cost Technically Acceptable solution for each applicant, whilst ensuring that all statutory requirements in terms of voltage are maintained for all customers. The charging arrangements followed by NIE Networks are in line with their connection charging statement which is scrutinised by the Utility Regulator.

**Mr Aiken** asked the Minister for the Economy whether he will instruct his officials to release all communications between the Department of Energy and Climate Change and the Department for Enterprise, Trade and Investment, between May 2015 and May 2016, on the subject of public subsidy for onshore wind energy, specifically the Northern Ireland Renewable Obligation scheme.

**(AQW 9126/16-21)**

**Mr Hamilton:** I have no reason to instruct my officials to release this information.

**Mr Aiken** asked the Minister for the Economy what official representations to the European Commission have been made since May 2014 regarding grant aid for underground energy storage projects deemed to be European Projects of Common Interest. (AQW 9127/16-21)

**Mr Hamilton:** My Department has made no representation to the European Commission in relation to funding for either the gas or compressed air energy storage projects. Where the developer of a project designated as a Project of Common Interest is seeking grant funding under the Connecting Europe Facility, its application is assessed by the Innovation and Networks Executive Agency within the European Commission. Member States are not part of the evaluation process.

**Mr Beggs** asked the Minister for the Economy which sectors of the economy have seen the highest levels of direct foreign investment in each year since 2011-12. (AQW 9166/16-21)

**Mr Hamilton:** When competing for foreign investment projects Invest NI focusses on priority target sectors of ICT, financial services, business and professional services and niche manufacturing.

In each year between 2011-12 and 2015-16 the Business and Financial Services sector attracted the highest amount of inward investment commitments secured by Invest NI for the Northern Ireland economy.

This includes GB-based businesses.

**Mr McNulty** asked the Minister for the Economy to detail the number of (i) successful; and (ii) unsuccessful applications to the Renewable Heat Incentive scheme, broken down by constituency. (AQW 9179/16-21)

**Mr Hamilton:** To date, there have been 1,965 successful applications and 20 unsuccessful applications. The Department does not hold a break-down of applications by constituency.

**Mr Mullan** asked the Minister for the Economy whether he will publish the instructions he has given to his Departmental officials concerning the proposal of a plan for the UK's exit from the European Union. (AQW 9186/16-21)

**Mr Hamilton:** The Department continues to carry out a detailed analysis of the potential impact of exiting the European Union and the issues that will affect us locally. It would not be appropriate to share the results of this analysis or related discussions and considerations as they will be used to inform our input to the UK Government's negotiation position.

**Mr Mullan** asked the Minister for the Economy whether his Department will publish a map of non-domestic Renewable Heat Incentive instalments. (AQW 9187/16-21)

**Mr Hamilton:** The Department has no plans to publish a map of non-domestic Renewable Heat Incentive installations.

**Mr Allister** asked the Minister for the Economy whether Invest NI promoted the non-domestic Renewable Heat Incentive scheme; and how such promotion was undertaken, including the venues where promotional events were held. (AQW 9192/16-21)

**Mr Hamilton:** Invest NI did not hold any promotional events which focused on the Renewable Heat Incentive scheme.

**Mr McPhillips** asked the Minister for the Economy in light of Ofcom's decision to demand the legal separation of Openreach from BT, how his Department hold BT to account for its investment level in Northern Ireland's broadband network. (AQW 9199/16-21)

**Mr Hamilton:** Telecoms is a privatised and independently regulated industry. The decision on Openreach has yet to be ratified but is unrelated to my Department's responsibilities in respect of BT. Those responsibilities revolve around two current contracts which aim to improve broadband networks in Northern Ireland and which are subject to specific terms and conditions. While we welcome BT's wider investment in Northern Ireland, these are commercial matters for BT.

**Mr Swann** asked the Minister for the Economy whether he plans to introduce legislation which ensures that further and higher education institutions have at least two student governor positions on their governing body, similar to the Education Act 1994 which applies to England, Scotland and Wales. (AQW 9223/16-21)

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

The Governing Bodies of each of the six further education colleges currently have one paid student governor, who is elected by the college student body.

I welcome and value the existence and contributions of students' unions in Northern Ireland. Whilst I have no immediate plans to introduce new legislation in this respect, I will give further consideration as to whether there is a need for similar provision in Northern Ireland.

**Mr Swann** asked the Minister for the Economy whether he plans to introduce legislation which ensures that tertiary education institutions are legally obliged to fund their students' unions, similar to the Education Act 1994 which applies to England, Scotland and Wales.

**(AQW 9225/16-21)**

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

The Governing Bodies of each of the six further education colleges currently have one paid student governor, who is elected by the college student body.

I welcome and value the existence and contributions of students' unions in Northern Ireland. Whilst I have no immediate plans to introduce new legislation in this respect, I will give further consideration as to whether there is a need for similar provision in Northern Ireland.

**Mr Swann** asked the Minister for the Economy whether he plans to introduce legislation which ensures that tertiary education institutions are legally obliged to have a democratically run students' union, similar to the Education Act 1994 which applies to England, Scotland and Wales.

**(AQW 9226/16-21)**

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

The Governing Bodies of each of the six further education colleges currently have one paid student governor, who is elected by the college student body.

I welcome and value the existence and contributions of students' unions in Northern Ireland. Whilst I have no immediate plans to introduce new legislation in this respect, I will give further consideration as to whether there is a need for similar provision in Northern Ireland.

**Mr Swann** asked the Minister for the Economy what steps he has taken to ensure that students' unions are able to act independently from their institution; and whether he would consider introducing legislation to ensure their autonomy.

**(AQW 9227/16-21)**

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

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**Mrs Palmer** asked the Minister for the Economy what was the price of balcas raw material before the launch of the Renewable Heat Incentive scheme in 2011-12; and in each year until 2016.

**(AQW 9228/16-21)**

**Mr Hamilton:** Balcas is a commercial organisation which sets its own prices for individual customers.

**Mrs Palmer** asked the Minister for the Economy whether the Consumer Council was contacted regarding the benefits of the Renewable Heat Incentive scheme to businesses; and to outline the reasons for this decision.

**(AQW 9229/16-21)**

**Mr Hamilton:** The Consumer Council was among a wide range of bodies consulted by the Department in 2011, prior to the introduction of the Non-Domestic Renewable Heat Incentive Scheme.

**Mr Allister** asked the Minister for the Economy to list the venues in Northern Ireland where Invest NI has held or addressed events in the last five years.

**(AQW 9315/16-21)**

**Mr Hamilton:** Invest NI does not hold the information requested in a readily accessible format. Providing this information as requested could only be done at a disproportionate cost.

**Mr Swann** asked the Minister for the Economy whether he plans to introduce legislation to ensure that Students' Unions are involved in the decision making of their tertiary education institution, similar to the Education Act 1994 that applies to England, Scotland and Wales.

**(AQW 9346/16-21)**

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

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I welcome and value the existence and contributions of students' unions in Northern Ireland. Whilst I have no immediate plans to introduce new legislation in this respect, I will give further consideration as to whether there is a need for similar provision in Northern Ireland.

**Mr Swann** asked the Minister for the Economy for his assessment of the work of Students' Unions fits into the draft Programme for Government; and to outline the support he plans to provide.

**(AQW 9347/16-21)**

**Mr Hamilton:** The draft Programme for Government commits to improving the skills profile of the population, to which it is anticipated that the higher and further education sectors will make a significant contribution. All representatives of the higher and further education sectors, including student unions, have a valuable contribution to make to this process, and the Department will welcome all representations and engagement to ensure that the underpinning policies best deliver the Programme for Government outcomes.

This is also the case for the Department's Higher Education Strategy, where student unions are a key partner in advising on the Strategy's outcomes, and therefore on the wider societal impacts that these outcomes will have.

**Mr Swann** asked the Minister for the Economy to outline the actions he has taken to support the role that Students' Unions play in society.

**(AQW 9348/16-21)**

**Mr Hamilton:** The draft Programme for Government commits to improving the skills profile of the population, to which it is anticipated that the higher and further education sectors will make a significant contribution. All representatives of the higher and further education sectors, including student unions, have a valuable contribution to make to this process, and the Department will welcome all representations and engagement to ensure that the underpinning policies best deliver the Programme for Government outcomes.

This is also the case for the Department's Higher Education Strategy, where student unions are a key partner in advising on the Strategy's outcomes, and therefore on the wider societal impacts that these outcomes will have.

**Mr Swann** asked the Minister for the Economy whether he plans to introduce legislation similar to Part Two of the Education Act 1994 that applies to England, Scotland and Wales.

**(AQW 9350/16-21)**

**Mr Hamilton:** I am aware of Northern Ireland students' unions concerns that there are no formal legislative arrangements here in respect of the role, democracy, funding, and autonomy of students' unions, in the same way that there are for students' unions in the rest of the UK under the Education Act 1994.

However, I consider that there is nothing within the existing governance arrangements which hinders or prevents the development and expansion of students' unions here. As such, the Department has not had cause to include such provision within its legislative programme.

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I welcome and value the existence and contributions of students' unions in Northern Ireland. Whilst I have no immediate plans to introduce new legislation in this respect, I will give further consideration as to whether there is a need for similar provision in Northern Ireland.

## Department of Agriculture, Environment and Rural Affairs

**Mr Swann** asked the Minister of Agriculture, Environment and Rural Affairs to detail the number of times her officials have boarded non-UK trawlers to check whether they are complying with EU fishing quotas, in each of the last four years.

**(AQW 9132/16-21)**

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** The numbers of times non-UK fishing vessels were checked for quota compliance by my officials in each of the last four years are detailed below.

- 2013: 22
- 2014: 39
- 2015: 36
- 2016: 55

**Ms Armstrong** asked the Minister of Agriculture, Environment and Rural Affairs for her Department's definition of rural.

**(AQW 9245/16-21)**

**Miss McIlveen:** The Department does not apply a single definition of rural but instead takes a flexible approach depending on the issue under consideration. However, a useful reference is the 'Review of the Statistical Classification and Delineation of Settlements' published by the Northern Ireland Statistics and Research Agency (NISRA) in 2015. This review was not prescriptive in terms of an urban/rural definition but advised that 'users should consider defining urban and rural areas in ways which are appropriate for different projects and programmes'. In the absence of a specific definition, a default urban-rural boundary at a settlement population of 5,000 was proposed for use.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs (i) whether the land purchased to build a new access point at the site of the Ballykelly Relocation Project was previously owned by her Department or any other Executive Department; and (ii) to detail the circumstances.

**(AQW 9267/16-21)**

**Miss McIlveen:** The access required to build a new entrance at the site of the Ballykelly Relocation Project was purchased from a private landowner and was not previously owned by my Department or by any other Executive Department.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs to outline why her Department did not, at an earlier stage, realise that it would require additional land for an access road for her proposed Departmental Headquarters at Ballykelly.

**(AQW 9356/16-21)**

**Miss McIlveen:** My Department was made aware in November 2012 that a new access road would be required at the Ballykelly site. This was factored into all subsequent considerations for the £21m investment in the North West.

**Mr Agnew** asked the Minister of Agriculture, Environment and Rural Affairs to outline any plans she has to ban the hunting of animals with hounds or other dogs.

**(AQW 9383/16-21)**

**Miss McIlveen:** My Department has no powers to regulate, or ban, hunting or coursing with dogs. Hunting is not regarded as an agricultural activity. It is not exclusively carried out on agricultural land and the fox is not regarded as an agricultural animal.

My Department has responsibility for the Welfare of Animals Act (NI) 2011. Section 53 provides that anything which occurs in the normal course of hunting or coursing is not covered by this Act unless the animal is released in an injured, mutilated or exhausted condition, or is hunted or coursed in an enclosed space without reasonable chance of escape.

As no Department has direct responsibility for hunting, any introduction of legislation to ban hunting with dogs is a matter for the Executive to consider.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs whether she is aware of any valuations of the land at Ballykelly received by (i) her Department; or (ii) any other Executive Department in advance of its sale and a subsequent purchase of 0.9 acres.

**(AQW 9453/16-21)**

**Miss McIlveen:** My Department instructed the Department of Finance - Land & Property Services (LPS) to value and negotiate the purchase of access land required to enable the new project at Ballykelly to proceed. LPS kept my Department advised of progress and options in advance of the final agreement to purchase.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs (i) for an update on the number of 2015 Basic Payment Scheme Applications still under review; and (ii) to detail how many are related to the definition of an active farmer.

**(AQW 9457/16-21)**

**Miss McIlveen:** There are currently 493 Basic Payment Scheme 2015-related Stage 1 Review of Decision applications outstanding. Of these, 270 applications relate to a decision that the applicant was not eligible for payment due to the 'Active Farmer' requirements.

**Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 9267/16-21, whether the land was previously in the ownership of her Department or any other Northern Ireland Executive Department.

**(AQW 9510/16-21)**

**Miss McIlveen:** The access required to build a new entrance at the site of the Ballykelly Relocation Project was purchased from a private landowner and was not previously owned by my Department or by any other Executive Department.

## Department of Education

**Mr Swann** asked the Minister of Education pursuant to AQW 5821/16-21, 5822/16-21, 5823/16-21, 5824/16-21, 6555/16-21 and AQO 864/16-21 and given that this is the third time in six months parents have been left with uncertainty about continuation of service, (i) for his assessment of the handling of this situation; (ii) whether families will be involved in this review; and (iii) what liaison there has been with parents to date.

**(AQW 8951/16-21)**

**Mr Weir (The Minister of Education):** In response to the previous questions detailed, the Education Authority (EA) clarified that an Interim Head of Service had been identified to begin work on the delivery of a consistent, single Early Years SEN Inclusion Service (including pre-school home teaching). The Authority has now confirmed that this person is in post and this work has begun.

The EA is working to ensure that appropriate intervention can be accessed consistently across the Authority, for those children who require these services.

The EA is aware that some parents have received incorrect information regarding the continuity of the service. This is being dealt with internally by the EA. Indeed, the EA is clear that the continued need for this service is clear and is valued. Once internal clarification has been provided to officers in the EA, appropriate information will be communicated to parents.

**Mr Swann** asked the Minister of Education pursuant to AQWs 5821/16-21, 5822/16-21, 5823/16-21, 5824/16-21, 6555/16-21 and AQO 864, for an update on the review that started in September, specifically (i) the date the review started; (ii) the terms of reference of the review; (iii) how it has been conducted; (iv) who is heading the review; (v) when the head was appointed; (vi) whether it produced any papers or reports.

**(AQW 8952/16-21)**

**Mr Weir:** The Education Authority has advised that it has a pre-school home teaching service and an early years' Special Educational Needs (SEN) service which supports children with SEN. Interim management arrangements for a single early years' SEN service, to include pre-school teaching, have recently been put in place. It is anticipated that an enduring regional manager will be appointed, at which stage any review of the service will be considered.

The EA has clarified that a review of the pre-school home teaching service did not start in September, consequently no-one was appointed to head a review; and therefore there are no terms of reference; no methodology for conducting a review; nor any papers or reports associated with a review.

**Ms Armstrong** asked the Minister of Education, pursuant to AQW 8375/16-21 whether Special Educational Needs support to schools is being put under pressure by the lack of funding for SEN staff to travel to rural schools.  
(AQW 9045/16-21)

**Mr Weir:** The Education Authority (EA) has advised that there has been no change to SEN support to rural schools and no change to the arrangements for travel in this regard. Training and support are provided equitably to both rural and urban settings.

**Mr McGlone** asked the Minister of Education, in relation to the Education Authority's statement that it is considering ending free school transport (i) what rural-proofing exercise has been carried out in relation to charging for school transport; and (ii) for his assessment of the introduction of such charges.  
(AQW 9523/16-21)

**Mr Weir:** The Education Authority (EA) is currently considering a broad range of options to help it operate within its approved budget. Should they wish to progress any options that would require changes to the current home to school transport policy, any such changes would require the approval of the Department of Education.

If the EA chooses to bring forward any such proposals, I would expect them to take full account of the potential impact on any families that would be effected, including those living in rural areas, before I would study them in detail and come to a view on the proposals. Of course, any change to current policy would be subject to the normal Equality Impact Assessment and consultation processes.

**Mrs Overend** asked the Minister of Education for an update on the impact of the teachers' strikes.  
(AQW 9608/16-21)

**Mr Weir:** The recognised negotiating forum for teachers' terms and conditions is the Teachers' Negotiating Committee (TNC) at which I am represented.

TNC is made up of representatives of the Northern Ireland Teachers' Council (NITC), comprised of the 5 recognised Teacher Unions, and Management Side, comprised of representatives from the Education Authority, Council for Catholic Maintained Schools, sectoral interests and the Department.

Management Side meet regularly with the NITC as part of its work on TNC and is committed to moving forward in a constructive fashion.

The Management Side of the TNC met with the Teacher Unions on 12 January 2017 in relation to industrial action, and I welcome the fact that the meeting was constructive. I understand that there was agreement to the exchange of discussion papers, with a further meeting scheduled for the 24 January 2017.

This is a positive step forward and I urge the Teacher Unions to continue to get around the table with Management Side to focus on the issues for 2017 and beyond.

## Department of Health

**Mr Douglas** asked the Minister of Health for an update on the redevelopment of Ulster Hospital.  
(AQO 893/16-21)

**Mrs O'Neill (The Minister of Health):** The current Ulster Hospital Redevelopment has two elements – a new ward block and a new acute service block.

The South Eastern Trust accepted handover of the new ward block from the contractor on the 12 December 2016. The Trust is currently commissioning the buildings and systems in readiness for the transfer of services. It is expected that the new ward block will open to patients in Spring 2017.

The new ward block will provide 12 inpatient wards comprising 288 single en-suite bedrooms. It will also house a new day surgery department including an endoscopy suite and 4 state of the art operating theatres as well as providing some support services including a new pharmacy department and café/shop.

When the new ward block opens in Spring 2017, 15 of the current wards will transfer to the new building and 8 wards will remain operational in the existing building until completion of the new acute services block is operational in early 2020.

Of the 15 wards transferring to the new ward block, 8 are medical wards and 7 are surgical wards.

The 8 wards which will remain in the existing block include cardiology, medical assessment and gynaecology services.

In relation to the Acute Service Block, ground clearing works are complete and construction is progressing well. The new acute services block is due to complete by Summer 2019 and open to patients early 2020.

The acute services block will include a new emergency department, inpatient radiology, assessment unit, and specialist wards. This will provide 170 beds including acute, observation and assessment beds, and support services.

**Mr Aiken** asked the Minister of Health how the number of outpatients waiting longer than 18 weeks and 52 weeks, as of 31 December 2016, for their first appointment at Antrim Area Hospital compares to the number waiting at the same date in both 2015 and 2014.

**(AQO 894/16-21)**

**Mrs O'Neill:** The latest available information for Antrim Area Hospital shows that at 31st December 2016, 6,725 (45%) patients were waiting longer than 18 weeks for their first consultant-led outpatient appointment, and 1,030 (7%) more than 52 weeks.

I have said many times that long waiting times are unacceptable. I understand the worry and stress that they causes for patients and their families.

However, unless we tackle the root causes this will remain the case, as we have a 20th century model delivering services for a 21st century population. This is having an increasingly negative impact on the quality and experience of care and the current waiting times are a symptom of the rising demand facing our HSC. The long term solution is the transformation of our health and social care system as outlined in Delivering Together.

We need to move to a population health model and we need to create a more sustainable service - one that makes the best use of the resources we have to deliver the best possible service to patients.

Ultimately, I want to get to the point where we have the capacity within the HSC to deliver the services patients need. But my overriding concern is ensuring that patients receive their treatment in a timely manner.

It is only in transforming the health and social care system and by implementing new models of care that we will be able to alleviate the pressures on our health and social care services, sustain improvements in waiting times and deliver better outcomes for patients.

That said, I would pay tribute to the staff across the Health & social care sector. Notwithstanding the structural issues, they continue to work incredibly hard and on average deliver 9,000 outpatient appointments, 2,600 inpatient/day case procedures and 31,000 diagnostic tests per week.

Each Trust is making every effort to keep waiting times to a minimum and is undertaking a range of measures including:

- Maximising delivery of commissioned volumes across all specialities;
- Continuing prioritisation of patients by clinical urgency – including referrals being triaged by consultants to ensure correct prioritisation;
- Chronological management of non-urgent patients and reviews of those waiting longest;
- Use of dedicated scheduling staff to manage the patient pathway of high risk patients and to maximise capacity;
- General Practitioners being regularly informed of waiting times;
- Where possible, referrals being prioritised directly to diagnostics; and
- Undertaking specific reforms/initiatives to identify and implement alternatives to face-to-face consultant-led-outpatients appointments.

**Mr McElduff** asked the Minister of Health to outline what work her Department is undertaking to support looked-after children.

**(AQO 895/16-21)**

**Mrs O'Neill:** The term Looked After Children refers to a diverse group that varies in terms of age, the reason for being looked after, age of first entry into the care system and duration in care. While some Looked After Children and young people can go on to enjoy success, as a group, outcomes, including health and educational outcomes, tend to fall significantly below those of the general population.

In my term as Health Minister, I have been consistent in my determination to give these children and young people the priority they deserve in keeping with my duties as their corporate parent. I want a care system where fewer children need to become looked after; where quicker decisions are made about where they will live permanently; and where there are improved outcomes for each and every looked after child in key areas of their lives including their physical, mental and emotional health and wellbeing and educational attainment. I also want to ensure that everything possible is done to secure their successful transition into adult life.

It is a commitment that I can't deliver alone. I will need the help of other Ministers. This is reflected in the draft Programme for Government. My Department, in conjunction with the Department of Education, is developing a strategy specific to Looked After Children. The Looked After Children Strategy will be reinforced by a Family Support Strategy, also being developed by my Department. Both strategies are being developed on a co-design basis and we intend to consult on a draft Looked After Children Strategy and supporting action plan this year.

Where legislation is required to deliver any of our strategic aims for Looked After Children, this will be done by way of an Adoption and Children Bill. I have already made public my intention to bring forward a Bill in the current mandate.

It is important that we listen to children and young people in order to better understand the encouragement, support and services they need. I have already met with a group of bright, articulate young people who have spent time in care and I am committed to ongoing engagement. Care Day this year will celebrate the magic of all care-experienced children and young people's possibility and potential. The goal is to challenge individuals, public, communities, government departments and



the statutory, voluntary, community and private sectors to 'Look, Act and Care' for children in care and care leavers. I wrote to Ministerial colleagues in December asking if your department could take forward at least one action to either promote or participate in Care Day 2017 and I look forward to your participation.

I accept that a Looked After Children Strategy may require some additional investment, either to test new ways of working or extend existing supports available to Looked After Children. I have already made a number of new investments to enhance fostering services and therapeutic support for Looked After Children, particularly those who have suffered or been exposed to trauma.

I thank the member for his interest in Looked After Children.

**Mr Mullan** asked the Minister of Health for an update on the future of Causeway Hospital.  
(AQO 896/16-21)

**Mrs O'Neill:** Decisions about the provision of services at Causeway Hospital are a matter for the Northern Health and Social Care Trust in the first instance.

In autumn 2015, the Trust began to build on initial improvements delivered by the Turnaround and Support Team, through the development of its 5-year Reform and Modernisation Programme (RAMP).

The objectives of this programme include service reform and modernisation, with a strong emphasis on localised integrated community services delivered in partnership with primary care, community and voluntary sectors working in collaboration, and underpinned by meaningful stakeholder engagement.

The work is also focused on developing an acute hospital service model restructuring Antrim Hospital and Causeway Hospital, to make sure that each is 'right sized' with the required investment to cope with presenting demands and working collaboratively to provide a safe, sustainable and effective service model to meet the needs of the area and with networks outside the Trust area to secure and extend local services.

Future changes will be designed with the involvement of those who use and those who provide services, and further consultation will be undertaken on specific service change proposals.

**Mr McPhillips** asked the Minister of Health for an update on the future of Lisnaskea Health Centre.  
(AQO 897/16-21)

**Mrs O'Neill:** The business case for a new Health and Care Centre within Lisnaskea has been developed by the Western Health and Social Care Trust and is currently under consideration by my Department. The proposed new facility will co-locate Trust services with GPs. It recognises that primary care infrastructure investment is necessary in Lisnaskea to ensure that GP services in the area can be sustained in the medium term.

We are working towards an early decision on the business case. Following its approval a final decision on the delivery of this project will be taken as soon as possible after the Executive's capital budget allocation for Health for 2017-18 and the three following years is known.

The timeframe for the achievement of the Lisnaskea project is currently anticipated to be 48-50 months following approval. Existing services will be fully maintained in any intervening period between final decisions and any new facility being built.

**Mr Nesbitt** asked the Minister of Health whether she will be making any changes to local mental health services following commitments made by the Prime Minister in her speech on mental health support on 9 January 2017.  
(AQO 898/16-21)

**Mrs O'Neill:** Improving mental health services is one of my key priorities. I am committed to moving towards parity of esteem for mental health; designing services with a focus on recovery; co-production with experts by experience in the design, delivery and evaluation of services; service development where resources allow; systemic reform and improved performance management; and considering the potential for all-island service development.

Indicator 6 in the draft Programme for Government framework seeks to drive improvement in the general mental health of people in the North. The draft delivery plan for indicator 6 accepts the need to move towards parity of esteem for mental health and physical health.

The draft delivery plan also outlines that a range of proposed service developments are under detailed consideration, including development of a comprehensive regional perinatal mental health service with community and mother and baby inpatient provision, potentially with an all-Ireland element; development of eating disorders service provision, potentially with an all-Ireland element; putting the provision of psychological therapies on a sure footing, by completing the roll-out of talking therapies hubs in each Trust area; fully implementing the Mental Capacity Act; implementing a mental trauma service; improving personality disorders provision; developing a Looked After Children support scheme; and consolidation of wellbeing and mental health services with the Department of Education. Service development is costly and with limited resources there will be a need to focus on developing interventions that will have the greatest impact. Prioritisation will be required to make best use of scarce resources.

Following the consultation on the draft delivery plan, which closed on 23 December 2016, my officials are considering amendments to take account of some of the comments from consultees.

There is no doubt that local mental health services are under increasing pressure. There is a higher than average prevalence of mental health issues in the North, together with an increased awareness of mental health issues, and a legacy of unmet need. Whilst I am actively making the case for more investment in mental health, with significant pressure on budgets it is incumbent on all of us to get the best value for the money that we already spend. This demonstrates why fundamental reshaping of the health and social care service is so vital, to enable money to be released across the system so that it can be targeted at those areas that need it most.

**Mr Kearney** asked the Minister of Health to outline the work her Department is undertaking, in co-operation with the Minister of Justice, to improve the provision of health and social care for people in the justice system.

**(AQO 899/16-21)**

**Mrs O'Neill:** Healthcare services in prisons are currently commissioned by the Health and Social Care Board (HSCB) and delivered by the South Eastern Health and Social Care Trust (SET).

The Justice Minister and I have agreed to commission an urgent review of vulnerable people in prison custody. Officials from both Departments are now working together to determine the structure, scope and timeframe of the Review. I would point out that this review will add to the collaborative work already in place between the two Departments - with the development of a joint healthcare and criminal justice strategy and action plan. The strategy and action plan aim to identify the health and social care needs of all those in contact with the criminal justice system including those in prison.

In relation to this recently announced Review, work began in December and is ongoing.

The first phase of this review will:

- i Identify the needs and demographic profile of the current prison population as a baseline, drawing on but expanding previous work.
- ii. Identify the current provision of service and the staff profile for the South Eastern Health and Social Care Trust and the Prison Service / Probation Board.
- iii. Benchmark existing services against best practice including in Great Britain.
- iv. Review of retrospective data on case studies of prisoners to inform case studies of patient journey highlighting needs and gaps.

It is too early to set a date for the completion of the review but I expect the review to be completed swiftly.

**Mr McNulty** asked the Minister of Health for an update on the proposal to close the Health and Social Care Board.

**(AQO 901/16-21)**

**Mrs O'Neill:** As you will be aware, on the 25 October last year, I announced 'Health and Well-being 2026: Delivering Together', to take forward radical and far-reaching transformation of our health service to deliver better outcomes for the population in the North.

Within this context, I have confirmed the decision to close the Health and Social Care Board (HSCB) and I have committed to bring forward details about new structures to support the reform of planning and administration of the HSC by March 2017. In October I also wrote to staff in the HSCB to re-affirm a commitment I made when I met with them, to work in partnership to develop those new structures and achieve a managed transition for staff.

**Ms Armstrong** asked the Minister of Health for an update on the briefings she has received from her officials in relation to acquiring the resources to allow the Health Service to provide three cycles of IVF, as recommended in the National Institute for Health and Care Excellence guidelines.

**(AQO 902/16-21)**

**Mrs O'Neill:** Firstly, let me say, I do not underestimate the importance of this subject and I know that these are matters which cause many couples great emotional and financial stress.

This year marks the 30th anniversary of the first baby born in the North as a result of IVF. Publicly funded fertility services have been available since 2001. Access to publicly funded services is based on eligibility criteria agreed after public consultation in 2006 and updated following a further public consultation in 2009.

The current publicly funded service provision in the north (also established in 2009) is that one cycle of IVF (or similar fertility treatment) is provided to eligible patients and, provided the patient was referred on or after 1 April 2012, when the technology was introduced at the Regional Fertility Clinic, one frozen embryo transfer.

The Department has endorsed the 2013 National Institute for Health and Care Excellence (NICE) Clinical Guideline on Fertility which recommends, among other things, that women should be offered three full cycles of IVF. However, regrettably, due to budget pressures, it has not yet been possible to implement this. This is due to the significant cost implications of implementation which have to be carefully considered within the context of ongoing budget pressures and other competing HSC services requiring new investment in the years ahead.

While I am currently unable to provide a timescale for full implementation of the guideline, I am keeping the situation under review. I am currently considering briefing from officials on options for future service provision. These options are being costed and I can advise you that, while funding an increase in the number of treatment cycles will remain a challenge, I intend to examine all practical options for improving the service currently offered.

## Department of Justice

**Lord Morrow** asked the Minister of Justice to outline whether there is an onus or requirement on defence legal teams to alert the PSNI or courts if their client absconds in breach of bail pending hearings and/or trials.

**(AQW 9144/16-21)**

**Ms Sugden (The Minister of Justice):** There is no statutory requirement on defence teams to alert the police or the court if their client absconds in breach of bail.

As an officer of the court, however, a defence representative should bring any matter relevant to the case to the attention of the court at the earliest opportunity.

My officials plan to consider this issue at the bail review workshop that is due to take place on 15 February.

**Lord Morrow** asked the Minister of Justice to detail how many prisoners in HMP Maghaberry were granted Christmas leave and of these how many (i) failed to return at the appointed time; (ii) breached conditions of release; and/or (iii) committed an offence whilst on leave.

**(AQW 9145/16-21)**

**Ms Sugden:** 50 prisoners were granted Christmas leave from Maghaberry Prison. One prisoner failed to return at the appointed time but returned 1 hour 44 minutes late and one prisoner breached his conditions of release and was required to return to the prison. He returned the following day.

**Lord Morrow** asked the Minister of Justice to outline the process for seizure of cash in instances where sureties were lodged or pledged with courts in cases of bail releases which are then breached, particularly in instances of absconding whilst awaiting trial or appeal.

**(AQW 9147/16-21)**

**Ms Sugden:** The process to apply for the forfeiture of bail monies, which can arise in all criminal courts when a bail order is breached, is set out in legislation in what are termed estreatment proceedings.

When the court determines that a breach of bail has occurred it can of its own volition or following an application by the prosecutor, direct court staff to serve estreatment proceedings on a surety giving them the opportunity to make representations at a court hearing on why the money should not be forfeited.

At the hearing, the court can estreat part or all of the surety bail monies which if not subsequently paid can be enforced in a similar manner as if they were a fine imposed by the court.

**Mr Beattie** asked the Minister of Justice to outline (i) the cost to her Department for the 48 judicial reviews between 1 December 2015 and 30 November 2016; or if not known (ii) the projected cost.

**(AQW 9148/16-21)**

**Ms Sugden:** The cost to date of the 48 judicial reviews between 1 December 2015 and 30 November 2016 is £127,190. A number of cases remain ongoing and invoices in relation to others have still to be received. It is not possible to provide a projected cost for these due to the individual circumstances of each case.

**Mr Frew** asked the Minister of Justice how many sex worker representatives now sit on the Sex Workers Liaison Group and to outline (i) whether this has increased since its inception; and (ii) any new members, and whether they are additional or replacement.

**(AQW 9149/16-21)**

**Ms Sugden:** Two sex worker representatives sit on the Sex Workers Liaison Group. The Group's membership has not been reviewed, nor any new members added since it was established in November 2015. The Terms of Reference (ToR) for the Group which includes Membership details can be found at the OCTF website ([www.octf.gov.uk/Publications](http://www.octf.gov.uk/Publications)).

I do not assess that any conflict of interest arises as a result of the judicial review of section 15 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 that is being taken by members of the Sex Workers Liaison Group. As the ToR make clear, the purpose of the Group is to improve the engagement between my Department and organisations representing or working with sex workers in order to assist in the overall strategy to raise awareness of human trafficking and thereby help to identify and rescue potential victims. The Group exists therefore to tackle human trafficking within the sex industry. It does not have any functions in respect of policy development on wider issues relating to the sale of sexual services.

The focus of the Group is on raising awareness of human trafficking, providing information on signs and indicators and encouraging reporting of suspicions to the PSNI. Whilst it aims to improve the identification of victims of human trafficking within the sex industry, the Group has no role in providing support to sex workers or to any victims who are recovered.

The PSNI has confirmed that a number of proactive human trafficking investigations have been commenced as a direct result of engagement of this nature. However, due to the confidentiality of information and the nature of the investigations themselves it would be inappropriate to discuss the specifics of the engagement or the investigations that have been commenced by the PSNI.

**Mr Frew** asked the Minister of Justice for her assessment on (i) sitting members of the Sex Workers Liaison Group currently challenging human exploitation /trafficking legislation in the high court; and (ii) whether this is a conflict of interest.  
**(AQW 9150/16-21)**

**Ms Sugden:** Two sex worker representatives sit on the Sex Workers Liaison Group. The Group's membership has not been reviewed, nor any new members added since it was established in November 2015. The Terms of Reference (ToR) for the Group which includes Membership details can be found at the OCTF website ([www.octf.gov.uk/Publications](http://www.octf.gov.uk/Publications)).

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**Mr Frew** asked the Minister of Justice to detail how many sex workers were supported through the Sex Workers Liaison Group, since its inception.  
**(AQW 9151/16-21)**

**Ms Sugden:** Two sex worker representatives sit on the Sex Workers Liaison Group. The Group's membership has not been reviewed, nor any new members added since it was established in November 2015. The Terms of Reference (ToR) for the Group which includes Membership details can be found at the OCTF website ([www.octf.gov.uk/Publications](http://www.octf.gov.uk/Publications)).

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**Mr Frew** asked the Minister of Justice to detail how many sex workers have been rescued through the Sex Workers Liaison Group, since its inception.  
**(AQW 9152/16-21)**

**Ms Sugden:** Two sex worker representatives sit on the Sex Workers Liaison Group. The Group's membership has not been reviewed, nor any new members added since it was established in November 2015. The Terms of Reference (ToR) for the Group which includes Membership details can be found at the OCTF website ([www.octf.gov.uk/Publications](http://www.octf.gov.uk/Publications)).

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**Mr McCrossan** asked the Minister of Justice for an update on her review into maximum sentencing.  
(AQW 9182/16-21)

**Ms Sugden:** The process of policy development, which, given the scope of the review, is being carried out on a staged basis, is underway.

**Mr Mullan** asked the Minister of Justice pursuant to AQW 8844/16-21, to provide the figures for 2016.  
(AQW 9202/16-21)

**Ms Sugden:** The figures provided in response to AQW/8844/16-21 remain the most recent figures available. Work to develop updated prosecutions and convictions datasets, in relation to 2016, is ongoing and it is anticipated finalised figures for that year will be available in late spring 2017.

**Mr Ford** asked the Minister of Justice pursuant to AQW 8869/16-21, to outline what savings will not now be made as a result of the decision not to proceed with the rationalisation of the court estate.  
(AQW 9204/16-21)

**Ms Sugden:** The estimated annual savings that were anticipated from the rationalisation of the court estate are set out in the table below.

	Annual Savings
Northern Ireland Courts and Tribunals Service	£780k
Northern Ireland Prison Service	£330k

Information on PSNI costs may be provided upon request to PSNI directly.

The savings outlined above may be mitigated by alternative uses of the courthouses. Any alternative uses would have to bring their own funding either by new money or, if there are Departmental alternative uses, other Departmental funding.

**Mr Allister** asked the Minister of Justice to detail (i) how many people were referred for a Diversionary Youth Conference, in each of the last five years; and (ii) how many were referred for (a) more than one conference; (b) three - five conferences; (c) more than five conferences; and (iii) for her assessment on whether repeat referrals are a sign of failure in respect of this form of disposal.  
(AQW 9210/16-21)

**Ms Sugden:**

(i) Referrals for a Diversionary Youth Conference in each of the last five years.

Year	Number of Referrals for a Diversionary Youth Conference
2011/12	1,006
2012/13	862
2013/14	867
2014/15	661
2015/16	730
<b>Total</b>	<b>4126</b>

(ii) Number of young people in the last 5 years (1 April 2011 to 31 March 2016) who have been referred for (a) more than one conference; (b) three - five conferences; (c) more than five conferences



Number of Referrals for a Diversionary Youth Conference	Number of young people	% of young people
1	2061	72.4%
2	486	17.1%
3 to 5	279	9.8%
6+	22	0.8%
<b>Total</b>	<b>2848</b>	

(iii) The figures provided above outline the number of referrals for Diversionary Youth Conferences across the last five years, from 1 April 2011 to 31 March 2016. The total number of diversionary referrals in this time period was 4126, relating to 2848 individual young people. Of these individual young people, 787 (28%) had more than one referral for diversionary youth conference.

Almost 90% of the young people, 2547, had one or two referrals for diversionary youth conference in this time period. Just fewer than 10% of young people, 279, had 3 to 5 referrals and 22 young people had more than 5 referrals, representing less than 1% of young people referred for diversionary youth conferences in this time period.

The Youth Justice Agency accepts Diversionary Youth Conference referrals from the Public Prosecution Service. The Public Prosecution Service therefore has taken the decision that the offence warrants a diversionary disposal.

Given the restorative principles underpinning Diversionary Youth Conferences it is important that each individual victim is offered the opportunity to meet the offender face to face. Repeat referrals therefore represent individual victims being given that opportunity. Previously there was a mechanism for some offences to be "taken into consideration" thus not giving victims the chance to engage in a meeting with the perpetrator.

Repeat referrals should not be viewed as a sign of failure in respect of this disposal rather it demonstrates opportunity for individual victims to engage in the process and represents a concerted effort to keep young people out of the formal court system except for serious offences.

**Lord Morrow** asked the Minister of Justice to detail the (i) cost; and (ii) breakdown of legal aid to date, in respect of Damien McLaughlin's charges before the courts relating to the murder of Prison Officer David Black.

**(AQW 9221/16-21)**

**Ms Sugden:** Legal Aid was granted to the defendant for representation by Solicitor, Junior Counsel and Senior Counsel in the Magistrates' Court. The following fees have been paid to date:

- Solicitor - £48,829.74 (inclusive of VAT of £8072.32 and Disbursements of £395.80)
- Junior Counsel - £30,499.03 (Not VAT registered)

In respect of Senior Counsel the claim for fees as submitted are not yet assessed. As these fees fall outside the standard fee scheme an estimate cannot be provided at this time.

**Lord Morrow** asked the Minister of Justice to detail how many cases related to fuel laundering, including fraudulent evasion of excise duty and waste by-product offences, are currently in the court system, shown (i) per former court division; and (ii) by magistrates and crown court.

**(AQW 9222/16-21)**

**Ms Sugden:** There are no criminal offences relating specifically to fuel laundering. Rather, such activity may be prosecuted under more general charges relating to fraud and tax evasion. A manual trawl of electronic court records has identified six such cases active in the Crown Court, where the charge detail specified diesel or hydrocarbon fuel, and a further four cases active in the Magistrates' Court, as at 31st December 2016. These are presented by former court division in the table below.

Former Court Division	Magistrates'	Crown	Total
Belfast	0	2	2
Londonderry	0	0	0
Antrim	0	0	0
Fermanagh and Tyrone	4	0	4
Armagh and South Down	0	4	4
Ards	0	0	0
Craigavon	0	0	0
<b>Total</b>	<b>4</b>	<b>6</b>	<b>10</b>

**Source:** Integrated Court Operations System (ICOS)

Similarly, offence descriptions relating to waste do not specify the type of waste involved and the charge detail recorded on electronic court records for waste offences refer to the nature of waste i.e. controlled waste, rather than specifying detail of the exact substance involved. Therefore, it is not possible, from this information, to identify active court cases relating to waste by-products associated with fuel laundering. Identification of such cases would require a manual trawl of hard copy court files, an exercise that would incur a disproportionate cost.

**Mr Agnew** asked the Minister of Justice to outline her Department's future funding of Extern's Intensive Family Support Service. (AQW 9256/16-21)

**Ms Sugden:** The Belfast Intensive Family Support Service was established as one of a number of pilot projects under the auspices of the cross-Departmental Early Intervention Transformation Programme (EITP). This Programme is a Northern Ireland Executive Delivering Social Change Signature Programme in partnership with Atlantic Philanthropies, funded jointly by the Departments of Health, Education, Communities, Economy and my own Department. Extern was contracted by the Health and Social Care, on behalf of the Programme Board, to deliver the service over a three year pilot period.

The decision to extend the current contract will not be made by any single Department. Rather, it will be a matter for all funding Departments represented on the Programme Board, based on the project evaluation and in the context of the current financial constraints facing the Northern Ireland Executive Departments. Once this decision is made, it will be conveyed to the Health and Social Care Board as commissioners of the service.

**Lord Morrow** asked the Minister of Justice to provide a breakdown of convictions in respect of sending sexual communications to a child since the legalisation was introduced in February 2016, per former court division. (AQW 9294/16-21)

**Ms Sugden:** The most recent year for which completed Departmental datasets hold information on prosecutions and convictions, is 2015. Work to develop updated prosecutions and convictions datasets, in relation to 2016, is ongoing and it is anticipated finalised figures for that year will be available in late spring 2017.

**Lord Morrow** asked the Minister of Justice to provide a breakdown of cases currently before the courts, per former court division, in respect of sending sexual communications or similar to a child since the legalisation was introduced in February 2016, shown per magistrates and crown courts. (AQW 9295/16-21)

**Ms Sugden:** The number of cases active in the court system relating to defendants charged with sending sexual communications to a child, at 31st December 2016, is outlined in the table below.

Former Court Division	Magistrates'	Crown	Total
Belfast	0	0	0
Londonderry	0	0	0
Antrim	0	0	0
Fermanagh and Tyrone	3	1	4
Armagh and South Down	0	1	1
Ards	1	0	1
Craigavon	2	0	2
<b>Total</b>	<b>6</b>	<b>2</b>	<b>8</b>

**Source:** Integrated Court Operations System (ICOS)

**Lord Morrow** asked the Minister of Justice to outline the alternatives to anti-ligature clothing for vulnerable prisoners that have been (i) considered; or (ii) explored. (AQW 9296/16-21)

**Ms Sugden:** Anti-ligature clothing, alongside anti-tear duvet covers and safety mattresses are all valuable tools which are deployed to minimise the immediate risk posed by a prisoner who has displayed significant vulnerabilities in the form of suicide ideation or self-harm.

NIPS officers and management have the difficult task of considering when these mechanisms should rightly be deployed and when a prisoner at risk can be supported back to a relative state of health without these more intensive measures being required.

The current SPAR policy states that the use of anti-ligature clothing should be a measure of the last resort. Further consideration of the use of anti-ligature clothing will be a part of the suicide and self-harm review and the review of vulnerable persons in custody which I announced in November 2016.

**Lord Morrow** asked the Minister of Justice to detail how many convictions related to fuel laundering, including fraudulent evasion of excise duty, waste by-product offences and knowingly leasing of premises or property have been dealt with, in each of the last three calendar years ending December 2016, shown per (i) former court division; and (ii) magistrates and crown court.

**(AQW 9297/16-21)**

**Ms Sugden:** There are no criminal offences that relate specifically to fuel laundering. Rather, such activity may be prosecuted under more general charges relating to tax evasion, which generally specify the substance or items involved. Information in relation to convictions for offences relating to tax evasion, where the substance concerned was specified as diesel or hydrocarbon fuel has therefore been provided.

Offence descriptions relating to waste do not specify the type of waste involved and Departmental datasets do not record details of the circumstance of an offence. Therefore, it is not possible, from information held, to identify those convictions relating to waste by-products associated with fuel laundering, or in relation to knowingly leasing of premises or property in relation to other fuel laundering offences. To identify such convictions would require a manual trawl of court records, which would incur a disproportionate cost.

In addition, figures in relation to 2015 remain the most recent figures held on finalised Departmental prosecutions and convictions datasets. Work to develop updated prosecutions and convictions datasets, in relation to 2016, is ongoing and it is anticipated finalised figures for that year will be available in late spring 2017. Figures for 2013 – 2015, the most recent three year period available, have been provided.

**Convictions at magistrates' courts for tax evasion offences, where the subject matter involved was diesel or hydrocarbon fuel, 2013 – 2015**

Court Division	2013	2014	2015
Antrim	0	1	2
Ards	0	0	0
Armagh and South Down	3	1	6
Belfast	1	0	0
Craigavon	0	0	2
Fermanagh and Tyrone	1	1	0
Londonderry	0	1	3
<b>Total</b>	<b>5</b>	<b>4</b>	<b>13</b>

**Convictions at Crown court for tax evasion offences, where the subject matter involved was diesel or hydrocarbon fuel, 2013 – 2015**

Court Division	2013	2014	2015
Antrim	0	0	0
Ards	0	0	0
Armagh and South Down	3	1	0
Belfast	0	1	0
Craigavon	0	0	1
Fermanagh and Tyrone	2	0	0
Londonderry	0	0	0
<b>Total</b>	<b>5</b>	<b>2</b>	<b>1</b>

**Note:**

- 1 Figures relate to convictions which included at least one count of the offence specified.
- 2 The figures provided relate to convictions for all classifications of the offence specified.
- 3 Figures relate to initial disposals at court: disposals as a result of appeals are not included.
- 4 Figures include cases brought by Public Prosecution Service on behalf of police and other organisations.

**Ms Bradshaw** asked the Minister of Justice pursuant to AQW 943/16-21, to outline when she proposes to engage with the Committee for Justice on a way forward for domestic violence and domestic abuse.

**(AQW 9311/16-21)**

**Ms Sugden:** There has already been a range of engagement with the Committee for Justice on plans to make domestic abuse a specific criminal offence. On 27 October 2016 my officials briefed the Committee on the outcome of the public consultation on the potential implementation of a domestic abuse offence and a domestic violence disclosure scheme. At that session a commitment was given to brief the Committee before Christmas on the broad thrust of the proposals.

On 1 December I updated the Committee on my plans to bring forward a range of legislative proposals, including a new domestic abuse offence. Following this, my officials briefed the Committee on 8 December on progress to date on the domestic abuse offence and domestic violence disclosure scheme, with supplementary written briefing provided on 9 January 2017. Given the Committee's interest in this area I have been keen to ensure that they are kept updated and fully engaged as this work is taken forward.

**Ms Bradshaw** asked the Minister of Justice pursuant to AQW 942/16-21, for an update on the introduction of a domestic violence offenders register.

**(AQW 9312/16-21)**

**Ms Sugden:** Responses to the consultation on the introduction of a domestic abuse offence and domestic violence disclosure scheme in Northern Ireland have been considered and analysed. A summary report of responses received has been published and is available on the Department's website:

<https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/domestic-abuse-offence-domestic-violence-disclosure-scheme-summary-of-responses.pdf>.

I remain committed to introducing the new offence and disclosure scheme and am pleased that work is being pro-actively progressed in both areas. The proposal to include offenders of domestic violence in the current notification requirements is being further considered as part of this work programme.

**Mr Lunn** asked the Minister of Justice for an update on the implementation of proposal B12 of the Action Plan for Tackling Paramilitary Activity, Criminality, and Organised Crime.

**(AQW 9317/16-21)**

**Ms Sugden:** The Probation Board for Northern Ireland (PBNI) has been tasked in the Executive Action Plan to lead work on the implementation of proposal B12. PBNI has appointed a coordinator to oversee this action and meetings have taken place with a range of community, voluntary and statutory providers, including restorative justice providers, to design and plan the programme. A Project Board, which includes representatives from statutory, voluntary and community sector (VCS) organisations, had its initial meeting in December.

Data Analysis is underway to inform the design and implementation. In addition a range of pilot interventions is currently being delivered by the VCS in partnership with PBNI, including a mentoring service, a parenting programme and restorative justice interventions.

**Mr Lunn** asked the Minister of Justice for an update on the timescale for the implementation of a specific offence to capture controlling and coercive behaviour, as announced in the Assembly on 21 September 2016.

**(AQW 9318/16-21)**

**Ms Sugden:** Following consultation on a new domestic abuse offence my officials have been working with their criminal justice system partners, as well as key stakeholders in the voluntary and community sector, to develop a new domestic abuse offence. This has also taken account of work in other jurisdictions in this area. The Committee have been briefed on the proposals and are very supportive of legislative change being brought forward.

On 14 December 2016 the Executive agreed the policy content, and drafting, of a new Domestic Abuse Bill. Legislative Counsel has provided a first draft of the Bill and has had further discussions with my officials on the Bill's content. I expect that a second draft will be provided shortly. Further work and engagement will be then be undertaken with Counsel in order to firm up the Bill's content.

**Ms Armstrong** asked the Minister of Justice for her Department's definition of rural.

**(AQW 9329/16-21)**

**Ms Sugden:** My Department does not apply a single definition of rural but duly considers the 'Review of the Statistical Classification and Delineation of Settlements' published by the Northern Ireland Statistics and Research Agency (NISRA) in 2015, when appropriately defining urban and rural areas for different projects and programmes.

In terms of our policy on Rural Crime, my Department's Community Safety Strategy 2012-2017 contains a commitment to making rural communities safer by reducing opportunities to commit crime. It also highlights my Department's commitment to supporting the outcomes of the Executive's Rural White Paper and Action Plan, led by the Department of Agriculture,

Environment and Rural Affairs (DAERA), to support and sustain rural communities and to deliver initiatives in rural areas across Northern Ireland that will contribute to safer rural communities.

The Rural Crime Partnership (RCP), which consists of representatives from my Department, the Police Service of Northern Ireland, NFU Mutual, the Ulster Farmers' Union and DAERA, delivers actions taken forward at a strategic level to support safer rural communities. The primary focus of the RCP has been on developing a collaborative response to crime which is specific to rural areas – agricultural crime.

In addition to this, my Department meets regularly with the PSNI to further develop opportunities and initiatives, which focus on addressing rural crime.

At a local level, Policing and Community Safety Partnerships continue to deliver a wide range of initiatives to address crimes in their local areas.

**Mr Easton** asked the Minister of Justice to detail how many people were convicted for assault for defending themselves against the original perpetrator, over the last two year period.

**(AQW 9342/16-21)**

**Ms Sugden:** Departmental convictions datasets do not contain details of the circumstances of an offence and it is not possible, from information held, to identify those convictions handed down to a defendant for assault for defending themselves against the original perpetrator. To identify such convictions would require a manual trawl of court records, which would incur a disproportionate cost. Therefore, it has not been possible to provide the information requested.

**Mr Hussey** asked the Minister of Justice to outline (i) the interaction between her Department and the Irish Justice Minister in relation to disqualified drivers in each jurisdiction; and (ii) whether this information is shared with the PSNI and an Garda Síochána na hÉireann.

**(AQW 9354/16-21)**

**Ms Sugden:** The issue of mutual recognition of disqualified drivers is led by the Department of Infrastructure and the Department of Transport, Tourism and Sport in the Republic of Ireland.

Officials from my Department together with their counterparts in the Department of Justice and Equality, PSNI and An Garda Síochána are represented on the oversight group dealing with North/South road traffic issues.

Mutual recognition of driver disqualification has been legislated for in the United Kingdom, and equivalent legislation is being progressed in the Republic of Ireland. Once this is in place mutual recognition will be possible.

**Mr Beggs** asked the Minister of Justice to outline the reasons for the differing policies and guidance that exists in NI compared to other parts of the UK when determining whether to agree bail and the conditions that are imposed with regards to those charged with (i) terrorist; or (ii) other offences.

**(AQW 9377/16-21)**

**Ms Sugden:** The operation of the bail framework is underpinned primarily by Article 5 of the European Convention on Human Rights (the right to liberty and security). This requires that a person charged with an offence must be released pending trial unless there are relevant and sufficient reasons to justify continued detention. The starting point for all pre-trial remand decisions is the presumption of innocence. This is a fundamental tenet of and protection in the law, consistent with the principle of the right to a fair trial.

Each application for bail is unique and dependent on the relevant factors relating to the individual circumstances of the offence and the accused. It is for the judiciary, which is independent and impartial, to make decisions on the granting of bail. Bail can only be refused if one or more of five broad conditions have been met:

- i Risk that the accused will fail to appear for trial if they are released on bail;
- ii Risk that the accused will interfere with the course of justice while on bail (e.g. that they will destroy evidence that could be used against them at their trial or that they could interfere with witnesses who are due to give evidence at their trial);
- iii Risk that the accused will commit further offences while on bail;
- iv The accused would be at risk of harm (from himself/herself or from others) against which they would be inadequately protected if released on bail; or
- v Risk to the preservation of public order if the accused is released on bail.

These conditions are intended to balance the rights of the suspect with the need to protect the public.

Bail cannot be refused simply because the accused has been charged with a very serious offence, including terrorism-related offences. However, the seriousness of the offence is likely to be taken into consideration as a factor in determining if one of the five grounds for refusing bail exists.

An accused person released on bail may be required by the courts to abide by certain conditions. These can include, for example, requiring one or more sureties; reporting to local police stations at stated times and intervals; being subject to curfew restrictions; surrendering of passports; and exclusion from certain areas.



Where a judge grants an accused bail, subject to conditions, the judge will state in open court the reasons for the conditions in respect of the risk that they are intended to address. Once bail has been granted, requests for variation may be made by the defence team. Police can object to bail being granted, and any variations to it, through the Public Prosecution Service who are present at each court hearing.

It is the responsibility of the Police Service of Northern Ireland to monitor those who are on bail. A person who breaches any bail condition may be arrested and brought before a court and may be remanded in custody or granted fresh bail. In such cases the prosecutor may also apply to the court which granted bail to revoke the bail or vary its conditions. Failing to surrender to answer bail or absconding carries a maximum penalty of three years' imprisonment.

The differences between the bail system in Northern Ireland and those in other parts of the United Kingdom are minor. Bail law in Northern Ireland is a mix of common law and statute, whilst other jurisdictions have in place consolidated bail legislation. However, despite the lack of a single Bail Act in Northern Ireland the framework for bail is grounded on the same principles – that is a rebuttable presumption in favour of bail. The law in Northern Ireland is clear and the tests applied by the court when considering whether to grant bail are well-established and, as with other jurisdictions, must be compliant with Article 5 of the European Convention on Human Rights.

England and Wales however, have a reverse presumption, that is that bail will ordinarily not be granted in some where a defendant has been charged with an offence of murder, attempted murder, manslaughter, rape or a serious sexual offence, if he or she has a previous conviction for the same offence; or where a defendant has been charged with an indictable offence and it appears that the defendant was on bail at the time of committing the offence. In its 2012 review of the law and practice on bail, the Northern Ireland Law Commission considered the issue of reverse presumptions but recommended that they should not be introduced in this jurisdiction.

**Mr Beggs** asked the Minister of Justice to outline any meetings she has had regarding when it is appropriate to offer bail or guidance for setting bail conditions in relation to those charged with (i) terrorist; or (ii) other offences.  
(AQW 9378/16-21)

**Ms Sugden:** I have not had meetings about offering bail or guidance for setting bail conditions in specific cases. It would not be appropriate for me as Minister of Justice be involved in any individual case.

However, the Executive's Fresh Start Action Plan commits my Department to review bail decisions in serious cases. This work is underway and consideration will then be given to any steps that need to be taken to respond to the review. I have asked my officials to progress this work as quickly as possible. A workshop is arranged for 15 February 2017.

**Lord Morrow** asked the Minister of Justice (i) how many prisoners in Hydebank Women's Prison were granted Christmas leave; and of these (ii) how many (a) failed to return at the appointed time; (b) breached conditions of release; or (iii) committed an offence whilst on leave.  
(AQW 9408/16-21)

**Ms Sugden:** Two women were granted Christmas leave.

None failed to return at the appointed time.

One breached conditions of release.

One committed an offence whilst on leave.

**Mr Beggs** asked the Minister of Justice, in relation to Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland, to outline how she has worked with (i) the judiciary; and (ii) counterparts in the (a) United Kingdom and; (b) Irish Governments to determine if bail is more readily available to those charged with serious offences in Northern Ireland than in other parts of the UK and Ireland.  
(AQW 9420/16-21)

**Ms Sugden:** My Department is currently reviewing bail in line with recommendation A14 of the Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland.

Representatives of the Office of the Lord Chief Justice are also engaged in the review and will participate in a multi-agency workshop in February 2017 that will seek to establish and consider the facts around the application of bail decisions.

Whilst the review is intended to establish facts about bail decisions in Northern Ireland, officials are also consulting with counterparts in Great Britain and the Republic of Ireland on the application of bail in serious cases in those jurisdictions, drawing comparisons where possible. Consideration will also be given to any legislative provisions, protocols and other measures relating to bail that are in place in those jurisdictions.

**Mr Beggs** asked the Minister of Justice what interaction her Department has had with the Department of Justice in London regarding Family Drugs and Alcohol Courts operating in parts of England; and for her assessment of the benefits of such courts to (i) children and young people; (ii) parents; and (iii) public bodies.  
(AQW 9435/16-21)

**Ms Sugden:** Evidence from England and other jurisdictions suggests Family Drug and Alcohol Courts (FDACs) can produce better outcomes than traditional care proceedings in terms of parents accessing treatment and overcoming substance misuse problems and children being able to remain in the family. As well as resulting in improved outcomes for families, FDACs may have a positive impact on public bodies in the longer term, for example, through potential savings to the care system and the health system.

My officials have had the opportunity to discuss the merits of the FDAC approach with retired District Judge Crichton, who championed the establishment of FDACs in England and Wales. Further engagement with Judge Crichton and officials from the FDAC National Unit (which promotes the development of FDACs across England) is planned for the end of January, to inform consideration by my Department and the Department of Health about piloting a FDAC in Northern Ireland.

**Mr Beggs** asked the Minister of Justice for her assessment of the benefits of establishing a Family Drug and Alcohol Court FDAC in Northern Ireland; (ii) what steps have been taken to establish such a court; and (iii) when a model similar to the English FDACs will be introduced in Northern Ireland.

**(AQW 9437/16-21)**

**Ms Sugden:** Given increasing interest in Northern Ireland in problem solving approaches to justice and the positive outcomes that Family Drug and Alcohol Courts (FDACs) have produced in other jurisdictions, I think there is merit in exploring whether adopting the FDAC approach in this jurisdiction can improve outcomes for vulnerable families who come into contact with the justice system because of substance misuse problems. My Department is therefore working with the Department of Health to consider the development of proposals to pilot a FDAC in Northern Ireland. Work is at a relatively early stage but I am hopeful a pilot can be established in the short to medium term.

**Ms Bradshaw** asked the Minister of Justice pursuant to AQW 4125/16-21, what plans she has to take forward a holistic review of anti-social behaviour.

**(AQW 9438/16-21)**

**Ms Sugden:** As previously advised, my Department is represented on several groups to strategically address anti-social behaviour and its associated issues, including on-street drinking. The outworking of which led me to ask my officials to scope out, in association with relevant stakeholders, how a holistic review of anti-social behaviour can be taken forward.

A key area of this work involves a review of Northern Ireland's current legislative framework in respect of this matter, alongside developments in other jurisdictions. Officials will continue with this work but, as a result of the political uncertainty, implementation of the outworking of this review may be delayed.

**Ms Bradshaw** asked the Minister of Justice for an update on the work of the Working Group on Fatal Foetal Abnormality.

**(AQW 9439/16-21)**

**Ms Sugden:** The Working Group on Fatal Fetal Abnormality completed its work and reported to Ministers last October. The report was then shared with the First and Deputy First Minister late last year.

The Health Minister and I had intended to present proposals to the Executive early in the New Year. However, this cannot be progressed as the Executive fell on the resignation of the Deputy First Minister on 9 January and there is now an election on 2 March.

**Lord Morrow** asked the Minister of Justice to outline the terms of reference for the review into bail that commenced in October 2016; (ii) who is conducting this review; and (iii) when it will be completed.

**(AQW 9473/16-21)**

**Ms Sugden:** The Terms of Reference for the review are set out below and are consistent with recommendation A14 of the Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland.

However, I have also asked my officials to also consider any issues arising from the recent case where an individual charged in connection with the murder of Prison Officer David Black has absconded whilst released on bail, and to add these issues to the agenda for a bail review workshop that is scheduled for 15 February 2017.

## Terms of Reference

### Bail Review

#### Introduction

- 1 The Fresh Start Panel published its report on the Disbandment of Paramilitary Groups in Northern Ireland on 7 June 2016<sup>e</sup> 2016<sup>f</sup>. The report made a number of recommendations, grouped under four objectives: promoting lawfulness; support for transition; tackling criminal activity; and addressing systemic issues.

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1 Further details on the panel and a copy of its report can be found at: <https://www.northernireland.gov.uk/publications/fresh-start-panel-report-disbandment-paramilitary-groups-northern-ireland>

- 2 The Panel noted, under the promoting lawfulness strand, that “bail may be more readily available to those charged with serious offences in Northern Ireland than in other parts of the UK and Ireland. If true, it is likely that this will need to be addressed in the interests of public safety”.
- 3 The Panel went on to recommend that “the Department of Justice, working with the judiciary and with counterparts in the UK and Irish Governments, should review the position to determine the facts and, if required, bring forward measures to improve the situation”.
- 4 This paper sets out the scope of the Department of Justice (DOJ)-led review. It is anticipated that the review will be completed by February 2017.

#### **Background to the bail system**

5. Decisions to grant bail to suspects charged with a criminal offence are a matter for the judiciary. Judges assess all relevant information placed before the court and reach a decision in accordance with the law. Bail applications are considered in the context of Article 5 of the European Convention of Human Rights: the right to liberty and security.
- 6 There is a presumption in favour of bail, unless prosecuting authorities can show relevant and sufficient reasons to justify continued detention. The grounds for refusing bail are limited to:
  - Risk that the accused will fail to appear for trial if they are released on bail;
  - Risk that the accused will interfere with the course of justice while on bail;
  - Risk that the accused will commit further offences while on bail;
  - The accused would be at risk of harm (from himself/herself or from others) against which they would be inadequately protected if released on bail; or
  - Risk to the preservation of public order if the accused is released on bail.
- 7 Judges will provide reasons for their decision. Where a Magistrates Court or the Crown Court refuses bail, the accused can make an application to the High Court, with proceedings taking the form of a fresh hearing. The prosecution may appeal to the High Court about the granting of bail in the Magistrates' Court, which again takes the form of fresh proceedings.

#### **Scope of the review**

- 8 Whilst the Panel's recommendation relates to serious offences, the focus of the report is on paramilitarism. The Panel particularly noted the links that exist between paramilitarism and organised crime and, in the case of certain groups, between paramilitarism and terrorist activity. As such, for the purposes of this review, we will focus on bail decisions in serious cases that have been assessed as being linked to organised crime or terrorist activity. The Department considers that this scope adequately reflects the Panel's concerns.
- 9 Since the term “serious offence” does not exist in law, for the purposes of defining the scope of this review we have chosen to interpret “serious offences” as any offences which are triable on indictment and which attract a maximum sentence of at least five years.
10. The review will consist of a number of steps:
  - Data on bail applications will be gathered and analysed. Information on the volume and outcome of bail cases over the 2014/2015 and 2015/16 financial years will be sought to provide a general illustration of bail in serious cases;
  - Law enforcement agencies and the Public Prosecution Service will be invited to submit examples of cases for discussion. A workshop will be held, along with officials from the Office of the Lord Chief Justice, to explore relevant concerns; and
  - DOJ will consult with counterparts in Great Britain and the Republic of Ireland on the application of bail in serious cases in those jurisdictions.
11. Subject to any findings emerging from the review, further work may be required to consider how any issues might be addressed.
12. The review will produce an internal report. Recommendations will be included, if appropriate.

#### **Timings**

13. The review process initiated in October 2016, with agreed terms of reference to be shared with stakeholders by November 2016. It is anticipated that the review will conclude during February 2017.
14. A list of stakeholders is attached at Annex A.

#### **Annex A: Review Stakeholders (this list is not exhaustive)**

##### **Northern Ireland**

- 1 Office of the Lord Chief Justice

- 2 Recommendation A14

- 2 Police Service of Northern Ireland
- 3 National Crime Agency
- 4 Public Prosecution Service
- 5 Northern Ireland Office

#### England and Wales

- 6 Home Office
- 7 Ministry of Justice
- 8 Crown Prosecution Service

#### Scotland

- 9 Department of Justice
10. The Crown Office and Procurator Fiscal Service

#### Republic of Ireland

11. Department of Justice and Equality
12. Office of the Director of Public Prosecutions

The reference to an internal report at paragraph 12 of the Terms of Reference is to allow review participants to be candid about specific cases. However, it would be my intention that a public report will also be published.

**Lord Morrow** asked the Minister of Justice whether she plans to halt future bail amendments, relaxations or variations for persons accused of terrorist-related offences, save for compassionate issues, and in respect of these to enhance monitoring during the times of alteration.

**(AQW 9534/16-21)**

**Ms Sugden:** The decision to grant or refuse bail and the setting or variation of bail conditions in any criminal case is a matter for the independent judiciary. It would not be appropriate for me as Minister of Justice to intervene in relation to decisions taken in respect of individual cases. Similarly, the monitoring of bail conditions is a matter for PSNI and it would be inappropriate for me to be involved.

The Executive's Fresh Start Action Plan commits my Department to review bail decisions in serious cases. This work is underway and consideration will then be given to any steps that need to be taken to respond to the review.

**Lord Morrow** asked the Minister of Justice (i) whether funds accrued from the Offender Levy scheme are utilised in the district or court division of the court in which the levy was imposed, or collated centrally for distribution; and (ii) for a breakdown of expenditure and/or distribution of funds accrued from the Offender Levy scheme, shown per financial year since its introduction.

**(AQW 9535/16-21)**

**Ms Sugden:** Revenue from the Offender Levy is allocated centrally through the Victims of Crime Fund to support the delivery of the Department's five-year victim and witness strategy. The following tables provide a breakdown of the allocation since the introduction of the Offender Levy in 2012 and can be found on the Department's website at <https://www.justice-ni.gov.uk/publications/victims-crime-fund>.

#### 2012-13

<b>2012-13 Victims of Crime Fund payments</b>	<b>£42,555</b>
Funding allocated (through PCSPs) to:	Barnardos Northern Ireland Dunclug Partnership Mediation Northern Ireland Seven Towers Community and Cultural Education Association Women's Aid

#### 2013-14

<b>2013-14 Victims of Crime Fund payments</b>	<b>£208,264</b>
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<b>Funding allocated</b>	<b>Organisation</b>	<b>Projects funded</b>
£74,000	PPS/VWCU (Victim Witness Care Unit)	Victim Information Portal VWCU Management Information System VWCU awareness raising Remote link room signage NSPCC Young Witness Pack information
£31,000	NICTS	Remote live link roll out
£24,000	PSNI/PPS	Additional Registered Intermediary services
£56,000	CSU (Community Safety Unit)	Rape Crisis Handbook Domestic Violence Awareness Campaign ASB/Hate Crime projects (contribution) Support for Human Trafficking victims Bereavement packs – Criminal Justice System Victim Support NI – portable DVD players for Witness Service to enable witnesses view their pre-recorded evidence
£8,000	CSU (Community Safety Unit)	Local project – practical support to Domestic Violence victims (Craigavon PCSP and Women's Aid)
£2,000	Compensation Services	Awareness raising of compensation services
£10,317	Victim Support NI	Advocacy service pilot Scanners to facilitate the electronic issue of Victim Personal Statements
£2,947	VW Policy	Assessment tools for Registered Intermediary services

**2014-15**

<b>2014-15 Victims of Crime Fund payments</b>	<b>£222,682</b>
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<b>Funding allocated</b>	<b>Organisation</b>	<b>Projects funded</b>
£43,000	PPS	Victim Information Portal – Phase 2 Bereavement training Additional Registered Intermediary services
£29,000	NICTS	Upgrade of witness waiting rooms Improvements to Ballymena remote link room Re-allocation of remote link equipment (Belfast)
£19,113	PSNI	Additional Registered Intermediary services Child friendly furniture for Interview Suites
£21,000	CSU (Community Safety Unit)	2 Local projects – Women's Aid Refuge refurbishment (through Ards PCSP) and Crime Prevention measures for burglary victims (through Derry PCSP)
£5,000	NSPCC	Contribution towards ABE research
£34,181	Victim Support NI	Advocacy service pilot (completion) Supplementary funding for services to victims and witnesses
£71,388	VW Policy	Registered Intermediary services Victim publications Contribution to Vulnerable Witnesses Conference



## 2015-16

<b>2015-16 Victims of Crime Fund</b>		<b>£233,020</b>
<b>Funding allocated</b>	<b>Organisation</b>	<b>Projects funded</b>
£179,020	Victim Support NI	Support services for victims and witnesses (including a contribution towards the implementation of cloud computing).
£54,000	NSPCC Young Witness Service	Support services for young witnesses.

In 2016-17 Offender Levy receipts to date total £164,477 and have been allocated to Victim Support NI and the NSPCC Young Witness Service.

**Mr Robinson** asked the Minister of Justice how many cases there have been, in each of the past 3 years, where individuals not involved in criminal behaviour have had their personal data placed in error on the Court Service database.

**(AQO 926/16-21)**

**Ms Sugden:** I am aware of one recent case where an individual's personal data was placed in error on the Northern Ireland Courts and Tribunals Service system. Information held on this system relating to criminal charges originates from data provided by the relevant prosecuting authority. In this case PSNI, who provided inaccurate information via the Causeway data sharing mechanism wrongly implicating an individual not involved in criminal behaviour. This information is automatically uploaded onto the Courts system and therefore I am satisfied that Courts processes are not at fault and that timely corrective action was taken at the direction of the court.

I am deeply concerned however about the processes that allowed such an error to go undetected given the potential implications for the individual involved and with whom I empathise. I have written to the Chief Constable outlining my concerns suggesting that he reviews the current governance processes with a view to significantly reducing the risk of reoccurrence. I have also written to the member explaining the background to the error that occurred.

**Mr K Buchanan** asked the Minister of Justice to outline the maximum sentence for the supply of illegal drugs.

**(AQO 927/16-21)**

**Ms Sugden:** It is an offence to supply illegal drugs under the following sections of the Misuse of Drugs Act 1971:

- Section 4(3) - Supplying or Offering to supply a controlled drug
- Section 5 (3) - Possession of a controlled drug with intent to supply it to another

These offences are triable in the Magistrates Court or in the Crown Court. Maximum penalties that can be applied in the Crown Court, upon conviction for the following drug classifications, are:

- Class A - Life imprisonment or a fine or both
- Class B - 14 years' imprisonment or a fine or both
- Class C - 14 years' imprisonment or a fine or both

**Mr Durkan** asked the Minister of Justice for an update on the steps she is taking to prevent financial cyber-crime.

**(AQO 928/16-21)**

**Ms Sugden:** As I have previously advised, financially motivated cyber-crime covers a wide range of criminal activity, including business e-mail compromise, blackmail, fraud and identity theft. More than 50% of all crimes now use the cyber environment to some degree and so tackling e-crime is a priority for my Department and for PSNI, which works closely with the National Cyber Security Centre and other stakeholders. I am pleased that my Department has recently agreed to release funding for additional PSNI resources that will enhance the overall cyber-crime response, particularly in respect of evidence recovery.

Education and awareness – along with good IT security measures - are key factors in reducing risk; defending against cyber-crime and, crucially, improving reporting levels where incidents do occur, both to allow investigation and to provide information which may help protect others.

The Organised Crime Task Force, which I chair, has a significant role to play in educating and raising awareness. Together with PSNI, the Organised Crime Task Force has a wide reaching engagement process which uses business briefings, local media and other engagement events to highlight the issue and educate people and businesses about what steps they can take to protect themselves from cyber-crime. This has included public engagement in 'Pop-up' shops across Northern Ireland to mark Get Safe Online Day, as well as business briefings and media engagement. Further events are anticipated over the coming year and my officials are engaging with other partners – such as the PCSPs – to explore how we can work together to educate the public more effectively about the risks and safeguards from cyber-crime.

In order to enhance incident reporting, PSNI, working with Action Fraud has also introduced a dedicated reporting portal for businesses affected by cyber-crime. As a result of business engagement, many local companies have signed up to the national

Cyber Information Sharing Partnership which is a joint industry and government initiative to exchange cyber threat information in real time, in a secure, confidential and dynamic environment, thereby enhancing the effectiveness of the response.

Cybercrime clearly poses a significant challenge and there is a need for proactive and innovative responses. As I have indicated, much good work is already underway. In addition, my Department is currently engaging with PSNI and with other key Executive Departments in respect of cyber security and cybercrime, with a view to identifying and agreeing collaborative and specific actions that can be included in the PfG Indicator 1 Delivery Plan.

**Mrs Long** asked the Minister of Justice for an update on legacy inquests.

**(AQO 929/16-21)**

**Ms Sugden:** I remain committed to securing appropriate funding to ensure legacy inquests can be completed in line with the Lord Chief Justice's five year plan.

Some progress is being made on addressing the backlog of cases with the limited resources that my Department has been able to make available in the current year.

I am hopeful that eight of the 56 legacy inquest cases will be closed in this financial year. However, significant additional resources will be required to complete the remaining cases.

Progressing the Lord Chief Justice's five year plan, with its associated reforms, is wholly dependent on the required additional funding being made available. Without the necessary funding, legacy inquests will continue to proceed at an unacceptably slow pace.

**Mr Wells** asked the Minister of Justice how the ratio of staff to prisoners in Northern Ireland compares to the rest of the United Kingdom.

**(AQO 930/16-21)**

**Ms Sugden:** On 1 December 2016 there was 1,027 front line operational staff in post in the Northern Ireland Prison Service. This number includes Senior Officers, Prison Officers, Custody Prison Officers, Operational Support Grades and Night Custody Officers.

On this date there were 1,513 individuals held in custody by the Northern Ireland Prison Service.

The Prison Service does not hold information about the staffing levels in other jurisdictions and would not be able to provide an accurate direct comparison with the other regions of the United Kingdom. Indicatively the ratio of staff to prisoners compares favourably with other jurisdictions.



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# Northern Ireland Assembly

Friday 27 January 2017

## Written Answers to Questions

### Department for Communities

**Mrs Dobson** asked the Minister for Communities to detail (i) the number of installations made to Northern Ireland Housing Executive (NIHE) properties under the Renewable Heat Incentive; (ii) all financial implications for these installations; (iii) all consultations and communications engaged in by the NIHE and its tenants; and (iv) the financial benefits expected by the NIHE and its tenants through the scheme until it is scheduled to end.

**(AQW 9121/16-21)**

**Mr Givan (The Minister for Communities):** The Housing Executive has advised that:

- (i) The RHI Domestic Scheme accepted applications in respect of pellet boilers installed after September 2010.
- (ii) It consequently sought grant-aid support for 19 wood pellet burners which had been installed by the NIHE in late 2011/12 as part of its heating replacement programme. These installations qualified for grant aid under the RHI Domestic Scheme.
- (iii) The installation cost for the 19 systems was approximately £156,573 giving an average of £8,240.00 per installation. The NIHE received a one-off grant aid payment of £47,500 or £2,500 per system as a contribution towards the costs of installation under the scheme.
- (iv) The properties selected for the new boilers were due to have a new boiler installed as part of the NIHE's heating replacement programme. All tenants were fully consulted prior to installation and the benefits to tenants and to the environment were fully explained by representatives of both the Housing Executive and installing Contractor. A thorough evaluation was also carried out taking into consideration manual handling issues, budgeting, financial benefits, periodic cleaning and general advice on operation and usage.
- (v) Subject to all properties continuing to meet the criteria for annual domestic RHI payments, the financial benefits over the period until the scheme is scheduled to end are expected to amount to £159,000. This includes the one off grant aid payment of £47,500 noted above.

**Mr Easton** asked the Minister for Communities to detail the Housing Executive's costs in storing people's furniture, over the last two years.

**(AQW 9141/16-21)**

**Mr Givan:** The Housing Executive has advised that the costs incurred by it in association with Homeless Furniture Storage in the last three financial years (including year to date for 2016/17) are as follows:

Financial Year	£
2016/17 (YTD 31 December)	1,070,832
2015/16	1,389,172
2014/15	1,329,076
<b>Total</b>	<b>3,789,080</b>

**Mr Easton** asked the Minister for Communities to detail the Housing Executive's cost in carrying out house clearances, over the last two years.

**(AQW 9142/16-21)**

**Mr Givan:** The Housing Executive has advised that it has incurred the cost of £2,306,744 in carrying out house clearances from 01 January 2015 to 31 December 2016.

**Mr Hussey** asked the Minister for Communities in relation to the Ofcom Connected Nations report indicating areas of Omagh and Fermanagh are not able to readily access broadband, to outline the steps he is taking to facilitate claimants as his Department progresses online applications for benefit claimants.

**(AQW 9157/16-21)**

**Mr Givan:** If there is a case where there is insufficient broadband provision in a particular area, a Universal Credit claimant may use facilities that will be provided in digital zones throughout the local front office network to make a claim. Claimants will also be able to make use of facilities to access the internet in their local community, including in libraries. In addition, claimants will also be able to make a Universal Credit claim by telephone.

**Ms Mallon** asked the Minister for Communities for (i) an update on his departmental Review of the Social Housing Common Selection Scheme; and (ii) when he intends to make an announcement in relation to the review.

**(AQW 9171/16-21)**

**Mr Givan:** The review has produced proposals for changing the scheme that are ready for public consultation. I expect this consultation to begin before the end of March and complete in the summer. The results of the consultation will be considered before a decision on the implementation of proposals will be made and communicated – most likely after the summer recess.

**Mr Easton** asked the Minister for Communities to outline the defined service levels for response maintenance times by the NIHE.

**(AQW 9216/16-21)**

**Mr Givan:** The Housing Executive has advised that all response maintenance work will normally be classified as Emergency, Urgent, Routine or change of tenancy (voids). Response maintenance includes electrical, plumbing, general building and work to heating systems.

Emergency repairs (excluding heating work) are to commence immediately, made safe within 2 hours, and completed within 24 hours. The contractor will make a triage call to the customer within 15 minutes of receiving a job order.

Emergency repairs requiring an immediate response (for heating work) are to commence immediately and be completed within 24 hours. The tenant will be contacted in order to assess the fault and to give them an estimated time of arrival.

All other emergency repairs will be completed within 24 hours, with urgent repairs completed within 4 working days and routine repairs within 15 working days.

Change of tenancy works (Voids) are based on the value of the work to be completed and fall into time bands as set out in the table below:

Value of works required £'s	Number of working days/Hours
£0 – £500 (approx.)	24 hours
£0 - £1000	5 working days
£1000- £3000	10 working days
£3000 - £5000	15 working days
£5000 - £9000	20 working days
£9000 - upwards	To be completed in the specified period as agreed with contractor

**Mr Easton** asked the Minister for Communities to detail how many of the 135 NIHE houses, identified in the March 2014 SERC Report as having severe or critically inadequate cavity wall insulation, have been dealt with by the NIHE response maintenance service.

**(AQW 9217/16-21)**

**Mr Givan:** Following the reporting of specific issues by the tenants, three houses within the SERC sample have now had work to their cavity wall insulation carried out by the NIHE response maintenance service.

**Mr Lyttle** asked the Minister for Communities to outline his plans to support intergenerational practise.

**(AQW 9219/16-21)**

**Mr Givan:** The Executive's Active Ageing Strategy sets out a vision of "Northern Ireland being an age friendly region in which people, as they get older, are valued and supported to live actively to their fullest potential; with their rights respected and their dignity protected".

An action within the strategy 'Active Ageing –Age Friendly Environments' aims to promote physical and social environments that support healthy and active ageing and a good quality of life for older people through assisting the eleven councils to become Age Friendly Environments working towards the longer term goal of making Northern Ireland an Age Friendly region.



**Ms Mallon** asked the Minister for Communities (i) for his assessment of the Scottish Government funded Allia bond program; and (ii) whether he is considering a similar scheme for Northern Ireland.

**(AQW 9263/16-21)**

**Mr Givan:**

- (i) I am aware of the approach taken by the Scottish Government to use Financial Transaction Capital through a charitable bond programme delivery contract for the provision of new social housing across Scotland.
- (ii) My Department is continually considering potential alternative financial initiatives to increase the delivery of new social housing. Although there are no plans to introduce a scheme similar to that of the Scottish Government's at this time, my officials engage regularly with their counterparts in Scotland and are examining the potential of a number of financial instruments, including Allia bonds, in the Northern Ireland context.

**Ms Mallon** asked the Minister for Communities to outline the support his Department provides to food banks.

**(AQW 9264/16-21)**

**Mr Givan:** My Department recognises that food banks provide a service to individuals in times of real crisis in their lives. In that context, my staff on the ground have been pro active in working with the food bank network to ensure that those accessing food support are also assisted in drawing down the social security benefits and wider supports that they are entitled to.

My officials have put in place a partnership model whereby Food Banks can ensure that every individual and family that finds itself in crisis and presenting in need of food support is referred directly into the Department's Improving Benefit Uptake Service for a full and confidential benefit entitlement check. This assesses entitlement, not only to Social Security Benefits, but also to a wide range of additional government benefits, services and support.

In addition, Food Banks have been offered a second layer of support - a named Community Outreach Officer, who will work closely with their staff and volunteers to ensure that anyone who needs further benefit advice or help with making a claim is given the support they need. If necessary, this support can be provided within their own homes. Community Outreach Officers' contact details are shared to ease access to advice.

A wide range of food banks in Northern Ireland have been provided with "Make the Call" promotional material and are actively encouraged to distribute these with every food box or parcel. It is hoped that by doing so, those presenting at food banks will be encouraged to have an entitlement check by telephoning the dedicated "Make the Call" freephone Benefits Advice Line (0800 232 1271).

Food bank personnel and users were directly involved in primary research carried out by the Department into the reasons why people use food banks, the lessons learned from this has informed our ongoing service improvement and partnership working. The Report, 'An Insight into Food Banks in Northern Ireland', is available on the Department's website.

More recently, as part of "A Fresh Start", additional Executive funds were agreed to help mitigate the impact of Welfare Reform, with £1.65million allocated to research and pilot actions aimed at reducing food poverty by improving access to food through a network of community food shops and social stores/supermarkets over the next four years.

Given the high level of interest and ongoing activity by a wide range of stakeholders in this area, I have commissioned a scoping study to identify the opportunities for that money to add value by bringing forward proposals for testing interventions that can be sustained and will make a difference in reducing food poverty.

On an ongoing basis, my officials continue to engage with a wide range of food bank representatives to better understand people's need and to join up services and support in a way that helps reduce the need for food banks in our society.

**Ms Mallon** asked the Minister for Communities to provide (i) a breakdown of the number of housing intimidation cases; (ii) the reasons given; and (iii) the organisation behind the threat, over the past 5 years by constituency.

**(AQW 9265/16-21)**

**Mr Givan:** The Housing Executive has advised that it does not record housing intimidation cases by Parliamentary Constituency. Please see below tables which provide data on the numbers of people who presented as homeless to the Northern Ireland Housing Executive due to intimidation, broken down by category, in each of the last five years. Please note that the Housing Executive does not record any information in relation to organisations behind alleged intimidation.

#### Intimidation 2011/12

Give Reason for Homelessness	Presenters	Accepted as Full Duty Applicants
Intimidation-Anti-social behaviour	44	30
Intimidation-Disability	2	2
Intimidation-Paramilitary	326	213
Intimidation-Racial	29	18

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Sectarian	52	34
Intimidation-Sexual Orientation	9	6
<b>Total</b>	<b>462</b>	<b>303</b>

**Intimidation 2012/13**

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Anti-social behaviour	75	46
Intimidation-Disability	1	0
Intimidation-Paramilitary	387	292
Intimidation-Racial	36	26
Intimidation-Sectarian	66	48
Intimidation-Sexual Orientation	21	15
<b>Total</b>	<b>586</b>	<b>427</b>

**Intimidation 2013/14**

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Anti-social behaviour	77	37
Intimidation-Paramilitary	472	293
Intimidation-Racial	39	18
Intimidation-Sectarian	65	32
Intimidation-Sexual Orientation	14	10
Intimidation-Disability	1	1
<b>Total</b>	<b>668</b>	<b>391</b>

**Intimidation 2014/15**

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Anti-social behaviour	62	30
Intimidation-Paramilitary	433	312
Intimidation-Racial	47	33
Intimidation-Sectarian	35	19
Intimidation-Sexual Orientation	13	11
<b>Total</b>	<b>590</b>	<b>405</b>

**Intimidation 2015/16**

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Anti-social behaviour	77	48
Intimidation-Disability	1	1
Intimidation-Paramilitary	433	325
Intimidation-Racial	23	14
Intimidation-Sectarian	39	21

<b>Give Reason for Homelessness</b>	<b>Presenters</b>	<b>Accepted as Full Duty Applicants</b>
Intimidation-Sexual Orientation	9	5
<b>Total</b>	<b>582</b>	<b>414</b>

**Mrs Barton** asked the Minister for Communities to outline what discussions his Department has had with Mid Ulster Council in order to develop a bonfire management programme.

**(AQW 9271/16-21)**

**Mr Givan:** My Department has not had discussions with Mid Ulster Council regarding the development of a bonfire management programme.

**Mr Beggs** asked the Minister for Communities to outline the steps his Department is taking to support the provision of more (i) private; and (ii) public sector housing for older people.

**(AQW 9298/16-21)**

**Mr Givan:**

- (i) My Department has been undertaking work to support older people to remain in their own private sector homes. Along with the Department of Health, my Department completed an Interdepartmental Review of Housing Adaptation Services and a report was published in 2016. My Department also continues to fund Disabled Facilities Grant which provides funding to adapt private sector homes for people with disabilities, including older people, to remain in their own home.

The draft Programme for Government, which was out to public consultation at the end of 2016, contains, within the draft Housing Delivery Plan, a number of actions designed to increase the supply of housing for older people.

- (ii) The Interdepartmental Review of Housing Adaptation Services also covers the social housing sector.

In terms of new build social housing, the Social Housing Development Programme (SHDP) aims to provide for the specific needs of older people both through general needs and supported housing. In addition, all new build social homes are built to 'Lifetime Homes Standards', ensuring that homes can be easily adapted to meet the changing needs of tenants.

In light of an ageing population, my Department has been exploring other options to address social housing need for older people. In particular, new design and space standards for wheelchair accommodation have recently been introduced as part of the SHDP which will improve the range, quality and flexibility of accommodation for wheelchair users, many of whom are older.

**Mr Hussey** asked the Minister for Communities pursuant to AQW 9029/16-21, to outline whether (i) staff of the Charity Commission (CCNI) entered the DPOANI office and removed 144 members personal files containing personal and medical information; (ii) to facilitate this, the CCNI arranged for the DPOANI office locks to be change several days before, without the knowledge of the DPOANI Board of Trustees; (iii) the section 23 Order referred to the day that the CCNI's staff entered the DPOANI office provided the CCNI power to change the office locks; (iv) the DPOANI Board was informed of the existence of the Order by the CCNI and that the only DPOANI trustees informed of the Order by the CCNI were two persons appointed by it as trustees several days before and that had no authority from the DPOANI Board; (v) a list of the documents removed by the CCNI was ever provided to the DPOANI Board or their solicitor; and (vi) at a subsequent meeting with the DPOANI Board the CCNI denied knowledge of the whereabouts of the new keys, despite having directed a key be given to one of its appointees.

**(AQW 9320/16-21)**

**Mr Givan:**

- (i) This was answered previously in AQW 9029/16-21 on 10th January 2017.
- (ii) Concerning point (ii) to (vi), the Commission has advised: The decision to change locks to secure the premises against any breach of the Commission's orders by suspended trustees was taken by PRRT, the charity's landlord.
- (iii) The Commission did not change the office locks. The Section 23(1) Order enabled the Commission to require any persons to provide information or documents about any charity relevant to the discharge of the Commission's functions.
- (iv) The Commission's appointment of trustees was copied in writing to the charity and to trustees whose email addresses were known. The section 23(1) order was also issued in writing to the charity including the two trustees specified in the order. Such orders must be complied with.
- (v) No list of documents was compiled by the trustees, who provided them to the Commission. The documents were retained in their boxes and returned to the Interim Manager of the charity in the same form.

- (vi) PRRT was advised by the Commission of the appointment of new trustees and that the trustees were entitled to have access to the charity premises. The Commission has confirmed that, once access was provided by PRRT, it was not kept advised about the key's whereabouts.

**Mr Hussey** asked the Minister for Communities to outline (i) whether he plans to publish the document in which the Charity Commission for Northern Ireland (CCNI) informed the Department of Justice that the CCNI's offices were built to the PSNI's physical security requirements and were subsequently inspected and signed off by the PSNI; (ii) the date the CCNI's offices were constructed; and (iii) the date when the PSNI inspected and signed off on the CCNI's office.

**(AQW 9322/16-21)**

**Mr Givan:**

- (I) I have no plans to publish any documents in relation to the Charity Commission for Northern Ireland's (CCNI) accommodation.
- (II) The Commission has advised it is unaware of the date, the offices at 257 Lough Road, were constructed. The Commission's office space within the building was fitted out between June and November 2010.
- (III) The Commission has advised the PSNI inspected the premises on 5 September 2011 and signed off on them on 6 September 2011.

**Mr Hussey** asked the Minister for Communities pursuant to AQW 9027/16-21, (i) to list the Memoranda of Understanding that currently exists between the Charity Commission for Northern Ireland (CCNI) and all other bodies, the dates when these MOU (a) were agreed; (b) were renewed; and (c) expire; and (ii) for his assessment on why both the Charity Commission for England and Wales and the PSNI deny any MOU currently exists between them and the CCNI.

**(AQW 9323/16-21)**

**Mr Givan:**

- (i) The Charity Commission for Northern Ireland have provided a list of all existing MOUs including details of when they were agreed, renewed and due to expire (see Annex A).
- (ii) It would be inappropriate to comment on issues that relate to other public bodies for which I am not responsible.

**Annex A**

From	Date agreed	Renewed	Expiration
BIG Lottery	1 October 2015	N/A	N/A
PSNI	25 January 2012	N/A	N/A (reviewed 24 January 2016)
HM Revenue and Customs	19 April 2010/4 May 2010	N/A	N/A
OSCR	21 May 2015	N/A	21 May 2018
CIC Regulator	19 June 2014	N/A	1 July 2017
Charity Commission of England and Wales	11 March 2016/7 April 2016	N/A	31 March 2018
Arts Council of Northern Ireland	23 November 2016	N/A	N/A

**Ms Mallon** asked the Minister for Communities to outline the mitigation measures he will put in place to fully protect tenants from the bedroom tax ahead of its introduction on 20 February.

**(AQW 9339/16-21)**

**Mr Givan:** The Department for Communities has been preparing systems and processes which would ensure that no Housing Benefit claimant in Northern Ireland would suffer a negative financial impact as a result of the Social Sector Size Criteria.

The Department also prepared the necessary draft legislation to implement the statutory mitigation scheme. Assembly approval was required in order to give the Department the necessary statutory powers to make payments to support approximately 34,000 Housing benefit claimants who will be impacted by the introduction of the Social Sector Size Criteria.

Urgent Measures have been taken to ensure that the Department has the legal powers to mitigate the impact of the Social Sector Size Criteria and ensure that no claimant suffers any negative financial consequences. The necessary legislation was approved by the Assembly on Monday 16 January.

This legislation sets out in detail all the measures my Department will be taking.

**Ms Mallon** asked the Minister for Communities in relation to the Social Sector Size Criteria known as the Bedroom Tax (i) in light of the previous equality screening exercise unduly restricting itself to the period of mitigation his Department will now equality screen the policy to assess the potential equality impacts of any actual implementation of Bedroom Tax; and (ii) in light of a formal review of the original equality Screening Decision being triggered by consultees whether all further screening decisions will not repeat the omission of due consideration of four of the nine Section 75 categories, religious belief, political opinion, racial group and sexual orientation.

**(AQW 9340/16-21)**

**Mr Givan:** The Department for Social Development conducted an Equality Impact Assessment examining the implications of the introduction of Welfare Reform in Northern Ireland, including the introduction of Social Sector Size Criteria. The findings were published in April 2012.

<https://www.communities-ni.gov.uk/publications/welfare-changes-equality-impact-assessments>

The Department for Work and Pensions carried out an Equality Impact Assessment on the introduction of the Social Sector Size Criteria in Great Britain, these findings were published in June 2012.

<https://www.gov.uk/government/publications/social-sector-housing-under-occupation-equality-impact-assessment>

In relation to the screenings carried out on the Social Sector Size Criteria and Mitigation, the Department for Communities completed and published an equality screening exercise in July 2016, revised the original screening and published it in December 2016 and again in January 2017. Legislation to give effect to the mitigation scheme was passed by the NI Assembly on 16 January 2017.

Social Sector Size Criteria and Mitigation July 2016

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/social-sector-size-criteria-screening.pdf>

Social Sector Size Criteria and Mitigation December 2016

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/social-sector-size-criteria-mitigation-screening.pdf>

Social Sector Size Criteria Mitigation January 2017

<https://www.communities-ni.gov.uk/publications/social-sector-size-criteria-mitigation-welfare-supplementary-payments-screening>

The data employed to complete the equality screening was drawn from the housing benefit system and property records held by the Northern Ireland Housing Executive (NIHE) and the Housing Associations. These are the main tools available to NIHE for analysing Housing Benefit.

Provision of a further breakdown by Section 75 category is not possible at present. Data relating to Religious Belief, Political Opinion, Racial Group and Sexual Orientation is not currently collected as it has no bearing on eligibility for Housing Benefit and as such this information is not stored within administrative systems. However, for the iteration of the screening templates, available information from other sources has been used.

In addition, officials in the Department for Communities have developed a Welfare Reform Evaluation Strategy which will be instrumental in the continuing scrutiny and assessment of the impact of Welfare Reform and associated mitigation measures, including the Social Sector Size Criteria.

All research commissioned as part of the evaluation of Welfare Reform will see Equality Information collected as a matter of course, and the Department intends to collect Section 75 data for those availing of the mitigation schemes.

The strategy has been shared with the Committee for the Department for Communities.

The NI Executive has committed to reviewing the mitigation schemes in 2018/19 and a Section 75 rescreening exercise may be carried out at that time.

**Mr Easton** asked the Minister for Communities to detail the final cost to the NIHE for remedial works at Strand Avenue due to the lack of, or inadequate Cavity wall insulation.

**(AQW 9341/16-21)**

**Mr Givan:** The Housing Executive has advised that as its scheme at Strand Avenue is still on site and not due to complete until 17 February 2017, it is not able to provide the final cost for these works.

**Mr Easton** asked the Minister for Communities to detail how many cavity wall inspections the NIHE intend to carry out on the Jubilee area External Cyclical Maintenance scheme in Bangor in 2017.

**(AQW 9343/16-21)**

**Mr Givan:** The Housing Executive has advised that the Jubilee/Kilcooley/Rathgill External Cyclical Maintenance Scheme, with an overall total of 126 dwellings, is programmed for 2017/18.

The number of cavity wall inspections will consist of a representative archetype sample which has not yet been agreed. The Housing Executive is therefore unable to detail the number of cavity wall inspections that will be carried out as part of this scheme at this time.



**Mr Easton** asked the Minister for Communities to detail how many cavity wall insulation/extractions were carried out under the NIHE Interim Investment Programmes in (i) 2015/16; and (ii) 2016/17.

**(AQW 9344/16-21)**

**Mr Givan:** The Housing Executive has advised that there are three schemes identified in the NIHE Interim Investment Programme categorised as Thermal Insulation Schemes consisting of cavity wall insulation/extraction. These have been outlined in the table below:-

Region	Category	Project Number	Scheme	Start Date	Term Months	Planned End Date	No of Dwellings
South	Thermal Insulation	23.81.1003	Strand Avenue Hollywood CWI	31/10/16	4	28/02/17	26
South	Thermal Insulation	24.81.1000	Sterling Avenue Newtownards	15/08/16	3	15/11/16	13
Belfast	Thermal Insulation	26.81.1000	CWI Whiterock	03/10/16	8	03/06/17	146

**Mr Mullan** asked the Minister for Communities to detail the total (i) job losses; and (ii) job transfers at Coleraine Jobs and Benefits Office.

**(AQW 9380/16-21)**

**Mr Givan:** There have been no job losses or job transfers at the Coleraine Jobs & Benefits office.

**Mr Mullan** asked the Minister for Communities to outline all changes to the Coleraine Jobs and Benefits Office.

**(AQW 9381/16-21)**

**Mr Givan:** The Coleraine Jobs & Benefits office will be one of the first offices to go live with Universal Credit and work will begin in early spring 2017 to make the necessary changes to the public office, including the installation of a Digital Zone for claimant use.

With the introduction of Universal Credit and the corresponding reduction in the Income Support caseload plans were recently announced to close the Coleraine Income Support Benefit Processing Centre in February 2018.

As the Coleraine office also forms part of the wider NICS estate some spare back office space is to be altered for use by the Department for the Economy Careers and Youth Justice Services. This is in keeping with changes across the Government estate which aims to make best use of buildings.

**Mr Allen** asked the Minister for Communities to detail how many (i) individuals were referred for social security benefit sanctions; and (ii) sanctions or adverse decisions were imposed in the last 10 years, broken down by sanction reason.

**(AQW 9384/16-21)**

**Mr Givan:** All sanctions imposed are as a result of an adverse decision on benefit entitlement.

Although provision exists in legislation for sanctions to be applied to lone parents who are in receipt of Income Support (IS) and who do not participate in a Work Focused Interview (WFI), this vulnerable group is not usually sanctioned and data on such sanctions is not routinely collected. There are currently no IS claimants who have had a sanction imposed.

Sanctions are applied to Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) claimants who fail to meet benefit conditionality. As an individual may be referred a number of times for a decision which may result in a sanction, figures on the actual number of JSA and ESA claimants who have had a sanction imposed as a result of a specific referral cannot be provided; data can however be provided on the total number of sanctions imposed.

Data on the total number of JSA sanctions imposed is only available from May 2011 and is contained in Table A.

**Table A**

Period	Number of JSA sanctions imposed
May 2011- March 2012	6,831
April 2012 - March 2013	11,546
April 2013 - March 2014	8,215
April 2014 - March 2015	5,400
April 2015 - May 2015	1,403
June 2015 - March 2016	8,558

Period	Number of JSA sanctions imposed
April 2016 – December 2016	7,361

There were 49,314 JSA sanctions imposed in the period 1st May 2011 to 31st December 2016.

A breakdown of the reasons for JSA sanction is only available from 1st June 2015 from a new recording system (Decision Making and Appeals Case Recorder). This information is contained in Table B.

**Table B: Reasons for JSA Sanctions from 1st June 2015 to 31st December 2016**

Reason for JSA sanction	Number of JSA sanctions imposed
Failing to attend an interview / Failing to attend fortnightly signing	8,271
Failing to attend a Steps to work / Steps 2 Success interview	5,424
Refusing to apply for a job	938
Failing to start/complete Steps to Work/Steps 2 Success	609
Leaving a job voluntarily	407
Losing a job through misconduct	184
One Strike/Two strike fraud penalty	48
Other conditionality condition	21
Failing to comply with a JSA Direction	16
Losing a place on Steps 2 Success through misconduct	1

Table C shows the total number of ESA sanction referrals for consideration of a sanction for failing to attend or failing to participate in a Work Focused Interview without good cause and the number of sanctions imposed.

Data is not available on the number of ESA Work Focused Interview sanctions imposed prior to June 2013. Data is not available for the number of ESA Work Focused Interview sanction referrals received prior to April 2015.

**Table C**

Year	Number of ESA Work Focused Interview Sanction Referrals received	Number of ESA Work Focused Interview Sanctions Imposed
June 2013 – March 2014	Data not available	338
April 2014 – March 2015	Data not available	663
April 2015 – March 2016	1,538	480
April 2016 – December 2016	487	46

**Mr Allen** asked the Minister for Communities to outline (i) whether the social security decision makers use due process and impact assessments when making a decision for a benefit to be reduced or stopped; (ii) the process followed; and (iii) whether he intends to review.

**(AQW 9385/16-21)**

**Mr Givan:** Prior to regulations being made to amend social security legislation an equality impact screening is carried out to ensure equality of opportunity between groups of persons specified in section 75 of the Northern Ireland Act 1998.

Decisions on claims and applications are made by a trained decision maker on behalf of the Department. The Carltona principle allows officials to act on the Department's behalf, provided that it is satisfied that they are suitably trained and experienced to do so. The decision maker take in all necessary considerations on behalf of the Department, including:

- gathering all relevant information;
- making considered decisions on claims and applications;
- dealing with administrative matters such as suspension of payment.

The decision maker must arrive at a decision, having considered all the evidence, establishing the facts and applying the law, including any relevant case law, in each case. Where legislation specifies or implies discretion, the decision maker's judgement must be reasonable and made with unbiased discretion.

Generally, each decision must be given on the facts as they exist at the date of the decision and not in anticipation of a future state of facts. A decision may be revised or superseded for past periods when facts relating to the period were not known at the time.

A decision is valid as soon as it is properly recorded by the decision maker. If a decision is not acted upon or not communicated to the relevant parties, this does not invalidate the decision. However a decision is not fully effective unless and until it is notified.

The decision maker:

- decides any claim for a relevant benefit;
- makes contribution decisions on home responsibilities protection and credits;
- makes any decision that is made under, or by virtue of, a relevant statutory provision.

Guidance for decision makers to follow during the decision making process is amended as necessary following changes to relevant legislation and case law.

The Decision Makers Guidance can be viewed on the internet at:

[www.communities-ni.gov.uk/articles/decision-makers-guide](http://www.communities-ni.gov.uk/articles/decision-makers-guide)

**Mr Easton** asked the Minister for Communities whether kitchen extensions were included in the original tender for the Belfast Whiterock cavity insulation scheme.

**(AQW 9392/16-21)**

**Mr Givan:** The Housing Executive has advised that kitchen extensions were not included within the original tender. This was on the basis of an initial sample survey which indicated that they were sufficiently insulated and extraction/upgrading was not warranted.

Once the Scheme started on site a detailed inspection of all properties was undertaken. This identified defective blown fibre insulation in the kitchen extensions in a number of houses. 17 kitchen extensions were then added to the scheme and the defective insulation of these extensions has now been rectified.

**Mr Easton** asked the Minister for Communities how many of the 25,150 complaints of dampness made to the Northern Ireland Housing Executive in the last four years cited a lack of or inadequate cavity wall insulation as a factor.

**(AQW 9393/16-21)**

**Mr Givan:** The Housing Executive has advised that it has no record of complaints of dampness where lack of, or inadequate, cavity wall insulation has been a factor.

**Mr Easton** asked the Minister for Communities how big a sample of the 223 houses in Millisle/Carrowdore Energy Cost Management Scheme do the Northern Ireland Housing Executive intend to use to carry out examinations of cavity walls.

**(AQW 9394/16-21)**

**Mr Givan:** The Housing Executive has advised that the scheme is an External Cyclical Maintenance (ECM) Scheme and not an Energy Cost Management Scheme. The Millisle/Carrowdore ECM scheme, with an overall total of 223 dwellings, is programmed for 2017/18.

The number of cavity wall inspections will consist of a representative archetype sample which has not yet been agreed. The Housing Executive is therefore unable to detail the number of cavity wall inspections that will be carried out as part of this scheme at this time.

**Mr Easton** asked the Minister for Communities how many houses have had cavity wall borescope inspections completed through the Affordable Warmth Scheme to date.

**(AQW 9395/16-21)**

**Mr Givan:** NI Housing Executive has advised that they do not keep a record of the number of borescope inspections completed through the Affordable Warmth Scheme.

The policy in NI Housing Executive is that borescope inspections are carried out unless it is clear that the cavity wall is already filled and there is no evidence of problems within the dwelling that can be attributed to cavity fill.

**Mr Easton** asked the Minister for Communities how many households in (i) Bloomfield; (ii) Kilcooley; and (iii) Whitehill have had (a) cavity wall insulation; or (b) extractions performed under the Affordable Warmth Scheme.

**(AQW 9396/16-21)**

**Mr Givan:** NI Housing Executive has advised that the following work has been carried out under the Affordable Warmth Scheme in the areas of Bloomfield, Kilcooley and Whitehill:

#### Cavity Wall Insulation

Bloomfield	3
Kilcooley	6

Whitehill	5
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#### Extraction and Replacement of Cavity Wall Insulation

Bloomfield	0
Kilcooley	5
Whitehill	0

**Mr Allister** asked the Minister for Communities, pursuant to AQW 7897/16-21, to outline (i) why was the unpublished hotel study shared with the council in September 2016, (ii) with what outcome; and (iii) whether it was shared on a basis of confidentiality.

**(AQW 9446/16-21)**

**Mr Givan:**

- (i) The Hotel Study for Portrush was jointly managed by the Department and local Council Officials. The report outcomes were made available to the Department and Council Officials in September 2015.
- (ii) The outcome of the Hotel Study was to inform the Department and Council on hotel needs for the area.
- (iii) The final report was not shared on a basis of confidentiality. Indeed the findings of the Hotel Study have been made available on the Department's website.

**Mr Allen** asked the Minister for Communities why mitigation payments cannot be made under the Budget Act (Northern Ireland) 2016 and section 59 of the Northern Ireland Act 1998, as outlined by the Minister of Finance; and to detail the work his Department has undertaken in relation to this matter.

**(AQW 9459/16-21)**

**Mr Givan:** The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 (the "Regulations") which are approved by the Assembly on 16 January 2017 detailed how the Social Sector Size Criteria ('bedroom tax') would be mitigated in Northern Ireland.

These regulations were necessary as the Budget Act 2016 and section 59 of the Northern Ireland Act 1998 provide either only general powers which allows Departments to spend resources or provides a DOF official with powers to draw down monies from the consolidated fund and to specify the purposes and services for which the resources can be used. These legislative provisions do not provide the powers necessary for my Department to determine entitlement, rates or frequency of payment of mitigation payments to households.

The best way to ensure the Social Sector Size Criteria does not result in Housing Benefit claimants in Northern Ireland suffering any financial disadvantage was for the Assembly to act in the way that it has and to put the appropriate legislation in place.

**Mr Hussey** asked the Minister for Communities to outline (i) the plans his Department has to support the development of the St Lucia Barracks site in Omagh; (ii) the discussions he or his officials have had with the Department for Infrastructure; and (iii) whether his Department intends to support the redevelopment and reopening of the former barracks for public access.

**(AQW 9529/16-21)**

**Mr Givan:**

- (i) An up-to-date Masterplan for this site would be regarded as an important first step to begin any regeneration process. At a meeting on the 29 September 2016 my Department offered to provide funding assistance to the Fermanagh & Omagh District Council (FODC) to enable the Council to commission the relevant expertise to review and update the previous draft Masterplan (prepared in 2010) for the St Lucia Barracks.
- (ii) My officials continue to maintain a close working relationship with the Department for Infrastructure (DfI), FODC and other stakeholders in relation to the St. Lucia site. The most recent meetings have taken place on the 30 June 2016, a site visit on 16 September 2016 and a follow-up meeting on 29 September 2016.
- (iii) The nature and extent of my Department's involvement in the potential redevelopment and reopening of the former barracks for public access cannot be determined until a Masterplan has been completed for the site and all appropriate options have been fully considered by the relevant departments and stakeholders.

**Mr Chambers** asked the Minister for Communities to list all companies that tendered for the NIHE cavity wall insulation scheme, in each of the last three years.

**(AQW 9533/16-21)**

**Mr Givan:** The Housing Executive has advised that the following companies have tendered for its cavity wall schemes in the last three years:

- Piperhill Construction Ltd

- Energystore Ltd
- Belfast Insulation Co. Ltd

**Mr McKee** asked the Minister for Communities how applicants for Personal Independence Payment have benefited from additional points due to a Troubles-related injury  
(AQW 9597/16-21)

**Mr Givan:** The Welfare Supplementary Payment (WSP) regulations provide for payments to be made to existing Disability Living Allowance (DLA) claimants who have been refused entitlement to Personal Independence Payments following reassessment for that benefit.

In such a scenario claimants can appeal the decision and receive a WSP equivalent to the rate of DLA until the appeal is determined or can ask to be considered under the conflict related injury element where additional points may be awarded if the criteria are satisfied. To date all claimants in these circumstances have chosen to appeal the decision and receive a WSP under that element of the regulations.

**Ms Mallon** asked the Minister for Communities whether his Department plans to review charity legislation and introduce a £5000 registration threshold.  
(AQW 9604/16-21)

**Mr Givan:** My Department currently has no plans to implement a threshold, but I am aware that stakeholders have raised the issue during the course of the Review of the Charity Commission for Northern Ireland.

**Ms Mallon** asked the Minister for Communities for an update on the Strategic Review of the Charity Commission; and whether the report will be published in full.  
(AQW 9605/16-21)

**Mr Givan:** I commissioned a Strategic Review of the Charity Commission to provide assurance and advice on any changes which could improve charity regulation and support in Northern Ireland. My officials are finalising their Report and I will consider the options presented in it before deciding on the most appropriate next steps.

**Mr Agnew** asked the Minister for Communities to outline the actions taken to regulate the use of fixed odds betting terminals.  
(AQW 9619/16-21)

**Mr Givan:** Gambling in Northern Ireland is regulated under the Betting, Gaming, Lotteries and Amusements (NI) Order 1985. Clearly the Order predates the development of electronic machines such as Fixed Odds Betting Terminals (FOBTs) and it is unclear whether they are covered by the definition of a gaming machine within the Order; this can only be definitively determined by the Courts.

Enforcement of gambling legislation in Northern Ireland is a matter for the PSNI.

**Ms Armstrong** asked the Minister for Communities to outline his discussions with Libraries NI to agree their business case for the next 3 years.  
(AQW 9637/16-21)

**Mr Givan:** My officials met with Libraries NI in December 2015 to discuss its 2016/20 Corporate Plan as well as its 2016/17 Business Plan and to provide assistance and direction. Libraries NI's Business Plans are agreed on an annual basis and not on a 3 year cycle.

Once the Corporate and Business Plans were received they were reviewed by my officials. Any issues were raised and addressed by Libraries NI and the final drafts were forwarded to me for my final approval. I approved the Libraries NI 2016/20 Corporate Plan and 2016/17 Business Plan in July 2016.

**Ms Armstrong** asked the Minister for Communities to outline his Department's commitment to ensure an effective library service.  
(AQW 9638/16-21)

**Mr Givan:** My Department is fully committed to ensuring an effective library service. As community hubs, libraries are free, inclusive, shared, accessible and trusted spaces, embedded in communities and used by people of all ages, cultures and backgrounds. As 89% of the population lives within two miles of a branch library or mobile library stop, I recognise that there is tremendous potential for libraries to provide local access to, and support for, a range of citizen-focused services. This was reflected in my decision in August 2016 to allocate Libraries NI with an additional £225k which I made available to help Libraries NI maintain library opening hours at current levels in this financial year.

Libraries NI is also fully committed to ensuring an effective library service and its strategy for doing so is set out in its 2016/17 Business Plan. Amongst others, this Plan aims to improve the effectiveness of the library service by widening access to libraries through targeted outreach work, partnership working with local community organisations, charities and Government



Departments. Libraries NI is also a statutory partner in the Community Planning process and has been working closely with local councils in the development of their respective Community Plans, recognising the important role libraries play as community hubs.

In order to make the library service even more effective and to widen access to libraries as far as possible my Department believes that greater joined up working is essential. I am pleased therefore that Libraries NI has already developed Memoranda of Understandings (MOUs) with various parts of Government to help support their activities in the community such as DfC employment services, DE and DAERA. A number of initiatives are being taken forward through these partnerships in libraries. These include Job clubs to support the unemployed; basic IT training for farmers, rural dwellers and those seeking employment; early intervention schemes to improve educational aspirations of pre-schoolers and primary school children and much more.

I fully support this partnership working and my officials, in conjunction with Libraries NI, are exploring other areas of potential collaboration with other Departments, including organisations which now form part of DfC. This is to ensure that every opportunity is used to improve the effectiveness of the library service and to widen access to libraries and provide as wide a range of services to the community as possible.

**Mr Mullan** asked the Minister for Communities for an update on the future of the Coleraine Jobs and Benefits Office.  
(AQO 962/16-21)

**Mr Givan:**

- The Department for Communities is committed to its network of Jobs & Benefits which will be at the core of the delivery of the new Universal Credit.
- The Coleraine Jobs & Benefits office will be one of the first Jobs & Benefits offices to go live with Universal Credit and work will begin in early spring to make the necessary changes to the public office areas in preparation for go-live.
- With the introduction of Universal Credit and the corresponding reduction in the Income Support caseload plans were recently announced to close the Coleraine Income Support Benefit Processing Centre in February 2018.
- As the Coleraine office also forms part of the wider NICS estate some spare back office space is to be altered for use by the Department for the Economy Careers and Youth Justice Services. This is in keeping with changes across the Government estate which aims to make best use of buildings.

**Mr Robinson** asked the Minister for Communities to outline any protection given to prehistoric burial cairns to ensure their longevity for future generations.

(AQO 969/16-21)

**Mr Givan:** All known historic sites are recorded in the Sites and Monuments Record, part of the Northern Ireland Monuments and Buildings Record, which is the national archive on our historic environment.

- My Department has almost 200 historic monuments in its ownership or guardianship, including prehistoric burial cairns.
- Sites such as prehistoric burial cairns are also considered for statutory protection, under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. Those selected are referred to as "scheduled historic monuments". A legally protected zone is defined around these sites and the landowner is informed.
- It is an offence to destroy or disturb scheduled historic monuments without consent from the Department. The Department regularly inspects protected sites, liaises with the owners and provides advice on their appropriate care and management, to ensure that they survive in good condition.
- The Department also works in partnership with others to ensure the protection of historic monuments, including planning Departments within district councils.
- As most of our historic monuments in Northern Ireland are located in rural areas, my Department also works with the Department of Agriculture, Environment and Rural Affairs to ensure that these sites are protected and managed as part of good farming practice.

**Mr Kennedy** asked the Minister for Communities for an update on the Sub-Regional Stadia Programme for football.  
(AQO 970/16-21)

**Mr Givan:**

- With the Speaker's permission I will take questions 11 and 14 together.
- The recent Sub Regional Stadia Programme for Soccer consultation resulted in over 1,200 responses being received by my Department.
- I have received the report on the consultation and I am currently considering this together with all other relevant information before making a decision on the programme going forward.
- I have not yet made a final decision on the programme.

**Mrs Hale** asked the Minister for Communities for an update on the option appraisal programme carried out by the Northern Ireland Housing Executive at the Dales and Moynes flats, Seymour Hill, in relation to the Tower Block Strategy.

**(AQO 971/16-21)**

**Mr Givan:**

- The Housing Executive has advised that as part of its overarching asset management strategy for all of its homes, it undertook to include a dedicated tower block strategy. The strategy determined that an option appraisal for all 32 tower blocks needed to be developed. This has now been completed and an initial position was presented to the Board for consideration at its November meeting.
- This set out both the significant investment requirements for the tower blocks and the associated high management costs which would not represent good value for money. At the meeting, the Board agreed that the Housing Executive's long term strategy should be to decommission all tower blocks. The Board also agreed that action as appropriate will be taken to maintain all tower blocks to an acceptable standard until such time as they are decommissioned.
- The Housing Executive Board requested officers to develop a comprehensive action plan for each tower based on the option appraisals and to engage with tenants, communities and local political representatives to identify future solutions.

**Mr Dickson** asked the Minister for Communities for an update on discussions with District Councils in relation to regeneration powers.

**(AQO 972/16-21)**

**Mr Givan:**

- 1 Following my statement to the Assembly on 22 November 2016, announcing my decision not to extend the Department's urban regeneration and community development powers to local government, I have received correspondence from a number of local councils asking me to reconsider. I have advised them that I will not be reconsidering my position on the matter.
- 2 Through my Chairmanship of the Partnership Panel, which affords an important connection between the Executive and local government, I will be able to engage with them on the future of regeneration in their areas.
- 3 Local Government has played, and will continue to play, a huge role in ensuring the successful implementation of the Department's regeneration programmes.

**Mr Dunne** asked the Minister for Communities for an update on the funding programme for Sub-Regional Stadia.

**(AQO 973/16-21)**

**Mr Givan:**

- With the Speaker's permission I will take questions 11 and 14 together.
- The recent Sub Regional Stadia Programme for Soccer consultation resulted in over 1,200 responses being received by my Department.
- I have received the report on the consultation and I am currently considering this together with all other relevant information before making a decision on the programme going forward.
- I have not yet made a final decision on the programme.

## Department for Infrastructure

**Lord Morrow** asked the Minister for Infrastructure to provide, or place in the Assembly library, a copy of the report and risk assessment carried out following the incidents of abuse against traffic attendants operating patrols in Coalisland, including details of the behaviour endured by traffic attendants.

**(AQW 9212/16-21)**

**Mr Hazzard (The Minister for Infrastructure):** This is an internal matter for my Department's parking enforcement service provider and, as such, my Department is unable to accommodate this request.

**Mr Smith** asked the Minister for Infrastructure (i) for his assessment of how many vehicles cross the border between Northern Ireland and the Republic of Ireland every day; and (ii) whether any research has been undertaken to determine the purposes for cross-border travel.

**(AQW 9266/16-21)**

**Mr Hazzard:**

- (i) The Annual Traffic Census Report provides traffic flows on main and minor roads throughout the north. While the Report does not specifically monitor vehicles crossing the border between the north and the south, I have identified a number of roads from the Report that are near the border and may be of interest to the Member.

The following sites have been taken from last two Census Reports:

Counter No	Description	2014	2015
		2 way daily flows	
383	Buncrana Road Londonderry at Whitehouse	18,270	19,600
434	Newry - Dundalk. North of border	3,660	3,740
624	A38 Strabane - Lifford at Bridge	17,360	17,030
632	Garrison - Belleek (South of Farancassidy Crossroads at Brollagh School)	1,930	1,910
637	Clady (U202 Tullmoan Road, South of Clady)	240	230
651	A509 Derrlyin - Belturbet (Aghalane Bridge near Killymackan Lough)	3,430	3,560
652	Aughnacloy - Monaghan (North of River Blackwater)	7,240	7,690

- (ii) DfI does not carry out any research to determine the purposes of cross-border travel. The Travel Survey Northern Ireland provides general information on trends in personal travel for residents in the north. You may wish to view this at:

<https://www.infrastructure-ni.gov.uk/publications/travel-survey-northern-ireland-depth-report-2013-2015>

**Mr Mullan** asked the Minister for Infrastructure when he first became aware of the non-domestic Renewable Heat Incentive scheme overspend.

**(AQW 9423/16-21)**

**Mr Hazzard:** I first became aware of the Renewable Heat Incentive scheme in February 2016 before I became Minister for Infrastructure. We were informed by our party group leader of the serious threat to public finances as a result of the flawed RHI scheme which is why we voted to urgently close down the scheme, unlike SDLP and Ulster Unionist Party MLAs who voted to keep the flawed RHI scheme open.

**Mr Swann** asked the Minister for Infrastructure how much his Department has spent on external legal advice (i) in the year to date; and (ii) in each of the last three years.

**(AQW 9463/16-21)**

**Mr Hazzard:** My Department has spent £994k so far during the Financial Year 2016-17.

As the Department was created in May 2016 it is not possible to provide figures for each of the last three years.

**Mr McPhillips** asked the Minister for Infrastructure to detail the spend on (i) road maintenance; and (ii) flood prevention measures in Fermanagh in each of the last twelve months.

**(AQW 9485/16-21)**

**Mr Hazzard:** My Department does not analyse expenditure in the format requested, however it can provide an analysis of expenditure in Fermanagh & Omagh District Council for the financial year 2015-2016.

Within my Department, the Roads & Rivers Deputy Secretariat would be responsible for taking forward these activities.

Expenditure on Structural Maintenance of the road infrastructure network would include expenditure on structural drainage; an indirect benefit of structural drainage would be flood prevention.

Fermanagh & Omagh District Council	£'m
Structural Maintenance (includes Structural Drainage)	7.6
Flood prevention (Rivers only)	1.1

You should note that at June Monitoring in the 2016-2017 financial year my Department was allocated £1.8m specifically to take forward a programme of flood prevention measures linked to severe flooding incidents in January 2016.

**Mr Smith** asked the Minister for Infrastructure for an update on the implementation of every provision of the Road Traffic (Amendment) Bill.

**(AQW 9556/16-21)**

**Mr Hazzard:** The Road Traffic (Amendment) Bill completed its Assembly passage on 12 January 2016 and is now on the statute book. The provisions contained in this important Act were prompted by public concern about the continuing harm caused by drink driving, the high number of young and other new drivers involved in fatal or serious crashes and the risks to users of quads involved in collisions on public roads.

A lot of work has been completed already to implement the provisions of the Act and I am keen to continue with the momentum that we have achieved over this past year. My Department, working with our road safety partners, will do all that we can to implement the provisions of the Act as soon as possible.

In terms of drink driving, there has already been some real, meaningful progress. A consultation on Regulations that are needed to introduce fully the new measures was completed in May 2016 and the proposals received general support. More recently, my Department commenced the new powers for PSNI to establish roadside check-point breath testing from 25 November 2016. This allowed check-point testing to be brought into use as part of the Christmas/New Year drink drive campaign.

The Department and our partner organisations (particularly the PSNI, Public Prosecution Service and NI Courts and Tribunals Service) need to prepare for full introduction of the new drink driving regime. Successful introduction requires all administrative and technical systems to be made ready and each organisation has begun that process. I am confident that, with the continued support of my road safety partners, the new drink drive regime can be implemented fully before the end of 2017.

Part 3 of the Act reforms the learner and restricted driver schemes and introduces a system of Graduated Driver Licensing (GDL). The objective is to ensure that drivers acquire experience and skills over time, in lower risk environments. The Bill provides for a mandatory 6 month minimum learning period and the introduction of a Programme of Training, to be evidenced by a logbook. It removes the current 45mph restriction for learner and restricted drivers. It also introduces a time-bound passenger restriction for new young drivers for the first 6 months after they pass their test.

Prior to implementation of the package of measures, consultation and a range of subordinate legislation is required. Informal stakeholder engagement is already well advanced and a full public consultation is expected around Spring 2017. The new regime is expected to go live towards the end of 2018.

Subordinate legislation to mandate the wearing of helmets on motor quadricycles when on a public road has been drafted. However, my Department has to fulfil a legal requirement to submit a technical notification to the EU Commission of the draft legislation. This process has commenced and once the notification period ends in February, officials will proceed with the introduction of this policy into domestic law as soon as possible.

I firmly believe that, once implemented, the Road Traffic (Amendment) Act will help save lives and will help prevent serious, life-changing injuries.

**Mrs Barton** asked the Minister for Infrastructure pursuant to AQW 3878/16-21, whether (i) the design of the new Wastewater Treatment Works allowed for (a) the increasing population; and (b) the recommendations of the 2007 Fermanagh Area Plan proposals; and (ii) the new WWTW would permit for 10 per cent over capacity.

**(AQW 9668/16-21)**

**Mr Hazzard:** The design of any proposed new Wastewater Treatment Works for Ederney will take into consideration the increasing population and the recommendations of the 2007 Fermanagh Area Plan proposals.

NI Water will not be permitting '10 per cent over capacity' unless there is a substantive reason to do so. The Company will be guided by a population equivalent calculation report which will set out the preferred future design, together with the rationale, reasons and assumptions.

**Mrs Barton** asked the Minister for Infrastructure pursuant of AQW 5313/16-21, to detail (i) the number of High Speed Friction sites in the Fermanagh area; and (ii) the number of sites created as road safety measures.

**(AQW 9672/16-21)**

**Mr Hazzard:** There are currently 20 sites in Fermanagh with 'buff' coloured high friction surfacing. Providing such surfacing would be linked to improving road safety at all of these sites.

Red coloured high friction surfacing has also been provided at many Safer Routes to School and Traffic Calming sites. The numbers of these sites is not accurately known but again all of these sites will have road safety linkages.

**Mr McNulty** asked the Minister for Infrastructure to detail how much additional revenue he anticipates being generated from the increase in charges for on-street parking.

**(AQW 9728/16-21)**

**Mr Hazzard:** My Department estimates that additional revenue of £755k per year will be generated from the increase in charges for on-street parking.

## Department for the Economy

**Mr Swann** asked the Minister for the Economy what steps he has taken to support the development of Students' Unions in further education colleges.

**(AQW 9349/16-21)**

**Mr Hamilton (The Minister for the Economy):** Colleges are committed to and play a significant role in supporting the development of Students' Unions across further education.

This contribution includes the provision of support from staff, access to and use of college facilities as well as financial resources which enhance the ability of Students' Unions to provide a range of support and services to students, and which also give the student body a voice which contributes to improving the quality of the overall student experience in Further Education and actively engage with the college on a range of issues.

The role of Students' Unions has been further strengthened through the election of student representatives across college campuses and through active engagement with the National Union of Students – Union of Students in Ireland.

**Mrs Overend** asked the Minister for the Economy how his Department's broadband improvement project has been rolled out in Mid Ulster.

**(AQW 9369/16-21)**

**Mr Hamilton:** The contract to deliver the Northern Ireland Broadband Improvement Project was awarded to BT in February 2014. The project aimed to further extend broadband coverage and provide access to standard 2 Megabytes per second broadband to 96% of premises and 24 Megabytes per second to around 85% of premises.

The deployment of infrastructure under the initial project was completed in March 2016. However, the contract allows for further investment in broadband infrastructure where residual funds can be re-allocated and take up of services exceeds forecast. Therefore, it is anticipated that some £3.2 million will be further invested in 2017/18 across Northern Ireland.

BT has reported that some 6,721 premises have benefitted in Mid Ulster through the initial project. This may increase through the additional investment, however, until the modelling has been completed by BT, it is not possible to confirm if there will be further improvements in Mid Ulster.

**Mrs Overend** asked the Minister for the Economy how the superfast broadband programme will widen access in rural areas of Mid Uster.

**(AQW 9370/16-21)**

**Mr Hamilton:** The contract to deliver the Superfast Rollout Programme was awarded to BT in February 2015. The project aims to provide access to superfast broadband, with speeds of at least 24 Megabits per second, to a further 38,000 premises by 31 December 2017, including Mid Ulster.

Improvements under Phase 1 of the programme have been delivered and data is currently being analysed. We are unable to provide any further geographical break down. Further information will be made available via the NI Direct platform as the project roll-out continues.

Further improvements will take place as rollout continues throughout 2017.

**Ms S Bradley** asked the Minister for the Economy how many Chief Economists are employed directly by his Department.

**(AQW 9401/16-21)**

**Mr Hamilton:** The Department for the Economy directly employs one Departmental Chief Economist.

**Mr Swann** asked the Minister for the Economy for his assessment of how the work of Students' Unions fits into the draft Programme for Government; and how he plans to support them in their role.

**(AQW 9406/16-21)**

**Mr Hamilton:** Skills are integral to the economic success of Northern Ireland, and the skills agenda remains at the heart of the draft Programme for Government. If we are to realise our economic ambition, it is essential that we build on our skills and strengths. A suitably qualified workforce can make a major contribution to the delivery of higher productivity and competitiveness, and increase social inclusion.

The draft Programme for Government commits to improving the skills profile of the population, to which it is anticipated that the higher and further education sectors will make a significant contribution. It is clear that all representatives of the higher and further education sectors, including student unions, have a valuable contribution to make to this process, and the Department will welcome all representations and engagement to this end, in order to ensure that the underpinning policies best delivers the Programme for Government outcomes.

**Mr Agnew** asked the Minister for the Economy what legal protections are in place to ensure that undergraduate tuition fees will not be raised in the near future.

**(AQW 9449/16-21)**

**Mr Hamilton:** The fee levels for academic year 2017/2018 are set out in the Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2016 at a maximum of £4,030 for full time undergraduate students studying at a Northern Ireland Higher Education Institution.



Article 4 (11)(b)(i) and (ii) of The Higher Education (Northern Ireland) Order 2005 states that no regulations may be made increasing the maximum fee amount unless –

- (i) the Department is satisfied that the increase is not greater than what is required to maintain the value of the amount in real terms, or
- (ii) the Assembly has at any time after 1st January 2010 passed a resolution that, with effect from the date of the resolution, the higher amount should be increased to an amount specified in the resolution, and the increase is an increase to the specified amount with effect from the specified date.

**Mr Agnew** asked the Minister for the Economy (i) how much public funding Northern Ireland Co-operation Overseas Ltd. has received in each of the last five years; (ii) what is the remit of NICO and how this fits with the objectives of Invest NI; (iii) how NICO employs its staff; (iv) what oversight his Department has over this employment; and (v) what conditions are attached to its funding.

**(AQW 9452/16-21)**

**Mr Hamilton:** Northern Ireland Co-operation Overseas Ltd (NI-CO) has not received any public funding in the last 5 years. NI-CO is entirely self-financing and does not receive any Northern Ireland Government funding.

NI-CO seeks to market and sell, world-wide, the expertise and knowledge of Northern Ireland's government departments, public bodies and organisations. In successfully doing so, NI-CO advances the local economy by contributing to overseas sales like other successful indigenous export companies.

All directly employed NI-CO staff are recruited following open competitions. Each contract of employment refers to NI-CO as the employer.

Invest NI appoints the NI-CO Board and Chair, with appointees drawn from NI Departments and open competition. The remit of the NI-CO Board includes overall responsibility for oversight of the employment of staff. NI-CO's Chief Executive of is directly accountable to DfE's Accounting Officer and will assure him of the company's adherence to all governance requirements, the exercise of propriety and regularity in day-to-day operations and management of the business.

As NI-CO does not receive public funding there are no conditions attached. NI-CO operates in a commercial environment, submitting competitive tenders to International Funding Agencies like the United Nations, the European Commission and DFID for the provision of services. NI-CO's income is generated through the successful completion of the projects tendered for.

**Mrs Barton** asked the Minister for the Economy when he will answer AQWs 6246/16-21 and 6247/16-21.

**(AQW 9671/16-21)**

**Mr Hamilton:** These AQWs have been answered.

**Mr T Buchanan** asked the Minister for the Economy for an update on his proposals to increase broadband coverage in West Tyrone.

**(AQO 981/16-21)**

**Mr Hamilton:** Under my Department's Northern Ireland Broadband Improvement Project, BT has reported that some 5,629 premises in West Tyrone have benefited. The contract with BT has a mechanism which requires funding to be returned for re-investment when take up of service exceeds a certain threshold.

The amount of gain share to be available for re-investment across Northern Ireland is expected to be some £1.67 million. Residual funds of £1.56 million have also been identified for re-allocation, bringing the total further amount that can be used to improve broadband infrastructure to £3.2 million.

My Department has begun clarifying where these funds might be used and I anticipate that this will be predominantly in rural areas.

In addition, my Department is also managing the Superfast Roll-out Programme which, by 31 December 2017, will provide access to superfast broadband, with speeds of at least 24 Megabits per second, to a further 38,000 premises across Northern Ireland, primarily in rural areas and including a number in West Tyrone.

It is important to recognise that where fixed-line broadband is not viable, there are other technology alternatives available.

For those premises that continue to have access to services of less than 2 Megabits per second, my Department offers assistance with the cost of installing a basic broadband service, using satellite or wireless technology. It ensures that no household or business which meets the eligibility criteria need pay more than four hundred pounds to access a basic broadband scheme over a 12 month period.

Details of this can be found on my Department's website. We have also published further information to promote better awareness of broadband solutions.

**Dr Farry** asked the Minister for the Economy for his assessment of the optimal economic arrangement between Northern Ireland and the European Union in the context of the United Kingdom leaving the European Union.

**(AQO 982/16-21)**

**Mr Hamilton:** I welcome the Prime Minister's statement last Tuesday setting out the Government's negotiating strategy, with the clear aim of securing a Free Trade and Customs Agreement with the European Union.

Our analysis continues alongside the Joint Ministerial Committee discussions on the European Negotiations, however, making the detail of our assessments public at this stage would only prejudice the UK Government negotiating position.

**Mr Poots** asked the Minister for the Economy to outline the mechanisms his Department will use to ensure local businesses reach their growth potential.

**(AQO 983/16-21)**

**Mr Hamilton:** One of Invest NI's primary objectives is to increase business productivity and, in doing so, deliver increased wealth and economic opportunities for Northern Ireland.

This will be achieved by helping our indigenous businesses realise their full potential, by moving up the value chain, by embracing Research and Development in addition to Innovation and Skills development.

We will also continue to work to attract higher value inward investment to Northern Ireland in profitable and knowledge intensive sectors.

Invest NI fully recognises the need to develop and assist the growth of Northern Ireland's SMEs, which form the backbone of our private sector. Invest NI provides an extensive portfolio of advice and support to stimulate innovation and creativity amongst our business base, drive business growth and internationalise our economy through exports, ultimately to assist local businesses in moving from low value products and services to added value / niche areas.

Over the course of the last Programme for Government period, Invest NI offered £316 million of assistance to locally-owned businesses, which represented 60% of assistance offered to businesses by Invest NI.

This assistance will help support over £1.7 billion of investment by local businesses in the Northern Ireland economy and create over 25,000 jobs when projects are fully implemented. These jobs represent 59% of the total jobs supported by Invest NI across the period, illustrating the clear commitment to and impact of Invest NI's support for our local business base.

Invest NI offered support valued at £163 million indirectly to business through other organisations like universities and external delivery organisations. Whilst the majority of this support will benefit the indigenous business base, it has the potential to benefit all types of business across Northern Ireland.

**Mr Mullan** asked the Minister for the Economy to outline the legal advice his Department received in relation to the publication of the beneficiaries of the non-domestic Renewable Heat Incentive scheme.

**(AQO 984/16-21)**

**Mr Hamilton:** The legal advice received by my Department relates to data protection issues. The advice is subject to legal professional privilege and I am not going to comment further.

**Mr Allen** asked the Minister for the Economy for his assessment of how many recipients of funding from the non-domestic Renewable Heat Incentive scheme have installations contrary to the intention or spirit of the scheme.

**(AQO 987/16-21)**

**Mr Hamilton:** Two hundred and ninety five installations were inspected by PricewaterhouseCoopers in 2016. The installations inspected were selected following a risk assessment. Of the installations inspected, 53% were found to be operating contrary to the intention or spirit of the Scheme. Officials in my Department and Ofgem are actively working on these findings.

Work on procuring a 100% programme of site inspections is being progressed by my officials. In advance of that inspection programme it would not be appropriate for me to speculate on the overall number of installations which may be operating contrary to the Regulations governing the Scheme.

But I can assure the Member that the Department will continue to crack down on any abuse the Scheme.

## Department of Agriculture, Environment and Rural Affairs

**Mr Mullan** asked the Minister of Agriculture, Environment and Rural Affairs (i) for an update on the relocation of her Department's Headquarters to Ballykelly; and (ii) to detail the number of staff that have moved.

**(AQW 9612/16-21)**

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** Construction work began at the Ballykelly site on 21st November 2016 and is ongoing. The new building is planned to be completed in January 2018.

Work is underway on the movement of staff with over 80 now working in posts based in temporary locations in Londonderry and Coleraine. These staff will move permanently to Ballykelly when the building is ready to occupy in early 2018.

## Department of Education

**Mrs Overend** asked the Minister of Education to detail the circumstances under which pupils would be declared ineligible to complete post-16 courses.

**(AQW 7311/16-21)**

**Mr Weir (The Minister of Education):** It is the sole responsibility of a school's Board of Governors to define the circumstances, that is, criteria it wishes to prioritise in terms of admission to a school. Consequently the decision on whether to admit a child for post-16 studies is solely a matter for a school's Board of Governors. Boards of Governors at schools with post-16 provision will set criteria to determine which children it will select for admission to sixth form; however as post-16 study is a non-compulsory phase of education, a school cannot be compelled to admit a child at this age.

**Mr Swann** asked the Minister of Education pursuant to AQW 2338/16-21, whether he included his Special Adviser when he referred to staff in his Department.

**(AQW 9155/16-21)**

**Mr Weir:** My Special Adviser has sight of all responses to Freedom of Information requests prior to issue.

**Mr Swann** asked the Minister of Education pursuant to AQW 2338/16-21, whether he will answer parts (iii) and (iv) of the original question.

**(AQW 9156/16-21)**

**Mr Weir:**

(iii) My Special Adviser has sight of all responses to Freedom of Information requests prior to issue; and

(iv) This number is not recorded.

**Mr McNulty** asked the Minister of Education for an update on the School Enhancement Programme announced by his predecessor, broken down by school and to include (i) the current situation; (ii) the initial anticipated costs; (iii) updated costs; and (iv) the anticipated date for completion of projects.

**(AQW 9183/16-21)**

**Mr Weir:** Under the School Enhancement Programme 50 schemes were approved to be advanced.

A total of £47.7m of capital funding has been made available to the School Enhancement Programme in the 2016/17 financial year.

A total of 50 schools were successful with applications to the School Enhancement Programme. Projects at 3 of the schools were split into 2 distinct phases and so 53 schemes were approved to proceed.

The current position is that 23 SEP schemes have been completed and another 23 are currently on-site or have been approved to move to construction and are expected on site within the next few months.

Final designs have been completed for 4 more schemes that will be approved to move to construction as soon as funding is made available.

The remaining 3 schemes are continuing to advance in design and planning.

Table 1 shows the current position for each of the 53 schemes

**Table 1**

School	Current Position	Initial anticipated costs	Updated costs	Completion date/Estimated Completion date
BRA	Complete	£4m	£4m	27/06/2016
St Malachy's College	Phase 1 Complete	£3.46m	£3.46m	09/10/2015
	Phase 2 Parked awaiting funding			TBC
Maine IPS	Complete	£0.72m	£0.72m	23/06/2015
St Patricks Armagh	On-site	£4m	£4m	Apr-17
Our Lady's VGS	Parked awaiting funding	£3.28m	£3.28m	TBC

School	Current Position	Initial anticipated costs	Updated costs	Completion date/Estimated Completion date
New-Bridge Integrated	Reduced scheme In design	£4m	TBC	TBC
Friends	Complete	£3.30m	£3.30m	19/09/2016
Acorn IPS	Complete	£1.25m	£1.25m	20/11/2015
Dalriada	Complete	£2.19m	£2.47m	Dec-16
Millennium	Complete	£0.93m	£0.93m	11/09/2015
St Michaels College	Parked awaiting funding	£1.1m	£1.1m	TBC
Belfast High School	Complete	£3.79m	£3.79m	22/06/2016
Sullivan Upper	On-site	£2.25m	£2.86m	Dec-17
St Louis Grammar Ballymena	On-site	£4m	£4m	Aug-18
Mount Lourdes GS	Complete	£1.10m	£1.10m	Dec-16
Erne Int College	Phase 1 Complete	£4m	£4m	28/08/2015
	Phase 2 On-site			Mar-18
St Columbs College	On-site	£2.31m	£2.669m	May-17
Malone Integrated College	In design	£3.31m	£3.31m	TBC
Rainey Endowed School	Phase 1 Complete	£4m	£4m	10/08/2015
	Phase 2 On-site			Aug-17
Victoria College	On-site	£3.86m	£3.86m	Nov-17
St Joseph's GS Donaghmore	Complete	£3.70m	£3.70m	Sep-16
Methodist College	On-site	£3.27m	£3.65m	Aug-18
Sacred Heart	Complete	£1.77m	£1.77m	Nov-16
John Paul II	On-site	£0.79m	£1.112m	Sep-17
De La Salle	In design	£1.16m	£1.66m	TBC
Broadbridge PS	On-site	£2.63m	£3.190m	Aug-17
Anahorish PS	On-site	£1.19m	£1.51m	Aug-17
St Bernard's PS	On-site	£1m	£1.239m	Jan-17
St Joseph's PS	Complete	£1.70m	£2.12m	25/02/2016
Killeen PS	On-site	£0.87m	£1.46m	Sep-17
St Patricks Academy Lisburn	On-site	£3.72m	£3.72m	Mar-18
St Marks Warrenpoint	Complete	£3.07m	£3.626m	Oct-16
Coleraine AC Inst	Complete	£2.62m	£2.91m	27/11/2015
Slemish College	Parked awaiting funding	£3.82m	£3.82m	TBC
St Marys GS M'felt	On-site	£4m	£4m	May-17
Wallace High School	On-site	£3.19m	£3.19m	Dec-17
Integrated College Dungannon	On-site	£3.50m	£3.10m	Dec-17
Loreto GS, Omagh	Complete	£2.94m	£2.94m	04/03/2016

School	Current Position	Initial anticipated costs	Updated costs	Completion date/Estimated Completion date
Ballyclare Secondary School	Complete	£3.74m	£3.74m	Oct-16
Ballymoney High School	Complete	£3.82m	£3.82m	Sep-16
Ceara Special school	In procurement	£1.90m	£2.28m	Jan-18
Donard Special School	On-site	£0.84m	£1.18m	14/02/2017
Rathore Special School	Complete	£1.55m	£1.55m	30/06/2016
The Armstrong PS	On-site	£1.14m	£2.45m	Jan-17
Millington PS	On-site	£2.97m	£3.88m	May-17
Knockevin Special School	Complete	£2.49m	£2.49m	15/01/2016
Willow Bridge	On-site	£3.9m	£3.9m	Apr-17
New Buildings PS	Complete	£1.92m	£1.92m	Sep-16
Strandtown PS	In procurement	£3.98m	£3.97	Feb-18
Saintfield High School	Complete	£1.52m	£1.52m	14/10/2015

**Mr McNulty** asked the Minister of Education for an update on the new school build projects announced by his predecessor, broken down by school and to include (i) the current situation; (ii) the initial anticipated costs; (iii) updated costs; and (iv) the anticipated date for completion of projects.

**(AQW 9184/16-21)**

**Mr Weir:** During Mr O'Dowd's time as the Minister for Education he made five announcements for projects to be funded from the Major Capital Budget, one each in 2012, 2013, 2014 and 2016. In addition to these, on 23 March 2016, a further announcement confirmed the first tranche of projects to advance in planning under the Fresh Start Agreement (FSA) funding package (£50m per annum for next 10 years) for shared and integrated education. The announcement included confirmation that some previously announced projects would have construction funded from the Fresh Start Agreement.

These announced projects are at various stages of progression, as detailed in the tables at Annex1, with the majority of the projects announced in 2016 (including the Fresh Start Agreement) being in the very early stages of planning. Costs and timelines for these projects will be subject to business case approval in due course.

The tables in Annex 2 list all of the projects which have been announced under the Shared Education Campuses Programme and Strule Shared Campus.

#### Annex 1

##### June 2012 Major Capital Announcement

School	(i) Current Situation	(ii) Initial Anticipated Costs (£ million)	(iii) Updated Costs (£ million)	(iv) Anticipated Date of Completion
Tannaghmore PS, Lurgan	Completed	6	7.344	N/A
Bunscoil Bheann Mhadagain, Belfast	Completed	2 (another 1.7 paid by BCC)	2.3	N/A
St. Teresa's Primary School, Lurgan	Completed	3.9	3.9	N/A
Victoria Park PS, Belfast	Completed	4.715	4.715	N/A
St. Joseph's Convent PS, Newry	Completed	6.271	8	N/A
St. Clare's Abbey PS, Newry	Completed	6.3	6.3	N/A



School	(i) Current Situation	(ii) Initial Anticipated Costs (£ million)	(iii) Updated Costs (£ million)	(iv) Anticipated Date of Completion
St. Mary's PS, Banbridge	Onsite	6.8	6.8	April 2017
Eglinton PS, Derry	Completed	3	3	N/A
St. Gerard's Resource Centre, Belfast	Completed	4.53	3.1	N/A
Dromore Central PS, Co. Down	Completed	10.8	10.8	N/A
Colaiste Feirste, Belfast	Onsite	15.5	15.5	February 2018
One project – 2 phases - Foyle College, Ebrington PS, Derry	Onsite	45.95	45.95	November 2017
Enniskillen Model PS	Due on site March 2017	6.029	6.029	November 2018
Ardnashee School & College, L'Derry (formerly Belmont House Special School)	Due on site April 2018	20.149	20.149	April 2020
Rossmar Special School, Limavady	Due on site April 2017	8.3	9.178	December 2019
Castle Tower Special School, Ballymena	Onsite	20.2	21	September 2017

**January 2013 Major Capital Announcement**

School	(i) Current Situation	(ii) Initial Anticipated Costs (£ million)	(iii) Updated Costs (£ million)	(iv) Anticipated Date of Completion
Holy Trinity College, Cookstown	In Planning	25	38.4	September 2020
St Patrick's Academy, Dungannon	Onsite July 2016	21.5	28.7	October 2018
Enniskillen Royal GS, Enniskillen	In Planning	17	N/A	TBC
St Ronan's College - Lurgan	Onsite September 2017	26.5	32.3	September 2019
St Joseph & St James PS, Poyntzpass	In Planning	2	N/A	TBC
Gaelscoil Ui Dhochartaigh, Strabane	In Planning	3.1	3.35	July 2019
Gaelscoil Ui Neill, Coalisland	Onsite May 2017	3.7	5.25	August 2018
St Bronagh's Primary School, Rostrevor	Onsite	3.9	3.9	October 2017
Mary Queen of Peace PS, Martinstown	In Planning	4.375 (another 0.2178 paid by Trustees)	4.375 (another 0.2178 paid by Trustees)	2018
Omagh Integrated Primary School	Onsite July 2016	5.7	7.103	November 2017
Braidside Integrated PS	See FSA Table.			
Portadown Integrated PS	Onsite September 2018	5	6.4	September 2020
Our Lady of Fatima PS	Onsite May 2017	2.7	2.7	May 2018
Corran Integrated PS	Onsite March 2017	3.2	3.98	March 2018

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Edendork Primary School, Dungannon	In Planning	5.3	N/A	TBC
Devenish College/ Lisnakea, Enniskillen	In Planning	23.2	23.2	TBC
Parkhall Integrated College, Antrim	Onsite	20.7	20.7	October 2017
Strabane Academy	Onsite March 2017	21.5	22.7	March 2019
Down High School	Onsite July 2017	21	21	September 2020
Elmgrove Primary School	Onsite June 2017	11	9.95	August 2019
Edenderry Nursery School	Complete	1.3	1.3	N/A
Glenwood Primary School	In Planning	10.5	N/A	TBC

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Scoil an Droichid, Belfast	In Planning	2.5	3.85	N/A
Holy Evangelist PS, Twinbrook	In Planning	6.2	6.45	N/A
Gaelscoil na gCrann, Omagh	In Planning	2	2.97	N/A
St Patrick's PS, Belfast	Onsite September 2017	5.8	7.5	September 2018
Woodburn PS Carrickfergus	Onsite August 2017	3	2.73	September 2018
Iveagh Primary, Rathfriland	In Planning	4	N/A	N/A
Breda Academy, Belfast	Onsite October 2017	20	21	October 2019
St Joseph's HS, Crossmaglen	In Planning	14.5	N/A	N/A
Abbey Community College	In Planning	17	N/A	N/A
St Killian's College, Carnlough	In Planning	16.5	N/A	N/A
Dunclug HS, Ballymena	In Planning	15	18.6	N/A
Methodist College, Belfast	Onsite September 2017	7.5	7	November 2018
Lismore Comprehensive, Craigavon	Onsite September 2017	22	22.8	September 2019
Cullybackey HS,	In Planning	15	N/A	N/A
Drumlins PS, Ballynahinch	See FSA Table.			
Roe Valley Integrated PS,	See FSA Table.			

**June 2014 Major Capital Announcement**

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
St Vincent de Paul PS	Early planning	4.5	N/A	Not Known (NK)
St Mary's, St Joseph's, Moneydarragh PS (amalgamation)	Early planning	3.5	N/A	NK
Islandmagee PS (amalgamation of Mullaghduh PS, Kilcoan PS)	Early planning	2.5	N/A	NK
Gaelscoil Aodha Rua	Early planning	2.5	N/A	NK
St Peter's PS	Early planning	2.5	N/A	NK
Gaelscoil Eanna	Early planning	3.5	N/A	NK
Crawfordsburn PS	Early planning	4	N/A	NK
Seaview PS	Early planning	5.5	N/A	NK
St Malachy's PS	Early planning	3.5	N/A	NK
King's Park PS	Early planning	8	N/A	NK

**March 2016 Major Capital Announcement**

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Drumlins PS, Ballynahinch	Onsite July 2016	2.5	3.4	August 2017
Roe Valley Integrated PS,	In Planning	3	3.37	N/A
Braidside Integrated PS	Onsite August 2017	5.2	5.2	September 2018
Enniskillen IPS	Early planning	NK	NK	NK
Forge IPS	Early planning	NK	NK	NK
Millennium IPS	Early planning	NK	NK	NK
Rowandale IPS	Early planning	NK	NK	NK
Millstrand IPS	Early planning	NK	NK	NK
Phoenix IPS	Early planning	NK	NK	NK
Bangor Central IPS	Early planning	NK	NK	NK
Forthill Central IPS	Early planning	NK	NK	NK
New Bridge IC	Early planning	NK	NK	NK
Priory College	Early planning	NK	NK	NK
Shimna College	Early planning	NK	NK	NK
Ulidia College	Early planning	NK	NK	NK
Strangford College	Early planning	NK	NK	NK
Forthill Central IC	Early planning	NK	NK	NK
North Coast IC	Early planning	NK	NK	NK

**March 2016 Fresh Start Agreement Announcement**

**Annex 2****Strule Shared Campus**

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Arvalee Special School	Completed	10.421	10	N/A
5 Post Primary Schools – Loerto Grammar, Christian Brothers' Grammar, Omagh Academy, Omagh High School, Sacred Heart College	In planning	115.579	149	September 2020

**Shared Education Campus – July 2014**

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Moy Shared Campus Project – Moy Regional PS and St John's PS, Moy	In Planning	£5m	£7m	NK
Limavady Shared Campus Project - Limavady HS and St Mary's HS, Limavady	In Planning	£5.9m	£7m	March 2020
Ballycastle Shared Campus Project – Ballycastle HS and Cross and Passion HS, Ballycastle	In Planning	£21m	£34m (project more ambitious than originally proposed)	NK

**Shared Education Campus – March 2016**

<b>School</b>	<b>(i) Current Situation</b>	<b>(ii) Initial Anticipated Costs (£ million)</b>	<b>(iii) Updated Costs (£ million)</b>	<b>(iv) Anticipated Date of Completion</b>
Brookeborough Shared Campus Project – St Mary's PS, Brookeborough and Brookeborough PS	In Planning	£5m	NK	NK
Partners in Learning: Duneane PS and Moneynick PS	In Planning	£4m	NK	NK

**Mr Hussey** asked the Minister of Education pursuant to AQW 6407/16-17, to detail (i) whether private operators are invited to tender; (ii) how the tender process is managed; (iii) how payments and claims are managed; (iv) whether drivers are checked by the Education Authority in respect of (a) driving licences; (b) DIG cards; (c) CPC cards; and (d) Access NI checks.  
**(AQW 9205/16-21)**

**Mr Weir:** The Education Authority (EA) has advised that private operators are invited to tender and the tendering process for all bus and taxi contracts is managed by the EA's Procurement Department and regulated by Public Procurement Regulations.

Private operators submit monthly invoices for work undertaken and payments are made in accordance with EA financial procedures.

Private operators must ensure that vehicles and drivers comply with the statutory requirements of the relevant authorities which require that valid drivers' licences, CPC cards, PSV licences/certificates, tax and insurance documents are submitted. All of these documents must also be submitted to the EA before any transport contracts are awarded. In addition an Access NI Enhanced Disclosure check is carried out for all drivers and escorts prior to any contract being awarded.

**Ms Armstrong** asked the Minister of Education for his Department's definition of rural.  
**(AQW 9244/16-21)**

**Mr Weir:** The Department's definition of rural was provided as the answer to AQW 6623/16-21. It is as follows:

The definition of urban/rural the Department uses for statistical purposes is based on settlements. Schools situated in a settlement that has a population of 5,000 or over (classified as a 'small town') is urban. Schools in settlements with a population of less than 5,000 are classified as rural.

Further information can be found here: <http://www.nisra.gov.uk/archive/geography/review-of-the-statistical-classification-and-delineation-of-settlements-march-2015.pdf>.

An alternative definition of urban/rural has been used for specific projects in the past. Specifically, the Department's Sustainable Schools Policy defines rural areas as those outside of what were the former Belfast and Derry City Council areas.

**Mrs Barton** asked the Minister of Education how his Department will address the planned teachers' strike in Fermanagh and South Tyrone over a 1 per cent pay increase.  
**(AQW 9270/16-21)**

**Mr Weir:** Teachers' Terms and Conditions, including pay, are negotiated through the forum of the Teachers' Negotiating Committee (TNC). The membership of the TNC comprises the Northern Ireland Teaching Council (NITC), which is made up of representatives from the five recognised teaching unions, and Management Side, which is made up of employer representatives, sectoral interests and Departmental representatives.

I was disappointed to hear that in addition to 4 of the 5 teaching unions engaging in action short of strike action, that 2 of those teaching unions will also be engaging in discontinuous strike action.

I fully respect unions' rights to take industrial action when mandated by their members, but equally I have to respect the right of employers to manage the impact of such action within the law. Pay negotiations for 2015 and 2016 have concluded following a pay deal which is in line with the parameters of NI Executive Pay Policy guidance, therefore any strike action is futile.

I have asked the teaching unions to reflect on any planned disruption, as industrial action is not in the interests of children, schools or teachers themselves. I have also urged them to go back to the negotiating table for future years and to accept that the pay offer they walked away from is not in a position to be improved upon.

Management Side of the TNC wrote to the NITC following a meeting in November inviting them to enter immediate and intensive negotiations to resolve the issues connected with the ongoing industrial action, in an effort to focus on the future and bring an end to the ongoing disruption.

My officials have advised that an initial meeting between Management Side and the NITC was held on 12 January 2017 to discuss ongoing industrial action. I understand that the meeting was constructive and members agreed to exchange discussion papers and to meet again on 24th January 2017. I continue to encourage everyone involved in the negotiations to attempt to resolve the matters which have resulted in the industrial action with a focus on 2017 and beyond.

**Mr Beggs** asked the Minister of Education when Greenisland Primary School will receive the upgrade and enhancement work required by the school.  
**(AQW 9303/16-21)**

**Mr Weir:** On the 25 January 2017 I announced a second call for proposals under the School Enhancement Programme (SEP). The School Enhancement Programme will target investment to meet immediate and pressing needs in schools where a capital new build is not deemed affordable or deliverable.

The Education Authority, as Greenisland Primary School's managing authority, will now have the opportunity to submit an application to the Department for improvement works at the School under the School Enhancement Programme.

The school may also wish liaise with the Education Authority to address any urgent maintenance concerns through the Minor Works Programme.

**Mr Beggs** asked the Minister of Education to detail (i) when the School Enhancement Programme will open; and (ii) the qualifying criteria.  
**(AQW 9304/16-21)**

**Mr Weir:** On the 25 January 2017 I announced a second call for proposals under the School Enhancement Programme (SEP). The School Enhancement Programme will target investment to meet immediate and pressing needs in schools where a capital new build is not deemed affordable or deliverable.

The protocol setting out the processes to be used to identify and rank proposals submitted to the second SEP call is currently available on the Department of Education's website.

**Mr Agnew** asked the Minister of Education to detail his Department's future funding of Extern's Intensive Family Support Service.  
**(AQW 9305/16-21)**



**Mr Weir:** The pilot Belfast Intensive Family Support Service (BIFSS) was commissioned by the Health and Social Care Board (HSCB) and is provided by Extern from April 2014 to March 2017.

BIFSS is funded for three years by the Department of Health, the Department of Education, the Department of Justice, the Department for Communities, and the Department for the Economy.

Decisions around future funding will be subject to agreement with other funding departments.

**Mr Lyttle** asked the Minister of Education (i) whether schools are statutorily required to provide additional therapies to pupils such as physiotherapy and occupational therapy when detailed in a statement of Special Educational Needs; and (ii) if so, to detail within what timescale they are required to put these in place.

**(AQW 9319/16-21)**

**Mr Weir:** Statutory responsibility for arranging therapeutic services, when this forms part of special educational provision in a child's statement of special educational needs (SEN), falls to the Education Authority (EA) under Article 16(5)(a)(ii) of the Education (Northern Ireland) Order 1996.

However, prime responsibility for the provision to children of therapeutic services rests with the Health and Social Care Trusts (HSCTs), as the employer of therapists. This applies generally and also to any specification of such services in a statement of SEN.

Timescales for putting therapeutic services in place would be a matter for the HSCTs, as agreed with the EA.

**Mrs Barton** asked the Minister of Education to detail (i) the number of applications submitted for the Investing in the Teaching Workforce Scheme; and (ii) the number of applications accepted, broken down by constituency.

**(AQW 9382/16-21)**

**Mr Weir:** The Department received 460 applications for the Investing in the Teaching Workforce Scheme, of which 120 applications have been provided with conditional approval, in line with the process stated in the Investing in the Teaching Workforce Scheme guidance.

The number of applications which have been accepted is not yet available.

The Department does not hold this information broken down by constituency.

**Mr Swann** asked the Minister of Education to detail how much his Department has spent on external legal advice (i) in the year to date; and (ii) in each of the last three years.

**(AQW 9389/16-21)**

**Mr Weir:** My Department has spent the following on external legal advice (i) in the year to date; and (ii) in each of the last three years.

Year	Total Departmental Expenditure on External Legal Advice £'000
1 April 2016 to 31 December 2016	25
2015/16	7
2014/15	14
2013/14	10

**Note:** Figures are based on financial years

**Ms Bradshaw** asked the Minister of Education for an update on the timescale on the Fresh Start Agreement for Shared and Integrated Education.

**(AQW 9440/16-21)**

**Mr Weir:** The Fresh Start Agreement includes provision of up to £500 million over ten years (2016-2026) of new capital funding to support shared and integrated education. To date 23 projects have been selected. The majority of the projects are in the early stages of planning with procurement currently ongoing to appoint integrated consultant teams. A significant number of the projects will also require land acquisition which can involve lengthy lead-in times.

**Mr Agnew** asked the Minister of Education to outline what plans he has to expand the free school meals programme.

**(AQW 9454/16-21)**

**Mr Weir:** I have no current plans to expand the free school meals programme.

**Mr Lyttle** asked the Minister of Education to detail the percentage of pupils placed in their first preference pre-school, primary and post-primary school in East Belfast, for the current school year.

**(AQW 9468/16-21)**

**Mr Weir:** I should begin by explaining that while parents are able to nominate their preference for the pre-school settings or schools they wish their child to attend; approved enrolment limits mean that no child can be guaranteed a place in a particular setting or school. Nevertheless, the figures for September 2016 admission, which have been provided by the Education Authority and are based on the position at the close of each admissions process, show that the vast majority of children in East Belfast were successful in gaining admission to their first preference setting or school.

There were 1106 available pre-school places throughout East Belfast for this year. Pre-school settings collectively received 1068 applications, of which 937 pupils received places at their first preference setting. This equates to 87.7% of all applicants.

There were 1207 places, meanwhile, available in the primary sector. There were 1094 primary applications received with 1021 of those applicants receiving places at their first preference school, equating to 93.3%.

Post-primary figures are as follows; 1028 places were available, 1025 post-primary applications were received with 807 applicants receiving places at their first preference school. I am pleased to say 78.7% of these children were placed at their first preference school.

I would emphasise again, that these figures do not relate to children placed at one of the schools of their choice – but those placed at their first preference school.

**Mr McNulty** asked the Minister of Education to detail the Local Management of Schools budget for each school in (i) 2007-08; (ii) 2008-09; (iii) 2009-10; (iv) 2010-11; (v) 2011-12; (vi) 2012-13; (vii) 2013-14; (viii) 2014-15; and (ix) 2015-16.

**(AQW 9494/16-21)**

**Mr Weir:** Details of each school's delegated budget are published every year by the relevant Funding Authority on their website. I have arranged for copies of the information requested to be placed in the Assembly Library.

**Mr Lyttle** asked the Minister of Education to outline (i) the reason for the delay in the publication of the Independent Review of Integrated Education report; and (ii) when it will be published.

**(AQW 9519/16-21)**

**Mr Weir:** The review report will be published on 2 March 2016.

Protocol indicates that major consultations should not take place during the election period.

**Mr Lyttle** asked the Minister of Education to detail all Education Authority funded youth services in East Belfast; broken down by (i) organisation; (ii) facility; (iii) full time; and (iv) part time staff.

**(AQW 9520/16-21)**

**Mr Weir:** The Education Authority (EA) has provided the following information in relation to all EA funded youth services in East Belfast.

Facility	Organisation	Full-time Staff	Part-time Staff
Centres (facility operated out of a centre e.g. church hall etc.)	Ballybeen Peer Education Project	0	0
	Belfast City Mission Youth Council	0	0
	Branial Youth Club	0	0
	Bright Lights	0	0
	CEP (Child Evangelism Fellowship) Special Youth Projects	0	0
	Christ Church Presbyterian Youth Council	0	0
	Dreamscheme NI	0	4
	Gilnahirk Presbyterian Youth Council	0	0
	St Finnian's Youth Council	0	0
Full-time Statutory Units	Ardcarnet Youth Club	2	7
	Belvoir Youth Club	1	12
	Cregagh Youth Club	1	9
	Doyle Youth Club	1	11

Facility	Organisation	Full-time Staff	Part-time Staff
Full-time Voluntary Unit	Ledley Hall Boys & Girls Club	1	10
Part-time Statutory Units	Archway Youth Club	0	6
	Clarawood Youth Club	0	5
	Knocknagoney Youth Club (based in Belfast City Council Premises)	0	3
Part-time Voluntary Units	Ballymac Friendship Trust	0	4
	Colmcille Youth	0	0
	East Belfast Youth Forum	0	0
	Knock Presbyterian Church Youth	0	0
	Orangefield Youth Club	0	2
	Stormont Presbyterian Youth	0	0
	Strandtown Olympic Recreation & Social	0	0
	Tullycarnet Youth	0	2
	Willowfield Parish Community Association	0	0
	Willowfield Youth	0	0
	Youth Initiatives East Belfast	0	0
	Short Strand Community Forum*	0	0
	Walkway Community Association*	0	3
	Wandsworth Community Association*	0	0
Small Uniform Units (small voluntary units named on the basis of their associated uniform)	100th Belfast Company BB	0	0
	10th Belfast Scout Group	0	0
	111th Orangefield Brownies	0	0
	114th Belfast Guides	0	0
	119th Belfast BB	0	0
	11th Belfast Scout Group	0	0
	11th Belfast Venture Scouts	0	0
	137th St Brendan's Rainbows	0	0
	148th NI GB	0	0
	15th NI GB	0	0
	18th NI GB	0	0
	1st Dundonald Guiding	0	0
	216th Church of God GB	0	0
	233rd Grove Baptist GB	0	0
	24th Belfast BB	0	0
	25th Belfast Company BB	0	0
	26th Scout Group	0	0
	27th Scout Group	0	0
	29th NI GB	0	0

Facility	Organisation	Full-time Staff	Part-time Staff
	2nd East Belfast Ranger Guides	0	0
	30th Belfast BB	0	0
	342nd GB / 50th BB	0	0
	37th Belfast Scouts	0	0
	3rd St Brendan's Scout Group	0	0
	43rd Belfast BB	0	0
	4th Belfast Scouts	0	0
	63rd BB	0	0
	63rd GB	0	0
	66th Belfast South East Scouts	0	0
	69th Belfast Guides	0	0
	76th Belfast BB	0	0
	79th BB	0	0
	7th NI Sydenham Methodist GB	0	0
	7th Scout Group	0	0
	82nd BB	0	0
	83rd GB	0	0
	93rd BB	0	0
	93rd GB Orangefield Presbyterian	0	0
	94th Belfast BB	0	0
	95th GB	0	0
	9th Belfast Scout & Sydenham Explorer	0	0
	Dundonald Elim 315th GB & 4th BB	0	0
	St Colmcille Guide Unit	0	0
	St Mary's Impact YC and 194th GB	0	0
	Sydenham Methodist Youth	0	0
Statutory Units	East Belfast Area Project	6	1
	Sydenham Youth Club (unit closed youth worker based in Ledley Hall)	0	1

\* Independent community associations (noted for youth related funding element).

**Mrs Dobson** asked the Minister of Education to detail (i) the measures taken to review the health and safety for children when new bus shelters are (a) established; and (b) existing shelters are updated; and (ii) each occasion that these measures have been updated in each of the last ten years.

**(AQW 9541/16-21)**

**Mr Weir:** Responsibility for bus shelters rests with Translink and its sponsoring department, the Department for Infrastructure.

**Mr McGrath** asked the Minister of Education (i) for an update on the status of the Voluntary Youth Capital Funding Scheme 2016-17; and (ii) to outline the plans for this fund (a) until the end of March 2017; and (b) from April 2017 onward.

**(AQW 9542/16-21)**

**Mr Weir:** I can advise that the call for voluntary youth capital projects closed on 30 September 2016 and that assessment of all applications lodged are now being finalised.

Spend on these schemes was not anticipated in the current financial year.

Until the 2017/18 Capital Budget has been agreed, I cannot comment on the plans for this fund from April 2017.

**Ms Bradshaw** asked the Minister of Education for an update on plans to relocate Forge Integrated Primary School, Belfast.  
(AQW 9548/16-21)

**Mr Weir:** The two-month objection period for Development Proposal 463 for the relocation of Forge Integrated Primary School ended on 20 December 2016. My officials are currently compiling all relevant information.

This work however cannot be progressed further until the business case for the capital project, that will include assessing site options for the new build school, is approved. The Department is working to progress this as quickly as possible.

**Mrs Overend** asked the Minister of Education for an update on his correspondence with the Secretary of State on whether money from the Fresh Start Agreement can be carried over from one year to the next.  
(AQW 9609/16-21)

**Mr Weir:** I wrote again to The Secretary of State on this matter, and in parallel, asked the Minister of Finance to approach HM Treasury. The Chief Secretary to the Treasury, has indicated, that there could be no flexibility in the £50m per annum profiling of Fresh Start Funding.

**Mr Durkan** asked the Minister of Education whether he has plans to instruct the Education Authority to introduce high visibility clothing as a mandatory part of school uniforms.  
(AQW 9630/16-21)

**Mr Weir:** The wearing of a school uniform is not governed by legislation and any decisions on the choice of school uniform are a matter for the Board of Governors of individual schools.

My Department has, however, issued guidance to schools on school uniform policy which includes a section relating to travelling to school. It emphasises that the safety of children is paramount and highlights the difficulties caused by dark uniforms during the winter months, particularly on rural roads. It asks schools to take this into account when designing their uniform and consider using reflective materials and encourage the wearing of high visibility items.

**Mr McPhillips** asked the Minister of Education for an update on the future of St. Brigid's Primary School, Augher.  
(AQW 9664/16-21)

**Mr Weir:** The Education Authority (EA) has confirmed that the pre-publication consultation on a Development Proposal for the proposed closure of St Brigid's Primary School, Augher with effect from 31 August 2017, ended on 20 January 2017.

It is anticipated that the Proposal will then proceed to the EA Education Committee meeting on Thursday 9 February 2017 with publication in the local press to follow on Thursday 16 February 2017.

Publication of the Proposal will initiate a statutory two month objection period during which anyone interested or affected by the proposal can make their views known directly to my Department. All views and opinions expressed during this period will be considered as part of my deliberations on a proposal and before I take a decision on it.

**Mr Mullan** asked the Minister of Education to detail his plans to ensure a school's board of governors act in a teacher's best interest in circumstances where it may have acted unlawfully in enacting suspensions.  
(AQW 9675/16-21)

**Mr Weir:** The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions on precautionary suspension are therefore a matter for the BoG, in consultation with the relevant employing authority.

The BoG, as the employer of teachers, is responsible for the provision of support to teachers who have been placed under precautionary suspension.

DE Circular 2015/13, 'Dealing with Allegations of Abuse Against a Member of Staff' provides guidance to BoGs in relation to the support they should provide to teachers in such cases, to include a named contact in the school, access to the Staff Welfare Officer's contact details and being made aware of the availability of confidential and independent Staff Care Services such as Inspire Workplaces.

One of the roles of the Employing Authorities is to work with BoGs in order to regularly review all such cases.

I can advise that my Department monitors the numbers of teachers on precautionary suspension on a quarterly basis within the Education Authority, CCMS, the Voluntary Grammar and Grant Maintained Integrated Sectors.

**Mr Nesbitt** asked the Minister of Education to detail (i) all post-primary schools; (ii) their allocated number of pupil places; and (iii) the number of pupils admitted, broken down for each year in last three years.  
(AQW 9747/16-21)

**Mr Weir:** I have arranged for the response to be included in the Assembly library.



**Mr Nesbitt** asked the Minister of Education to outline the (i) protocol; and (ii) procedures relating to the allocation of pupil places to schools.

**(AQW 9748/16-21)**

**Mr Weir:** Part III of the Education (Northern Ireland) Order 1997 sets out the statutory requirements for the admission of pupils to grant-aided schools. Legislation allows for families to express their preferences regarding which school they wish their child to attend. The Department refers to this process as 'Open Enrolment'.

The degree to which any school can respond to parental preference is governed by its approved admissions and enrolment numbers. These numbers are set by the Department taking into account a number of factors including the number stipulated in an approved Development Proposal or that for which the school was built.

Schools are required each year to set and publish admissions criteria that will determine which applicants the school can admit down to the last available place.

The admissions process is administered by the Education Authority (EA). The EA makes arrangements for parents to express their preference as to the schools they wish their child to attend. Parents are advised to select at least four schools in order of preference and may apply to schools of any particular type, for example controlled, integrated, catholic maintained etc or any combination of sectors. In the event of a school being oversubscribed, the forms of unsuccessful applicants at first preference are passed on to the second preference schools and possibly further as necessary.

When there is demographic pressure in a particular area, my Department will consider a Temporary Variation (TV) to a school's admissions or enrolment number to accommodate those pupils who would not otherwise have a place available to them within their chosen sector within reasonable travelling distance of their home address.

Reasonable travelling distance is defined as two miles for primary age children and 15 miles or a journey of not more than an hour by public transport for post-primary pupils.

**Mr Nesbitt** asked the Minister of Education to outline the circumstances under which a post-primary school would be allowed to take more pupils than their allocation.

**(AQW 9749/16-21)**

**Mr Weir:** The Department of Education has the legislative power to grant additional places to schools by way of a Temporary Variation (TV) to a school's admissions and/or enrolment number. This is a tightly controlled power which is designed to cater for a temporary (one year) pressure, due, for example, to higher than anticipated demand. It is not intended to facilitate admission to a school where alternative choices are available.

Through the use of TVs, the Department aims to ensure that pupils can access a place in a grant-aided school within reasonable travelling distance of their home address and within the sector the family has chosen. When considering a TV request from a post-primary school, DE must take into consideration the following circumstances only:

- (i) Availability of places in an area within the family's chosen sector; ie denominational; non-denominational; integrated; or Irish Medium.
- (ii) Travelling distance\* between the child's home and suitable alternative schools within the chosen sector which have places available.

\* For post-primary schools the Department defines 'reasonable travelling distance' as a journey that can be completed by public transport in one hour or less and is not further than 15 miles from the family's home address.

It is a school's prerogative to apply for a TV if it wishes.

Finally, I should explain that children placed in a school on the basis of a statement of special educational needs, children placed on appeal, and children placed following a direction of the Exceptional Circumstances Body are considered as supernumerary admissions and may be admitted above a school's approved enrolment number without the need to seek a Temporary Variation.

**Mr Robinson** asked the Minister of Education whether he has any plans to consider the construction of a new school at Milburn in Coleraine.

**(AQO 951/16-21)**

**Mr Weir:** There are currently no plans for a new school build for Millburn Primary School and given the substantial Major Capital Investment Programme underway, a further call for projects is not anticipated at present. However, should a call be considered in the future, the school's Managing Authority, will determine if Millburn Primary School is a strategic priority project for submission.

Another avenue that may be open to the school for consideration in the future is the potential to apply for funding under the School Enhancement Programme. This programme provides extension and/or refurbishment projects ranging from £0.5m to £4m.

**Mr Humphrey** asked the Minister of Education for an update on the 2017 enrolment numbers for the Belfast Model School for Boys and the Belfast Model School for Girls.

**(AQO 952/16-21)**

**Mr Weir:** In relation to the 2017/18 school year, the approved enrolment numbers for the Belfast Boys' Model and the Belfast Model School for Girls are 905 and 950 respectively.

These figures represent the number of children each school may have enrolled. Should either of the schools wish to admit pupils above these numbers, they are able to apply to the Department for a temporary variation to enable them to admit additional, named children.

Children with a statement of special educational needs, children admitted on appeal and children admitted by direction of the Exceptional Circumstances Body are considered supernumerary admissions and may be enrolled at the school above the approved numbers, without the need to seek Departmental approval.

**Ms Bailey** asked the Minister of Education when he will publish the Independent Review of Integrated Education.  
(AQO 953/16-21)

**Mr Weir:** I am currently considering the review report. No final decision has been made on the date of publication.

**Mr Kennedy** asked the Minister of Education for an update on the proposals to close Delamont, Killowen, Ardnabannon and Bushmills Outdoor Education Centres.  
(AQO 954/16-21)

**Mr Weir:** The Review of Residential and Outdoor Education provision is currently subject to public consultation by the Education Authority. The consultation is due to end on Monday, 6 February 2017.

The Education Authority has confirmed that, to date, they have received over 900 responses to the on-line consultation questionnaire as well as a number of written responses.

I have written to the Chair of the Education Authority and outlined my expectation that the Education Authority carries out a thorough analysis of the consultation responses, fully considers the viability of any alternative proposals identified, and any possible revenue generating options, and is prepared to engage with those who have provided alternative proposals in order to determine the approach that best meets the needs of children within the available resources.

**Mrs Palmer** asked the Minister of Education to outline the reason for the delay in the presentation of the Childcare Strategy to the Executive.  
(AQO 955/16-21)

**Mr Weir:** The Childcare Strategy is being delivered on a phased basis. The first phase was published in 2013 and contained a number of Key First Actions to address childcare needs which had been identified through consultation and research as priority issues. These Actions are continuing to be implemented and included the establishment of the Bright Start School Age Childcare Grant Scheme, which financially supports low cost childcare places and has, to date, supported some 3,000 low cost childcare places across Northern Ireland.

A draft Childcare Strategy was launched for consultation in the latter half of 2015 by the former Office of the First Minister and Deputy First Minister. Some 300 consultation responses were received in addition to the views expressed during the formal consultation and stakeholder events.

This is indicative of the extent of public interest in this policy area and I want to ensure that the revised version of the Strategy fully reflects the outcome of the consultation and the existing research and evidence which highlights the importance of high quality childcare in promoting positive early childhood development.

The transfer of policy responsibility for childcare to my Department in May 2016 has also created opportunities to ensure that childcare is better aligned with DE Early Years initiatives. I want to ensure that I have fully considered the opportunities for integrating these services in line with the Strategy's objectives.

The Strategy is at an advanced stage of development.

**Ms Armstrong** asked the Minister of Education, given that the target for participants in shared education is cited as 762 schools in the Delivering Social Change Signature Project: Shared Education business case, to clarify his statement during a Radio Ulster interview on 3 October 2016 that the target in the business case was 352 schools.  
(AQO 956/16-21)

**Mr Weir:** The target for the DSC Shared Education Signature Project is to increase the percentage of schools providing shared classes to 33% by end of 2017/18. At the time the target was set there were 1,068 schools (primary, post-primary and special) – hence a target of 352 schools. Statistics for 2016/17 show the number of schools has declined to 1,061 – hence the current target is 350 schools. The reference to 762 schools relates to the number potentially eligible to participate in the programme.

**Mr Easton** asked the Minister of Education for an update on the proposed new build for St Columbanus' College, Bangor.  
(AQO 957/16-21)

**Mr Weir:** There are currently no plans for a new school build for St Columbanus' College.

Given the substantial Major Capital Investment Programme underway, there are no plans for a further major capital investment announcement; however the school's Managing Authority, the Council for Catholic Maintained Schools (CCMS), has stated that major capital investment for St Columbanus' College remains a strategic priority and the school will be submitted for consideration should a future call for potential major capital projects in the post-primary sector be made.

**Mr McGrath** asked the Minister of Education for an update on the proposed closure of Outdoor Education Centres.  
(AQO 958/16-21)

**Mr Weir:** The Review of Residential and Outdoor Education provision is currently subject to public consultation by the Education Authority. The consultation is due to end on Monday, 6 February 2017.

The Education Authority has confirmed that, to date, they have received over 900 responses to the on-line consultation questionnaire as well as a number of written responses.

I have written to the Chair of the Education Authority and outlined my expectation that the Education Authority carries out a thorough analysis of the consultation responses, fully considers the viability of any alternative proposals identified, and any possible revenue generating options, and is prepared to engage with those who have provided alternative proposals in order to determine the approach that best meets the needs of children within the available resources.

**Ms S Bradley** asked the Minister of Education for an update on the Investing in the Teaching Workforce scheme.  
(AQO 959/16-21)

**Mr Weir:** The Department has received 460 applications for the Investing in the Teaching Workforce Scheme, of which 120 applications have been provided with conditional approval, in line with the process stated in the Investing in the Teaching Workforce Scheme guidance.

Information in relation to the process can be found on the Department of Education website, under the section entitled Investing in the Teaching Workforce.

**Mr Lyttle** asked the Minister of Education how many teachers are required across all schools.  
(AQW 9750/16-21)

**Mr Weir:** The Department of Education (DE) is not the employer of teachers, and is not responsible for the appointment of teachers. Teachers are employed by the Board of Governors (BoG) for each school, with the recruitment, selection and appointment of teachers carried out in conjunction with the relevant employing authority; such as the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) or in the case of Voluntary Grammar and Grant Maintained Integrated schools by individual BoG.

Although DE does not know the full complement of teachers required across all schools we can provide the number of teachers working in schools. This is given in the table below:

**Table 1. Full-time equivalent (FTE) number of teachers by school type, 2015.**

School Type	FTE teachers
Nursery	193.4
Primary	8272.6
Secondary	5410.2
Grammar	3899.0
Special	795.6
<b>Total</b>	<b>18570.9</b>

**Source:** Teachers' Pay and Pensions Administration System

## Department of Justice

**Lord Morrow** asked the Minister of Justice to outline whether legal aid is suspended and/or stopped in instances where a defendant absconds in breach of bail.  
(AQW 9143/16-21)

**Ms Sugden (The Minister of Justice):** In instances where a defendant absconds in breach of bail conditions the legal aid is not suspended or stopped. However, the representatives of the defendant are entitled to be paid for any work done up to that stage and will ordinarily proceed to submit their bill to the Legal Services Agency. Such bills will be assessed in keeping with relevant Rules.

**Lord Morrow** asked the Minister of Justice to outline when the newly appointed NIPS Director General will take up post.  
**(AQW 9633/16-21)**

**Ms Sugden:** The individual appointed to the position of Director of Reducing Offending, encompassing the role of Director General of the Northern Ireland Prison Service, will take up post on 1 February 2017.

**Lord Morrow** asked the Minister of Justice to detail how many instances a jail sentence was imposed, and the offender levy was (i) paid by prisoners without issue; and (ii) required to be deducted from prisoners following refusal to pay, shown per calendar year since the scheme commenced.

**(AQW 9634/16-21)**

**Ms Sugden:** It is not possible for any offender given an immediate custodial sentence to refuse payment of the levy. At the outset of their prison term the offender can either pay the levy in full, or have the levy deducted from their prisoner earnings on a weekly basis. Such deductions are made under section 3 of the Justice Act (Northern Ireland) 2011.

**Lord Morrow** asked the Minister of Justice when a member of NIPS staff making use of a NIPS-registered vehicle and subsequently involved in a traffic violation, whether (i) the member of staff or NIPS is liable; and (ii) this extends to the imposition of Penalty Points.

**(AQW 9635/16-21)**

**Ms Sugden:** A driver of a vehicle within NIPS is personally responsible for their actions and subject to the rule of law. This includes any awards imposed such as penalty points. Any damages that may be awarded in such cases would be covered by the vehicle insurance carried by NIPS.

**Lord Morrow** asked the Minister of Justice to detail how many prisoners in Hydebank Young Offender Centre were granted Christmas leave; and of these how many (i) failed to return at the appointed time; (ii) breached conditions of release; and/or (iii) committed an offence whilst on leave.

**(AQW 9636/16-21)**

**Ms Sugden:** Four males were granted Christmas leave. No-one failed to return at the appointed time, breached conditions of release or committed an offence whilst on leave.

**Mr Allen** asked the Minister of Justice whether she is aware of a delay to the processing of firearm licenses; and to detail the actions she is taking to fast-track them, including any discussions she has held with the PSNI.

**(AQW 9650/16-21)**

**Ms Sugden:** I am aware that the PSNI have been experiencing a backlog in application processing for some time now. Much of this stems from staff leaving as a result of a voluntary exit scheme. This caused not only a loss of staff resources but also the associated expertise.

Before Christmas, I met with ACC Todd and he outlined the plans to introduce an online application system which is expected to greatly assist in speeding up processing times.

You may be aware that this was introduced on 16 January and I fully support this move as an improvement to customer service.

**Lord Morrow** asked the Minister of Justice in relation to the release of Cathal Francis Hughes on bail to a Simon Community Hostel in County Armagh in June 2016, to outline (i) on what date the multi-agency group held a meeting in which a decision was taken to downgrade the risk he presented to low; (ii) the criteria applied in reaching this conclusion; and (iii) the agencies represented at said meeting.

**(AQW 9692/16-21)**

**Ms Sugden:** My Department has no knowledge of any meeting reaching the conclusion you have described. Mr Hughes' risk categorisation under the public protection arrangements has not been reduced and he continues to be risk managed by PSNI whilst remaining subject to bail.

## Northern Ireland Assembly Commission

**Mr Butler** asked the Assembly Commission why it has not taken steps to increase car parking capacity for visitors to Parliament Buildings since May 2016.

**(AQW 9573/16-21)**

**Mr Attwood (The Representative of the Assembly Commission):** The Assembly Commission acknowledges the difficulties that have existed at Parliament Buildings over time in relation to car parking, particularly on Sitting days.

Assembly management have endeavoured to address those difficulties, albeit with limited success, mainly due to the fact that no further space can be made available within the environs of Parliament Buildings nor indeed the broader Stormont Estate, for the creation of additional car parking spaces.

Assembly management have discussed car parking on a number of occasions in the past with Department of Finance (DoF) (formerly as DFP) who have confirmed that having reviewed car parking within the Stormont Estate, they have no plans to increase capacity in the foreseeable future.

Assembly management have however been able to ease the pressure on car parking by using existing space as efficiently as possible. This has included some physical realignment and staffing of the lower East car park, and by virtue of the provision of the Overspill car park that came into service in 2011. The latter resulted in the provision of an additional 40 parking spaces, a measure that has been well received.

A further 35 parking spaces (which includes two spaces for the charging of electric vehicles) were also made available at the rear of Parliament Buildings, following the completion of the roof project in 2015.

Whilst it is highly unlikely that there can be any increase in car parking capacity in the near future, Assembly management will nonetheless continue to monitor the overall situation and will raise this again when appropriate during regular future discussions with DoF management.





# Revised Written Answers

This section contains the revised written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.



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# Northern Ireland Assembly

Friday 23 December 2016

## Revised Written Answer

### Department of Finance

*In Bound Volume 120, page WA 57, replace the answer given for AQW 5462/16-21 with:*

**Mr Allister** asked the Minister of Finance (i) how many agency staff have been engaged in the Civil Service during and since the Voluntary Exit Scheme; (ii) at what cost; and (iii) how many of those staff exited under the scheme then returned as agency staff.

**(AQW 5462/16-21)**

**Mr Ó Muilleoir (The Minister of Finance):** The NICS Voluntary Exit Scheme was launched on 2 March 2015 and the final tranche exited at 31 May 2016. The number of Agency workers engaged in the Civil Service at 1 April 2015 was 433 and at 1 June 2016 was 915. By way of some comparison, headcount in the Civil Service reduced by 3,327 in the period 1 April 2015 to 1 July 2016, which in itself will generate an annual pay bill saving of approximately £100 million.

The cost of agency workers engaged in the Civil Service during and since the Voluntary Exit Scheme is £14,583,427.83. This represents the total expenditure on Agency staff during the period 1 April 2015 – 1 June 2016.

The NICS Voluntary Exit Scheme was open only to permanent NICS employees. Agency staff are not NICS employees and so were not eligible to apply and therefore none of those left under the Scheme then returned as Agency staff. In relation to the number of civil servants who exited under the Scheme who then returned as Agency staff, this information is not held by my Department, as it is permissible under the rules of the NICS Compensation Scheme for staff who leave via the Voluntary Exit Scheme to take up employment subsequently as an Agency Worker.

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# Northern Ireland Assembly

Friday 6 January 2017

## Revised Written Answers

### Department of Education

*In Bound Volume 118, page WA 49, replace the answer given for AQW 3297/16-21 with:*

**Mrs Overend** asked the Minister of Education what measures have been put in place to educate young people of the effects of pornography.

**(AQW 3297/16-21)**

**Mr Weir (The Minister of Education):** DE Circular 2015/22, which issued in August 2015, advised schools about revised Relationship and Sexuality Education (RSE) guidance produced by the Council for the Curriculum, Examinations and Assessment (CCEA). There are two separate guidance documents – one for primary level and one for post-primary level.

The guidance does not stray into the actual content of teaching and learning as this is a matter for each school across all Areas of Learning within the statutory curriculum. It does, however, make reference to issues such as pornography and 'sexting', and provides a resource directory signposting schools to useful resources which teachers/schools may find helpful.



# Journal of Proceedings



# Minutes of Proceedings



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# Northern Ireland Assembly

Monday 16 January 2017

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Prayers

Members observed two minutes' silence.

## 2. Assembly Business

### 2.1 Motion: Suspension of Standing Order 20(1)

**Proposed:**

That Standing Order 20(1) be suspended for 16 January 2017.

*Mr T Clarke  
Ms C Ní Chuilín  
Mr R Swann  
Mr A Attwood  
Mr S Dickson  
Mr A Agnew*

*The Question being put, the Motion was carried with cross-community support (No dissenting voices)*

### 2.2 Filling of Vacancies in the Office of the First Minister and deputy First Minister

The Speaker outlined the procedure for the appointment of the First Minister and deputy First Minister as set out in section 16B (4) to (7) of the Northern Ireland Act 1998 and Standing Order 44(1).

Lord Morrow of Clogher Valley, the nominating officer for the Democratic Unionist Party, nominated the Rt. Hon Mrs Arlene Foster as First Minister.

The Rt. Hon Mrs Arlene Foster affirmed the terms of the Pledge of Office contained in Schedule 4 to the Northern Ireland Act 1998.

Mrs Michelle O'Neill, the nominating officer for Sinn Féin, declined to make a nomination for deputy First Minister.

The Speaker confirmed that the requirements of the Northern Ireland Act 1998 had not been met and that the offices of the First Minister and deputy First Minister must remain vacant.

## 3. Executive Committee Business

### 3.1 Motion: The draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

**Proposed:**

That the draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 be approved.

*Minister for Communities*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

*The debate was suspended for Question Time.*

*The Deputy Speaker (Mr McGlone) took the Chair.*



## 4. Question Time

### 4.1 Finance

Questions were put to, and answered by, the Minister of Finance, Mr Máirtín Ó Muilleoir.

### 4.2 Health

Questions were put to, and answered by, the Minister of Health, Mrs Michelle O'Neill.

*The Deputy Speaker (Mr Kennedy) took the Chair.*

## 5. Executive Committee Business (cont'd)

### 5.1 Motion: The draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017

#### Proposed:

That the draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 be approved.

*Minister for Communities*

*Debate ensued.*

*The Question being put, the Motion was carried without division.*

## 6. Assembly Business (cont'd)

### 6.1 Motion: Extension of Sitting on Monday 16 January 2017 under Standing Order 10(3A)

#### Proposed:

That, in accordance with Standing Order 10(3A), the sitting on Monday 16 of January 2017 be extended to no later than 1:00am on Tuesday 17 January 2017.

*Mr T Clarke  
Ms C Ní Chuilín  
Mr R Swann  
Mr A Attwood  
Mr S Dickson  
Mr S Agnew*

*The Question being put, the Motion was carried with cross-community support (No dissenting voices).*

## 7. Executive Committee Business (cont'd)

### 7.1 Motion: The draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

#### Proposed:

That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.

*Minister for the Economy*

*Debate ensued.*

*The debate was suspended.*

*The sitting was suspended at 5.42pm and resumed at 5.58pm.*

## 8. Private Members' Business

### 8.1 Motion to Delay

**Proposed:**

That this Assembly, in accordance with Standing Order 16, adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 until Monday 23 January 2017.

*Mr M Nesbitt*

*Debate ensued.*

The Question being put, the Motion was **carried** without division

*In accordance with Standing Order 9A, the Temporary Speaker (Lord Morrow) took the Chair.*

### 8.2 Motion: No Confidence in the Speaker

**Proposed:**

That this Assembly has no confidence in the Speaker of the Assembly; believes that his position is untenable as he has compromised the independence and integrity of the Office of Speaker; and calls for his immediate resignation.

*Ms C Ní Chuilín*

*Mr C Murphy*

*Mr A Maskey*

*Mr G Kelly*

*The Motion was not moved.*

*The Deputy Speaker (Mr McGlone) took the Chair.*

*The sitting was suspended at 6.48pm and resumed at 7.45pm with the Deputy Speaker (Mr Kennedy) in the Chair.*

### 8.3 Motion: Alcohol-Related Crime

**Proposed:**

That this Assembly recognises the proven link between crime and the over-consumption of alcohol; and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a targeted outcome of significantly reducing alcohol-related crime.

*Mr A Easton*

*Mr S Douglas*

*Debate ensued.*

The Question being put, the motion was **carried**.

## 9. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 8.42pm.*

**Mr Robin Newton**

The Speaker

16 January 2017

## Appendix 1

# The Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, at 1249pm on Monday 16 January 2017, in relation to the motion of No Confidence in the Speaker:

- Mr Sydney Anderson
- Mr Maurice Bradley
- Ms Paula Bradley
- Mr Keith Buchanan
- Mr Tom Buchanan
- Ms Joanne Bunting
- Mrs Pam Cameron
- Mr Trevor Clarke
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Ms Carla Lockhart
- Mr Phillip Logan
- Mr Gordon Lyons
- Mr Nelson McCausland
- Ms Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- Mrs Emma Little Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Alastair Ross
- Mr Christopher Stalford
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

# Northern Ireland Assembly

## Papers Presented to the Assembly on 20 December 2016 – 16 January 2017

### 1. Acts of the Northern Ireland Assembly

### 2. Bills of the Northern Ireland Assembly

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

Northern Ireland Courts and Tribunal Service – Trust Statement 2015-16 (DoJ).

Maze/Long Kesh Development Corporation Annual Report and Accounts 2015-16 (TEO).

Victims and Survivors Service Limited Annual Report and Accounts for the year ended 31 March 2016 (TEO).

The Northern Ireland Community Relations Council Annual Report and Accounts for the year ended 31 March 2016 (TEO).

The Commission for Victims and Survivors for Northern Ireland Annual Report and Accounts 2015-16 (TEO).

Gangmasters Licensing Authority Annual Report and Accounts 2015-2016 (DAERA).

The Northern Ireland Social Security Agency Social Fund Account for the year ended 31 March 2016 (NIAO).

Legislative Consent Memorandum – Criminal Finances Bill (DoJ).

Witness Charter: A Charter for Witnesses of Crime (DoJ).

Legislative Consent Memorandum – Digital Economy Bill (DfE).

Attorney General for Northern Ireland Sixth Annual Report 2015/16 (TEO).

Northern Ireland Social Security Agency Social Fund Account for the year ended 31 March 2016 – Second Version (NIAO).

Funds in Court in Northern Ireland – Statement of Accounts for 2015-2016 (DoJ).

### 5. Assembly Reports

### 6. Statutory Rules

SR 2016/427 The Mines Regulations (Northern Ireland) 2016 (DfE).

SR 2016/431 The Victim Statement Regulations (Northern Ireland) 2016 (DoJ).

SR 2017/1 The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations (Northern Ireland) 2017 (DfC).

SR 2017/2 The Air Quality Standards (Amendment) Regulations (Northern Ireland) 2017 (DAERA).

SR 2017/3 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2017 (DAERA).

SR 2017/7 The Education (Student Support) (No. 2) (Amendment) and Education (Student Loan) (Repayment) (Amendment) Regulations (Northern Ireland) 2017 (DfE).

SR 2017/8 The Areas of Natural Constraint Regulations (Northern Ireland) 2017 (DAERA).

SR 2017/9 The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (DfC).

SR 2017/10 The General Dental Services (Amendment) Regulations (Northern Ireland) 2017 (DoH).

SR 2017/13 The Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017 (DAERA).

SR 2017/000 Draft The Witness Charter (Justice Act (Northern Ireland) 2015) Order (Northern Ireland) 2017 (DoJ).

SR 2017/000 Draft The Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 (DfI).

SR 2017/000 Draft The Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 (DfC).

SR 2017/000 Draft The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 (DfC).

SR 2017/000 Draft The Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (DfE).

#### **For Information Only**

SR 2016/433 The Bus Lanes Orders (Amendment) Order (Northern Ireland) 2016 (DfI).

SR 2016/434 The Parking and Waiting Restrictions (Belfast) (Amendment No. 6) Order (Northern Ireland) 2016 (DfI).

SR 2016/435 The Waiting Restrictions (Saintfield) Order (Northern Ireland) 2016 (DfI).

SR 2016/436 (C.35) The Justice (2015 Act) (Commencement No. 9) Order (Northern Ireland) 2016 (DoJ).

SR 2017/5 (C.1) The Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 11) Order 2017 (DoJ).

SR 2017/6 (C.2) The Justice (2011 Act) (Commencement No. 10) Order (Northern Ireland) 2017 (DoJ).

SR 2017/11 The Court Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

SR 2017/12 The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

SR 2017/14 The Magistrates' Court Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

## **7. Written Ministerial Statements**

Outcome of the December Fisheries Council Meeting (DAERA).

Reform of Financial Assistance for People Infected or Otherwise Infected by Contaminated NHS Blood or Blood products (DoH).

## **8. Consultation Documents**

Proposals for a Pension Schemes Bill: Equality Impact Assessment (DfC).

Environmental Impact Assessment – Joint Technical Consultation (planning changes to regulations on forestry, agriculture, water resources, land drainage and marine works) (DAERA).

Proposals to ban the use of plastic microbeads in cosmetics and personal care products in the UK and call for evidence on other sources of microplastics entering the marine environment (DAERA).

Consultation on a Revision of the Northern Ireland Local Government Code of Conduct for Councillors (DfC).

UK-Wide Consultation on Technical consultation on motor insurance: Consideration of the European Court of Justice ruling in the case of Damijan Vnuk v Zavarovalnica Triglav d.d (C-162/13) (DfI).

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017: EIA Amendment Directive Public Consultation (DfI).

Consultation on Regulations Restricting Smoking in Private Vehicles Carrying Children (DoH).

Private Rented Sector in Northern Ireland – Proposals for Change Consultation Document (DfC).

Consultation – Department of Agriculture, Environment and Rural Affairs Knowledge Framework (DAERA).



## 9. Departmental Publications

Air Pollution in Northern Ireland 2015 (DAERA).

## 10. Agency Publications

## 11. Westminster Publications

## 12. Miscellaneous Publications



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# Northern Ireland Assembly

Tuesday 17 January 2017

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

## 1. Prayers

Members observed two minutes' silence.

## 2. Opposition Business

### 2.1 Motion: Public Inquiry into the Renewable Heat Incentive Scheme

#### **Proposed:**

That this Assembly recognises the mounting public concern relating to the Renewable Heat Incentive (RHI) scheme and the serious allegations of incompetence, corruption and abuse; further recognises the damage caused to public confidence in these devolved democratic institutions; calls for the establishment of a public inquiry under the Inquiries Act 2005, to be chaired by a judicial figure proposed by the Lord Chief Justice; believes that the First Minister should stand aside pending publication of the final inquiry report; further believes that the terms of reference should include the development and operation of the scheme, any matter in relation to policy, financial, operation and compliance, the role and conduct of relevant persons and organisations, assess if there were breaches of any relevant code, public standards or employment contract, the response to and treatment of persons who raised concerns, if any person with a potential conflict of interest acted to their own benefit or the benefit of others, assess all RHI scheme applications and report on any actions to be taken in respect of suspected fraud, the suspension and recovery of payments and the future operation of the scheme, make such recommendations as the inquiry believes necessary including in relation to any issue of potential malfeasance in public office or of suspected criminal activity identified; believes that the inquiry should issue a final report within six months of its commencement with the provision for interim reports at least on a two-monthly basis; further calls for all inquiry reports to be published in full upon completion without requiring the agreement of any Executive Minister, the Executive, or the Secretary of State, with copies of any report lodged in the Assembly Library; calls for any case of suspected fraud identified to be referred to the PSNI; and further calls on the Minister of Finance and the Minister for the Economy to bring forward a plan to arrest the liability to the public purse.

*Ms C Hanna*

*Mr S Aiken*

*Ms N Mallon*

*Mr P Smith*

*Debate ensued.*

*The Speaker took the Chair.*

The Question being put, the Motion was **carried** without division.

### 2.2 Motion: Failure of the Executive

#### **Proposed:**

That this Assembly recognises the grave consequences for the people of Northern Ireland of the failure of the Executive to agree a budget and estimates for the financial year 2017-18, the failure of the Executive to endorse a Programme for Government and the continuing failure of the Executive to safeguard the interests of the people of Northern Ireland following the result of the EU Referendum.

*Mr M Nesbitt*

*Mr C Eastwood*

*Mr R Swann*

*Ms C Hanna*

## 2.3 Motion: Amendment

### Proposed:

Insert after '2017-18,':

'the failure of the Executive to set a regional rate for 2017-18,'

*Mrs N Long*

*Dr S Farry*

*Mr S Dickson*

*Ms P Bradshaw*

*Debate ensued.*

*The sitting was suspended at 12.57pm.*

*The sitting resumed at 2.00pm, with the Speaker in the Chair.*

## 3. Question Time

### 3.1 Infrastructure

Questions were put to, and answered by, the Minister for Infrastructure, Mr Chris Hazzard.

### 3.2 Justice

Questions were put to, and answered by, the Minister of Justice, Ms Claire Sugden.

## 4. Question for Urgent Oral Answer

### 4.1 Bannview Medical Practice

The Minister of Health, Mrs Michelle O'Neill, responded to a Question for Urgent Oral Answer tabled by Mrs Jo-Anne Dobson.

*The Deputy Speaker (Mr McGlone) took the Chair.*

## 5. Opposition Business (cont'd)

### 5.1 Motion: Failure of the Executive (cont'd)

*Debate resumed.*

*The Speaker took the Chair.*

*The Deputy Speaker (Mr McGlone) took the Chair.*

The Question being put, the Amendment was **made** (Division).

The Question being put, the motion, as amended, was **carried** without division.

*The Speaker took the Chair.*

## 6. Adjournment

### Proposed:

That the Assembly do now adjourn.

*The Speaker*

*Mr Alex Easton spoke to his topic regarding the Removal of Loading Bays at Main Street and Bridge Street in Bangor.*

*The Assembly adjourned at 6.02pm.*

### Mr Robin Newton

The Speaker

17 January 2017

# Northern Ireland Assembly

17 January 2017

Division

**Motion: Failure of the Executive (Amendment)**

**Proposed:**

Insert after '2017-18;':

'the failure of the Executive to set a regional rate for 2017-18,'

*Mrs N Long*

*Dr S Farry*

*Mr S Dickson*

*Ms P Bradshaw*

The Question was put and the Assembly divided.

**Ayes:** 34

**Noes:** 29

**AYES**

*Mr Agnew, Mr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Beggs, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mr Kennedy, Mrs Long, Mr Lunn, Mr Lyttle, Mr E McCann, Mr McGrath, Mr McKee, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Smith, Mr Swann*

*Tellers for the Ayes: Mr Dickson, Ms Bradshaw.*

**NOES**

*Mr Anderson, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Miss McIlveen, Mr Middleton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Wells.*

*Tellers for the Noes: Ms Lockhart, Mr Robinson.*

The Amendment was **made**.



# Northern Ireland Assembly

## **Papers Presented to the Assembly on 17 January 2017**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
6. Statutory Rules

### **For Information Only**

SR 2017/15 The County Court Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

SR 2017/16 The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

SR 2017/17 The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017 (DoJ).

7. Written Ministerial Statements
8. Consultation Documents  
A Consultation Document: Adoption and Children (Northern Ireland) Bill (DoH).
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Proceedings as at 17 January 2017

### 2016-2021 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget (No.2) Bill 1/16-21	13.06.16	14.06.16	/	/	20.06.16	21.06.16	27.06.16	29.07.16
Assembly Members (Reduction of Numbers) Bill 76/11-16	12/01/16	25/01/16	/	/	02.02.16	16.02.16	23.02.16	22.07.16
Licensing and Registration of Clubs (Amendment) Bill 2/16-21	19/09/16	27/09/16	23/02/17					

### 2016-2021 Mandate

#### Non-Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Abortion (Fatal Foetal Abnormality) Bill 3/16-21	06/12/16							

/ Bills progressing by accelerated passage



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# Northern Ireland Assembly

**Monday 23 January 2017**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Prayers

Members observed two minutes' silence.

## 2. Matter of the Day

### 2.1 The Shooting of a Police Officer in North Belfast

Mr Doug Beattie made a statement, under Standing Order 24, in relation to the Shooting of a Police Officer in North Belfast. Other Members were also called to speak on the matter.

## 3. Assembly Business

### 3.1 Motion: Suspension of Standing Orders 10(2) to 10(4)

That Standing Orders 10(2) to 10(4) be suspended for 23 January 2017.

*Mr T Clarke  
Ms C Ní Chuilín  
Mr R Swann  
Mr A Attwood  
Mr S Dickson  
Mr S Agnew*

*The Question being put, the Motion was carried with cross-community support (No dissenting voices).*

## 4. Executive Committee Business

### 4.1 Motion: The draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (cont'd)

#### **Proposed:**

That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.

*Minister for the Economy  
The debate, suspended on 16 January 2017 in accordance with Standing Order 16, was resumed.*

*The debate was suspended for Question Time.*

*The Principal Deputy Speaker (Ms Ruane) took the Chair.*

## 5. Question Time

### 5.1 Education

Questions were put to, and answered by, the Minister of Education, Mr Peter Weir.

*The Deputy Speaker (Mr Kennedy) took the Chair.*

## 6. Executive Committee Business (cont'd)

### 6.1 Motion: The draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (cont'd)

*Debate resumed.*

*The Speaker took the Chair.*

The Question being put, the Motion was **carried**.

### 6.2 Motion: The draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017

#### **Proposed:**

That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 be approved.

*Minister for Infrastructure*

*The Principal Deputy Speaker (Ms Ruane) took the Chair.*

*Debate ensued.*

The Question being put, the Motion was **carried**.

## 7. Private Members' Business

### 7.1 Motion: Values and Principles of the Good Friday Agreement

#### **Proposed:**

That this Assembly calls on the British and Irish Governments to convene all-party talks to identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to Strands 1, 2 and 3 of the Agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.

*Mr C Eastwood*

*Ms N Mallon*

*Mr C McGrath*

*Mr D McCrossan*

### 7.2 Motion: Amendment 1

#### **Proposed:**

Leave out from 'all-party' to the second 'Agreement' and insert:

'a constitutional convention including politicians and other citizens to review, reform and revitalise the Good Friday Agreement with a view to the future,'

*Mr S Agnew*

*Ms C Bailey*

*Debate ensued.*

The Question being put, the Amendment **fell**.

The Question being put, the motion was **carried** (Division).



### 7.3 **Motion: Historical Institutional Abuse Inquiry Report**

**Proposed:**

That this Assembly welcomes the publication of the report of the Historical Institutional Abuse Inquiry under its Chair, Sir Anthony Hart; notes his recommendations for redress for victims and survivors of institutional abuse and deplores that political impasse means that the report is not being actioned.

*Mr M Nesbitt  
Mr C Eastwood  
Mrs N Long  
Mr S Agnew*

*Debate ensued.*

*The Deputy Speaker (Mr Kennedy) took the Chair.*

The Question being put, the Motion was **carried**.

## 8. Speaker's Business

### 8.1 **Assembly Commission Member Resignation**

The Deputy Speaker (Mr Kennedy) informed Members that the Speaker had received the resignation of Mr Ross Hussey as a member of the Assembly Commission, with immediate effect.

## 9. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 11.16pm.*

**Mr Robin Newton**

The Speaker

23 January 2017

# Northern Ireland Assembly

23 January 2017  
Division

**Motion: Values and Principles of the Good Friday Agreement**

**Proposed:**

That this Assembly calls on the British and Irish Governments to convene all-party talks to identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to Strands 1, 2 and 3 of the Agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.

*Mr C Eastwood  
Ms N Mallon  
Mr C McGrath  
Mr D McCrossan*

*The Question was put and the Assembly divided.*

**Ayes:** 54

**Noes:** 31

**AYES**

*Mr Agnew, Mr Aiken, Mr Allen, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Boylan, Ms Boyle, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Chambers, Mr Dickson, Ms Dillon, Mrs Dobson, Dr Farry, Ms Fearon, Ms Flynn, Mr Ford, Ms Gildernew, Ms Hanna, Mr Hazzard, Mr Kearney, Mr Kelly, Mr Kennedy, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCartney, Mr McElduff, Mr McGrath, Mr McGuigan, Mr McKee, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Maskey, Mr Milne, Mr Nesbitt, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mrs Palmer, Ms Seeley, Mr Sheehan, Mr Smith, Mr Swann.*

*Tellers for the Ayes: Mr McGrath, Mr McNulty.*

**NOES**

*Mr Allister, Mr Anderson, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Miss McIlveen, Mr Middleton, Lord Morrow, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr Robinson, Mr Stalford.*

The motion was **carried**.

# Northern Ireland Assembly

## Papers Presented to the Assembly on 18 January 2017 – 23 January 2017

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
  - Historic Buildings Council for Northern Ireland 2013-2016 (DfC).
  - Review by Department of Finance – District Rates Convergence Scheme October 2016 (DoF).
5. Assembly Reports
6. Statutory Rules
  - SR 2017/19 The County Court (Amendment) Rules (Northern Ireland) 2017 (DoJ).
  - SR 2017/20 The A509 Derrylin Road, Kinawley (Abandonment) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/21 The Former Derriaghy Road, Lisburn (Abandonment) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/22 The Cushier Road (U8048) and Glenanne Road (C212), Loughgilly (Abandonment) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/23 The Coronation Park, Dundonald (Abandonment) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/24 The Carryduff Road and Saintfield Road, Temple Crossroads, Lisburn (Abandonment and Stopping-Up) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/25 The Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 2017 (DfI).
  - SR 2017/27 The Costs Protection (Aarhus Convention) (Amendment) Regulations (Northern Ireland) 2017 (DoJ).
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications



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# Northern Ireland Assembly

**Tuesday 24 January 2017**

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Prayers

Members observed two minutes' silence.

## 2. Speaker's Business

### 2.1 End of Mandate

The Speaker made some remarks to mark the end of the Assembly mandate.

## 3. Assembly Business

### 3.1 Motion: Assembly Commission Membership

#### **Proposed:**

That, in accordance with Standing Order 79(4), Mr Robin Swann be appointed to fill a vacancy on the Assembly Commission as of 23:59 on 25 January 2017.

*Mrs S Overend*

*Mr M Nesbitt*

*The Question being put, the Motion was carried with cross-community support (No dissenting voices).*

### 3.2 Motion: Trustee of the Assembly Members' Pension Scheme

#### **Proposed:**

That Mr Roy Beggs be appointed to the Board of Trustees of the Assembly Members' Pension Scheme.

*Mr R Swann*

*Mrs S Overend*

*The Question being put, the Motion was carried.*

## 4. Private Members' Business

### 4.1 Motion: Cavity Insulation in Northern Ireland Housing Executive Properties

#### **Proposed:**

That this Assembly calls on the Minister for Communities to hold the Northern Ireland Housing Executive to account for its failure to address the lack of, or poor quality of, cavity insulation within many Housing Executive properties; and calls on the Housing Executive to formulate a plan of action to ensure that all its properties have adequate and proper cavity insulation.

*Mr A Easton*

*Mr G Lyons*

*Debate ensued.*

The Question being put, the Motion was **carried**.



## 4.2 Motion: Review of Bail Policy in Cases of Terrorism and Murder

### Proposed:

That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of Prison Officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.

*Mr D Beattie  
Mr R Beggs  
Mrs S Overend*

*Debate ensued.*

*The Deputy Speaker (Mr McGlone) took the Chair.*

The Question being put, the motion was **carried** (Division).

## 4.3 Motion: Independent Investigation of Alleged Breaches of the Ministerial Code

### Proposed:

That this Assembly acknowledges that it is in the public interest for there to be openness, transparency and accountability in relation to the Northern Ireland Executive; recognises the important role that the Northern Ireland Assembly Commissioner for Standards plays in providing independent investigation of alleged breaches of the Assembly's Code of Conduct by back-bench Members; further recognises that the current lack of independent scrutiny of Executive Ministers benefits neither the public or the Ministers themselves; and calls on The Executive Office to bring forward urgently legislation to expand the role of the Northern Ireland Assembly Commissioner for Standards to allow him to investigate alleged breaches of the Ministerial Code of Conduct.

*Mr S Agnew  
Ms C Bailey*

*Debate ensued.*

*The debate was suspended for Question Time.*

*The Deputy Speaker (Mr Kennedy) took the Chair.*

## 5. Question Time

### 5.1 Communities

Questions were put to, and answered by, the Minister for Communities, Mr Paul Givan.

### 5.2 Economy

Questions were put to, and answered by, the Minister for the Economy, Mr Simon Hamilton.

## 6. Question for Urgent Oral Answer

### 6.1 Spinal Muscular Atrophy Type One: Treatment

The Minister of Health, Mrs Michelle O'Neill, responded to a Question for Urgent Oral Answer tabled by Ms Nichola Mallon.

*The Speaker took the Chair.*

## 7. Executive Committee Business

### 7.1 Statement: Public Inquiry on the Renewable Heat Incentive Scheme

The Minister of Finance, Mr Máirtín Ó Muilleoir, made a statement regarding a Public Inquiry on the Renewable Heat Incentive Scheme, following which he replied to questions.

## 8. Private Members' Business (cont'd)

### 8.1 Motion: Independent Investigation of Alleged Breaches of the Ministerial Code (cont'd)

*Debate resumed.*

The Question being put, the motion was **carried**.

*The Principal Deputy Speaker (Ms Ruane) took the Chair.*

## 9. Adjournment

### **Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*Mr Danny Kennedy spoke to his topic regarding Broadband Provision in Newry and Armagh.*

*The Assembly adjourned at 6.23pm.*

### **Mr Robin Newton**

The Speaker

24 January 2017

# Northern Ireland Assembly

24 January 2017  
Division

**Motion: Review of Bail Policy in Cases of Terrorism and Murder**

**Proposed:**

That this Assembly notes the recent failures in the criminal justice system to ensure that a man suspected of involvement in the murder of Prison Officer David Black abided by bail conditions; expresses concern at the granting of bail in this case, the low level of sureties required and the length of time taken by the PSNI to realise that this individual had absconded; believes that terrorist suspects should remain in custody for as long as necessary to allow judicial proceedings to be completed; calls on the Minister of Justice to ensure that steps are taken to see that the suspect is returned to custody; and further calls on the Minister of Justice to take urgent steps to review bail policy in Northern Ireland, with particular regard to cases involving murder and terrorism.

*Mr D Beattie  
Mr R Beggs  
Mrs S Overend*

*The Question was put and the Assembly divided.*

**Ayes:** 51  
**Noes:** 33

**AYES**

*Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Beggs, Ms P Bradley, Ms Bradshaw, Mr K Buchanan, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mrs Little Pengelly, Ms Lockhart, Mr Lunn, Mr Lyons, Mr Lyttle, Miss McIlveen, Mr McKee, Mr McQuillan, Lord Morrow, Mr Nesbitt, Mrs Overend, Mrs Palmer, Mr Poots, Mr Robinson, Mr Ross, Mr Smith, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Beattie, Mrs Overend.*

**NOES**

*Mr Agnew, Ms Archibald, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Mr Carroll, Ms Dillon, Mr Durkan, Ms Fearon, Ms Flynn, Ms Gildernew, Ms Hanna, Mr Kearney, Mr Kelly, Mr Lynch, Mr McAleer, Mr E McCann, Mr F McCann, Mr McCartney, Mr McGrath, Mr McGuigan, Mr McMullan, Mr McNulty, Ms Mallon, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Seeley.*

*Tellers for the Noes: Mr Kearney, Mr McAleer.*

*The following Member voted in both Lobbies and are therefore not counted in the result: Ms Sugden.*

The motion was **carried**.

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 24 January 2017**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
  - Human Tissue Authority - Revised Codes of Practice (DoH).
  - Agri-Food and Bioscience Institute (AFBI) 2015-16 Annual Report and Statements of Accounts (DAERA).
5. Assembly Reports
6. Statutory Rules
  - SR 2017/26 The Police Pensions (Amendment) Regulations (Northern Ireland) 2017 (DoJ).
  - SR 2017/29 The Public Service Pensions Revaluation (Prices) Order (Northern Ireland) 2017 (DoF).
  - SR 2017/30 The Public Service Pensions Revaluation (Earnings) Order (Northern Ireland) 2017 (DoF).
  - SR 2017/31 The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2017 (DfI).
  - SR 2017/36 The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2017 (DoJ).
- For Information**
  - SR 2017/34 (C. 3) The Roads (Miscellaneous Provisions) (2010 Act) (Commencement No. 1) Order (Northern Ireland) 2017 (DfI).
7. Written Ministerial Statements
  - School Enhancement Programme (DE).
8. Consultation Documents
  - Consultation Document: Individual funding request (IFR) - Draft guide for patients and service users (DoH).
9. Departmental Publications
  - A progress report on the Invasive Alien Species Strategy for Northern Ireland (DAERA).
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Proceedings as at 24 January 2017

### 2016-2021 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget (No.2) Bill 1/16-21	13.06.16	14.06.16	/	/	20.06.16	21.06.16	27.06.16	29.07.16
Assembly Members (Reduction of Numbers) Bill 76/11-16	12/01/16	25/01/16	/	/	02.02.16	16.02.16	23.02.16	22.07.16
Licensing and Registration of Clubs (Amendment) Bill 2/16-21	19/09/16	27/09/16	23/02/17					

### 2016-2021 Mandate

#### Non-Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Abortion (Fatal Foetal Abnormality) Bill 3/16-21	06/12/16							

/ Bills progressing by accelerated passage