



Northern Ireland
Assembly

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

Volume 105
(25 May 2015 to 21 June 2015)

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Official Report (Hansard)

Assembly Settings

Northern Ireland Assembly

Tuesday 26 May 2015

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

Members observed two minutes' silence.

Assembly Business

OFMDFM Question Time

Mr Speaker: Before we start today's proceedings, I confirm that I have received a communication in writing from OFMDFM requesting that its Question Time slot at 2.00 pm be deleted from today's business. I am sure that Members will understand the circumstances. At this point, I will also take the opportunity, on behalf of the entire House, to wish Mr Peter Robinson, the First Minister, well and a speedy and full recovery.

Executive Committee Business

Welfare Reform Bill: Final Stage

Mr Speaker: As a valid petition of concern was presented on Friday 22 May in relation to the passing of the Bill, the vote will be on a cross-community basis.

Mr Storey (The Minister for Social Development): I beg to move

That the Welfare Reform Bill [NIA 13/11-15] do now pass.

Before proceeding, first of all, I express our sincere thoughts, best wishes and prayers to the First Minister and my party leader, Peter Robinson. We continue to remember Peter at this time, as well as Iris and the family, and we trust and pray that Peter will make a speedy recovery.

No one knows more than I how much we depend upon the ability of our First Minister and my party leader. During all the discussions over the last number of weeks and months, he has been a tower of strength and has been by our side, and I want to personally say that we miss him in the Chamber today. This debate will be the worse for not having him with us as we proceed.

Over the last few weeks, welfare reform has never been far from public consciousness. Much of that has been due to media speculation surrounding our lack of progress and the ramifications that that could have for these institutions and, more importantly, for wider society. As Minister with responsibility for these matters, I feel that it is incumbent on me to say a few words to put today's proceedings into context and to underline my personal commitment, and that of my party, to Members to oversee the implementation of welfare reform measures contained in the Bill together with the schemes of mitigation agreed by the five main parties at Stormont Castle in order to deliver the best possible welfare system for all the citizens of Northern Ireland into the future.

I think that we all recognise that the Bill sets a new and very different course for our welfare systems. No one could possibly argue with the overarching policy intent to reach out to individuals who have become detached from the rest of society and who are, too often, trapped in a state of worklessness and benefit dependency as well as to ensure that our system is fair to the taxpayers who fund it and is sustainable into the future. The Bill represents a concept and a contract with individuals and families who are in need of support. For those who are able to work, we believe fundamentally that work should always pay,

and, for the most vulnerable in society, we believe that our welfare system should provide the support that they need.

Those are the basic principles upon which our welfare state was founded, and, in bringing forward this legislation, it was those basic principles that received support from a wide range of stakeholders during the legislative passage of the Bill to this stage. Similarly, it was the engagement of political parties at Stormont Castle in December that helped me to frame not only this legislation but the package of mitigating measures that parties have agreed are essential in order that we do not lose sight of those principles. We can debate the levels of support that are needed and provided as, indeed, we have done during the fraught passage of the Bill, and that is only right, given that the cost of social security benefit in Northern Ireland is in the order of £5 billion per annum. I believe that, if we adhere to the two fundamental principles that work pays and that the welfare system supports, we will go some distance in providing a better welfare system.

As elected representatives, we have a responsibility to ensure that the hard-earned contribution of taxpayers is sufficiently recognised in how we deliver welfare to the wider population. It is undoubtedly a fact that we all, as elected representatives, would like to do more for those impacted by these reforms and who are dependent on social security benefits. That much is evident from the amount of time and the extent of debate that the Assembly has given to the Welfare Reform Bill. However, I firmly believe that the time for talking is now over. I believe that now is the time for decisions and for getting on with the implementation of reforms. Unfortunately, the fiscal reality for Northern Ireland is that we cannot afford a more expansive and expensive welfare system than the rest of the UK. If we spend more on benefits, the harsh reality is that we will have less to spend on schools, hospitals and all the other public services that we rely on. I believe that, with the mitigation schemes that we have negotiated with DWP, Her Majesty's Treasury and internally in our own political structures, we have achieved that balance between mitigating measures in the Bill and spending on public services for Northern Ireland.

It may also be helpful to some Members if I can provide assurances that claimants will be supported throughout the reform process. As Minister with responsibility for the voluntary and community sector, I understand and value the work carried out by the independent advice sector in providing support and guidance to many people in Northern Ireland, particularly when they are at their most vulnerable. On a daily basis, benefit uptake officers in the Social Security Agency (SSA) see the value of that service when they regularly signpost claimants to the advice sector for advice and support on debt or money issues. However, I also acknowledge that, whilst front-line Social Security Agency staff do, on occasions, refer claimants to the advice sector, there is not an agreed process currently in agency guidance.

I want to ensure that the statutory and voluntary sectors work closely together when welfare reform is implemented. I have asked the agency to put in place a process whereby all claimants who would benefit from advice and/or support on debt or money issues will be signposted to the advice sector. It is important that that is introduced into the guidance for decision-makers, particularly those delivering the discretionary support scheme.

I also want to promote the role of the advice sector during the process of the implementation of welfare reform to ensure that claimants understand that independent support and advice is available to support them. The programme of information that my Department will be launching to support welfare reform will include elements that will promote the role of the independent advice sector.

The move towards a system of universal credit (UC), which is designed as an in-work and out-of-work benefit, sits at the heart of the Welfare Reform Bill. The concept of a universal credit was supported and seen as a progressive change by a wide range of stakeholders during the Bill's passage. By the time universal credit is fully implemented, it is anticipated that 37,000 households will be either newly taking up or taking up more benefit as a result of universal credit and that an overall increase in entitlements of approximately £39 million per annum will accrue. A package of transitional protection will ensure that there are no cash losers as a direct result of the managed migration to universal credit where claimants' circumstances remain the same. Universal credit will also tackle other barriers to individuals taking up work, such as providing support for childcare costs, therefore encouraging lone parents to work.

Another issue that was raised was the social sector size criteria, or the bedroom tax as it has become widely known. Members will be aware that my party and I have continually opposed the bedroom tax, and we have secured Executive agreement to measures that will protect current and future tenants from any financial impact of the bedroom tax, initially for the entire period of the new Government.

The Executive recognise that I also have to balance protecting claimants from any negative aspects of the bedroom tax with ensuring the best use of the social housing stock in Northern Ireland and have agreed that I should develop a scheme that protects existing and future tenants from any reduction in housing benefits for their tenancies unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation.

At Consideration Stage and, again, at Further Consideration Stage, Members may recall there was also a great deal of discussion around the outworkings of the five-party talks held at Stormont Castle in December. Those talks resulted in an agreement to fund a package of mitigating measures to alleviate some of the harsher impacts of various welfare reform provisions.

10.45 am

Let me also put on record my commitment, my party's commitment and that of my party leader to make the necessary resources available to fund the package of measures that the five parties agreed at Stormont Castle. Let us remember that it was a five-party agreement. I have been disappointed in some in the House who want now, almost like Pontius Pilate, to wring their hands and almost to cleanse their conscience as though, somehow, they had not signed on the dotted line. Today, the people of Northern Ireland need to understand very clearly that it was a five-party agreement.

Members will be aware of the subsequent debate on the detail of the mitigating schemes. I reiterate to Members that I believe that we have now attained the balance

between what, in an ideal world, we would like to do and what we can afford to do. The schemes agreed between the five main parties of the Assembly will offer additional protections to many. There have been a lot of negative comments about claimant groups not being protected and the marginalised being ignored.

Let us reflect on what was proposed in the Stormont Castle Agreement. For disabled people, a disability protection scheme is proposed to help them to transition from disability living allowance (DLA) to the new personal independence payment (PIP). This will provide for a payment equivalent to up to one year's full DLA payment for people who are unsuccessful in claiming PIP, and it will also guarantee claimants who will receive less under PIP 75% of the shortfall for up to four years. The scheme will also offer victims and survivors who do not qualify for PIP the opportunity to make a claim for a similar payment.

For all benefit claimants and families on low working income, there will be a new system of financial help when they have a financial crisis. This will be related to the levels of minimum wage, and the Executive have agreed to maintain the funding for this service.

For people who might be impacted by the bedroom tax, now or in the future, there will be full protection from any cuts in housing benefit.

For all working-age families receiving universal credit, there will be flexibility in how frequently they receive their benefit and in making direct payments to social landlords. We will also ensure that universal credit payments are made to the main carer in cases where there is concern about the impact of single payments to households.

Finally, I turn to the supplementary payment scheme, which has, in some way, led to today's position. This scheme provides all claimant commitments with full protection. These claimants are families with children, the long-term sick and adults and children with disabilities. It is not accurate for some to claim that my party and I do not support providing protection for those groups. As Members proceed in the debate, I ask them always to be very mindful of the words that they use and the impact that they create on those whom they claim to support and defend. Generalisations often miss the facts and cover the reality of what goes on daily to provide help and support for our many vulnerable and disadvantaged people

The issue is what we can afford and what is deliverable for people who do not currently claim social security benefits. In those cases, we have offered financial support to claimant groups that can show that they are in financial crisis. I believe that our approach has been fair, legal, affordable and deliverable.

Let us remember that those were the criteria that were set out by the First Minister. That was the challenge that was given to the parties over the last number of days. If they had any suggestions, ideas, amendments or proposals, those would have to be within the parameters of what was set out as being legal, affordable and deliverable. It is for others to reflect on the impact of their proposals on the rest of Northern Ireland's public services.

We have come a long way. When we set out on this journey, people said that we could not change things. My predecessor Nelson McCausland negotiated a package of measures, which were the envy of many other

jurisdictions. I have heard that said in conferences and in discussions with other persons from the rest of the United Kingdom.

We have now gone further. The welfare reform system that the Bill will bring in is not that of the UK Government. It is distinctly different: it is made in Northern Ireland. Contrary to what is being said, it provides much greater support for adults with disabilities, for children with disabilities, for families with children and for those who are long-term sick. It not only protects existing claimants but ensures that support is available for future claimants covered by the supplementary payment scheme for suffering financial crisis, which is a direct consequence of the changes. It also protects current and future tenants from the financial impact of the bedroom tax.

This is not simply an aspiration. We are putting substantial resources into this. Over the next three years, our proposals will mean that those in need will receive over £200 million more than they would have received under the GB scheme. In UK terms, that is the equivalent of £6 billion. That demonstrates how far we have gone to offset the harsher effects of the UK Government's reforms. That demonstrates how we have ensured that we have negotiated what we believe is best for Northern Ireland. However, there is only so much that we can reasonably do. We need to strike a balance between welfare and other services on which we all, including those receiving benefits, rely. We cannot and should not focus on the welfare system without taking into account the impact on other services, including our health service, our education service and services for our children and young people.

A tremendous responsibility rests on the House today. It is a question of choice: either we adopt the Bill and secure the real additional benefits associated with our proposals for the most vulnerable in our society, or we do not and instead give way to what will be an immensely worse outcome for those whom we serve.

I place on record my gratitude to the Chair and members of the Social Development Committee for their work. To Members of the House, I say this: we have disagreed, debated and negotiated, but there has been in-depth scrutiny of the Bill, much of which has been positive. Much has been achieved, which involved hard work.

I say to those Members who signed the petition of concern: you will have to explain to the people whom you represent why you have failed to ensure that you protected their best interests and that their welfare was at the heart of your actions. I believe that my party colleagues and I, with those who support the Bill, can justify that we have endeavoured in all good faith.

In conclusion, I want to say that I am disappointed by the allegations made by the party opposite that, somehow, I misled the House and withheld papers and that my officials were involved in some sort of clandestine operation. I want to make it very clear, without any equivocation, that I have expended every effort, all avenues and all possibilities. I pay tribute to my officials, who have worked extensively before Christmas, during Christmas, after Christmas and up until today to ensure that we got an agreement. Others need to ask why that was not enough. I move the Bill.

Ms P Bradley: I rise to speak in favour of the Final Stage of the Welfare Reform Bill. I thank the Minister for bringing it forward, and I thank him for his opening comments.

I believe that when we, as Members, were elected to the Assembly, the public entrusted us to protect the best interests of all society, including the vulnerable, and also to ensure that we maintain good financial control. Often, this is a difficult balancing act, and it involves making some very difficult and unpopular decisions to ensure the long-term viability of this region of the United Kingdom. Both the Republic of Ireland and other regions in the United Kingdom have seen austerity measures being put in place. Welfare systems in both jurisdictions have been overhauled to reflect the different economic landscape that we find ourselves in today. In my view, the Stormont Castle agreement, along with the various measures negotiated, as the Minister said, by my party colleague Nelson McCausland, endeavoured to protect those who may be hit worst by welfare reform. As the Minister also stated, all Executive parties sitting around the Chamber agreed to that.

I find that some people sitting in the Chamber today are completely arrogant to the fact that, for some reason, the economic realities of this present economic world do not apply to Northern Ireland. That astounds me. I believe that the Stormont Castle agreement was the best compromise between facing our responsibilities as elected representatives and protecting the most vulnerable of our electorate. The welfare system was developed from an ideology to help those who could not help themselves; it was designed to be a hand-up and not a handout. Unfortunately, over the years, our system has evolved into one where claimants are finding that they are better off out of work than they are in it and where young people are so disillusioned that they now view the welfare state as almost a career choice. We are bombarded with TV shows that depict those who have made a clear choice to live off the taxpayer. The welfare system cannot sustain that, and, more importantly, people who genuinely need help find themselves tarred with the same brush and feeling a stigma about accepting the help that they, of course, so genuinely need.

I believe that the supplementary payment scheme in the Stormont Castle agreement will protect those whom the system is designed to help, while those who are capable of supporting themselves will find added impetus to do so. We have invested so much in providing jobs and training that people should not have an excuse for being able to do nothing. When I was growing up, the mantra was that if you were not earning you were learning. This is not a witch-hunt but a wake-up call. If we do not pass the Bill, we could see a collapse of our institution and a possible return to direct rule, which will mean that welfare reform will be brought in as it has in the rest of the United Kingdom, with no protection for those with disabilities, those who are ill and those with children.

We have a moral duty to accept the Bill, with the supplementary payment scheme, as agreed. We have to step up to the mark and be leaders to protect the most vulnerable.

11.00 am

Mr M McGuinness: Go raibh maith agat, a Cheann Comhairle. First of all, I extend my warmest best wishes to the First Minister, Peter Robinson, for a speedy recovery. I want to make it clear that we have in our thoughts and prayers Iris and the rest of the family.

I have worked with Peter for the last eight years in the Office of First and deputy First Minister. Throughout all that time, even though we have different political allegiances and sometimes different political opinions about how we take our work forward, we have never had anything other than a good personal relationship. Of course, there have been commentators out there who, every time they get the opportunity, try to portray relationships here as poisonous and as though people hate each other and so forth. In terms of my relationship with Peter, nothing could be further from the truth. So, it was with great concern that I learned yesterday morning that he had taken ill and been brought to Dundonald hospital and then on to the Royal Victoria Hospital. I think that he has made a major contribution to the progress that we have made here over the last eight years. It is a source of great concern that someone like him could be hospitalised with the illness that he is dealing with. We are very sincerely and genuinely concerned, and we hope that he will recover from this and be back in his job.

Obviously, we are dealing today with very important matters in whether we are going to move forward in the Assembly to ensure that, in our deliverance for citizens, we deal with that on the basis of the huge challenges that we all face against the backdrop of the changes that have occurred in recent times. There is a big focus today on welfare. Obviously, the British Government's approach to welfare is a source of great concern, but this is not just about welfare — this is bigger than the issue of welfare. Sometimes I think that, even within the media and people commenting on the predicament that we find ourselves in, you would almost think that it was the only problem that we face. Our concern is wider and is about the grave implications of the further cuts threatened by the Tories as part of a £25 billion reduction that will be outlined in the July Budget. Obviously, our concern has to be about what proportion of that will affect us.

These cuts, which have been described as “eye-watering” by Tories themselves, will affect the most vulnerable and will lead to the loss of thousands of jobs in vital front-line services in areas such as health and education. They also formed absolutely no part whatsoever of the Stormont House Agreement. Last week I spoke to someone who was in Downing Street and who spoke to key officials there. He said that only one word could describe what is coming down the tracks at us in July. The word that he used, which was not mine but his, was “brutal”.

This week we are facing into a building crisis in the political institutions here in the North. The immediate difficulties that we are facing into have been triggered by the decision to bring to the Assembly the welfare Bill, which, in my opinion, does not implement the protections agreed at Stormont House and subsequently for children with disabilities, adults with severe disabilities, the long-term sick and large families.

Capitulating to pressure and demands from the Tories in London is, in my view, a major tactical error. However, the crisis we are facing, and I say this to all the parties in the Assembly, is not of the making of any of the parties here or in the Executive. The crisis has been created by the austerity agenda of a Tory Administration in London that is attempting to decimate our public services and punish the most vulnerable people in our society.

Mr Beggs: Will the Member give way?

Mr M McGuinness: No, I will not give way. In the recent elections, Sinn Féin stood against Tory austerity and for social justice and equality. Our approach was mandated by over 176,000 voters, almost 25% of the popular vote. In contrast, the Tories received only 9,000 votes in the North, just over 1% of the vote. Chris Hazzard got more votes in South Down than the 16 Tory candidates who stood in the Westminster elections in the North. It is a party that does not have a single Assembly seat or local council seat. They have no democratic mandate for their austerity policies here in the North of Ireland, yet they have already taken £1.5 billion from the Executive's block grant.

The British Government's Cabinet of Tory millionaires has announced plans for further eye-watering cuts of £25 billion to our public services and our welfare protections for people with disabilities, the long-term sick and large families. Those new cuts are set to begin almost immediately, and they will devastate our core public services. In meetings that the party leaders attended last week, they will know that I challenged the British Secretary of State Theresa Villiers on two occasions for a breakdown of how that £25 billion raid would impact on the people of the North. She refused point blank to tell me. She told us that we would have to wait for the July Budget. Here we are, talking about vital budgetary matters affecting the future of our people, and we are being told by the Secretary of State that we have to wait until the Chancellor of the Exchequer announces the July Budget before we will know the implications of where the axe is going to fall on vital front-line services delivered by our Departments and of welfare cuts impacting on people who have already been threatened by the Tory welfare cuts agenda.

Of course, it also raises the question as to what is coming down the tracks at us in July. It will even impact on the negotiations that took place during the course of Stormont House in relation to alleviating the plight of those who would be affected by the welfare cuts. There is all sorts of speculation about taxing carers' allowance and taxing welfare recipients. From our perspective, we need to get everything that we are doing here into kilter with the need to ensure that what is coming down the tracks from the British Government in July is fed into our planning for the delivery of vital services for people in the future.

The approach of the Secretary of State and the British Government in relation to the refusal to tell us how that is going to impact on us — indeed, we are not the only people who are not being told; they are not even telling people in England thus far — is absolutely unacceptable. We made it very clear in our election manifesto that the Executive need a viable Budget for front-line public services and welfare protections for the most vulnerable. Sinn Féin will not support a welfare Bill that does not contain those protections, and we will not be part of any agenda that punishes the poor and dismantles public services.

In my view, the measure of any society, and, indeed, of any Government, is how it treats those most in need and those who are most vulnerable.

Mr Humphrey: Will the deputy First Minister give way?

Mr M McGuinness: No, I will not give way. In the face of such devastating Tory cuts, our public services, our welfare system, our Departments and the Executive are, in my opinion, not sustainable. None of the Executive parties

stood on a platform of implementing those Tory cuts, and Sinn Féin will not abandon children with disabilities, adults with severe disabilities, families with children and the long-term sick. That is why we moved a petition of concern to stop the passage of the welfare Bill, and I welcome the fact that the SDLP has supported our position.

It has always been my view that the outstanding issues in the Welfare Reform Bill can be resolved, but this requires political will from all parties in the Assembly to protect the most vulnerable. Make no mistake about it: the biggest threat to our political institutions remains the ongoing Tory austerity agenda of cuts to our public services and the welfare state. This is a time when the Executive parties need to stand together to defend our public services, particularly in health, education and welfare. We need to stand up for the people who elect us rather than acting in the interests of a Tory elite. We need an immediate negotiation with the British Government for a Budget which protects our public services and for fiscal powers to give us control over our economy.

Of course, we are not alone in our battle against austerity. I note that the Scottish First Minister, Nicola Sturgeon, will today make an important anti-austerity and anti-cuts speech. Of course, they are on the right side of the argument. They are on the right side of history. I appeal to all Assembly parties to join them. The Scottish Executive have requested a tripartite meeting of the representatives of the Scottish, Welsh and local assemblies. We should take up this offer and develop a common position in the Executive and with the Scottish Parliament and Welsh Assembly in opposition to Tory austerity. The current crisis has come about solely through the actions of the British Government. It can be resolved only by the actions of the British Government. They have attacked the most vulnerable in society, slashed the Budget for public services and undermined the credibility of these institutions.

We in Sinn Féin are clear on what needs to happen. It is the platform that we stood on in the recent election: protections for the most vulnerable; a workable Budget; and powers to grow the economy and create employment. We believe these are the aims that all parties could and should unite around. Sinn Féin has worked and maintained the institutions over the past eight years in the face of great provocation and attack. Power sharing, partnership and devolution are the only ways forward. These principles are the basis of the institutions here in the North. Any undermining of these basic principles by the actions of the British Government or parties will be unacceptable.

What the people require is an Assembly that delivers and has the Budget and powers to make a difference in people's lives. There is still time for the parties and the British Government to change tack and deliver a new Budget that delivers for our public services, economy and people. If a choice has to be made between standing side by side with the Tories or standing up for people here, our economy and public services, I know what side Sinn Féin will be on.

Mrs D Kelly: Many people have attempted to set the context of the debate in a much broader range of positioning and recent agreements than is the case. I think that we have to remember that where we are today with austerity measures is not just because of the ideological position of the Tory party, which, as the deputy First

Minister rightly said, has got no mandate here in the North, but because of the more recent crash in the banking regulation sector. We are asking the most vulnerable people in our society to pick up the bill. We ought to remember that in setting the context of the Welfare Reform Bill debate. We do not want to be complicit in the Tory party's morally unjustifiable attack on the most vulnerable and marginalised. There has to be a much broader debate about what type of society we wish to create and live in.

Whilst I was canvassing during the recent election, I was struck by the number of people who are at home all day, having had to give up not only their jobs but a large part of their life to care for others. As you all know, we have an increasingly ageing population. I met a number of people on the doorsteps who are caring for family members who have dementia or indeed have had a stroke and who are still on long waiting lists for adaptations and home improvements. There is little help from others; certainly not from the public sector because there is just not the money to provide that help. That is something that struck right at the heart of me, particularly as I came from a health and social care background. It is those very people, who look after the most vulnerable in society, whom the Tories wish to attack further, if we are to believe their leaked manifesto and budgetary commitments, in which they talked about taxing disability living allowance.

11.15 am

We have not come to our decisions lightly. It ought to be remembered that the SDLP, along with the Ulster Unionist Party and the Green Party, sought to amend the Bill. Over 30 amendments were tabled and rejected by the DUP and Sinn Féin. In fact, the DUP lodged a petition of concern against those amendments, so, rather than us going to Sinn Féin's position, we welcome Sinn Féin following us on welfare reform. I recall that, on the day, we warned Sinn Féin that the bedroom tax was, courtesy of its votes, in the Bill. We hear much today about how we risk losing the mitigation powers for the worst excesses of the bedroom tax, but that is not the case. Scotland has already mitigated the bedroom tax in its delivery of welfare reform.

My party colleagues and I wish the First Minister a speedy recovery. I hope and pray that he makes a good recovery and that his family are supported. As someone whose family have suffered a recent illness, I know the stress that it causes and the effect that it has on the wider family circle. We certainly wish him a good and full recovery. Nonetheless, a few months back, Mr Robinson and, I believe, the Finance Minister were allowed by the deputy First Minister to go off and make a deal at Westminster. That is against the joint nature of the office, and the deputy First Minister could have referred the matter to the Attorney General had he chosen to do so, but he did not. He allowed the First Minister to go off and do his own deal. It was out of those meetings that, we strongly suspect, welfare reform was coupled with the block grant. We feel that we have had a gun put to our head — metaphorically speaking, thankfully — with the threat of fines. The British Government should remove that threat. That is the first thing that they should do.

In their approach to the North of Ireland, this British Government are the most partisan that we have seen in 20 years. In fact, they have threatened to breach the Good Friday Agreement with their proposals on the

Human Rights Act and the European Convention on Human Rights (ECHR). We will not stand for that. We will take whatever action is necessary to fight against that, including redress to the courts if need be. I welcome the intervention of Charlie Flanagan, the Minister for Foreign Affairs and Trade in the South, on that, as well as the Irish Government's robust stand and their challenge to the British Government.

We have been asked to vote for a Bill that we do support and that we had sought to amend. In the recent correspondence that has now been shared with all the parties, I note that other parties shared our concern. On behalf of the Ulster Unionist Party, Mike Nesbitt registered his protest at the side deals that have been a feature of this Administration and were a feature of the previous Administration, in which Sinn Féin and the DUP are and were the two largest parties. As we have seen all too often, those side deals start to unravel. They are seldom in the interests of all the people right across the community in Northern Ireland and, indeed, are very often in those parties' political interests.

Therefore, over the past week, we have — for the first time, in some cases — had access to some of the papers being exchanged between the DUP and Sinn Féin.

I, like many others, do not know why Sinn Féin was so slow to pick up that the vulnerable — people with disabilities, children with disabilities, and the long-term sick — would not be protected under the Welfare Reform Bill, because those were some of the very amendments that we sought to enshrine in the legislation. We wanted those in statute, not in guidance or regulations. We wanted to make sure that that was part of the type of society that we wished to create and part of the type of protections that we wished to give to those same people.

My party and I recognise the difficulties in setting a Budget and the time constraints that we work within, but it is not yet too late for all parties to get around the same table and thrash out the concerns about welfare reform that we each have. Therefore I ask the DUP to consider the time frame again and whether it would be in the best interests of us all to have a mature negotiation in which all of the parties are included all of the time.

Mr Storey: Will the Member give way?

Mrs D Kelly: I will.

Mr Storey: If the narrative that the Member is painting to the House and to the public is the case, then why did her party, along with the four other parties, sign the Stormont Castle agreement? Let us be very clear: all the information was available to everybody in the room. I ensured that the most senior civil servants were available: the head of the Northern Ireland Civil Service was there; the head of the Social Security Agency was there; and all the relevant information was there. Why did we have an agreement and why, today, does that agreement lie in tatters?

Mrs D Kelly: I thank the Minister for his intervention, because it allows me the opportunity to state, again, that we reserved the right to amend. My party tabled numerous amendments, which were petitioned against. Was that the best use of a petition of concern — to petition against amendments — if you were going to seriously listen to our concerns? You cannot have it every way. You cannot say to us, "Let's have a mature debate, let's hear your

concerns" and then petition against them so that they are chucked out and do not stand any reasonable chance of being heard or being reflected in the legislation.

There are others who, over the last few days, have spoken to the SDLP about our responsibilities in protecting the institutions. They have said that, once again, the SDLP should bear the full and heavy load for others. And, yes, I am proud to say that the SDLP as a political party puts the needs of the people and the institutions before our own political well-being on many occasions. This time, however, we are fed up with the side deals and the bad grace that often persists between Sinn Féin and the DUP from which we all have to suffer. If it was not for the photo ops, we would seldom see them working in unison for the good of the people.

We are asking Members to reflect on what role they have played in the Stormont House Agreement and welfare reform and to reflect on why we have a loss of confidence in the British Government, which, as you know, will be responsible for bringing forward the other aspects of the Stormont House Agreement: parades and dealing with the past. The SDLP is concerned about how that will be brought about at Westminster, and that is why we have a lack of confidence.

The welfare reform debate is about protecting the vulnerable — protecting children and families — but it was SDLP MPs, such as my colleague Alasdair McDonnell and others, who voted against the welfare and benefit caps and sought to amend many of those amendments at Westminster, unlike some other parties. Here, too, we will defend those who are most in need of a voice.

Others talk about the Tories and making work pay. I think that we could all subscribe to that value or belief, but what are we seeing? We are seeing zero-hour contracts, agency workers and temporary jobs. We are seeing an erosion of many of the rights and entitlements that workers have fought for over the past 100 years, including a decent wage.

I will finish on this note: we have to remember that people here in the North are much worse off, whether in work or out of work, than people in GB. In March 2015, an income tracker by Asda showed that the average disposable income for a family in GB was £185 and only £92 for the people of Northern Ireland. That simply is not good enough. The message that we want to send to the Tories is that we are still a community coming out of conflict. They have ignored our cry for help to move Northern Ireland forward.

Mr Speaker: We need to have some order to hear the contributions.

Mr Beggs: The UK welfare system today is still that broadly envisaged in the Beveridge report in the 1940s: a safety net of support for those who genuinely need it. We want to see the sick, the disabled, the working poor, families, children and our older people all being supported whilst adults who are fit to work but currently are unemployed are supported back into the work space. Ulster Unionists very much agree with the belief that people who are fit to work should be better off in work than on benefits. We want more people entering the world of work, individuals and their families prospering and being better off, and we want Northern Ireland to prosper.

Universal credit was an ambitious project. Despite its shambolic roll-out in GB, it still might just work. The Department for Work and Pensions has claimed the success of transferring the welfare claims of single people to the new benefits system. However, we are still some way from gaining success. Earlier this month, only approximately 52,000 of the seven million prospective claimants were in receipt of the new benefits, but more and more are being added. Until it starts to handle more and more complex cases, there is little on which to really judge the success or failure of the new system.

When the Westminster Welfare Reform Bill received Royal Assent on 8 March 2012, no one could have expected that it would take more than three years before the Assembly reached the Final Stage of the Bill covering similar rules in Northern Ireland. Unfortunately, the scale of welfare administration has become increasingly unsustainable in recent times, and reform was inevitable. The dated system was preventing individuals and families from improving their life chances. The trap of welfare dependency was beginning to catch entire families.

This is the most difficult and controversial Bill that the Assembly has faced in recent times. My party does not like everything in it. We proposed several amendments. We were successful with some and unsuccessful with others. The Bill at least delivers some reform to a system that clearly is no longer fit for purpose. Amendments were made to the GB legislation to reflect local concerns, and extra funding was set aside by our Executive through the Stormont House Agreement discussions to moderate the effects of the changes. This has been built into the 2015-16 Budget.

The aim of the Bill is to simplify benefits, improve work incentives and reduce administrative costs. The changes are occurring against a background of the UK continuing to increase its cumulative deficit. Labour, the Lib Dems and the Conservatives have all committed to Budget break-even; they disagree only over how fast they each would bring it into balance. The reality of the recent UK elections is that there is no going back. I think that Labour is even reviewing the position that it took. I also recall Iain Duncan Smith, the Secretary of State for Work and Pensions, highlighting that, with the old GB benefits system, it took almost an hour for an experienced welfare supervisor, using sophisticated computers, to establish whether someone would be better or worse off if they worked a few hours more.

We had a very complicated system that was very costly to administer, and there was a lack of transparency as to whether individuals would be better off in work. Benefit traps are preventing our constituents from working to help themselves and their families.

11.30 am

We do have choices. If this Bill is not approved, we will be the only part of the UK using the old benefits system. There will be less funds in many other public areas. Let us be clear that there is no money tree. There is no going back asking for more money. We have been there lots of times over the past three years. There were crunch talks around Christmas last year, and we got an offer of a settlement at that stage. If we do not approve this Bill, there will be even less money for health, less money for

education and less money for Departments and other publicly funded bodies.

If this Bill is approved, the potential of further penalties and unplanned departmental cuts will be averted. Penalties were discussed earlier. Penalties come simply when we decide to deviate from the welfare system. The Westminster Government simply take that money off our block grant. That is what a penalty is: we choose to differ, and therefore we pay. How can we argue to other parts of the United Kingdom that that is unfair? How can we argue that to this Government, whose members represent areas where they have a different benefits system? Why should they permit us to introduce a more generous benefits system to Northern Ireland and not pay for it? That is an argument that some would wish to win by going back to negotiations. However, I am firm in the belief that that would go nowhere. Experience of the past three years shows that that is the case.

If we choose to deviate from the welfare system that applies elsewhere in the United Kingdom, we will have to pay for it from our block grant. That is the political and economic reality. Fines have been indicated — essentially clawbacks of our deviation to date — of £14 million, then £87 million and then some £114 million this year. The figure is projected to reach £250 million next year, and I understand that the First Minister has said that it could even be £500 million the following year. This is what is coming down the line if we do not implement change. Politics is supposed to be the art of the possible. That means that we all have a responsibility to examine not only the pluses and the minuses of this Bill but the implications that will flow from the Bill not being approved.

In addition to the welfare clawback or fines, if this Bill is not approved the offer of borrowing will not be there. Remember that, because of delays last year, there was an additional £100 million deficit. We were afforded borrowing last year to avert further drastic in-year cuts. Let us remember that, last year, there were in-year cuts of 4.4% across many Departments and the overall Budget to claw back deficits that were running up. The longer we take to make decisions and the longer we avoid financial decisions, the worse will be the long-term implications. There is poorer and poorer planning around where those cuts can be made, and they are implemented in a much speedier fashion than would otherwise be the case. I understand that, if we do not approve the Bill, the borrowing to cover the £100 million from last year will be required in this year's Budget, and, of course, the hundreds of millions of pounds that were offered to us to pay for a voluntary redundancy scheme will no longer be available. They will not be on the table. That was part of the deal.

What would be the implications of all that and other aspects for the Assembly's Budget, which is with our Finance Minister and is due to be brought before the Executive and ultimately the Assembly to finalise it? Well, to balance the Budget, further cuts would have to be announced. I understand reliably that that figure is in the order of £600 million. The community and voluntary sector has already suffered compulsory redundancies. There is no doubt that if the Budget problem deepens even further if the Bill is not approved, there will be thousands of compulsory redundancies, instead of voluntary redundancies, across the public sector. How else do you

balance the Budget? There has to be a balancing of the Budget. If the Executive are not prepared to do that, we know that there are mechanisms within the legislation that will pass that responsibility to senior civil servants who will set the Budget at 95% of last year's Budget.

Take the health service. Failure to implement welfare reform and finalise the Budget could mean an 8% reduction in the health budget — not an increase to deal with those increasing pressures, such as the growing waiting lists and the delays at our accident and emergency centres. There is a huge responsibility on everyone who is thinking of opposing the Bill to explain where the £600 million gap in our Budget comes from. How is that going to be filled? Or, how are we going to avoid the inevitable crash, as I see it, when civil servants will be forced to take such drastic decisions?

The question to Sinn Féin, today, is very clear: vote for the Bill with all of its local amendments and additional safeguards, or reject it and wait a few months for Westminster to implement it for them, with, potentially, no additional protection. If the Assembly survives — I say, "if" — which I think would be highly unlikely, is Sinn Féin prepared to watch these powers and all other powers being handed back to Westminster? There may, of course, be an Assembly election, but, if there is, we will come back to face the same problems, and the same issues will arise. If there is a failure again, in a few months' time, and if there is stalemate, I do not think the United Kingdom Government could sit around while such drastic cuts would be affecting the people of Northern Ireland, in terms of not only our health service but a wide range of public services.

In addition, if the Bill is rejected, the Northern Ireland social security administrative burden will grow and grow and grow. Let me explain. In Great Britain, there is a clear commitment to move to the new computer system. Recently, an official indicated to the Social Development Committee that the ageing UK current social security system cost £1 billion a year to maintain and run. When, eventually, everything transfers to the new system, that system will no longer be required. So, how is Northern Ireland going to run the current social security system with its rules and regulations? What is it going to cost us to maintain that large, burdensome computer system so that we can have the luxury of having different social security rules and regulations here? I have not heard any costs of that. I am not saying that it is going to cost £1 billion, but the administrative burden will cost hundreds of millions of pounds on an annual basis. So, on top of all the other voids, another cost is coming in. The alternative suggested by the official was that we operate a paper system for our social security in Northern Ireland, which, of course, may have even higher administrative costs. Certainly, that is not a practical option.

Over the years, it will be increasingly difficult and, indeed, almost impossible to calculate the difference between the new system and the old system. That is where the uncosted, Gerry Adams, Sinn Féin, Southern-campaign directive guaranteeing protection against all future welfare changes unravels. It is undeliverable, uncosted and irresponsible. It is so sad that we have major parties in Northern Ireland that are prepared to run with the line that there will be no change to the welfare system in Northern Ireland.

I want to put on public record that, on Friday morning, the Ulster Unionist Party met some Sinn Féin representatives in Stormont Castle.

It was one of the last chances to find out whether there was room for negotiation. Remarkably, the Sinn Féin representatives told us at the meeting that they had costed proposals that would guarantee protections for existing and future claimants and that it would be done broadly within the spending envelope already agreed in the Stormont House Agreement. We did not believe them, but we were prepared to, at least, consider it. Surprisingly, four days later, and even in the course of this debate, we have heard nothing. We are still waiting for a copy of those proposals. Sinn Féin was being irresponsible once more, even until the last minute.

It was with bemusement that I learnt that a petition of concern had been placed against the Final Stage of the Welfare Reform Bill in March and has been repeated again for today's debate. Sinn Féin has supported many amendments and approved the details of the Bill that are presented today for final approval. In fact, on the specific issue of contributory employment and support allowance (ESA), an issue on which Sinn Féin now professes opposition, this is what Mickey Brady said on 10 February:

*"I argue that clause 52 ... is a good clause".—
[Official Report (Hansard), Bound Volume 101,
p469, col 1].*

It is so good that Sinn Féin is now wholly opposed to it. Sam McBride quoted Martin McGuinness as having told the Sinn Féin ard-fheis:

"Our protected welfare system has eliminated the Tory cuts",

but then Sinn Féin flip-flopped, when the Southern command wagged the Northern tail.

One of the worst aspects of this flip-flopping is the failure to govern: the failure to lead and the failure to take responsibility, with the knock-on adverse effects that will fall on the people of Northern Ireland. Then again, should we really be surprised, considering that this is the party that claims that it stands against cuts, four years after implementing consecutive cuts? The Belfast Agreement, approved by the people of Northern Ireland, accepted Northern Ireland's position in the United Kingdom. This means that we receive UK welfare benefits and, if any changes are proposed, we must pay for them out of our remaining block grant.

Billions of pounds of subventions are already coming to Northern Ireland and, on average, our citizens are in receipt of thousands of pounds more than those in other regions of the United Kingdom. Yes, there is some argument over whether it is £7 billion, £8 billion or £10 billion, but the reality is that our citizens are receiving considerably more funds from public sources than those in any other part of the United Kingdom. Sinn Féin fails to acknowledge that reality. It seems to think that extra welfare costs will be paid for from the money tree, and it seems to wish to emulate the Greek form of economics and bring that to the Northern Ireland economy and government. I do not want such failure. Sinn Féin seemed to be willing to implement welfare reform in Northern Ireland whilst fighting austerity in the Republic of Ireland. That failure to govern or take difficult decisions in Northern

Ireland will affect every one of our citizens. Have no doubt of it.

This morning, on Radio Ulster, I heard Paul Terrington, the current head of the Institute of Directors, indicate that stability in the Administration is crucial for economic growth in Northern Ireland. He went on to say that the single issue of stability, the continuation of the devolution process around corporation tax and all those things are in a vacuum at the minute. We do not have political stability to sell ourselves elsewhere or bring in new investment and we do not recognise the realities of financing our local Administration. We are creating instability and making it more difficult to bring jobs in and more difficult for existing employers in Northern Ireland to invest. The issue of corporation tax is being held back. It was a part of the agreement but, if it were devolved, what exactly would Sinn Féin be proposing? Would it propose increasing corporation tax, perhaps to pay for some of the additional welfare benefits? The Budget has to balance, and there seems to be a lack of reality in actions that are being taken by those who should know better. Sinn Féin is showing the citizens of Northern Ireland and, indeed, the Republic of Ireland that it is unfit to govern and cannot create stability either in its decision-making or its ability to live within the Budget.

11.45 am

At the last Sinn Féin ard-fheis, Mr Brady said that, during the recent Stormont House talks, the relentless tide of austerity was abated. How was it abated? Our Budget is determined at Westminster. That is part of the Belfast Agreement, and we have to live within the Budget that comes to us. Sinn Féin was so anti-austerity that it agreed to cut 20,000 posts in the public sector; posts that we cannot afford to maintain. It was so anti-austerity that it was a cheerleader for a Budget that has witnessed its own Education Minister admit that he will have to make 1,500 teachers and support staff redundant by September. Again, how has the tide of austerity been abated?

On top of the supplementary payment fund and all the other protections, he even claimed that Sinn Féin delivered a £564 million welfare package. That is absolute nonsense. Is he claiming that Sinn Féin secured each and every one of the mitigation measures? Is he claiming that Sinn Féin solely secured the additional funding for the transfer from DLA to PIP? Does he forget that many of the safeguards were already agreed over 12 months ago?

The simple fact is that it said originally that it would not implement welfare reform, then it agreed to do it, and then it flip-flopped once again. It is unstable government. It said that future claimants would be protected. They cannot be. That is the reality. How do we continue to calculate into the future, whether it is one year, six years or 10 years, the difference between the benefits that someone in Northern Ireland would get under the old system if we do not change and the system that will be applicable in other parts of the United Kingdom? It said that it has alternatives, but it has never shared them, and we have still not heard today what those alternatives are.

During the Bill's stages, there were decisions by the DUP to kill off the vast majority of formal amendments through the abuse, in my mind, of the petition of concern. Was that done as a diversionary tactic to save Sinn Féin's blushes at the time? Perhaps. But it did, as others said, prevent the

Assembly from reaching its view in a simple vote. The Bill we are being asked to vote on today is better shaped than it was three years ago, and there was an opportunity to at least mitigate some of the worst consequences that would flow from welfare reform.

I welcome my party's amendments to the Bill. The early amendments that went down in April 2013 highlighted some of our concerns about the frequency of payments, the need for split payments, the provision of medical evidence and a desire for a Northern Ireland PIP pilot scheme. While the Bill is better for those changes, we would have preferred additional changes, such as improvements in welfare advice.

Let us recognise that there are many positive changes, as the Minister highlighted. The frequency of payment has moved from a monthly universal credit payment to twice monthly. There is provision for split universal credit where there are issues in households. There is the direct payment of housing benefit to landlords to prevent the increasing likelihood of evictions if money that was designed to go to housing benefit was not actually used for housing costs. That is another positive change that was being built in. Then there was the discretionary housing protection. There were other changes, such as the reduction in the maximum period of sanctions from three years to 18 months. Provisions were built in to protect those who have a disability. That was done in a time-limited and proportionate manner. So, significant changes were built into the raw legislation that came here. I am firmly of the belief that, if we do not approve it, somebody else will, at some point, approve a system of welfare reform for Northern Ireland. We do not know whether they will take those mitigations into consideration. The responsibility will pass to others because budgetary and other issues mean that, in the long term, it is simply not sustainable to maintain the position of not adopting these measures.

During its passage, the Social Development Committee undertook the task of reviewing every aspect of the Bill. On behalf of me and the rest of the Ulster Unionist Party Assembly group, I take this opportunity to thank Michael Copeland for his outstanding hard work on the Bill. Anyone who observed his work on the Committee was left in no doubt about his genuine interest in not only ensuring that the reforms did not have a devastating impact on communities across Northern Ireland but that they were as fair as possible. He certainly set this party's course of direction on the Bill.

Aspects of the DUP's management of the Bill and the financial management related to it have been unhelpful. Unsurprisingly, however, after presiding over the mismanagement of previous Budgets, the DUP sought to lay all the Executive's financial ills from last year at the feet of failure to progress welfare reform. That was despite the £87 million in fines accounting for less than half of the £200 million shortfall in the Executive funds. Of course, never ones to miss a chance to spin a tale to suit their own needs, they almost sounded as if they convinced themselves that what they were saying was absolutely true. Of course, it was not. Basic mathematics and honesty were not important. Nevertheless, the failure to progress the Bill came at a cost of £87 million, which we did not have to spend on other public services. Not only were key public services cut to pay for that, but it happened late in year.

Members will recall that the June monitoring round was finalised, I think, at the end of July, and it was then perhaps another couple of months before each Department announced how it was going to claw back the amount that was levied on it within the short, six-month period that remained. That is the worst way that any Government can manage. Short-term clawbacks, little planning and little notice — that is poor use of public funds, and we are in danger of repeating that this year. I say this to those who will vote against the Bill: you bear a huge responsibility. That is coming down the track. That is the political reality, and avoiding it does not solve the problem. Other costs will come back from other Departments to pay for the failure of the Bill to go through. Some parties, such as Sinn Féin, saw no contradiction in standing with posters earlier this year saying, "Stop Tory Cuts" while, at the same time, individual Ministers were implementing the reduced budgets that had been handed to them. I mentioned that earlier.

I will get back to the journey of the Bill. It now appears that it will fall at the very last hurdle. Sinn Féin has looked South and remembered that, there, it claims to be the anti-cuts party.

So, they are expressing their opposition to the Bill, regardless of the implications for the people of Northern Ireland, regardless of the most vulnerable and regardless of potential cuts to our health service — perhaps £200 million is coming out of health. How will you explain that to our most vulnerable citizens who are in ill health and need medical interventions? I would like to hear an answer from any Sinn Féin Member remaining to contribute to the debate. How will they solve that? How will they avoid that? Wishing for something different does not deliver it.

The Dublin leadership of Sinn Féin has viewed the Welfare Reform Bill as a threat to exposing the rank hypocrisy of what its party does daily in Northern Ireland compared with what it says, which is that it opposes austerity in the Republic.

So, the question is clear: is Sinn Féin prepared to reject today's Bill, lose the additional protection that comes with it, terminate the supplementary payments fund and remove all the other positive aspects that were linked to it during the negotiations at the end of last year, all for the sake of a few votes in the Republic of Ireland? As we go forward, I ask the people of Northern Ireland to remember how different parties voted on this matter and, further down the line, when the inevitable starts to happen, to realise who caused it and recall the warnings that everybody clearly understood were coming down the line. Yet politicians, it appears, are choosing to ignore the political reality. I support the Bill.

Mr Ford: I will commence, Mr Speaker, as you did, by extending good wishes on behalf of my party colleagues to Peter Robinson. We trust that we will see the First Minister back in his place and fulfilling his duties at an early stage.

For the record, I should stress that I am speaking from the Back Bench, though I have no doubt that the Minister for Social Development will appreciate the support of at least one Minister in the House today. When I say that I "support" the Bill, it is in the context that Alliance is firmly in opposition to many of the welfare reforms and opposed them in the only place that mattered: the Parliament of the United Kingdom at Westminster. That was where those decisions were taken, not here.

There is much talk about welfare powers being devolved to these institutions. The reality is that welfare powers are not devolved in any genuine sense. Right from the post-war settlement — in fact, possibly even from Lloyd George's old-age pensions, but my memory does not go back that far — we have had the reality that, on the basis that people in Northern Ireland pay UK taxes, they get UK social security benefits. The expenditure under annually managed expenditure (AME) is adjusted to deal with that without regard to the block grant. That is the position that we are in, and that is where we now stand with these measures, which have been passed by the UK Parliament. Our powers to make any change are extremely limited.

It is fine for some Members to say, as Mr McGuinness did, that the Conservatives have a minuscule mandate in Northern Ireland, which is, of course, true. I notice that even the Ulster Unionist Party seems to have realised that casting off the Tories was probably a good thing electorally, but the reality is that, whether we like it or not, whether we approve of the electoral system or not and whether we think that it is fair or not, the Conservatives have a mandate as the Government of the United Kingdom. All parties that accepted the Good Friday Agreement and the principle of consent need to live with that. In the context of a UK Government, the Conservatives have the power to decide things, and we have distinctly limited powers as a devolved region.

Mr Beggs: Will the Member give way?

Mr Ford: I will.

Mr Beggs: Will the Member acknowledge that, whilst the legislation is required to be approved here and we can deviate from it, we must pay for any deviation? So, we have the authority to change it, but we must pay for it out of our limited block grant.

Mr Ford: I entirely accept the Member's point, which I will go on to in a minute. That is where I believe that the nationalist rhetoric about welfare in this place is simply not correct. We have, as Mr Beggs has just reminded the House again, extremely limited powers to make any adjustments around the margins. We are not an unbridled power or a sovereign state, and we need to recognise the reality of where we are.

12.00 noon

It is fine to talk about issues like the Human Rights Act, where I have no doubt that, because of its particular implications for the Good Friday Agreement, many in the House will seek to oppose any potential changes that the Tories may introduce, but this is not the Human Rights Act. This is the fundamentals of living within our means, dealing with the budget that we are given and making such modifications as we can. We may work with Scotland and Wales on many issues — indeed, in my ministerial role, I work with the Scottish Cabinet Secretary on many issues — but we cannot on the issue of social security, which is fundamentally an issue for the UK, not at all devolved in Scotland in Wales and only nominally devolved here. However, we did make those mitigations and we did make those changes before Christmastime in Stormont Castle amongst the five parties, and then we incorporated them into the Stormont House Agreement, and that recognised the practical limitations of what we can do. We cannot do all that we wish to do. We have to live within the

administrative possibilities and we have to live within the financial realities, and we had a very detailed examination of those. Civil servants from DSD and the Social Security Agency put a lot of effort in then, and have since, to put the detail on that, for which we should be grateful, but we need to recognise that that is the reality and that that is what five parties signed up to — to live within the reality, to make the ameliorations and to accept that that was the best that we could do —

Mr Wilson: Will the Member give way?

Mr Ford: I will.

Mr Wilson: Does he also accept that the changes that were made and presented to the Executive reflected exactly the kind of groups that Sinn Féin and others said, including his own party, that they wanted protections made available to? That has been faithfully reflected, yet oddly enough, despite the fact that the money is there, the protections are there and the groups that were identified are covered, we now face this situation today.

Mr Ford: Yes; Mr Wilson makes an entirely valid point. We dealt with those issues in detail in Stormont Castle and, working with the Governments, we got them into the Stormont House Agreement, yet we are left in the position where it is unclear as to exactly why some people who made that deal have reneged on it.

We also have to recognise that, when we reached the agreement in Stormont Castle, all of that had a cost to other public services — a very significant cost. If I remember correctly, we started off talking about something in the region of £40 million amelioration coming from other aspects of our budget. We got it up to £93 million annual average cost in Stormont Castle, and that is money coming directly from other services — directly from services that are provided to protect vulnerable people and people in need: health and social care, classically so; housing; job skills and employment work; I might even add in the issue of justice. Those who require those services are all seeing a reduction in those budgets because money is being put into propping up the social security budget.

It is not just a matter of health, although Mr Beggs correctly highlighted the fact that health is the largest of those issues. The £93 million in the Stormont Castle Agreement that is being put into social security funding will result in a direct cost, if it is proportionate, of between £6 million and £7 million on policing in Northern Ireland, and we could look at many other examples. We have made that balance; we have sought proportionate changes that would ensure that we maintain essential public services at the same time as we ameliorate welfare cuts, but we cannot go any further than we have gone, and that was a reasonable accommodation. It is the job of a responsible Government to make those difficult decisions. It is great to be in government at a time of expanding finances and nice opportunities, when Ministers can appear in front of cameras and smile at things, but the reality of government is that we need to learn to take difficult decisions, to deal with the difficult hand when we are played it at difficult times, and to be realistic and accept those.

In that respect, it seems to me that Sinn Féin and the SDLP have to prove that they can be responsible around budgetary matters in difficult times in just the same way, frankly, as Members on the other side of the House need to prove that they can be responsible and recognise

reality in other respects. The critical aspect is that the Government have to make the decisions based on the context in which we are living at the time.

Power-sharing requires compromise, rising above narrow ideology and reaching an accommodation, and it means aspiring for the common good. That is what was required, and that is what I believe we achieved at Stormont House on welfare reforms. If we do not pass the Bill, all that we agreed in the Stormont House Agreement potentially falls.

Do Members really want that? That will mean nothing at all for the voluntary exit scheme for those civil servants who wish to leave and have built up their expectations over the last months that they will get the chance to go. It will mean absolutely nothing for dealing with the past, new institutions, additional funding for inquests and all that was promised to victims, the bereaved and those who were injured. A lot of hopes were built on that, which now stand the risk of being crushed because people cannot agree the Bill. It will mean an immediate loss of last year's £100 million loan, with an expectation that it will be added to the burden of repayments this year, and there will be nothing at all for the additional funds that were expected to be invested in integrated education and shared education. If we do not agree the Bill, we have the prospect of full-blooded Tory cuts with no amelioration whatsoever.

Sinn Féin is making much about its claims to protect those who are dependent on social security benefits. The reality is that Sinn Féin is leaving them in a worse position. It is leaving them with a loss of public services, whether those be health, justice or job skills services, and leaving people worse off because of continuing fines that are being paid back to the Treasury rather than being put into any services here.

The SDLP claims to be the guardian of the Good Friday Agreement. The Ulster Unionists gave up on the Good Friday Agreement a while ago, we were never quite sure exactly how much Sinn Féin was committed to the full detail, and the DUP would claim that it never supported it. If we cannot work the system of power-sharing that is before us, we call into question whether Members have any commitment at all to the Good Friday Agreement. Members who signed the petition of concern are in danger of abandoning the Good Friday Agreement along with the Stormont House Agreement.

Mrs D Kelly: Will the Member give way?

Mr Ford: I will give way.

Mrs D Kelly: Under the d'Hondt principles of the Good Friday Agreement, I do not recall the Alliance Party being entitled to two Ministers. *[Interruption.]*

Mr Ford: I am sorry; I am devastated. If somebody cannot tell the difference between a mathematical formula and a principle, we have a real issue.

If people are prepared to throw out the Bill without recognising the effects that doing so will have on those who are most vulnerable in this society and the dangers that lie ahead for public services in general, those who are dependent on those public services and for victims of the past who are expecting something to emerge from the Stormont House Agreement, they really are contradicting the principles of the Good Friday Agreement as well as those of the Stormont House Agreement.

It looks like Alliance will end up being the only party that is in support of those principles and the only party that is prepared to be fiscally responsible and socially progressive. The Alliance Party is not afraid to accept that difficult decisions have to be taken at difficult times. When people reach an agreement, they should stick to the agreement five months later. We will, therefore, support the Bill, not because we want Tory cuts to be implemented but because we want to stop future Tory cuts being implemented.

Mr Campbell: I join others in wishing Peter Robinson a speedy recovery.

Given the removal of OFMDFM Question Time, it seems somewhat strange, when we in an open-ended legislative debate that could go on for hours, for us to take a lunch break of two and a quarter hours; hopefully, the Business Committee will be able to meet. That seems absurd, but I am sure that the Whips are discussing it as we speak.

A number of issues about the Bill need to be brought to a head. When it comes to what most people in the House would like to see, welfare reform does not divide us. We would all like to see a belt-and-braces, super-duper welfare reform package. I presume that almost everyone in the Chamber, as well as outside, would want to see that in place. However, that is what we would like to see. That is what we would want to see in a perfect world. What we have is not perfect. It is rather imperfect, and there is no additional money. Given that we were told by a Conservative and Liberal Democrat coalition that there was no additional money, does anybody seriously think that the Conservatives, bereft of the Liberal Democrats and now governing on their own with a complete majority, will say, "Yes, we did say that with the Lib Dems in tow, but we have now had a think about it. We are going to give everybody else in the UK a £12 billion hit, but we will overlook that for you people in Northern Ireland and give you a bit more money."? It is not going to happen. It simply is not going to happen.

The reality is that we have to do whatever we are going to do within the confines of our Budget. When we come to that point — I know that there are some, particularly in Sinn Féin and the SDLP, who do not seem to be at that point yet, but everybody else seems to be — we then have to decide what we do. Do we sit tight and hope, Micawber-like, that something will turn up? When my head comes out of the sand, will somebody somewhere, with this magic money tree that everybody talks about and nobody knows where it is, deliver hundreds of millions of pounds to deliver what we would all like to see? It ain't going to happen.

What do we do then? If we all wish that it was better but know that it is not going to be, do we sit tight and then it will get worse? That is what is going to happen; it is going to get worse. Or do we adopt the better way and try to mitigate the worst excesses of a welfare reform system that is, as everybody else in the UK admits, better than what they have? When I speak to the Scots Nats, Plaid Cymru, the Conservatives and Labour across the rest of the United Kingdom, they say, "I wish we had the system that you people have." When I say that we might not have it, they say, "That is your call." We are making it today. This call is being made today.

Over the course of the last month, we have heard from Sinn Féin a number of pie-in-the-sky economic issues.

In fact, I was really glad that our former Finance Minister made the quote before I made it: it was not really Karl Marx economics, it was Groucho Marx economics. I notice that the deputy First Minister referred to the Member Mr Chris Hazzard, and I am glad that he did. Who will ever forget the car-crash radio interview before the election, when the Karl Marx economics of Sinn Féin was that, if you run up a credit card debt, we will write it off? These are the people who will say that we can get a better welfare reform package. Of course, they also said that they want to safeguard not only existing claimants but all future claimants. The current DLA claimant rate, in some parts of Northern Ireland, is three times greater than in the rest of the UK. If it becomes four times greater, do they want to safeguard it? If it becomes five times greater, do they want to safeguard it? Commentators ask, "How do you account for future claimants?". They answer is that you do not. You cannot, because they are future claimants. You do not know what it will be, yet Sinn Féin wants to say that we have to get a budget and reforms that take account of the unknowable.

Mr Wilson: Will the Member give way?

Mr Campbell: Yes, I will.

Mr Wilson: Will the Member accept that the fantasy economics extends even further than that? On one hand, they claim that there will be £1,500 million lost to claimants as a result of welfare reform over the next five years, yet they believed that, by negotiating with the Government before Christmas for slightly above £500 million, they could ensure that none of the people who will be affected would lose out and that £500 million would cover £1,500 million of reductions. Does he not think that that maybe shows that their grasp of numbers is not great?

12.15 pm

Mr Campbell: I thank the Member for his intervention. I think he was underselling it a bit when he said that their grasp of the numbers is "not great". "Not great" does not come close. The reality is that we have a Conservative Government in place for, in all likelihood, five years. The subvention is £10 billion a year. People ask why we cannot go it alone. It is 50 billion of those over the next five years — 50 billion of those. That is why we cannot go it alone.

I have heard a lot about anti-austerity. I remember, and I am sure many here remember, that, four months ago, the talk across Europe, in Spain, Italy and various countries, was that anti-austerity parties were on the rise, which they were; that they were getting more votes, which they were, and that they were becoming more strident in their demands. Then, four months ago this weekend past, an anti-austerity party was not just on the rise, but became the Government of Greece. Then we heard, "You are going to see stuff happen now; you are going to see austerity confronted and smashed." What do we see four months later? The Greeks are at the IMF, saying, "Please, can you bail us out? Please, can you do something? We cannot meet your demands." So much for the mighty anti-austerity measures and the great anti-austerity party. I wonder where Sinn Féin, the great anti-austerity party of Groucho Marx rather than Karl Marx, will be?

The reality is that we are where we are. We have got to cut our cloth. People might not like it — I do not like it — but it does not change where we are. We have got to get on,

mitigate what we can, do our best for those in need and do our best to secure the best deal — and we have got the best deal in the United Kingdom — or else it gets an awful lot worse. I support the Bill.

Mr Maskey: I am speaking for Sinn Féin, which stands for a number of key principles in its involvement with these institutions, including protections for the most vulnerable, a workable Budget that will enable us to deliver on the Programme for Government across all commitments, and the securing of additional powers to allow the Executive and the institutions to grow the economy and create employment.

I have heard it said over the last number of days that Sinn Féin is sleepwalking into this debate and does not listen to people. I remind people that we do listen. We are, in fact, just out of an election, and those of us who were on the campaign trail spoke collectively to several tens of thousands of people in their homes, on their doorsteps and at social gatherings and public meetings. I assure Members, and anyone else for that matter, that we do listen, and we heard loudly and clearly what people were saying. They are telling us that confidence in these institutions is low, and that they are worried about their future, their welfare and cuts to services. It is regrettable that some of them lay the blame at the door of these institutions rather than where it actually belongs, which is with the British Government; but is a discussion for another day.

The point I would make is that our party came out of the election with 176,000 votes. We are very pleased and privileged to have secured that very significant mandate. We have that mandate across the island of Ireland, in all the political institutions that the people have a franchise to elect into, and we are very proud and privileged to have that.

Mr Storey: Will the Member give way?

Mr Maskey: No, I will not give way. Thanks, Minister.

We are proud of that. What is very clear is that the fundamental principles we stood for were endorsed by that high number of people. They are the commitments that we made during the election and they are the commitments that we are going to hold to dearly as we proceed. What will happen in the weeks and months ahead, I do not know, but I do know this, and Martin McGuinness made the point very clearly earlier: Sinn Féin is not remotely interested in these institutions collapsing, but, equally, these institutions are only worthwhile if they are delivering for the people that we collectively represent, and I mean collectively as in all of the parties here.

I will make the point again that the Tory Government, who are the body responsible for the position that we find ourselves in, have no mandate here whatsoever, whereas the parties around the table here do, and we have a responsibility to discharge that mandate to the best of our ability for the people we represent. Nobody in this room, the last time that I checked, represents any electorate outside these Six Counties.

Mr Beggs: Will the Member give way?

Mr Maskey: No, I am not giving way. I thank the Member.

I just want to make the point that we do listen, and we did listen. Not only that; when we make a promise, we will stand by that promise.

I want to make a couple of points before we go on. People are making remarks willy-nilly. They probably do not understand what they are saying themselves. The first thing is the whole question of fines. People say that we are being fined, and I have heard Members saying that that is money down the drain. Well, actually, I remind people that the money that is being taken off us by the British Government currently remains in the pockets of those welfare recipients. If it were not for Sinn Féin, the SDLP and others who have been resisting those cuts, those people would have had that money removed from their pockets already. Those are the most vulnerable in our society. When all the parties talk about defending the most vulnerable, that is the type of people that we are actually talking about. That money has not been lost or squandered or gone down the drain, as someone mentioned in the last number of days. That money remains in the pockets of those who are most vulnerable and who desperately need it.

I will also make a point for those who like to delude themselves about the machinations of Sinn Féin. Sinn Féin is a national party, and we do not have to be dictated to by one part of the country or another. When people refer to where Sinn Féin in the North takes its orders from, let me say this: Martin McGuinness, for example, is a member of our national executive, our *ard-chomhairle*, as are a number of other Members on these Benches. We are not dictated to by any one part of the country or any individual. Sinn Féin has a very strong, committed, collective leadership that has representation from throughout the whole country. Let me assure anyone who has any doubts or any delusions in their minds: the decisions that we come to have been thought out, considered and acted upon on a national and collective basis. I think that is what it should be. You will not find any individual in our party faltering against another because our party is united. We are an anti-austerity party. We are a party that wants to work with all of the other parties, building the economies, North and South, and treating people fairly. That is what we will continue to do. As I said earlier, we are very proud and privileged to have received the very significant mandate that we continue to receive, and we will exercise that mandate very judiciously.

I will also make the point that continuing attacks on Sinn Féin during this debate or, indeed, others is a bit futile because it will not resolve anything. In case you have not learned anything over the years, criticising Sinn Féin is not going to make us shift one way or another. We will do what we have to do, what we need to do and what we think is in the best interests of the people who we collectively represent. Criticising Sinn Féin is really a waste of your time.

I did not want to go there, but I want to make one point, particularly in relation to the SDLP and Dolores Kelly's remarks earlier. I think it is very unfortunate that parties seek to waste their time and energy today in the debate taking sideswipes at Sinn Féin, or, indeed, any other party, when the real focus of our dispute has to be with the British Government. I will say this — I do not want to return to it later today, and I hope that nobody else has to — had the SDLP worked in good faith during the implementation period for the Stormont House Agreement, maybe, just perhaps, they might have been able to deliver on some of the points that they have been making.

That is by the by, however, because the last point that I want to make in regard to that is that the people who we

represent want us to work together. They do not want us sniping at one another. They do not want parties bickering, complaining or criticising each other. They want us to knuckle down, roll our sleeves up and get to work to tackle those very serious problems that people out there face.

The Minister, in his opening remarks, praised his officials, and rightly so. I want to place on record my gratitude and thanks to all the officials in his Department, including the Social Security Agency, who regularly come to the Social Development Committee and take a lot of time to explain things to and work with the Committee, and likewise throughout the whole Welfare Bill issue. However, by the same token, the Department officials do not set policy. That is the job for the parties around this Chamber. The officials do not set the policy.

There was progress. Parties reached an agreement in the Stormont House talks. We all agreed on that. We may disagree about what precisely we agreed — that is another day's argument — but, nevertheless, we made progress. As I have said, subsequent to that, we had further discussions about implementing the Stormont House Agreement. Ultimately, it came back — the Minister made the point earlier — and we were told by officials via the DUP that the deal that we wanted, which was to support current and future claimants, was not legally, operationally or financially deliverable. We dispute that. What we are saying is that the parties should decide the policy that we pursue, and we then have to get that enacted. Officials work very hard — I want to endorse the Minister's praise of the officials — but they do not set policy. Therefore, our party will not determine its policies based on what officials tell us. We have to listen, learn from what they are saying and work our way round the obstacles. We need to get round those obstacles politically, not simply acquiesce to them. That is the point that I wanted to make about the Department's officials.

Crucially for us, even though progress was made, it was not enough, and we have made that very clear. That is why, on 9 March, we said clearly that we would not continue to support the Bill as it goes through the House: it and the commitments and schemes did not go far enough. Essentially, we have two problems that we have to deal with. Both of those problems —

Mr Wilson: Will the Member give way?

Mr Maskey: No, thank you. Both of the problems that we face originate in Westminster. They are the savage cuts to the block grant, which are well rehearsed — £1.5 billion over recent years — and the equally savage cuts to welfare, which the British Government want us to impose on people. Crucially, we have more of the same coming to us in July. Let us repeat that we are talking about treating with respect the most vulnerable. They include the long-term sick, large families with children who will be affected by the benefit cap, children with disabilities and adults with severe disabilities. Let me make it very clear that the Department's officials gave us figures for those categories: a family with a child on disability premium would lose up to £1,750; ESA time limiting would cost people £5,100; adults with a severe disability premium would lose £4,500; adults with a disability premium would lose almost £1,000; and the benefit cap would impact on some families to the tune of £2,300 or perhaps more. Those are the figures given to us. Of course, we know that the history of figures is that

they could change by this time tomorrow, but it will be for another person to deal with that argument.

I want to conclude on a very simple point. In the last while, we have heard a lot of very strong and solid voices from wider civic society, which has stood together. I want to praise them again for coming to the Committee for Social Development during the evidence-gathering sessions on the Bill. There were people from the trade unions, Churches, community and voluntary sector and rights-based NGOs, including the Human Rights Commission and the Equality Commission. They spoke very well and cogently on the serious and negative impact that the welfare cuts being imposed by London would have if implemented here on the people whom we all represent. We need to focus our minds on those people. We represent people here. We do not represent people in Birmingham or anywhere else. We need to learn from and be in solidarity with all those people. The offer from Nicola Sturgeon to the devolved Administrations to sit down and work together on this issue is a very worthy one, and it would be foolish for anyone not to take up that offer.

I say to those in wider civic society that it is time for those who have identified the problems to work together to find solutions. Solutions do not lie just in the Chamber. Yes, we have the responsibility to pass legislation, or not, as the case may be. Clearly, today, we will not pass it. That is a decision that the Minister has foisted on the Chamber. Nevertheless, I call on wider civic society to work with all the parties here. This problem will not go away. The Bill will not pass today. We are then into unknown territory, and it is up to the parties to work out where we go. I would far rather that the parties —

Mr Storey: Will the Member give way?

Mr Maskey: I cannot give way, sorry. The difficulty —

Mrs Foster: You can.

Mr Maskey: OK, I will not give way; it is not the case that I cannot. I do that respectfully. I did not want to go there. This is legislation, and everyone can take as long as they need to talk in the Chamber today. However, the clock is ticking, and the Speaker has warned that he will interrupt.

I just want to finish my remarks on this point: parties here have a major responsibility on their shoulders. We in Sinn Féin have no hesitation in standing our ground against austerity. People inside and outside this Chamber have a responsibility to stand up against the cuts to the block grant and welfare, as well as the cuts that are coming down, yet again, from London from 8 July.

12.30 pm

In the same way in which we are talking to people in the Twenty-six Counties over the head of parties, politicians and vested interest groups, I say that people out there in civic society have a voice and should use it very strongly. The people's voice was made very clear to us in the election campaign, and I presume that other parties heard the same.

We have a job to defend the people we represent, particularly those who are most vulnerable. The parties here who want to challenge the austerity measures that are coming from London and want to work with civic society out there, whether it is the unions, the community and voluntary sector, the Churches or all

those organisations that very rightly put on the table the very negative impacts of the cuts if they continue to be implemented, should work together and challenge directly where the responsibility lies. Despite the differences around the Chamber, the responsibility for the cuts does not lie with the parties in the Chamber or the Executive. It lies in London. I call on people here and in civic society to stand up to London, stand together and look after the best interests of the people we are elected to represent.

It is time for people who want to equivocate on where the responsibility lies to get off the fence. The Government in London are quite clearly signalling that much more savage cuts will be imposed on us. Those will be to welfare and very important public services. We are saying to people who are against that that we should work together to challenge the British Government that are trying to impose those cuts and, if need be, stand up and name and shame the parties who are willing to acquiesce to that agenda.

Mr Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension.

I intend to discuss with the Business Committee whether we should resume the debate at 2.00 pm to fill the slot that has been left by the cancellation of questions to OFMDFM. I will communicate the decision of the Business Committee through the party Whips as soon as it has been made.

The debate stood suspended.

The sitting was suspended at 12.31 pm.

On resuming —

2.00 pm

Assembly Business

Standing Order 20(1): Suspension

Ms Ruane: I beg to move

That Standing Order 20(1) be suspended for 26 May 2015.

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 Order 20(1) be suspended for 26 May 2015.

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 and the motion is agreed.

Executive Committee Business

Welfare Reform Bill: Final Stage

Debate resumed on motion:

That the Welfare Reform Bill [NIA 13/11-15] do now pass.
— [Mr Storey (The Minister for Social Development).]

Mr Wilson: This is an important debate. It is perhaps one of the most important debates that we have ever had in the Assembly. As a result of the decision that the Assembly will make today, we will move into uncharted waters. We do not know constitutionally where this could lead us, and we do not know politically where this could lead us, but the one thing that we do know is that, financially, the consequences of this have been spelled out and spelt out very clearly by the Finance Minister. We can talk in the abstract about the financial consequences of the Budget for this Assembly, but those financial consequences will be felt by every family. That is why the debate should be of importance to the people of Northern Ireland. Every family in Northern Ireland will face financial consequences as a result of the outcome of the debate today.

It is little wonder that the SDLP and Sinn Féin have taken the stance that they have in the introductions to their speeches here today. There is an embarrassment there. Indeed, it is significant that none of the Sinn Féin spokespeople were prepared to take any interventions. That, to me, is an indication of how weak and paper-thin their arguments are. If they were sure of the ground on which they are opposing this legislation, you would have expected them to at least be prepared to stand and debate and discuss it and to answer questions in the Assembly. They have not been prepared to do that. In fact, we have had the excuses that this is a contrived situation and that, somehow or other, the Finance Minister has pushed us into having the Bill brought early.

I remind the Assembly that this has not come out of the blue. We have been trying to get this Bill through the Assembly for around a year and a half now. We have had meetings of all the parties, extensive discussions, negotiations with Ministers in England and even a crisis summit before Christmas last year. So, it has not come out of the blue, but the one thing that we do know is that the Finance Minister has to bring forward the final part of the Budget to the Assembly so that Departments and all those people who are affected by spending decisions of the Assembly know where they stand, so that schools know how much money they have for the rest of the year, further education colleges know what courses they can afford to run for the rest of the year, those who have applied for voluntary redundancy know whether they will be taking it and community groups know what they will have in their budget. I could go on.

There was no alternative but to bring this issue to a head. It is not contrived, it is not forced and it is not something about which the Finance Minister, the Social Development Minister and the First Minister thought, "Let's ramrod this through." It is something that has been in the making for a long time, and there has been an expectation that it is something that we would deal with.

The second argument that I have heard here today is, "Well, if only we had a bit more time, then we could've resolved the issues. Why couldn't we just sit down and talk?". Mr Maskey said we should work together to make more progress. The

parties worked together at Christmas and thought that they had made progress. Before that, the former Social Development Minister worked with the DWP Minister in England and got concessions that, as my friend Mr Campbell said, are the envy of other parts of the United Kingdom. Since then, the Social Development Minister, on the basis of the agreement reached before Christmas, brought forward a plan as to how vulnerable groups might be protected, all of which has been presented to the Executive. I point out that nearly all those changes have not been as a result of those who claim to have concern for the vulnerable; they have been as a result of the work of a succession of DUP Ministers who took the lead on these issues.

As Mr Ford pointed out, while Sinn Féin poured out the anti-austerity rhetoric, it was not present when the debates about austerity were taking place in the Parliament of the United Kingdom; it was being too precious about its republican principles. That is how much it cares about the vulnerable. If there had been a real concern about the vulnerable, we would have seen Sinn Féin making its arguments in the place where welfare reform had its genesis: the House of Commons. Indeed, Sinn Féin has made it quite clear that, should there be future cuts, it will not be there to defend the vulnerable because it is a party of abstention. Abstention is more important than protecting the vulnerable. Let us not have any more of this nonsense about, "If only we had more time to talk. We're interested in supporting the vulnerable".

It is significant that, although the Social Development Minister has brought forward proposals that, we are told, are still unacceptable, we do not have a clue why they are unacceptable. Have we had any amendments? Sinn Féin has refused to accept the challenges, but I would have thought that I would at least have heard from its spokesmen today some indication as to where the flaws are. However, we have not heard from them, so what more is there to talk about? We have had extensive discussions with DWP Ministers; we have had changes made to the legislation; we have had the Stormont House Agreement and the subsequent papers tabled from it. There has been no new input from those saying that this is still unacceptable. No changes have been proposed.

The other argument is, "Well, if we all went together collectively to speak to the Prime Minister, perhaps he would give us more money". That has been well articulated here today. Those who put forward that argument know full well that it is nonsense. Anyone who thinks that a party that would not give more money when in coalition with the Liberals will, now that it has won an election, is in power in its own right and is going to introduce more welfare cuts on people in England, Scotland and Wales, exempt Northern Ireland, where it does not have one MP, is living in a fantasy world. Yet those are the arguments that we have had today as to why we should not proceed with the Bill. They are all false and threadbare, and they will have dire consequences because the Bill has to be voted on today. If it is refused and rejected, there will be consequences.

Let us look at what is being proposed. It is not that the Bill is unnecessarily harsh. I remember being on the ministerial group that discussed the Bill. This seems to be a moveable feast because, at that stage, a number of things were highlighted, all of which were dealt with. The first one was the impact that it would have on the social fund, and the Executive put more money into that. The

second one was the impact that it would have on people who would no longer be eligible to receive help with their rates, and the Executive put more money into that. The third one was the spare room subsidy and the fact that we did not have the housing stock to move people around, and we got an exemption from that. The fourth one was that there were people who would find it difficult to manage their money, and, if they were paid once a month, they would find themselves short at the end of the month, so we got a change whereby we could make more regular payments. The fifth one was that, in some dysfunctional households, if you paid all the money to one person, they would go out and spend it on drink, so the money should be split, and that was dealt with, too.

All five had financial consequences, of course, in extra administration, but every issue raised was dealt with, and, by the way, it was a DUP Minister who negotiated with a Minister at the Department for Work and Pensions. Those who claim to have a monopoly on being worried about the vulnerable ought to remember that all the issues that they raised were taken on board seriously, dealt with and reflected in the legislation that we have here. We were prepared to put our money where our mouth is and deal with the financial consequences of that.

Then, of course, the issue that came up was that there were still vulnerable groups that needed to be supported. One of the reasons why additional moneys, to the tune of £540 million, £550 million or whatever it was, were found in December was to provide additional support for those groups over six years. The impression has been given that, by some sleight of hand, the Minister for Social Development turned his back on those agreements. The truth of the matter is that, when you examine it, you see that not one penny has been removed. Every single penny of the money that, before Christmas, Sinn Féin and the SDLP thought was a sufficient guarantee for vulnerable people is still in the budget for this Bill.

The groups that they asked to be addressed, children with long-term disabilities and people with severe disabilities, are covered by the supplementary fund. A discretionary fund has been set aside to look at the cases of future claimants. Where they merited payment, they would get it. Despite what Mr Maskey said, the paper states that the losses to those vulnerable groups, especially those with children, will be covered. People will not lose out, yet we are told that this is not sufficient.

Sinn Féin has tied itself up with its rhetoric that not one person would lose out. The truth of the matter, given that the total welfare budget will not rise as fast as it would have without welfare reform, is that some people were always bound to lose out. Let us not pretend that that was not going to be the case, but the groups deemed to be the most vulnerable have been covered. I am sure that the Minister for Social Development will be more than happy to spell out, and will be more competent than me in doing so, the detail of how those people will be covered. By turning our back on the Bill today, they, the very people whom those who signed the petition of concern claim to want to protect, will not be protected.

2.15 pm

Mr Campbell: I thank the Member for giving way. Does he agree that, in addition to the group of people he is talking about, there is a considerable number of vulnerable people

who would have been better off under the welfare reform package that had been negotiated but who, now, will not be better off as a result of this?

Mr Wilson: I was just coming to that. Some 80% of those who will be affected by the changes to universal credit will either be no worse off or better off. Forty per cent, or 80,000, of them will be better off; 40% will be no worse off; and 20% will be less well off — and even they will have transitional protection in that it is only when their circumstances change that they will find that their payments are reduced.

Here is the real danger. I said that we were entering uncharted waters on this. I pay tribute to those parties who recognise that there are difficult decisions to be made and that there are costs involved in that. At least, they have not buried their head in the sand in the way that Sinn Féin and the SDLP have done. They have been prepared to support this. The real danger is what will happen if we do not proceed with this and if we prove that we are not mature enough to take the hard decisions. Being in government means that you have got to take hard decisions. It is one thing to say that we want devolved government and we want more devolved powers — in fact, I heard Mr Maskey say that he wants not just this devolved, but a lot more fiscal powers devolved — but putting up or putting down taxes will be hard decisions to make because they will have consequences. If you cannot deal with the issues that we have before us, how can we hope to deal with any more powers being transferred to the Assembly? If we do not have the ability to do that, one of the possibilities — I do not want to be alarmist. We have muddled through crises before in the Assembly, and the only people to have suffered have been those who have been affected by the delays and the indecision, and the only thing to have suffered has been our credibility. I do not think that our credibility being affected in that way is good for the political process. Some people play fast and loose with it.

Mr Storey (The Minister for Social Development): Will the Member give way?

Mr Wilson: I will give way.

Mr Storey: The Member will recall, I am sure, a document that was published by Sinn Féin, ironically called ‘Sinn Féin Welfare Reform: The Facts’. That is a contradiction in terms. In that document, Sinn Féin said:

“Sinn Féin will not be part of any agenda that punishes the most vulnerable in our society.”

Yet, in a Department in which it had control, the Education Minister made a decision without reference to anybody else — and I see the Education Minister is in the House this afternoon — and £1.7 million was taken out of the early years fund. Who has that affected? Who has that punished? That was deliberately a target towards families that are now in a very dire situation. So, when it has the control and the power, it attacks the vulnerable, and that is the accusation that it is making against the rest of us.

Mr Wilson: Furthermore, the vulnerable are attacked as a result of the incompetence of Sinn Féin in dealing with the issue of welfare reform. Of course, that £1.7 million reduction in the early years programme, which deals with vulnerable families, could have been avoided by simply passing the Welfare Reform Bill. The money we would have saved in one week, rather than it going back

to Westminster, would have ensured that those early years programmes were continued. So, not only has the financial situation been brought about by Sinn Féin, but the Minister decides to attack the vulnerable rather than cut some of his pet projects. Of course, he could have saved that money by not pursuing as rigorously his policy of promoting Irish language schools, but, no, Irish language schools are much more important than those families who would have benefited from the early years programme. Again, we can see the hypocrisy of the party opposite. They use such fine statements as, “We want to protect the vulnerable”, but, when they have to make decisions about protecting the vulnerable, they are not so good at doing it.

That takes me to the absolute crux of the point that I want to make. We do not know where this will lead us, constitutionally, but one of the options, constitutionally, is for the Government at Westminster to say, “Since welfare reform is not devolved to Wales and not devolved to Scotland, and Northern Ireland can’t handle it, we will take it back to Westminster”, and all the protections that I have spent some time outlining here today will disappear. Somehow or other, that is supposed to be a good outcome for the vulnerable and for those who will be mostly affected by welfare reform.

If that is the logic of those who have signed the petition of concern, then it is little wonder that the stock of some Members in the Assembly is so low amongst the general public. That is something that has to be given real consideration. Of course, there might be no immediate decision taken by the Government to take this under the control of Westminster, but the one thing that they cannot allow to happen, and the one thing that we cannot allow to happen, is for this festering sore to remain here, because it is going to be more and more costly. Mr Beggs outlined the escalating cost, and I do not want to go into that. As the gap between welfare payments in Northern Ireland and those in the rest of the United Kingdom widens, we will pay back more and we will also pay for the additional cost of administration as we lose the use of the UK-wide system of administration and have to take that on under our own hat and auspices.

It is probably too late, at this stage, to ask those who signed the petition of concern to withdraw the foolish action they have undertaken. I am not an expert on this, but I suspect it is too late. However, we have spelt out the consequences of it. Putting this on to the Floor of the Assembly was not due to some rush of blood to the head by the decision-makers in the DUP. It was something that had to be done, and was done only after every effort was made to try to resolve the issue. I must say that I am disappointed that we have failed to do that.

I have just one word of warning. Sinn Féin is magnificent with words. This is how Mr Maskey started his speech. He said that the aims of his party were to protect the vulnerable. Well, I think I have shown that they are not protecting the vulnerable in this. He also said they aim to have a workable Budget. The Finance Minister will have a lot to say about how workable the Budget will be if the welfare reform changes do not go through. Mr Maskey also said that his party wanted the acquisition of more fiscal powers. Anybody who would want to add more fiscal powers to the Assembly and to the people who bury their heads in its economic sands would be out of their skull. Indeed, why would you hand fiscal powers to people who clearly cannot even handle the powers they already have?

I do not know whether anybody in the Irish Republic ever watches or listens to the debates in the Assembly. I hope that those in the Irish Republic, who Sinn Féin hope will eventually vote them into some coalition arrangement after the next election, are listening to this debate. If they pay any attention to it, they will realise the financial and political incompetence that rests on the Benches across the way. If their representatives in the Republic turn their backs on economic and political reality, in the way that Sinn Féin has done here, then, if the people of the Republic are foolish enough to put them into a position where they hold the levers in a coalition arrangement, dear help that economy. We do not need the Southern economy to go into a tailspin because of the kind of people who might take up those kinds of positions: claiming to be anti-austerity but not having a clue as to how to run a modern economy in any one way.

We believe that we have brought forward an honest attempt to square the circle of the welfare changes at Westminster, which have inevitable consequences here, just as they did in Wales and in Scotland. In fact, it is significant that, although the Scottish nationalists claim to be anti-austerity, they accepted that those welfare changes had to be implemented. We have brought forward an honest attempt, and we have spelt out the consequences. I hope that, as people cast their vote at the end of the debate today, they will bear all those points in mind.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I will start by picking up on some of the comments made by the previous Member, particularly in relation to his commentary on the electorate in the Twenty-six Counties. The Member should cast his mind back to the European elections: half a million people across the island are consistent with what Sinn Féin does, particularly in relation to our policies of standing up for the most vulnerable and for public services. That is something that we are very proud of, and it is not something that we will stand back from. The immediate difficulties —

Mr Beggs: Will the Member give way?

Mrs O'Neill: The Member should let me get started.

Despite the fact that, as the previous Member said, we knew that this was coming and we were always going to arrive at this point, we are debating the Welfare Reform Bill in the Chamber today because the DUP and the Social Development Minister decided to move the motion on the Bill, despite knowing that there was no way it would command any kind of support in the House. The reason we are in the immediate crisis that we are in today is that reality.

We have not had the papers come forward. I listened carefully to the Social Development Minister's opening remarks, particularly around the fact that so much information had been provided. There is no doubt that there has been plenty of to and fro in the form of discussions with advisers and across our parties about ironing out all the difficulties and trying to put in place the protections that clearly need to be put in place. However, this is despite the agreement that was arrived at in the Stormont House Agreement, despite the Minister's commitments before Easter that there would be papers coming forward and that we would chart our way through and despite the Minister's promise to the House — I will quote him — that no one in the North of Ireland would be:

*“adversely affected as a result of the changes” —
[Official Report (Hansard), Bound Volume 100,
p206, col 1].*

I ask the Minister this: are the cuts of £1,750 to the child disability premium not an adverse effect? In my book, that is most certainly an adverse effect and something that the House needs to be very concerned about.

Mr Storey: Will the Member give way?

Mrs O'Neill: I am sure that the Minister will take his opportunity when he sums up the debate today to respond to the points. The Minister will have his opportunity to respond to the points that I have outlined. He clearly said, again, that he had done everything that he could to find a way forward, but, again, that is not the case. Where is the bedroom tax paper?

Mr Storey: Will the Member give way?

Mrs O'Neill: Again, the Minister can address these points in his contribution towards the end of the debate.

Where is the bedroom paper? Where is the agreement on the disability scheme? Despite the fact that my party clearly flagged up our concerns and the issues that we need to see addressed, that has not been forthcoming. The Minister created the immediate crisis that we are in today by taking the Bill to the Floor, knowing fine rightly that it will not be agreed today.

Mr Dickson: Will the Member give way to somebody who cannot respond at the end of the debate?

Mrs O'Neill: Let me get on with my contribution to today's debate. Everybody has the opportunity to put their name down and go through the normal procedure.

The debate so far today has taken a very narrow view. It has been about taking that narrow approach. It has very much been about trying to apportion blame, which is not helpful. It is not helpful to the electorate. We cannot look at welfare as an isolated issue; it is something we need to look at in the round. Sinn Féin has consistently said that it wants to work with the other parties and address the outstanding issues. I have clearly highlighted the opportunities that we have taken. We want to be constructive and continue to be constructive in our approach to all of this. What we have failed to do and what many contributors this morning have failed to do is to focus on the bigger picture. The reality is that there is a black hole in the block grant. The reality is that we have been stripped of £1.5 billion. The reality is that George Osborne has clearly said that he will make more in-year cuts. I challenge the other parties to start looking at the major issues that we have to address collectively in the time ahead. When Martin McGuinness asked Theresa Villiers for confirmation of the implications of what is coming in the July Budget, she did not know. She does not know, but the Finance Minister in the Executive here knows.

2.30 pm

Mr Beggs: Will the Member give way?

Mrs O'Neill: It all leads to the artificially created crisis that we find ourselves in today. I make those points because they are points that need to be made, but I come back to the point that Alex Maskey and Martin McGuinness made, which is that we need to work together. We cannot roll over

and just deploy what the Tory Government want — cuts, cuts, cuts to public services.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

I listened carefully to Members trying to play welfare off against public services. That is not the way to look at it. That is a disgrace. This is not about one or the other; this is about all. This is about protecting our front-line services and protecting people in relation to welfare. The public will look at the debate today, as they have looked at the debate in recent times, and they must be asking themselves what the vision of the Assembly is. Do the Executive have the vision to stand up for public services and the most vulnerable? When our electorate looks to Scotland, they see the contribution that the SNP has made. Nicola Sturgeon is standing up today and talking about her anti-austerity policies, and this Executive need to take the same approach. The Scottish Executive have sent out a clear invitation to work with our Executive and the Welsh Executive to challenge the Tories on their austerity policy.

Mr Dickson: Will the Member give way?

Mrs O'Neill: It is comical that Sammy Wilson referred to people burying their head in the sand, because I very much think that the DUP has an ostrich mentality when it comes to standing up to the Tory Government. There are parties in the Chamber that are very happy to cosy up — *[Interruption.]* — to the Tory Government and their austerity policies, but not one party in the Chamber stood for the recent Westminster election on the same Tory policy. Not one person put that in their manifesto. The people in the Six Counties did not vote for a Tory policy of austerity; the people in the Six Counties voted for local, elected politicians. *[Interruption.]* That is why we are devolved. We have an opportunity now to stand up and show the electorate of the North that we will work together and face down the Tory policies of austerity. *[Interruption.]* People can choose to sit in the Chamber today and try to apportion blame, but it does nobody any good.

Mr Dickson: Will the Member give way?

Mrs O'Neill: At the end of the day, we need to work together. I can say it 10 times in 10 ways if you like, but the reality is that that is what we need to do. We need to face down the Tory austerity policies, and we need to do it together. *[Interruption.]* There is still time —

Mr Principal Deputy Speaker: I ask Members not to make remarks from a sedentary position. The Member has indicated that she is not giving way.

Mrs O'Neill: There is still time for parties in the Chamber to work together. People should change tack and work with the Scottish and Welsh assemblies. They should clearly stand up for the local electorate, for welfare and public services and to protect the most vulnerable. People must work to achieve a workable Budget. We cannot continue with the raids on the block grant and the £1.5 billion black hole that has been created. We cannot continue with that policy. We need to work together. We need more powers to grow the economy, and we need to create employment. Sinn Féin believes that all the parties in the Chamber can work together. You can all sneer all you want, but that is the reality of the situation. Either you sit here and accept what the Tories give you, or you stand up for the people who elect you.

Mr Attwood: I express my best wishes to Peter Robinson in light of his current ill health. I hope that he makes a full recovery.

This might bring a slight smile to the Minister's face — it might be the only one in the next five or 10 minutes — but, when he was here at Further Consideration Stage, I said that, whilst there was definitely a new broom handle, it was still the same old brush. With that precedent, it seems to me that some of the Minister's opening comments, which were, maybe somewhat surprisingly, very slight — I am sure that he will correct that when he comes to the reply, which, no doubt, will last substantially longer than his opening speech — suggested that some new bristles were being attached to the old broom.

From our point of view, we would like to look further at that and at a lot more, and we will come back to that.

Whilst we have been setting out our stall on welfare today, a number of Members have commented on the fact that the Scottish National Government have been setting out their stall on everything. Whilst I think that some have relied on what the Scottish Government have done today in a rather casual way, it is worth looking at what the Scottish National Party has outlined today, where it outlined it and what it was saying.

The Scottish First Minister went to Hearts Football Club in Tynecastle stadium, and not only did she outline a business pledge with businesses and unions in Scotland and say that she wanted to enter into arrangements whereby a living wage was paid by businesses in Scotland, including Hearts Football Club, which is where they were this morning, she also outlined what their approach to the new Tory Government was going to be.

Whatever our views may be on welfare, we should all take a little bit of time between now and 42 days from now, when the Chancellor will announce the full scale and speed of his first austerity Budget in the lifetime of the five years of this Parliament, to assess what Cameron, the Chancellor and Iain Duncan Smith, who is curiously back in DWP, intend to do, not just to the people of England but to the people of Wales, Scotland and Northern Ireland.

Given the fact that the DUP attends Westminster, and I welcome that, it will have to make a decision, which is whether it puts its hands up when the Queen's speech is outlined and when the Chancellor outlines what he is going to deliver in the first months and years of this new Westminster Parliament, which is not just going to have an impact on the people on welfare in Northern Ireland and Britain but on thousands of other people in the public and private sectors, especially those elements in the private sector in Northern Ireland that are dependent on public-sector work.

So, if we step back for just one moment and recognise that there are 42 days until the Chancellor and the British Prime Minister announce what they are going to do, it might bring, even late in this debate, a slightly different perspective that would well inform and well serve all the parties here, especially those parties that will be sitting in Westminster and will have to make calls on what the British Chancellor announces in the first week in July.

Nicola Sturgeon said that she was going to try to attack the scale and speed of austerity, work up an alternative to austerity and that she, John Swinney and her colleagues

were saying to the British Prime Minister that he cannot ignore the democratic will of the Scottish people. She made the point, which has been proven time and time again, that austerity slows down economic recovery, and she concluded by saying London had to change their approach or lessen the impact on Scotland.

Whatever we think about welfare, if that is not a pathway for what we should be doing in the next 42 days in our engagement with the British Government, we are ill-serving not just those who are on welfare in Northern Ireland but all the people of Northern Ireland, who will live with all the consequences of what the Chancellor and the British Government intend to do in the next 42 days, the 42 weeks thereafter and the 42 months that will be the early months of the next British Government.

I have to say to Mr Campbell that I do not understand his speech. In one way, understandably, it was all about the moment, the Welfare Reform Bill and what it does and does not mean for the political and constitutional authority of this place. However, I do not understand that, in making those observations about the moment and the Welfare Reform Bill, he had nothing to say about the next 42 days. When Nicola Sturgeon, a few hundred miles away, has so much to say about the next 42 days, I do not understand how we can be silent on all of that, when she and so many others are speaking up.

Mr Allister: Will the Member give way?

Mr Attwood: I will, yes.

Mr Allister: Perhaps the Member will tell us what his mentor, Ms Sturgeon, did about welfare reform in Scotland. Was she silent on it or did she resist it and succeed in overturning it?

Mr Attwood: I think that that question suggests that, on this occasion, which is a very rare occasion for Mr Allister, maybe he does not quite understand the constitutional arrangements that exist between Scotland and London and Northern Ireland and London. As I think he probably now recognises, when we negotiated the Good Friday Agreement, we negotiated that Northern Ireland would have devolved powers for welfare —

Mr Wilson: Will the Member give way?

Mr Attwood: I will in a second.

The other parties did as well. So we are in a constitutionally and legally different situation from London. However, this is what she then did: she did things that other parties in the Chamber took a bit of time to recognise as useful and some things that parties in the Chamber still have to recognise as useful. What does that mean? It means that the Scottish Government were the first Government to say that, on a pound-for-pound basis, they would mitigate the impact of the iniquitous bedroom tax.

Mr Wilson: No, that is not true.

Mr Attwood: They were the first devolved arrangement that, on a pound-for-pound basis, mitigated the impact of the bedroom tax. When that suggestion was raised on the Floor of the Chamber, Mr Allister, through you, Mr Principal Deputy Speaker, it came from the SDLP proposal, and the response from other parties was to mitigate it only for existing and not future tenants. The ball has moved on in that regard, and I welcome that, but I will come back to the issue in my closing remarks, because I have questions

to put to the Minister for Social Development arising from his opening comments where, again, I think that he created some muddle — to put it mildly — in relation to the bedroom tax.

Mr Allister, what the Northern Ireland Assembly did not recognise, unlike Scotland, was that welfare was so important that it created a dedicated welfare committee. As the anoraks in the Chamber will know, one of the committees regularly covered by the Parliament channel is the Welfare Reform Committee of the Scottish Parliament. That programme recognises that that Government and that Parliament put in place mechanisms to drill down on what is happening on welfare to try to protect the Scottish people.

Mr Wilson: Will the Member give way?

Mr Attwood: That proposal was rejected during the Consideration Stage and the Further Consideration Stage of the Welfare Reform Bill in the Chamber only a matter of weeks ago when the opportunity for us, collectively, to interrogate welfare reform was available. We will live to regret that. Why? Because of the scale of what is about to hit us when it comes to welfare reform, even to the point where the welfare reform Minister in London, Iain Duncan Smith, briefed the papers over the weekend to say that he is trying to resist the British Government's imposition of £12 billion more welfare reform cuts. Iain Duncan Smith is telling the Treasury that that is too far, too fast.

Mr Wilson: Will the Member give way?

Mr Attwood: The architect of welfare reform and welfare cuts is now arguing with his own Government that they need to slow it down, even in his terms.

Mr Wilson: I thank the Member for giving way. We know that he has eulogised the Scottish Parliament on quite a few occasions; some of us might wish that he would go and join it. Since he is eulogising the Scottish Parliament — he is quite right that it does not have the same constitutional powers that we do — it did, for example, have the power to set up a supplementary fund to help those who were affected by welfare reform. Did it do that? It did have the opportunity to introduce separate schemes such as we have done for vulnerable groups. Did it do that?

The truth of the matter is that they did not, because they knew the limits to dealing with the aspects of welfare reform, and it was quite convenient for them to say, "It was the bad English and not us".

2.45 pm

Mr Principal Deputy Speaker: It is time for Question Time with the Minister of Agriculture and Rural Development. We will return to Mr Attwood after Question Time.

The debate stood suspended.

Oral Answers to Questions

Agriculture and Rural Development

Bovine Viral Diarrhoea: Compulsory Testing

1. **Mr Irwin** asked the Minister of Agriculture and Rural Development what plans she has to make bovine viral diarrhoea testing compulsory. (AQO 8249/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): My Department has prepared draft bovine viral diarrhoea (BVD) legislation, which has been approved by the EU Commission and is ready to be subjected to the legislative processes here. Before I can introduce such legislation, Animal Health and Welfare NI needs to demonstrate that it has sufficient private sector funding to enable it to maintain the implementation of the eradication programme without the need for further public funding. This is important, not only because of the pressures on available public funding, but because of the need for industry to lead in tackling this production disease.

Significant progress on this issue has been made recently, and Animal Health and Welfare NI has presented a draft of its viability and sustainability plan, which is being considered by officials. I also have to be satisfied that Animal Health and Welfare NI, which will be responsible for the implementation of aspects of the legislation, has an IT system that is fit for that purpose. While the current system has been adequate for the administration of the voluntary BVD programme, it is not yet sufficiently robust to enable the introduction of legislation. Animal Health and Welfare NI is working with its database provider to resolve those issues.

I would like to highlight the amount of work being taken forward by Animal Health and Welfare NI, in conjunction with my officials, to facilitate making the BVD eradication programme compulsory. In many respects, this project has been breaking new ground, and it has, of course, presented a number of challenges that have taken time to work through. I also highlight the positive contribution that the industry, both the dairy and beef sectors, are making to that ongoing work.

I am hopeful that any remaining issues can be successfully resolved shortly and that I will be in a position to legislate later this year.

Mr Irwin: I thank the Minister for her response. Does she accept that there is frustration in the industry over the length of time it has taken to get this scheme up and running?

Mrs O'Neill: Yes, as I said, trying to get to a stage where we have a compulsory scheme has not been without its challenges. This is very much an industry-led initiative. However, we are very supportive, and we have been working with the industry to get us to the stage we are at. I am pleased that we recently received the viability plan from Animal Health and Welfare NI. Things look good, and I am hopeful that we will be able to move forward and introduce the legislation. We have already had the legislation approved by the EU, so, in terms of the Department's role, we are steps ahead. We want to make sure that the viability and sustainability plan is in place and

that we have everything set out that allows us to take a staged approach to tackling BVD.

Mr Boylan: Go raibh maith agat, a Príomh-LeasCheann Comhairle. How successful has the uptake of the voluntary scheme been?

Mrs O'Neill: Since the scheme commenced on 1 January 2013, over 4,000 herdkeepers have joined the scheme and, between them, have purchased just over 400,000 tags and test kits. That has resulted in over 300,000 test results being uploaded onto the database, with 289,000 of them negative. The level of persistently infected bovines found is 0.51% of tests, which is about 1,500, and for a further 1%, the results are, as yet, unknown.

Mrs Dobson: As we know, the Minister announced, to great departmental fanfare two years ago, that she was going to legislate for compulsory BVD testing. Can she provide an update on the latest estimated cost to farmers per applicable animal if the scheme becomes compulsory?

Mrs O'Neill: I do not have those figures on me. As the Member is aware, we announced it with fanfare, and I still speak about it in those terms. This is an industry approach to trying to tackle a production disease. It is important that we move towards tackling production diseases, as opposed to tackling diseases after the fact, and this is very much a preventative approach that will help improve the productivity farmers get from their animals.

The teething problems are a result of industry problems, not DARD problems. The Department has the legislation on the table and has had it approved by the EU. Before I bring the legislation forward, I need to be assured that the industry can respond to what is set out in it. We have been working our way through that, and I am confident that the industry has produced a sustainability plan that looks very positive. This will allow us to go through due process and bring the legislation to the House before the end of this year.

Rural Micro Grants Scheme

2. **Mr McCartney** asked the Minister of Agriculture and Rural Development for her assessment of the recently launched rural micro grants scheme. (AQO 8250/11-15)

Mrs O'Neill: The rural micro capital grant scheme closed for applications just last Friday, 22 May, so you will appreciate that it is pretty early to give any definitive view on the quality or range of applications. However, I can say that the rural support networks were extremely busy dealing with enquiries and calls in advance of the application deadline. I understand that over 450 applications have been submitted and that the eligibility screening process will start immediately, with the intention of working towards issuing letters of offer to successful applicants by July.

As Members will already know, financial support of up to £1,500 an application is available for selected projects, and that is intended to encourage rural community and voluntary groups to improve and develop their facilities and assets, which, in turn, will contribute to improved community engagement in the local area. I anticipate that over 150 rural community organisations will directly benefit from the initial £200,000 set aside in my tackling rural poverty and social isolation budget for the scheme. The new programme represents an excellent opportunity for community groups to build on their existing roles,

strengthening community engagement and improving the lives of those living in rural areas. The response so far suggests that the programme will have a tremendous impact in our rural areas.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer. Can she give us some detail on how the successful projects will be selected and the sorts of criteria that she will be using for them?

Mrs O'Neill: The programme opened on Monday 13 April and closed on 22 May. To reduce the administrative burden and the application processing times, once an application is screened against the programme's eligibility checklist, there is no secondary assessment process. That speeds up the whole grant scheme. Each rural support network has been advised of its grant allocation to fund projects in its area, and all eligible applications up to the allocation threshold for the area can be awarded funding. In the event of the network being oversubscribed, selection will be through the use of random selection, which will be undertaken in an appropriate venue and is open to attendance by applicants. Actual selection will be undertaken by an individual who is independent of the entire process, and selection will be verified by attending DARD officials. Random selection is not a first come, first served process. No grant awards will be made until the call for applications is closed and all applications in the relevant network area have been screened for eligibility. I expect that letters of offer will issue before July 2015.

Voluntary Exit Scheme: AFBI Applicants

3. **Mr B McCrea** asked the Minister of Agriculture and Rural Development how many Agri-Food and Biosciences Institute (AFBI) staff applied for the voluntary exit scheme. (AQO 8251/11-15)

Mrs O'Neill: AFBI has received 246 eligible applications from staff interested in exiting via the voluntary exit scheme.

Mr B McCrea: Does the Minister have any idea of how many of the applicants will be successful in getting voluntary redundancy?

Mrs O'Neill: I do not have those figures now. Obviously, AFBI has to work through its processes for making successful bids to the scheme. Suffice it to say, it is working very hard on its strategic plan for 2020, and I am working very closely with it to set out its priorities for the years ahead, particularly around research, development and innovation. I want to work very closely with it to make sure that we arrive at a sustainable plan for AFBI to have a successful and thriving institute into the future.

Mr Byrne: Given the cutbacks, will the voluntary exit scheme for AFBI be able to be self-financing or will extra moneys be available to it to warrant and pay for the scheme?

Mrs O'Neill: The same as other Departments and arm's-length bodies, AFBI will be able to bid into the voluntary exit scheme that is being taken forward across the Executive. As I said, we are obviously operating in challenging economic circumstances, and AFBI has very clearly been set a challenge and a task to look at how it will be sustainable into the future. We want to have a thriving AFBI. I want to work with it, and I have done so over the last period to make sure that what it brings forward is something that will create a sustainable AFBI,

and the strategy is set out until 2020. We have that paper nearing finalisation, and it also looks at the costed savings that AFBI could achieve. It looks at income generation that AFBI could achieve, particularly around increasing EU receipts. I will consider the entire package of proposals very carefully before coming to final decisions on the future direction of AFBI and on how we envisage it working.

Mr Beggs: The Minister referred to her application to the voluntary redundancy scheme. She will, however, be aware that her party's opposition to welfare reform, on which the scheme depended, means that it is unlikely to be available. Can she advise us whether she has any funding in her Department to pay for a voluntary redundancy scheme, or will she have to overlook a compulsory redundancy scheme?

Mrs O'Neill: I will not be drawn into speaking about what-ifs. Unless the Member has a crystal ball, I do not think that he can say definitively what will happen next. The scheme is going forward as is at this moment in time; if there are changes, we will have to look at all of that.

Mr Allister: What percentage of AFBI staff do the 246 represent? In particular, does it ease the foolish agenda of trying to close the Crossnacreevy testing station? Is the Minister hoping to hide behind that as a means of delivering that austerity measure?

Mrs O'Neill: I do not intend to hide behind anything. I do not have the percentage figure either. The total number of applications is 246. AFBI was planning for around 200 to go out on the voluntary exit scheme. As I have already stated, that is all part of its strategic sustainability plan up to 2020 that we asked it to develop. AFBI has many an opportunity to look at increasing its income, particularly from EU drawdowns, and particularly since the Executive have a target to increase our drawdown under Horizon 2020. There are plenty of opportunities for AFBI to look at increasing its income, as it has done significantly down through the years, which has helped it to be sustainable. Given the economic climate that we find ourselves in and the current financial constraints, particularly the implications that Tory cuts to the block grant will have for arm's-length bodies, it is more important than ever that AFBI has a very clear vision of where it is going. I am working with it, and its 2020 strategy paper is nearing finalisation and includes AFBI's costed savings proposals showing how it plans to live within its budget. It is also about increasing drawdowns and identifying priorities in areas of work that will really help the industry, particularly in relation to research and innovation.

Mr Poots: Does the Minister recognise that both Scotland and the Republic of Ireland are pouring more resource into research in agriculture and that the attack that she has made on AFBI is actually an attack on the entire agricultural community? The community will not achieve sustainability if it does not have the quality research that AFBI provides, and it will not be able to replace core funding through the other means that the Minister so blandly points out, with AFBI suffering substantial damage as a consequence.

Mrs O'Neill: I can only continue to repeat myself: there has certainly been no attack on AFBI. I have been working very closely with AFBI. There are a lot of misconceptions out there: I have heard figures about reductions in its budget that are incorrect. I understand that a figure of

26% has been quoted. That is very much not the case. On a like-for-like basis, using the same methodology employed by the Department and across the public sector, the reduction to AFBI's budget is about 11.5%. When you compare that against AFBI's overall cost base, the reduction only equates to 7.5%. So, whilst I do not underestimate the challenges that that creates for AFBI, just because something has always been done a certain way does not mean that we should continue to do it that way. This is why AFBI has been tasked, and why I have worked very closely with it, to look at its future direction, how we can work together, how we create a sustainable, thriving AFBI, because a failing AFBI is not in anyone's interests or those of the agricultural industry. I want it to be successful, and I am happy to continue to work with it. We have a strategy in place now. We have a plan, and, as I said, it is nearing completion.

Ms McCorley: Go raibh maith agat, a Phríomh LeasCheann Comhairle. Thank you, Mr Principal Deputy Speaker. Can the Minister elaborate any further on AFBI's strategic plan for post-voluntary exit?

Mrs O'Neill: It will all come back to the strategic plan, which we are close to completing. That will very clearly set out AFBI's costed savings proposals to show how it plans to live within its available budget for 2015-16 and up to the end of the decade. I am going to consider the package of proposals very carefully before coming to a final decision on its implementation.

3.00 pm

As I said, none of us can continue to do things in the same way. We need to prioritise what we do, consider stopping certain things and find more efficient ways of getting things done. Particularly on AFBI, we need to look at how we can increase its drawdown of European funding. I have clearly set challenging targets, but I believe that it is up for that and the board is working very hard to make sure that it maximises its drawdown of external funding outside of what the Department allocates, which is quite significant. I do not have the exact figure with me, but I think it is close to £40 million of funding. That is the priority, and it clearly shows that there is a will within the Department to focus on research and innovation. I will continue to do that, and I clearly set out my stall in wanting to work with AFBI to make sure that we prioritise the work for the time ahead.

Forest Certification

4. Ms Maeve McLaughlin asked the Minister of Agriculture and Rural Development for her assessment of the benefits for the Forest Service of retaining forest certification. (AQO 8252/11-15)

Mrs O'Neill: Following a full reassessment audit by SGS Qualifor, an internationally recognised certification body, I am pleased to report that the Forest Service management system has been assessed and certified as meeting the requirements of a well-managed forest against standards recognised by the Forest Stewardship Council. The certification process recognises the importance of timber production, along with its environmental and social requirements. The impact of that is significant for the timber industry. Last year, it added over £50 million of value to the economy.

In environmental terms, obtaining forest management certification provides independent evidence that Forest Service plans and operations are maintaining and enhancing the biodiversity of our forest ecosystems. The certificate is also important for tourism. Visitors want to know that forests are being properly managed and that plans for cutting and replanting operations comply with the highest standards.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for the detail in her answer. Has the Minister considered further exploiting the potential of our forests, particularly in tourism and recreation?

Mrs O'Neill: Yes, an assessment of the potential for forestry tourism development opportunities was jointly commissioned by the Tourist Board and Forest Service, and confirms that some of our forests are strategically important within tourism destination areas because they have the potential to hold visitors as part of a longer visit. The outcomes of that study have underpinned the decision by the Executive to invest £4 million in forestry tourism projects, collectively known as the forestry fund. That work is nearing completion, and many forests have benefited through improvements to poor-quality and outdated tourism and recreation-related infrastructure.

The forest fund also identified a need to establish a baseline of forest visitor figures in terms of numbers and profile. As a result, a forest visitor survey has recently been completed, and a key outcome will include information on the economic value generated by forest visits. The final report is currently being assessed, and I am confident that the survey will provide a clear evidence base for the value of forest tourism. The information gathered by the survey will also provide an important aid to future recreation and tourism investment considerations and partnership working arrangements. Our forests offer a unique opportunity, and attracting more visitors will have a positive impact on the economy of rural areas across the North.

Mr Swann: Does the Minister believe that the Forest Service currently has the flexibility or ability to maximise its revenue-raising potential, either through timber sales, asset sales or even land leases?

Mrs O'Neill: Yes, I think that the Forest Service has come a long way from what it did in years gone by. We have social and recreational use of forests and we have seen many examples of very positive working in partnership with councils. Alongside that, the Forest Service also has significant income generation from timber, and there have been no challenges or issues identified to me, but if the Member wishes to raise things with me outside of Question Time, I would be very happy to receive them, because it is very important that we maximise the receipts from Forest Service. I continually engage with the Forest Service chief executive on challenges and opportunities, but we are not coming across major issues or barriers to potential income generation. However, as I said, I am happy to talk to the Member if he has any specific issues.

Mr Rogers: Thanks, Minister, for your answers thus far. In the Republic, there are plans through the new forestry programme to plant over 8,000 hectares over the next 10 years. What expansion plans does DARD have for forestation and creation of woodland?

Mrs O'Neill: I refer the Member to the DARD website. We have very clearly set out our plan and targets for planting.

We have our grant aid assistance to help people to plant out. I do not have the actual details of the targets with me, but I am very happy to provide them to the Member in writing. It is not to say that the targets that have been set and where we have got to with them are not without challenges, but I think that the targets run up to 2020. I will provide those details to the Member in writing.

Ballykelly: Private Sector Development

5. **Mr Campbell** asked the Minister of Agriculture and Rural Development what discussions with the Office of the First Minister and deputy First Minister she has planned to ensure that, in addition to her departmental headquarters, best use is made of the remainder of the Ballykelly site in attracting significant private sector development. (AQO 8253/11-15)

14. **Mr Ó hOisín** asked the Minister of Agriculture and Rural Development for an update on her Department's planned move to Ballykelly. (AQO 8262/11-15)

Mrs O'Neill: With your permission, a Cheann Comhairle Cheann Comhairle, I will answer questions 5 and 14 together.

As discussed at a recent meeting of the Executive, OFMDFM is taking forward the sale of the site with the exception of the 8.7 acres that has been earmarked for our headquarters and the 85 acres on the lower site that has been set aside for NI Water.

My officials are working closely with colleagues in OFMDFM on matters relating to our relocation. OFMDFM has confirmed that the announcement of DARD's HQ move to the Ballykelly site has generated more interest in the site. OFMDFM is represented on the programme board that is in place to provide the strategic direction for DARD's relocation programme.

A planning application for a new headquarters at Ballykelly was submitted to Causeway Coast and Glens Borough Council on 30 April this year. The planning application is for the building and the new access road required to service the building. A series of enabling works and studies are being undertaken at the site and are due to be completed by the end of May. A transportation assessment has been carried out, which concluded that the proposed access road meets the requirements of the new headquarters. My officials have commissioned DFP's Land and Property Services to acquire the land for the proposed access road.

My officials are now working on completing the full business case. I expect that to be completed by November this year, with a view to awarding the contract for construction in December this year and construction beginning as planned in May next year. My officials are also working with DFP colleagues to identify suitable temporary accommodation in the north-west. This will help to facilitate the transition and ensure that the Department continues to provide the full range of its services to the high standard expected throughout the period of transition.

Mr Campbell: Is the Minister aware that the delay and possible derailing of the welfare reform project, which we are discussing today, puts at risk not just the thousands of jobs at Ballykelly but the other thousands of jobs at the Maze site and the tens of thousands of jobs, all in the private sector, that could be created through the corporation tax reduction?

Mrs O'Neill: I do not want to get drawn into that again. I do not think that you need to play welfare reform against the moving of DARD's headquarters to Ballykelly. The Member will know that I have fought very hard for a better distribution of public-sector jobs. That continues to be the case. These jobs moving to the north-west is a major win for construction in the north-west, the ongoing servicing of the building and a fairer distribution of public-sector jobs. That continues to be the case. I will continue on this journey. We have come a long way to get us to where we are now. The planning application has been submitted. I will continue to make sure that we deliver on DARD's headquarters moving to the north-west because I believe that it is the right thing to do for public service. It is a nonsense to start to play welfare reform against DARD HQ.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister have a time frame for the delivery of the planning application process so that there can be no delays in the delivery of the entire project, which is essential for the north-west?

Mrs O'Neill: Yes. On 30 April this year, we had a planning application, which was lodged with the new Causeway Coast and Glens Borough Council, for the design of the new headquarters. This application also includes details of the new access road requirements. Consultations have been ongoing throughout the design development process between my design team and other statutory bodies, such as Planning Service, the Environment Agency and Transport NI, as well as the ministerial advisory group on architecture. The building has been sited and designed to minimise the impact on the surrounding landscape, with particular focus on the nearby church. The exterior of the building has been designed so as to integrate appropriately into this rural setting, with extensive use of granite, stone and bronze cladding. The building will be constructed in two phases, with the completed building measuring 6,600 metres squared. The building will provide modern office accommodation for DARD staff and will be built to government office standards, making full use of open-plan spaces and modern working practices. Planning Service works to a 12-week target. We expect this to be completed by August this year. We will then proceed to the invitation-to-tender stage, with a view to awarding a contract for the construction of the building by December this year.

Mr Dallat: I welcome the Minister's response. I also welcome the idea of her Department coming to Ballykelly. Would she agree with me that that is only a tiny part of a 900-acre site? Will she please explain to the House why, in her discussions with Office of the First Minister and deputy First Minister and others, they are scurrying about only this week and talking about a master plan for a site that has the potential to create hundreds, if not thousands, of jobs? Finally, will the Minister tell us where else in the world you would have a site like that, with an airport beside it, a railway running through it and a main road going past it? There is still no master plan, and an economic task force has still not been set up, so —

Mr Principal Deputy Speaker: Come to a conclusion.

Mr Dallat: — what is happening?

Mrs O'Neill: I welcome the Member's positive commentary on the move to Ballykelly and the benefits that it will bring. I know that he has been a consistent supporter of the move.

It is very clear that the Executive, and OFMDFM in particular, have responsibility for the wider site. The fact that DARD has become the anchor tenant has, I think, very clearly led to more significant interest in the site. That is something that is obviously very positive and something that we welcome. The Executive have set out their stall on needing to move to secure investment in the wider site. Maybe over the last month or so, they have very clearly set out their stall on what they want to achieve and the benefits of moving quickly. OFMDFM did a soft marketing test, which very clearly set out that many businesses out there expressed a significant interest in the site. I cannot remember the number, but many businesses did that.

The potential is fantastic. You are right. The location is fantastic, and there is so much potential, particularly from the railway halt and all the other possible travel methods to that area. They are second to none. My main interest is in securing the headquarters in the site, and, as I outlined in previous answers, we are clearly on target to being able to deliver on that.

Mrs Overend: Setting aside the Minister's shameful actions to date on the issue, not least the blatant disregard for public money, does she think that some of the proceeds of the sale of surplus lands could be put into a community fund for the Roe valley?

Mrs O'Neill: Maybe the Member does not understand. When the site is sold off, it will be an Executive sale. The money will not come into DARD, so it will not be my individual responsibility. It will be the Executive's responsibility how the money is spent.

On my regard to public money, I have very clearly set out my stall on why we need a relocation project. I have also very clearly set out my stall on the benefits of moving the headquarters to the north-west. I have also very clearly set out the benefits of moving the Forest Service to Fermanagh and the Rivers Agency to Loughry in Cookstown in the Member's constituency. Maybe she thinks that that is a bad spend of money, but she can answer to the electorate on that.

We have very clearly set out the benefits of spending public money in that way, with the fairer distribution of public-sector jobs, the construction jobs and the long-term economic benefits that it will create, particularly if you take the increased footfall into a small area like Ballykelly. To me, the benefits very clearly weigh up in the spend of public money.

Rural Development Programme

6. **Mrs McKeivitt** asked the Minister of Agriculture and Rural Development to outline the progress being made in negotiations on the new rural development programme. (AQO 8254/11-15)

Mrs O'Neill: Since the European Commission's comments on the draft rural development programme 2014-2020 were received on 31 March this year, my officials have been engaged in a process of negotiation with the Commission to address the comments that were raised and to gain approval for our programme as quickly as possible. The negotiations have included seven videoconference meetings with Commission officials in Brussels and one face-to-face meeting. So far, our ANC scheme that was submitted in the draft programme has

been informally approved by DG Agri, with minor technical amendments. We are hopeful of receiving informal approval for more schemes shortly.

Once the Commission's comments have been addressed to their satisfaction, the full draft programme will be resubmitted formally for approval. A period of inter-service consultation will then begin with the Commission. Formal Commission approval for the programme should be received by July this year or September at the very latest. In the interim, my officials will continue to work on the necessary business cases and the design of schemes so that we can start to open schemes once the EU and business case approvals are in place.

Mrs McKeivitt: Minister, it is generally believed that we are the last region to agree to the new rural development programme scheme. Can the Minister advise whether any rural groups have been put at a disadvantage because of that delay? What protections will her Department give to the groups to help them to deliver on their schemes?

3.15 pm

Mrs O'Neill: It is untrue to say that the majority of other member states have had their programmes approved, because that is not the case. The Commission underestimated the fact that it would have to deal with an influx of applications coming forward last year and is struggling to turn all those around and get approvals out. The reality is that we are not at the bottom of the pile. I noticed that the Twenty-six Counties had its programme approved, which is something I welcome, but, as for our approval, we are working consistently with the Commission. As you can gather from what I have said, there has been ongoing engagement with the Commission, and we are hopeful that we will get approvals in the next months.

Alongside the work that is being done in tidying everything up with the Commission, my officials are drafting schemes and getting things moving. For example, we invited applications for the agri-environment schemes when people made their claim for the single farm payment by the deadline of 15 May, even though we have only had informal approval of that scheme. We are not letting anything sit; we are making sure that we will have programmes open and ready. You will know that rural groups are still receiving funding, but I am anxious that we learn the lessons of the previous programme, that we do not have a slow start and that we get things moving. We can do that only when we have official sign-off from Europe. In the meantime, we have a body of work to get on with.

Mr Principal Deputy Speaker: That ends the period for listed questions. We will now move on to topical questions. The Member listed to ask question 1 has withdrawn their name.

Broadband: Rural Areas

T2. **Mr B McCrea** asked the Minister of Agriculture and Rural Development to outline her position on rural broadband provision. (AQT 2552/11-15)

Mrs O'Neill: The Member will be aware that the responsibility for broadband is a priority of the Department of Enterprise, Trade and Investment. However, I have been keen to assert myself and make sure that we work to plug

the not-spots of service provision. Anyone who lives in a rural area will be alert to the frustration felt by businesses and by families who may have children who are studying. If you cannot get a connection or have a slow connection, it can be frustrating. My Department has invested £7.5 million in rural broadband over the past number of years. We have assisted 1,700 households in getting a connection. That was done through my tackling poverty and isolation package of funding, and we will continue to work with DETI to ensure that we plug the gaps.

Mr B McCrea: Does the Minister accept that there is huge frustration throughout the rural parts of our country that they cannot get what they consider to be an essential utility for modern living and that it is perhaps something that the Department of Agriculture and Rural Development should take on board to drive rather than just leaving it to the techies?

Mrs O'Neill: I think I have just answered that. I said that it was very frustrating for people living in a rural area who cannot get a connection. It is the responsibility of the Department of Enterprise, Trade and Investment, which has contributed significantly to broadband across the board. My intervention was merely because rural communities that did not have a connection or had too slow a connection to make any difference were frustrated. That is why I have invested £7.5 million from my tackling poverty and isolation pot of funding. It is also significant that we have been able to assist 1,700 households. However, if you are still in an area where you cannot get a connection, it is only natural that you will be frustrated. I can give an assurance that, from my Department's point of view, I will continue to work with DETI to plug the not-spots and address speed issues in other areas.

Young Farmers: Basic Payment Top-ups

T3. **Mr Nesbitt** asked the Minister of Agriculture and Rural Development for an update on the number of young farmers who have applied for a top-up to the basic payment. (AQT 2553/11-15)

Mrs O'Neill: I do not have that figure with me, but I am happy to write to the Member. We had almost 2,500 young people applying to take part in the College of Agriculture, Food and Rural Enterprise-run course, so that in itself was extremely significant. It exceeded the Department's expectations of the numbers that would come forward. I am not sure how many of those translated into applications. The deadline of 15 May has just passed, and we will be able to assess that over the next number of weeks.

Mr Nesbitt: I thank the Minister and would welcome written confirmation. She said previously that the top-up payment would be based on 25% of the total direct payments average per hectare, which I think is around €84. Given the Minister's previous answer, I wonder whether she can give some assessment of the financial implications of that.

Mrs O'Neill: The Member is right that €84 per hectare was the estimated figure that we thought we would be looking at. However, that was dependent on the numbers that came forward and the numbers that came out of the scheme. Until we have the final number, I do not want to give a figure that either raises or lowers expectations of the final payment. As I said, it is dependent on the final number of applications that came forward.

Sheep Sector: Country-of-origin Labelling

T4. **Mr Campbell** asked the Minister of Agriculture and Rural Development to outline her Department's progress on country-of-origin labelling in the sheep sector. (AQT 2554/11-15)

Mrs O'Neill: It is an ongoing issue that we are attempting to get to the bottom of. The Member will be aware that country-of-origin labelling came into effect in April. Prior to that, as far back as last year, we were dealing with the nomadic issue, and we now have the lamb issue, so I am concerned about what that means for all the other sectors in the time ahead. We have been monitoring recent developments very closely. I am doing everything in my power to address the issue. I have had conversations with Minister Coveney in the Twenty-six Counties, DEFRA in England and Phil Hogan, the European commissioner. I have written to DG AGRI and DG Competition in Brussels about being able to get to a position where we can agree a voluntary label that could be used by the industry — and others in the future if needs be. I believe that we can have a resolution to this labelling issue if there is a will and a way. There is certainly a will in the industry; we need a will from the buyers, such as the big companies that ask for particular labels on their products.

Mr Campbell: The Minister outlined a series of conversations that she had been having. While she has been having those conversations, farmers have seen prices go down. They have declined significantly in recent months. How long does she believe it will be before she starts to see those prices recovering, principally as a result of the labelling saga?

Mrs O'Neill: Obviously, pricing is an issue outside the Department's remit; it is a commercial issue. However, suffice it to say that, if there are barriers — if we do not have fairness in or the supply chain or if we do not have conversations across the supply chain — people cannot plan for potential fluctuations in prices.

In terms of country-of-origin labelling, it is my intention to have it resolved ASAP. This is the time when farmers will be selling, so they miss out the longer this goes on. I made that clear to the European Commission, DEFRA and Simon Coveney. I have tasked my permanent secretary — Simon Coveney has done the same with his permanent secretary — with trying to find a solution. It is in the best interests of our local industry that we find that solution ASAP.

Rural Crime

T5. **Mr McMullan** asked the Minister of Agriculture and Rural Development for an update on her efforts to address rural crime. (AQT 2555/11-15)

Mrs O'Neill: I am very aware of the real concerns that levels of crime are causing amongst the farming community, including the number of livestock thefts that have occurred on farms. I have met the PSNI Chief Constable and the Minister of Justice on a number of occasions and made them aware of my concerns. I explained the real worry that this was causing in rural areas and highlighted the need for something to be done. Responsibility for tackling rural crime lies primarily with the PSNI, but DARD, through its veterinary service enforcement branch and CAFRE, works closely with the PSNI, particularly in relation to the detection, tracing and

recovery of stolen livestock. I am aware of some local PSNI initiatives to prevent rural crime. Those are to be welcomed. I am also aware of joint work being taken forward by the PSNI and an Garda Síochána to combat crime in border areas. I welcome the multi-agency approach that has recently resulted in the recovery of stolen animals, arrests and convictions in the North and ongoing prosecutions in the Twenty-six Counties.

Mr McMullan: Go raibh maith agat. I thank the Minister for her detailed answer. Can she give us any details of her discussions with her counterparts regarding fuel laundering and associated crime, particularly in the border areas?

Mrs O'Neill: Yes. I have recently had a conversation and a meeting with the Minister of Justice, David Ford, about the measures that have been taken forward right across the island to tackle fuel crime. It is something that is 100% condemned. We need to continue to work together to resolve it. As I said, I think that the multi-agency approach, with the gardaí and the PSNI working together, has been most effective. Whilst it is too early to say, we are hopeful that the new detection mechanism that has been inserted into the fuel, which is being taken forward by HMRC, will yield improvements and act as a deterrent to people being able to launder the diesel and things like that. I raised it also with Simon Coveney at a recent NSMC meeting. In terms of my responsibility, I am very clear about making sure that we are to the fore in doing everything we can. My Department will play its role in tackling fuel fraud but also rural crime in general.

Broadband: Newry and Armagh

T6. **Mr Brady** asked the Minister of Agriculture and Rural Development to outline how her focus on rural broadband provision has benefited the Newry and Armagh constituency. (AQT 2556/11-15)

Mrs O'Neill: My Department has now invested a total of £7.5 million in rural broadband. This investment has already helped some 17,000 rural dwellers, farms and businesses to access broadband services. The broadband improvement project, which is led by DETI and to which I am contributing £5 million, has been responsible for an additional 14,000 rural premises being able to connect to broadband if they wish. In the Newry and Armagh area specifically, 4,591 premises have been connected through this investment, giving rural dwellers in the area the same opportunities as those living in urban areas.

Broadband is a priority of mine. I want to see all rural dwellers in the North being able to connect to broadband if they wish. To that end, I am investing a further £1 million in the broadband improvement project and allocating £2 million of the next rural development programme to tackling the harder-to-get-at areas that still do not have access to broadband. I want to encourage as many rural people as possible to make more and better use of broadband. I have asked officials to carry out a scoping study to see how my Department can encourage more and better use of broadband so that rural businesses and farmers can benefit from the wide range of government services that are now available online.

Mr Brady: I thank the Minister for her answer. When will all not-spots be connected? Go raibh maith agat.

Mrs O'Neill: The additional funding from the tackling rural poverty and social inclusion budget will help to reduce the number of not-spots to around 20,000. The broadband funds in the new rural development programme will also target those remaining not-spots. Other government programmes are in the pipeline, and these will also impact on the remaining not-spots. Signing of contracts is to take place once the business cases and programmes have been approved. The target date is mid- to late May.

As I said earlier, I understand the frustration within rural communities. We have made progress in reducing the number of people who cannot access broadband. However, we still have a way to go. In terms of my contribution, I am committed to working with DETI and the broadband improvement projects. I have very clearly set out my intention to invest additional funding to tackle broadband and to try to plug the gaps that are there.

Cattle Identification System

T7. **Mr Moutray** asked the Minister of Agriculture and Rural Development whether she has any plans to introduce a new, more robust identification system for cattle to deter livestock thieves. (AQT 2557/11-15)

Mrs O'Neill: I think that the system that we have in place is a good system. We look at it in terms of tackling rural crime and how we can address it together. One of the areas that is looked at is whether improvement can be made to the tags. A recommendation has not come forward from the industry that is workable for farmers but also acts as a real deterrent. Outside of that, as I said earlier, the focus has to be on collective and multi-agency working across the island with the gardaí and the PSNI.

Mr Moutray: I thank the Minister for her response. Would she be open to giving consideration to making mandatory the freeze branding of the last three digits of ID numbers on cattle?

Mrs O'Neill: Quite a number of years ago, I was involved in the launch of a freeze-branding project at, I think, Clogher mart. That initiative was taken forward jointly with the PSNI and looked to me like a very beneficial project and a good way to go. However, there was not a lot of industry take-up. I am always very happy to keep things under review. If there is an initiative such as freeze branding, which, as I said, has been piloted but did not have a great uptake, I will always be happy to look at it. If there is something that acts as a deterrent, is easy for farmers to maintain and does not put a cumbersome burden on them, I will be very happy to look at it.

Slurry: Safety Measures

T8. **Mr G Robinson** asked the Minister of Agriculture and Rural Development what criteria her Department uses to quantify the impact of the 'Mixing Slurry Safely' leaflet. (AQT 2558/11-15)

Mrs O'Neill: I do not have that information with me. It is all published on our website, but I am very happy to get it sent to the Member.

Mr G Robinson: Does the Minister agree that the impact of information regarding slurry safety must be investigated to ensure that resources are being accurately targeted for best results?

Mrs O'Neill: Yes, I agree with the Member about farm safety and making sure that everybody plays their role. The Health and Safety Executive is in the lead, and my Department plays a key role in collective working on making sure that we highlight the dangers on farm, particularly around slurry and the devastating impact that that can have. I can give the Member that assurance surely.

Mr Principal Deputy Speaker: Mr Gerry Kelly is not in his place, so I call Mr Steven Agnew.

Puppy Farming: Legislation/Enforcement

T10. **Mr Agnew** asked the Minister of Agriculture and Rural Development, following the BBC 'Spotlight' programme on puppy farming, whether she believes that the problem is that the legislation is too weak or is it that enforcement has been inadequate. (AQT 2560/11-15)

3.30 pm

Mrs O'Neill: I think that it is fair to say that we have some of the strongest legislation, particularly when you compare us with England, Scotland, Wales and even the Twenty-six Counties. The Member will be aware that I have given a commitment and that we have undertaken a review of our legislation to see whether there are ways in which we can improve things. A number of recommendations have come forward as a result of consultation. The Member will also know that I have extended the deadline for receiving contributions to that consultation, given the recent publicity on dog breeding establishments.

Our enforcement officers do a fine job of taking action on reports made to them. However, whilst I believe that the legislation is strong, there is always room for improvement, in everything in life. If we can do something to improve the legislation and help enforcement officers, I would be very much up for that.

Mr Principal Deputy Speaker: Time is up. We now return to the Final Stage of the Welfare Reform Bill.

Executive Committee Business

Welfare Reform Bill: Final Stage

Debate resumed on motion:

That the Welfare Reform Bill [NIA 13/11-15] do now pass. — [Mr Storey (The Minister for Social Development).]

Mr Attwood: Before Question Time, I was about to respond to comments made by Mr Wilson. He said in passing that, maybe, I should go and join the Scottish nationalists. I think that it is more the case that we should be like them, not join them by going over there. Everybody now knows, not just the likes of me, and I have been making the argument for a long time, that Swinney, Sturgeon, Salmond and the rest are the most effective Government on these islands. They are a very effective electoral and political machine, and we should be as close to them as we can on issues of common interest in order to maximise our impact on the thinking of the Conservative Government in London.

The Scottish Government may be leaders in so many ways, but they could learn some things from here about welfare mitigation. Whatever the dispute about some of the detail, some of the principles were good. Nobody in this party will deny that or say that the principles that informed welfare mitigation, which the Minister brought forward further to Stormont House, were bad. The principles were good, and they are principles that could apply to other jurisdictions in Britain, including the Scottish jurisdiction, to supplement the multiple schemes that they have already introduced to mitigate welfare reform.

Mr Principal Deputy Speaker, I want to make a broader point. It was touched on in a number of contributions, but I think that it needs further detail. Whatever the dispute around Stormont House, whatever the issues around the protection of claimants and whatever the responses in the Chamber to the SDLP and Green Party amendments at Consideration and Further Consideration Stage, an environment exists now that is different from the one that existed at any time since Stormont House. Sammy Wilson said that people here should not bury their head in the sand on welfare. I suggest that, if he wants to make that argument, it applies equally that nobody in the Chamber should bury their head in the sand when it comes to the changed environment that exists at the end of May, compared with any time up to 7 May and after Stormont House. Before 7 May, it was anticipated that there would be a hung Parliament. Before 7 May, it was anticipated that either the Tories or Labour would require the support of other parties, which would be a constraint on some of the worst ambitions of either party if it were to lead the London Government. Before 7 May, no party was going to have an overall majority. Now, after 7 May, that is changed. As one commentator put it, when talking about George Osborne:

"Who's going to stop him now? This is a dash to shrink the state, squeeze everything, contract out what can't be cut and return, as his own Office for Budget Responsibility said, to a prewar, pre-welfare state, bare-bones government. These children of Thatcher are ideologues to the core, often without even knowing it. They have breathed in from infancy a 'common sense' assumption that the state is always wasteful,

private and market always good, the collective worse than the individualist. As Thatcher said, you will always spend the pound in your pocket better than any government will. Now he tests that – possibly to destruction. All but the NHS, overseas aid and schools will be cut by a third, according to the Institute for Fiscal Studies.”

So, whatever the context was — I will give way to the Minister in a moment — in Stormont House, at Consideration Stage or Further Consideration Stage, let us not bury our head in the sand about the context that exists in these days after 7 May and in the 42-day run-up to the emergency Budget in July.

Mr Storey (The Minister for Social Development): I thank the Member for giving way. Obviously, he believes that I work for DWP and not for the Assembly. Does he not argue against his own point? If the case is as he sets out, it puts the onus on the parties that signed the petition of concern, his own party included. If that had not happened, we would have been able to implement the changes and mitigating measures that we had agreed, and which would have taken off the table the worst elements of what we fear in relation to the current process. What you have done is ensure that what is coming down the road is the GB version, and there will be no mitigating measures.

Mr Attwood: I think that there is a long path in the 42 days between now and the emergency Budget. There is some path to travel between now and then. Either immediately before recess or possibly even after it, the Assembly can convene again and come back to the Chamber to pass a Budget, if it is the wish of the parties. A lot of water will flow under a lot of bridges between now and then, and, in that context, we can do more in respect of welfare reform as it is and, potentially, do more in respect of welfare reform and the Budget proposals that are going to emanate from London over the next 42 days.

Mr Storey: Does the Member not understand the parliamentary process? The petition of concern kills this Bill. It will not come back for six months. That is the period of time during which it cannot be brought back. It could be 18 months before we get another Bill like this through the doors of the Chamber. That is the reality.

Mr Attwood: I do not believe that that is the only scenario that faces the Chamber this afternoon, and I will outline why. If you think it is, you should pull the Bill, and tell London to put its welfare penalties where they should be: in the bin. Tell London that we will now join with Nicola Sturgeon and our colleagues in Wales, and say to them, in terms of what is proposed on 8 July, that we want mitigations, changes, amendments, revisions and protections for our people. Otherwise, if you send the message to London today that that is where we are on welfare, the DUP may as well raise their hands for the Queen's speech and for the Chancellor's emergency Budget on 8 July, because you will be saying to London, Minister — I speak through you, Mr Deputy Speaker — that when it comes to it, a party in Northern Ireland will swallow whatever they propose, be it on welfare reform to date, welfare reform over the next three years or the Budget proposals that are going to come in the next 42 days. This is the moment to join with Nicola Sturgeon and say that, whilst good work has been done in mitigating some of the welfare reforms, we want to see the full colour of London's

proposals when it comes to welfare and Budget changes, for the reasons that I am now going to outline.

People say that we do not know what London will propose. I understand that, in meetings held last week, which I was unable to attend, the Minister of Finance and Personnel indicated that she and other parties are unsighted when it comes to what will be proposed in the Budget on 8 July. If we are unsighted, we should listen very closely to what the Chancellor of the Exchequer told the CBI in London last week. Here we are, 42 days from the emergency Budget, and the Chancellor of the Exchequer, last Wednesday, put up in lights what he will propose. It appears that the new Chief Secretary to the Treasury, Greg Hands, has started to ask Departments whether they can find ways of trimming their 2015-16 plans to fast-track a proposed three-year squeeze.

We have bitter experience of that from 2011. After the election of the coalition Government, the Chancellor went to the House of Commons with an emergency Budget in June. At Further Consideration Stage, I said in the Chamber that there would be a replay of that strategy. Last week, the Chancellor of the Exchequer told the CBI that, when it comes to his emergency Budget in June, there is going to be a replay of what happened in 2011. Osborne told the annual dinner of the employers' organisation:

“When it comes to saving money, we all know that the more you can do early, the smoother the ride.”

He then indicated that the Conservative Party, in its election manifesto, said that it would adopt a three-pronged approach to deficit reduction in the current Parliament: £13 billion of departmental spending cuts, £12 billion in welfare cuts and £5 billion of extra revenue from a crackdown on tax avoided. Treasury sources say the expectation was that the savings would be found from day-to-day running costs — from the pound in the pocket of each person who is in work or out of work — rather than from capital projects. Osborne will use his second Budget of 2015, the one later this year, to outline how he intends to shave about 10% off the £120 billion slice of the welfare budget that is not spent on pensioners. During the election campaign, the Conservatives refused to detail where the cuts would be made, but the Institute for Fiscal Studies said that child benefit and disability allowances would inevitably have to be looked at.

By the time the spending squeeze is over in 2017-18, the independent Institute for Fiscal Studies estimates that — wait for this — the budgets of unprotected Whitehall Departments such as Justice, Transport and the Home Office, will have been cut by a third, once inflation has been taken into account. What does that mean for our Justice Department, or for the Minister's Department, or the Agriculture Department of Michelle, after her contribution to the welfare debate? Change that to unprotected Northern Ireland Departments such as Justice, Agriculture and social security, which will have been cut by a third, once inflation has been taken into account.

That is why the SDLP says to all parties in the Chamber that, given the scale of what the Chancellor has begun to put into the public record and public domain, given that we are 42 days from the scale of all that, which could result in a reduction of one third in unprotected Departments in the Northern Ireland Executive, and given the scale of all that

upon all the people who are reliant upon those moneys, be it in the public sector or those in the private sector who are reliant on public contracts, is it not time to stop for a moment and not force through the Welfare Reform Bill? That will send the message to London that, when it comes down to it, that is what the Assembly does in a moment of a crisis when people are talking up the potential collapse of the Executive. That is something that Sinn Féin relied upon as its defence for putting through what it called the best possible Budget in November of last year and in January. The collapse of the institutions was their protection, as they saw it, for putting through the worst austerity Budget that we have seen in this part of this island since 2011.

Is it not time to take time out, Minister, and to say, "Let's not move. Let's gather ourselves and see who our allies are. Let's then go to London."? If we send out the message today that we are going to go quietly when it comes to the scale of what the Chancellor is proposing — he is proposing to get the pain up front rather than later when his tax relief begins to kick in — then we are letting down not only people on welfare, but we are letting people down. They will all suffer the consequences of the scale of that.

3.45 pm

Mr Storey: I thank the Member for giving way. I omitted to say earlier that our thoughts and prayers are with him and his family on their recent bereavement. He knows that we have been thinking about them at this time.

Does the Member forget that we had a five-party agreement? We sweated it out, had the discussions at Christmas and had the detail, despite what Sinn Féin says about not having the information and the papers. We did all of that and still, when we had got a five-party agreement, parties in the House could not honour the commitments and keep their word. Now, because of the budgetary issues, we are in the crisis that we are in. It is not because I arbitrarily decided to move the Bill's Final Stage today.

Mr Attwood: I thank the Member for that intervention. I acknowledge his further words today and the words that he conveyed to my family over recent days.

I will deal with that point fully in a moment, but I want him to consider, because he is the welfare Minister, and he will be the Northern Ireland welfare reform Minister, what is now being scoped out in the public and media domains for what the next phase of welfare reform will look like. According to a lot of sources, it has eight or nine different features. Whatever the views of the Minister, the DUP and other parties are on the content or even the integrity of the Stormont House Agreement, I think that what I am about to outline will deliver a withering blow to whatever was agreed at Stormont House unless we all box cleverly and maximise a position of strength when it comes to the Tory Government.

This is what informed sources are now saying is the scale of what the Chancellor, the Treasury and Downing Street are about to propose. First, they are saying that the annual benefits cap — some of this is in the public domain — will be reduced from £26,000 to £23,000 a year. Given the scale of unfunded commitments that are measured by £5 billion in tax breaks and a reduction in inheritance tax, I would be very cautious about believing that a reduction of the benefits cap to £23,000 is even the limit of the Chancellor and DWP's ambitions. Secondly — again, this

has been talked about in the public domain — those under the age of 21 who are claiming jobseeker's allowance will be barred from claiming housing benefit. What will be the consequences of that? That could be 42 days away. What will be the consequences of so many —

Mr Principal Deputy Speaker: Can I disturb the Member for just a moment? A Member has a telephone close to the microphone system that is interfering with the Hansard recording. The Member may continue.

Mr Attwood: I will stand up and say that it is not me, Mr Principal Deputy Speaker. Perhaps others want to declare an interest in that matter.

What will be the scale of that if it transpires?

Thirdly, papers leaked to 'The Guardian' within the past few weeks warn that the £120 billion-a-year legal cap on welfare spending could lead to extremely controversial cuts to benefits. The Minister will be aware that, during the Stormont House negotiations, Mark Durkan repeatedly warned about how London would use its welfare cap there and the notional welfare cap in Northern Ireland to cap welfare spend going forward. The Government could short-circuit so many of the welfare reform proposals that they are clearly intent on imposing by putting in place welfare limits in London and Northern Ireland that say, "You work within that financial threshold". That would drive a coach and horses through any financial envelope that the Minister had been able to secure in the Stormont House proposals. The plans leaked in that memo also suggest that savings could be found by increasing the bedroom tax by applying it to categories of renters other than just social housing tenants. That point confirms that the changes — *[Interruption.]* — yes, you know what I am going to say — that I introduced as Minister to try to stop profiteering by landlords in the private sector were not subject to the bedroom tax, as Sinn Féin and Mr Wilson tried to claim at Consideration Stage and Further Consideration Stage. Potentially, DWP and the Treasury have plans to apply it to categories of renters other than social housing tenants. The plans also suggest the abolition of statutory maternity pay or alternative proposals to get employers to contribute more to the cost of statutory pay.

Other leaked documents refer to cutting disability benefits, DLA, PIP and attendance allowance and stating that they would no longer be tax-free. Other proposals suggest that those eligible for carer's allowance could be hit by restricting those eligible for universal credit and so on, concluding with this comment from a newspaper article:

"The Trussell Trust charity has estimated that the number of people reliant on emergency food handed out at food banks had increased by nearly a million people under David Cameron's premiership.

But another reason why people should be worried of Mr Duncan Smith's return to DWP is the charity's calculation that nearly half of all those referred to their local food bank between April and September last year were due to failures in the welfare system — including the stricter benefit sanctions introduced since 2010."

I make that point because, on 18 April, every political representative in south and west Belfast got a letter from the Trussell Trust saying that it wanted the cooperation of the political representatives in those areas to help it to communicate and give people access to its south-west

Belfast food bank, touching on areas from Twinbrook and Dunmurry to Andersonstown, the Monagh bypass, the Upper Springfield Road, the lower Falls to the Spires shopping centre and all places in between. What we are about to face in the scale and speed of further welfare reform is captured in all that, yet we are being asked to sign off on something from Stormont House, whatever the dispute might be about the details. When it comes to welfare, you begin to wonder whether the Stormont House Agreement is worth the paper it is written on. Whatever the dispute might be, if that was the understanding at the end of December, it is now five months later, and that is the SDLP's best understanding of where DWP, the Treasury and the British Prime Minister now intend to go.

What is the point in the Executive, on the one hand, giving money to support those in welfare need when, on the other hand, the British Government have plans for the Budget and welfare to take much more money away from us when it comes to those who are subject to public funding or welfare support? You begin to wonder what the point is in trying to negotiate and get a position of strength, even though it was not all the strength that we thought it should be, when we end up in a situation five months later in which that is the scale and speed of London's proposals for the Budget and for welfare. I suggest to the Minister that that is at the core of this debate. Whilst you can try to legislate for what the situation was, despite the disputes ever since over Stormont House, is it not a precautionary position and one of strength to ask about the authority of all that when the carpet will be pulled from under all of us with welfare and the Budget? That is not speculation; it is in the parliamentary diary at Westminster. There will be a Chancellor's statement on, I believe, 8 July. He is not hiding what he is going to do. He may be coy about some of its scale, but he is not hiding it.

Do we not have a responsibility to ourselves and to all those who are subject to public funds, whether it is welfare or otherwise, to say, "We need to see the colour of all that to make our best judgements about all this"? It is a very simple commonsensical political point, and I ask the Minister and his party, even in these latter hours of the debate, to consider that.

I want to make three other points. I missed the Minister's very early remarks, so I apologise if I am picking up some of this wrong. I acknowledge that the Minister appears to have moved further in a positive way on independent advice for those who are on welfare benefits and who may be looking for universal credit. As I understand it, and I stand to be corrected on this, guidance will be issued. I welcome that, although a statutory right to independent legal advice is always the position of strength, because it guarantees it in primary law. The Minister is proposing that there be some sense of guarantee in guidance. Guidance is very important, and I have always argued that it is very important. That was a lesson taught to me by Eileen Evason when she advised DSD in my time in that Department.

It is very important, but it is less than primary legislation and less than regulation. I will say this to the Minister: in the conversations that we are going to have to have, we are not walking off this pitch. We will stay on this pitch and will have some further conversations. For reasons that the Minister will know, I was not party to some of that over the last short while, but I would like to be party to it over the next short while. This is only one example, but moving the

right to independent advice from a point of guidance to a point of regulation would be helpful. However, I have to say to the Minister that the comments that he made on the bedroom tax only confirmed our worst fears and did not give us any more reassurance. The Minister will recall that, during Consideration Stage and Further Consideration Stage, Mr Agnew, other Members, and the SDLP questioned the Minister on the bedroom tax. I remind the Minister what he said during Further Consideration Stage on Tuesday 24 February:

"Once the social size criteria restriction is introduced"

— that is the bedroom tax —

"and the claimant residing in either a Housing Executive or housing association property is identified as underoccupying that property, the amount of housing benefit that has been made in payment will be reduced. The mitigation measures will, however, ensure that claimants do not see any difference in the amount of financial assistance that they receive to meet their housing costs. It will be only after that point that an offer of suitable alternative accommodation will be made and only when an appropriate-sized dwelling becomes available." — [Official Report (Hansard), Bound Volume 102, p211, col 2].

The Minister was asked this question:

"If a tenant's housing benefit is reduced because of underoccupation, the mitigation is on a pound-for-pound basis. If that tenant is then offered suitable accommodation on two or three occasions, let us say, and declines, is the mitigation withdrawn?"

to which he replied:

"The Member has answered his own question: it is all in the term 'suitable accommodation'." — [Official Report (Hansard), Bound Volume 102, p212, col 1].

Mr Agnew: I thank the Member for giving way. I know that he suggested that he may have missed some of the Minister's explanation. However, further to that, the Minister said today:

"I should develop a scheme that protects existing and future tenants from any reduction in housing benefits for their tenancies unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation." — [Official Report (Hansard), Bound Volume 105, p2, col 2].

Does the Member agree with me that the DUP is still bringing in the bedroom tax?

Mr Attwood: That is the conclusion that I would have to make, Minister, in response to Mr Agnew. The point of those questions at Further Consideration Stage was to determine whether the bedroom tax, in any shape or form in any circumstances whatsoever, would or would not be in place. The conclusions that the SDLP, and I know the Green Party, drew from Further Consideration Stage, as well as the conclusion that Mr Agnew drew this morning, seem to be that there will be situations in Northern Ireland where personal circumstances have changed and where an offer of suitable accommodation was made and the bedroom tax, having been mitigated in full, will then be reintroduced for that tenant.

4.00 pm

That is the only conclusion that I can draw from what I heard, and Mr Agnew has confirmed it. From what I heard the Minister say this morning, the bedroom tax is going to be in place. It may only be in place for a very small number of tenants — we do not know — but it will be in place for that number of tenants. That is not mitigation in full, it is mitigation in full with the safety net withdrawn in the event of a change in personal circumstances or suitable accommodation becoming available.

(Mr Speaker in the Chair)

Across this debate, from the hour and moment of the first reading of the Welfare Reform Bill, there has not been any stage where the SDLP has not tabled a petition of concern. Whatever difference of opinion there may have been about what London is at and the mitigation measures that are being proposed, as far as I can recall, at every stage the SDLP has held true and tried to block the Welfare Reform Bill in the event of there not being full and satisfactory answers to the questions in respect of the content of the Bill and now in respect of the content and character of what the Tory Government are proposing in the rundown to, and after, the emergency Budget in July. That cannot be said for every party in this Chamber that tabled petitions of concern at any time.

I remember, at Further Consideration Stage, inviting the party to my right to exit the door behind the Top Table, turn right, turn right again, go to the Business Office and sign a petition of concern to block welfare reform. That was declined. I cannot reconcile it, for the life of me. Sinn Féin now has a right-headed approach in respect of welfare. It seems to me that, belatedly, it has come to that. How could it have had such a wrong-headed approach last November when Martin McGuinness said that the draft Budget — the worst austerity Budget since 2011 — was the best deal possible? How could that wrong-headed approach then endure and escalate to the point of Sinn Féin endorsing that draft Budget earlier this year and blocking every single amendment tabled by the Green Party and the SDLP — every single amendment — that was put to a vote? People can draw their own conclusions about all of that.

I will conclude with this comment, if I may: Mark Durkan coined the phrase last week, in our party meeting and in meetings with the British Government and others, that we needed “mature negotiations”. The Minister is thinking that we are not being very mature about things today, but we need to have a concluding phase of mature negotiations, for a number of reasons.

Mr Wilson: Will the Member give way?

Mr Attwood: I will in a second, because I want to remind Mr Wilson about a meeting that he was at in London just before the election.

According to the junior Treasury Minister, the London Government have spoken to Departments about how they are going to, in the short term, do adjustments that they can announce in the emergency Budget in July. If that is the conversation that the Chancellor is openly saying is happening in London as we speak, and if there is no similar conversation going on with this devolved arrangement or with the Scottish or Welsh devolved Administrations, what does that say about London's high-handedness? They say that they are having

conversations with Departments in London about what more they can cut in the very short term, yet it appears there are no conversations going on with the devolved Administrations. Is it not a breach of the agreement in respect of the devolved arrangements that, 42 days from an emergency Budget, London is having conversations with London Departments but, it appears, is silent when it comes to having conversations with the Northern Ireland Government or with the Scottish or Welsh Governments?

To come back to the reference to Mr Wilson, I make that point to remind people about what was said on Wednesday 11 February 2015, at the Consideration Stage of the Bill to give effect to the proposal in respect of corporation tax. Mr Wilson will remember the meeting because he and Mr Durkan were at the meeting where Mr Gauke, who was then the junior Treasury Minister, gave evidence. This is what I read into the record at Consideration Stage, where I referred to an exchange at the meeting in London on 11 February between Mark Durkan and Mr Gauke:

“This is the reply to Mark Durkan from Minister Gauke when he probed him on what might be the approach of London in relation to a heavy stick being used if our funding here in Northern Ireland was not on a sustainable basis. This is relevant to welfare and to the benefit cap. This is what Mark Durkan said:

‘There is some concern, not just because of the experience on welfare reform, where the block grant was fined unless the Assembly passed a Bill that it otherwise would not have wanted to pass ... will the Minister assure us that the judgment that is made on budget sustainability in a couple of years’ time will not hinge on the Treasury saying to the Executive, for instance, “You do not have a sustainable budget unless you introduce water charges”’

and so on. The Minister said to that:

‘my approach to looking at the finances of the Northern Ireland Executive as a whole, in their totality, is that they need to be on a sustainable footing. When it comes to public finances, whether in Northern Ireland or in the United Kingdom—public finances are the sum of its parts—this is a matter of looking at the totality of the public finances’.

He concluded:

‘in terms of how the Treasury will view that in future, I would not go beyond the wording set out in the Stormont House agreement.’— [Official Report (Hansard), Bound Volume 102, p475-6, cols 2-1].

I will give way to Mr Wilson in a second, but that is what the Minister said, and that is precisely what London did when they came to the welfare penalties. Whether or not they colluded with the DUP — Sinn Féin absents itself from the relevant meetings — they engineered the situation where the imposition of welfare penalties was meant to break the back of the Northern Ireland Government and Assembly when it came to welfare reform. Mr Gauke, not anticipating that the Tories would have a majority Government, was telling Westminster in February of this year that they would go back for round two and that, if there were not sustainable finances, the London Government might again begin to wave the stick.

Mr Wilson: I thank the Member for giving way. It is on the point that he made about five minutes ago, but I will come back to it. He and Sinn Féin have made much of this argument that we have to have more conversations around this issue of welfare reform. Does he accept that, if this goes through today in the form that it is in, there is no point in further conversations? The Bill is dead. The Bill cannot be introduced for another six months. The Bill will then have to go through the process again, and it will be two years before this Bill, in any revised form, can be brought to a satisfactory conclusion through this House. Meantime, all of the financial consequences that stem from this decision will have to be borne by the Assembly and the people of Northern Ireland.

Mr Attwood: My answer to that is simply that the technical should not get in the way of the political. There have been occasions in the lifetime of the Assembly's mandates —

Mr Allister: That is the reality.

Mr Attwood: Mr Wilson was a Member of the Assembly where things that were done were undone. That is the truth. Mr Wilson might forget that, but things were done that were undone. People who were one designation changed their designation. Why? Because the politics of the moment required the Alliance Party to do so. So, when there are parties in here telling the SDLP that today is make-or-break day, let me remind more than one party in the Chamber that there is precedent in the Chamber that, when the politics requires it, means are found to address that. I will let in Mr Wilson in a second.

The Alliance Party might want to remember that, as might other parties. Ambiguity might not be a very welcome thing when it comes to certainty in politics, especially considering what happened after the Good Friday Agreement, when the lack of certainty and commitment to live up to the requirements of Irish democracy saw this institution go into suspension on more than one occasion. Politics and the people should drive how we address this matter, and ways and means can be found to get round that.

Mr Wilson missed the earlier part of my contribution, and I am not making any issue about that with him. The point I was trying to make was: what is the standing, perhaps even the worth, of the Stormont House moneys or of that effort, or of some of the principles agreed to, or some of the mitigations that are on offer — whatever disputes there might be about them? What is the standing of all of that if loans are given on the one hand and moneys are then taken back through new and deep austerity on the other? That issue has to be faced up to in this debate.

There are Members in this Chamber who, properly, represent Northern Ireland in the Westminster institutions — the House of Lords and the House of Commons — and in 42 days they will be up and down for votes, just like the ones that people are trying to impose on this Chamber today. They will be up and down for votes at the next phase of Budget and welfare cuts. Mr Wilson, if you do not send out the message today that you will challenge and confront all that, then London will draw the conclusion that there are people who are prepared, even if not willing, to do their business when it comes to Northern Ireland politics.

Mr Speaker: There is a considerable amount of interference with the speaker system. Someone's phone is causing problems. Could you please check? I understand

that the Principal Deputy Speaker had to draw attention to that as well. Thank you.

Mr Wilson: I think I should apologise, because at least the Member has been generous in giving way, and he did not need to. I apologise for missing his words of wisdom, but unfortunately I had something else that I had to attend to.

He dismisses the processes that have to be gone through as being mere technicalities that can be swept aside if politics dictates so. Would he accept, however, that for a major piece of legislation like this, these are not technicalities? The requirements to present the Bill — a First Reading — then for a Committee Stage, public consultation on that, and then a Consideration Stage, are not technicalities, they are legal requirements. It is impossible to do this by having discussions with the Minister some time in the next couple of weeks and then, hey presto, suddenly everything can be reinstated. Indeed, I suspect that his party would be the first to complain if there was not proper consultation as laid down in the Belfast Agreement; or maybe the Belfast Agreement, as far as he is concerned, no longer matters.

Mr Attwood: I will make a number of points and I will deal with his question, but he has to deal with mine. It is this: you sat in the House of Commons Committee on 11 February when the then junior Minister in the Treasury basically said that they would wave the stick again if they had to. That is what he said. What integrity is left to the institutions of the Good Friday Agreement, the Assembly and the Executive, if London, having deployed the big stick approach previously in welfare, are now indicating that they will deploy the big stick approach when it comes to other issues? That is what he said, and he said it in the context of the devolution of corporation tax powers. It was not some passing reference on the Floor of the House of Commons, or an ad hoc comment made at some Committee in the House of Lords. It was made, and deliberately made, at the Committee that was dealing with corporation tax. It was made deliberately because he was putting down a marker.

At that stage, there was some hope that, whatever Government were in Westminster after the election, they would be a coalition that would, somehow or other, reduce the excesses of the primary partner in Government, but that is gone.

How much more keen and ambitious will London be when it comes to, say, the devolution of corporation tax, to do it on its terms? Its terms are sustainable finances, and we are in the moment of seeing what those look like when it comes to welfare. That is why this debate is so important: if we hold the line now, with others, there is some potential that, between now and the beginning of July, a different scenario might begin to prevail.

4.15 pm

Mr Wilson: I thank the Member for giving way again. Of course, he knows that others did not hold the line. Others had to accept the consequences of welfare changes in Scotland and Wales, where the amount of money going into the economy will not rise as fast as it would have in the absence of welfare reform. Rather than waving a big stick — let us not get paranoid about it — the Government at Westminster are simply doing what you would expect any Government to do. If we volunteer in Northern Ireland

to pay higher rates of welfare to our citizens and take that decision as a devolved Administration, that is not paid for by Westminster; we have to pay for it ourselves. I know that the term “fines” has been used, but we are not paying fines. We are paying the difference between a decision that we made here in Northern Ireland and the rates agreed by the Government and Parliament in Westminster.

Mr Attwood: If that could be done, and done right, with the guarantees and certainties that we and other parties are looking for — I will raise other matters with the Minister in my concluding remarks — that would be welcome, positive and good. Mr Wilson answers the question about the past and where we are now, but he does not answer the question about where we will be in the future. Where will we be when DWP and Treasury begin to scope out — as I tried to do in an earlier contribution — the scale of the next phase of welfare reform? The future is 8 July, when we will see what early, deep cuts the Chancellor, Mr Osborne, puts into the public domain in order to get over the hump, before introducing the inheritance tax relief that he thinks will see the Tories elected to a third term with him as Prime Minister. Mr Wilson and the rest of us have to deal with all of that: otherwise, we are being negligent and neglectful of the interests of people in the North.

Mr Beggs: Will the Member give way?

Mr Attwood: I will in a second. I will give way to everybody. I do not have an issue with that, but I just want to go back and make this point because Mr Wilson might not have been here for it. Some dispute the quality of the negotiation, as some outside the Chamber clearly do, but what is the standing of the moneys agreed at Stormont House should the scale of what is taken away from us in July be disproportionate to, if not greater than, what we negotiated?

Mr Storey: Will the Member give way?

Mr Attwood: We have to ask and answer that question because, if London is giving with one hand, whatever the nature of that giving might be, and then ripping it all back with the other, it does not make any of us look very clever. Worse, it puts in jeopardy and makes vulnerable dozens, thousands and hundreds of thousands of the people whom we are meant to represent.

Mr Storey: I thank the Member for giving way and appreciate that he is being generous in doing so, but this is important. He talks about us being very clever, but if all of what he says is right — the Member is always prophesying doom — will he answer one simple question? Where does the money come from? We can try in the House — as others supported in the past — robbing banks to pay for certain things. We can try to wish money into existence, but, in reality, where will the money come from? Will he answer that, or will we just go back to the British Exchequer with a big begging bowl and say, “The poor people of Northern Ireland require more money, so write us a blank cheque”. Those days are over.

Mr Attwood: I will not bury my head in the sand about the essence of that question, save to say three things. First, whatever others in the SDLP and I said at Consideration Stage and Further Consideration Stage about the doom and gloom that we were about to face, we were not telling even half the truth. I ask the Minister to consider that, because he rightly berated us about the scenario that we would face after May. Our answer was that it would be bad

and would be an emergency Budget. What did we get? It is worse than bad and will be an even worse emergency Budget. Maybe, on this occasion, we were right and the wishful thinkers on the other side of the Chamber were less right.

The second thing is that, if that scenario is right about what we are facing between now and 8 July, where is the DUP outlining to the people of Northern Ireland how it will maximise its strength with the rest of us in order to try to minimise the impact of all that? I do not hear anything coming from the opposite Benches. Maybe the First Minister had this conversation for an hour with the Prime Minister in the House of Commons. Maybe a lot of stuff went on, or not. What our people out there need to know is what we will do over the next 42 days, given the scale of what we know is coming. We did not anticipate even half of it in January and February. What is the answer to that? All that I hear is a debate about the moment, important though it is, and not about the next five years, as acute and critical as they will be in the lived experience of the people of this part of the North.

Sinn Féin put it in this tiresome way and said, “Let us unite and have a negotiation”. That is another meaningless phrase. This is about hard, strategic common enterprise. I hear that Nicola Sturgeon used those words on Scottish radio this morning about a common enterprise by the people in business in Scotland to minimise what London will do and, in the meantime, try to mitigate that and confront London.

Mr Wilson: Will the Member give way?

Mr Attwood: Remember they have 54 MPs. There are a dozen or more from here. That is a wedge to make things more difficult. I will let Mr Wilson in.

Where is the money coming from? The truth of the matter is that the austerity Budget that was voted through in November 2014 and January 2015 — the best deal possible according to Martin McGuinness — was the worst austerity Budget that we have had in five years. Where is the money coming from? There are multiple proposals out there. We have gone through them before.

Jim Wells, when he was Health Minister, took the bull by the horns and agreed to all-Ireland children’s cardiac care. Fifty per cent of our Budget and over 40% of the Republic’s Budget is for health. Given the issues in the health service and the profile of our ageing population, that amount will grow, but we cannot find tens of millions of pounds. What have we been doing? We have been sitting on our butts. Or, some people have been sitting on their butts with nothing being done until Jim Wells came along. I think that Edwin Poots, to be fair to him, also started to do a bit to take forward the all-Ireland health study, which is in the public domain and was published in 2006. In respect of that, useful stuff has been done in the border area and, now, in children’s cardiac care, but not on the scale and range of what is out there.

Mr Wilson: I thank the Member for giving way. It is one thing for him to say that they predicted that there would be huge budgetary pressures. What he will not admit is that this was not a prediction by the SDLP and Sinn Féin. The SDLP and Sinn Féin are the perpetrators of this Budget problem. We are paying £114 million back to Westminster this year that we should not have to pay. We are losing out on hundreds of millions of pounds of loans that would have

been available as a result of the Stormont agreement. We are losing out on capital money that would have been available as a result of the Stormont agreement. That is all because his party has now joined with Sinn Féin today to prevent the economic benefits that may have come from the Stormont agreement. This is not a prediction; this is something that his party, the SDLP, has brought upon the people of Northern Ireland. Why will he not, at least, accept his role in the budgetary problems that we now face, rather than simply trying to say that it is somebody else's fault?

Mr Attwood: For what it is worth, I do think that I get things wrong. I think that Mr Wilson, even when he was the Finance Minister, will accept that principle. I got things wrong in DOE and DSD that I still regret, and, if I had got them right, government and the public in Northern Ireland would be in a better place.

Are there things that we could have done better on welfare? Yes. In my view, the DUP dropped the ball in 2011. They bowled it too short to the London Government on welfare reform and welfare need. Technical things that were useful and welcome were negotiated, but the opportunity to confront London that existed in May 2011 was squandered thereafter. There was an opportunity between 2011 and 2013 to push the boat out very much further before London and the DUP came up with the wheeze of imposing penalties.

Mr Beggs: The Member used the word "squandered". Aside from the £114 million, does he not acknowledge that spurning the offer of the voluntary redundancy scheme, which would enable changes to happen in a sensitive and planned manner, and refusing to pass the Welfare Reform Bill will place the Northern Ireland Executive and our collective Budget in a much worse position? Will he advise how savings are to be made, given the critical situation that our Budget is in?

Mr Attwood: I will answer that question and conclude my remarks generally. I think that it was the Minister who asked whether we would go to London again with a begging bowl. Whilst it is not the appropriate phrase, there will be people in south and west Belfast going to the food bank because they have nowhere else to go to sustain themselves and their families. It is not about going to London with a begging bowl; it is about ensuring that the food bank will be less used and there is no need for more of them in Northern Ireland, given what the Trussell Trust has said about the scale of what is required. *[Interruption.]* The number of people, Mr Wilson, who have gone to food banks as a direct consequence of how welfare reform has impacted on their life — I will find the figures again —

Mr Wilson: There has been no welfare reform here.

Mr Attwood: Precisely. We learn from what they have done. If the Trussell Trust says to us that that is the scale of need for food banks as a direct consequence of the scale of welfare reform and welfare cuts, let us warn ourselves.

I will answer Mr Beggs's question. Either you accept the scale of what is happening between now and 42 days, between now and the Treasury statement to the House of Commons, or you do not. You will have two Members of Parliament there who will have to listen to it and will have to put their hands up for it, if that is what they are inclined to do. Either you accept that the scale of that, whatever

it was before, is now greater and puts more people at risk, creates more vulnerability and puts more people in north and west Belfast and across the North in jeopardy of having to go to food banks, or you do not. If you accept that argument, whatever the history, we are now in a context where, if we do not come together and join the Scottish nationalists to try to do something to impact on the worst excesses of what will be proposed in budgeting and welfare, we will be negligent and neglectful and will let our people down. Even if you do not believe it, you should have the common sense to say that we should exhaust the opportunity between now and 8 July.

I say to the Minister that there are issues that we still want to address, partly because of the election and partly because of the interregnum, if you like, since the election. There are still matters that we want to take forward with the Minister. I make that offer honestly, and I think that he will accept it honestly. The reason I say that is that we believe that, when you get down to it, today is an artificial deadline. The reason that it is an artificial deadline, as Mr Wilson knows, is that we need to have a Budget in place — this goes back to Mr Beggs's question — when the bank account runs dry, and the bank account runs dry in August. Is that not the case, Mr Wilson? He has acknowledged that. The bank account runs dry because the 45% Vote on Account runs out in and around the end of July and into early August.

4.30 pm

It is right that, if we do not have a Budget by then, we are in free fall. You will get that admission from me, if nothing else today: we will be in free fall. However, the point is that we have two months not just to conclude welfare but to put it up to London as fully as we can and as united as we can be on behalf of those on welfare and all the others who are subject to public funding, be it in terms of grants, procurement or jobs. The time frame neatly converges, because, if there is a need to have a Budget by the end of July — God knows we have come back to the Chamber after recess when people wanted to make a song and dance about Red Sky or raise an issue about parading — *[Interruption.]* I did not bring the Chamber back; I did the right thing in DSD. It was you and the DUP who tried to unpick it and lost.

Mr Wilson: Will the Member give way?

Mr Attwood: I will.

Mr Wilson: The Member is right: the Vote on Account means that there is money in the bank until the end of July. However, he has also run a Department and he knows full well that there are consequences from a Budget. We know that, as a result of some of the decisions that have been made here — for example, we have had to continue paying money back to Westminster, which has impacted on the Budget — changes will have to be made in the Budget. Expecting a Department, on the last day that the money in its bank account runs out, to start making adjustments in its spending for the rest of the financial year is impractical. That is one of the reasons why the Budget process always started in June and was completed by the end of July. He will probably say that it is a technicality, but he knows that there are processes that have to be gone through and that it is not practical to leave this until the end of July. Hence the reason why this is not a contrived deadline; it is a genuine deadline that has to be met because the Finance

Minister would be irresponsible to leave things to the last minute.

Mr Attwood: There is some weight in Mr Wilson's point, but the contention that all this has to be done and dusted and concluded today in order to open the door for the budgetary process on Friday, given that it is two months to the end of July is, in my view, problematic and stretches a point. I welcome the fact that Mr Wilson acknowledges that it is at the end of July, and I acknowledge the point that it is better to do it some time in advance of that. However, the notion that it all has to be done and dusted, sorted and concluded in order to move on to Friday and the Budget process is, in my view, unsustainable. The political point is the self-evident one. We should spend our time exhausting the welfare negotiation between now and 8 July or earlier if we can do it, but not to then say that it is all over and done. London has to understand that we will maximise the pressure on them in advance of 8 July. If we do not do so, we are letting down too many people in Northern Ireland who, this year, are living with the consequences of the worst austerity Budget in four or five years, imposed on them by the DUP and Sinn Féin. We cannot allow that to be done a second time around.

Mr Nesbitt: Let me begin, on behalf of the Ulster Unionist Party, by offering our sympathies to Mr Attwood on the loss of his mother and by repeating what I said outside the Chamber, which is that the Ulster Unionist Party wishes Peter Robinson a full and speedy recovery from the ailment that has the First Minister in hospital. Our thoughts are with the Attwoods and the Robinsons at this time.

What times they are, Mr Speaker, what strange, challenging and disappointing times they are. I am sure that if Charles Dickens were alive we would be ripe material for his latest novel. It was Dickens who told us that you can live in the best of times and the worst of times; that you can live in an age of wisdom but also an age of foolishness; an epoch of belief and an epoch of incredulity; a season of light and a season of darkness.

It is pretty dark in here today, so let me stretch myself to look for some light. Yesterday afternoon, I had occasion to drive down to Newcastle in County Down. Early in the journey, I stopped at traffic lights, and parked beside me was a very nice, shiny, clean 4x4 that was liveried in the words "VIP courtesy car" for the Irish Open golf. I followed it down the road to Newcastle. There was a young man in the front seat. He was obviously one of the European Tour players. I wondered whether it was his first visit to here and what impression he would get, so I tried to put myself in his shoes. It was very positive. There was some fantastic scenery. From Dundrum on the drive into Newcastle, as the number of posters of Rory, G-Mac and Darren increased, the sense of excitement tended to build.

I was going to an event — I see Ms Ní Chuilín and Mr Rogers here, and they were at it as well. It was an invitation from not the PGA or the European Tour but the GAA. The Gaelic Athletic Association was having a demonstration football match as part of the build-up to the Irish Open golf at the weekend. It was holding out the fraternal hand of friendship to the golfing community. Is that not a huge positive? Is it not what we were thinking about in 1998? Is it not a definition of truly sharing experiences and sharing space, which, in that case, was the space that is Newcastle? That is an example this week in Northern Ireland of the best of times.

Here in the Chamber, however, it is the worst of times. It is an epoch of incredulity. A year and a bit after we failed to reach an agreement under the chairmanship of Richard Haass, we now find ourselves failing to implement an agreement that we did reach at Stormont House last December. Sinn Féin talks about the protection of the vulnerable. That stance is costing £9.5 million a month, or £2 million a week, in so-called fines from the Treasury. The Treasury is implementing welfare reform here in Northern Ireland by deducting the money that we should be saving and taking it off the block grant. That is money that we could and should be channelling to help the most vulnerable. If we give somebody £10 above and beyond the GB system, the Treasury simply takes it off our block grant. Therefore, who is in charge? The Assembly and the Executive? No. We have surrendered control to the UK Government.

Of course, if we listen to the Sinn Féin narrative, welfare reform is evil — pure and simple — but if we listen to DSD officials, we get a slightly different narrative. They tell us that 102,000 households — not individuals — would be better off under welfare reform by, on average, about £38 a week if we implemented universal credit. Yes, some households would be worse off. DSD said that 97,000 would be worse off by £31 a week, but that was before the mitigation package that was agreed at Stormont House.

Martin McGuinness is one of our two First Ministers. His responsibility is to all the people of Northern Ireland, and, yes, that includes the vulnerable. His responsibility is not to the people of the Republic of Ireland. As my colleague Roy Beggs made clear earlier in the debate, Martin McGuinness is being shaken by the tail by Sinn Féin's Southern command. To flip-flop at this time, to claim to have proposals and not share them, and to be focused on your party political electoral fortunes in another jurisdiction is simply wrong, and can in no way be defined as protecting the vulnerable in Northern Ireland.

Martin McGuinness spoke one truth earlier: this is about more than welfare reform. It is about an Assembly that delivers for the people. As the last mandate closed, First Minister Peter Robinson said that our great achievement was that we survived the full mandate. He was right. It was the first time that an Assembly here survived a full mandate since the 1960s and the first time ever that a cross-community, power-sharing government in Northern Ireland survived a full term.

Mrs D Kelly: Will the Member also acknowledge that, ironically, other Administrations did not survive because of the terrorism that many people here suffered and the shenanigans of the DUP over those years?

Mr Nesbitt: I thank the Member for her intervention. I believe that that is one key factor that history will record in its analysis of the political history of Northern Ireland over the last near 100 years.

Survival may have been the key to the last mandate, but the First Minister went on to say that this mandate had to be about delivery. This one is not delivering. It is failing. Frankly, it is in intensive care. It is about more than welfare reform. It is about our ability to pay our debts, not least the £100 million hole in the 2014-15 Budget. We were allowed to have that on the promise that we would use capital resources to pay that £100 million back during this financial year. It is about the thousands and thousands

of our citizens who we said could take the benefit of a voluntary exit scheme and leave the public sector. They said, "Yes, we want that", and now they know that, Tantalus-like, it is out of reach and may remain out of reach because of political failure in this Chamber.

It is not just about that. It is also about avoiding the thousands of compulsory redundancies that may follow if the Budget implodes. It is also about corporation tax and the promise of 35,000 to 40,000 good new jobs that could be created in short measure if we agreed to take corporation tax powers and lower the rate to 12.5% to be competitive with the Republic of Ireland. That number of new jobs would be transformational not just for those individuals but for their families, their communities and our society.

Also at stake is dealing with the past, which was too difficult to handle during the Haass talks. What have we done? We have given victims and survivors what we always give them: hope of better days ahead. Are we going to do what we always do after we give them hope and deny them what we promised? It looks like we are.

What about the mental health and well-being of our people? We have one pretty sparse paragraph in the Stormont House Agreement that commits to helping people with trauma. We have so many such people in this country. To relate it to welfare and to those who claim disability living allowance, 12% of all claimants in Great Britain do so because of poor mental health and well-being issues. In Northern Ireland, it is not 12% but 23%, which is double. There is research that states that the reason why it is so high on a per capita basis here is the Troubles. It is one of the most toxic legacies of our conflict.

Take a map of the Troubles, such as that in the 1999 'Cost of the Troubles Study', which shows the hotspots of bombings, shootings and all those Troubles-related incidents. If you then take a contemporaneous map of mental health issues as measured by attempted and completed suicides, alcoholism and drug abuse, you have a match. The evidence is there. Our higher rates are directly causally linked to the Troubles. We made those people a promise in the Stormont House Agreement, and we are about to fail to deliver on that promise today. We could have had a triple win. Helping people with mental health issues addresses a legacy of the Troubles.

It helps them be less dependent on the welfare state and benefits, and it gives them the opportunity, perhaps for the first time in their lives, to be economically active. That is a triple win. Instead, we are going for a triple defeat. The worst of times seems to be our default option. As a predecessor of mine famously put it, we stand at a crossroads. Will it be the best of times or the worst of times? Will it be a season of light or a season of darkness?

4.45 pm

If we fail today, we are in a budgetary crisis, a few short weeks away from the point at which the permanent secretary of the Department of Finance and Personnel will have to step in and when our Ministers will have to go, cap in hand, to a public official to ask for a budget to do what they want to do. If we reach that point, and we are very close, it will represent the death of democracy in Northern Ireland. So, it is decision time. Will it be the best or the worst?

At half-time yesterday, the exhibition match switched from football to hurling, with a poc fada. A few golfers gave it

a go. We are talking about experts in their field. They are world-class athletes — people who spend countless hours on their hand-to-eye coordination. Do you know what, Mr Speaker? They could not do it; they kept missing the ball with their hurl. They threw the puck up; they had a swipe; they missed. They tried again; they missed again; and they missed again. To me, it is a metaphor. It is a metaphor for us in the Chamber, because we keep missing. We keep failing to connect. There is no coordination.

So, when the golfers enjoy the best of times this week down in Newcastle, we are condemning our people to the worst of times. This is failure on an industrial scale; it is failure for hundreds of thousands of our people. In golfing terminology, Mr Speaker, we have failed to make the cut.

Mr Speaker: I call Mr Ross Hussey, and I am quite happy if you wish to speak from a sitting position.

Mr Hussey: Thank you very much, Mr Speaker. I have sat here this afternoon and this morning and listened to various speeches. The thing we have to remember is that we are part of the United Kingdom of Great Britain and Northern Ireland. That is where we are; that is the political reality. The British Government decide how much money is going to come to Northern Ireland. There is not a bottomless pit; there is not a bucket of money that we can go to and take out of every time we want it. We should realise that, and we know that. Anyone who was starting from the beginning with a bottomless pit would, certainly, be looking for a much-improved welfare payment scheme, but, unfortunately, we do not have that.

I am going to quote from the speech made by Pat Doherty, the Member of Parliament for West Tyrone, on welfare reform in the House of Commons —

I am now going to quote from the speech made by Conor Murphy, the Member of Parliament in the House of Commons —

This is how much interest Sinn Féin had for those who voted for them to represent us in Westminster.

Sinn Féin talks about power-sharing. It talks of power-sharing, but it does not want to share power. It talks of agreements. The Stormont House Agreement was an agreement between political parties. What happened when the agreement was made? They reneged. We had speeches here, this afternoon and this morning, talking of "whatiffery". In Northern Ireland, we often hear speeches on "whataboutery". This time, it is "whatiffery". What if the Chancellor does this? What if the Chancellor does that?

Again, in Westminster, my Member of Parliament will make the following speech —

I could almost write it, word for word. I will do it again —

He will not be there to represent me.

They have the hypocrisy to sit in this Chamber and talk about Tory cuts. There are four extra votes for the Conservative Government because members of Sinn Féin will not take their seats. They do not have the opportunity to take the seat in Fermanagh and South Tyrone because it is now taken by an Ulster Unionist.

We hear various things in relation to independent advice and, perhaps, to the independent advice services that we have. The £2 million a week that we are returning to the British Government would be wonderful to give to the

independent advice services. How many independent advice services or citizens advice bureaux would dance if they were offered that sort of money? Yet, we are handing it back.

This morning, the deputy First Minister said that the Bill, by going ahead, punishes the poor. Sinn Féin's lack of moral accountability is punishing the poor. Martin McGuinness said that there are huge challenges, not just welfare. The implementation of further cuts is threatened by the Tories, and yet Sinn Féin will not take a seat in the House of Commons to challenge the Tories or anybody else. We all know that, had a Labour Government been returned, there were going to be changes, not for the good of the people of Northern Ireland, but these things are going to happen because we are part of the United Kingdom and must accept the Budget that we are allocated.

We are certainly coming out of conflict and having major issues. Mike Nesbitt made reference to the fact that there are those who suffer from mental health issues. The Stormont House Agreement was a jigsaw, and, unfortunately, that jigsaw is falling to pieces in front of us. Not one representative on the opposite Benches has said anything that does anything for the good of the people of Northern Ireland. Heads are being buried in the sand. I really do not know where Mr Attwood thought we were going to go in two months, because it is quite clear that this Welfare Reform Bill is here today. It either passes today, or there is no Welfare Reform Bill.

It is not often that I quote Sammy Wilson — it is not often that I agree with him — but he made it very clear that this is it. The Minister has made it clear that this is it. We take it or leave it, but we leave it with the possibility of major problems for the Budget in Northern Ireland.

However, it can all be resolved in two months. Somehow or other, money is going to appear from nowhere. Has somebody bought a National Lottery ticket and not told us? I am sure that the Minister would love to win the National Lottery, and maybe, Minister, based on what I have heard from Mr Attwood, that is what is going to happen. "It could be you"; but I doubt it very much.

I have sat here today, and I am not impressed by the options that have been put forward by those on the opposite Benches. We have no option. The safeguards that are built into the Bill are better than those which most people in the United Kingdom have. They are better than most people have in England. Yet we are prepared to ignore all that and allow our Budget to go down the pan. I personally would love to have a situation where everything in the garden is rosy, but we do not have that. There is no money to hand out willy-nilly. There are no more buckets and no more begging bowls. It is time for tough decisions.

I thought that a brilliant expression was used earlier:

"the technical should not get in the way of the political."

What about practical? What about common sense? We either get it right now or make a total mess of it. This is not politics; this is playing for the next election. Nobody is paying attention to the needs of the people of Northern Ireland. Sinn Féin plays to the people of the Republic of Ireland, saying, "Look what we did in the North. We hashed it up there." The SDLP is playing for the next Assembly elections, but none of it is for the good of the people of Northern Ireland.

I ask Members to seriously consider the good of the people of Northern Ireland and accept the Bill brought forward by the Minister.

Mr Dickson: I commence by sending my best wishes to the First Minister and wishing him a speedy recovery. I also add my condolences to Mr Attwood on the recent loss of his mother, who happened to be a personal friend.

Today Sinn Féin, the SDLP and the Greens are actually voting for the Tory cuts: full, unadulterated, red, white and blue Tory cuts. Thank you, SDLP. Thank you, Sinn Féin. Thank you, the Green Party. You have just chucked out all the concessions that have been negotiated because, as Mr Wilson and others have informed the House, the Bill dies today because of your petition of concern. Let the electorate hear that. Let the people of Northern Ireland hear that. You are the people who, by killing the Bill today, have implemented full-blooded red, white and blue Tory cuts for the citizens of Northern Ireland.

It is with utter exasperation and a profound sense of déjà vu that I stand here today to speak on the Final Stage of the Welfare Reform Bill. I fear not only that we may have thrown away three years of work and negotiations, but that we are now walking wide-eyed into a major crisis of our finances and public services. Even the much-lauded Ms Sturgeon, First Minister of Scotland, is not putting her institutions at risk by her actions.

In a representative democracy, the public have elected us to represent them and to undertake the duties of government on their behalf. That means spending the money allocated to us in a responsible manner, taking difficult decisions on how to balance the books and stepping up when necessary to do what is best for the people of Northern Ireland. That is what we have been doing. That is what the Minister and the parties have been doing. It is what five parties did when they signed up to an agreement. They were stepping up for all the citizens of Northern Ireland and negotiating with the British Government to deliver what was best for the people of Northern Ireland.

The Alliance Party recognises that, and it will not run away from the difficult decisions today, unlike others. Neither will it continue to kick the can down the road, as it has been suggested by some that we should use the space between now and the Chancellor's Budget. What bit of "no" — when the Tories won — do we not understand in the House? When the Alliance Party signed up to the Stormont House Agreement, it intended to honour it. It is for others to speak about their actions following their signing of it. That stands in stark contrast to Sinn Féin and the SDLP who, in a misguided election strategy, are hurting those that they purport to want to protect, whilst leaving the whole of Northern Ireland in an unbearable state of limbo.

Sinn Féin, the SDLP and the Greens are, by their actions, voting to implement Tory cuts in full. People who work in the public services are waiting to hear whether their jobs will be cut due to Sinn Féin, SDLP and Green incompetence. People on long waiting lists, whose life quality could be transformed by simple surgery, wait to hear whether their operation will be cancelled due to budget cuts in the health service. A constituent saw me last week and said that the first appointment she could get to see a GP was 17 June. How much longer is she going to have to wait before she gets that GP appointment? Many

welfare claimants call at my offices seeking to find out what welfare reform will mean for them. The fear in those people is palpable. It is undue fear, brought on by the scaremongering of parties to my right.

Today, Sinn Féin, the SDLP and the Greens will be creating more vulnerable people in Northern Ireland than they claim to protect. The truth of the matter is that, with our mitigation measures, the vast majority of those people will not be any worse off than they are right now. In fact, as we have heard, many will be a great deal better off. Let us look at an intriguing revelation. Although I know it will not suit Sinn Féin or the SDLP's political purposes, the facts should be heard before the rhetoric, for once. NISRA and DSD figures show that the roll-out of universal credit will benefit — we have heard this figure before in the House today — some 102,000 households by an average of £37 per week. They will receive more — these are the most vulnerable whom Sinn Féin talks about — than they will receive under the existing system. In addition, some 90,000 households will see no change to their entitlement. Therefore, overall, some two thirds of households will benefit from welfare reform, which Sinn Féin, the Greens and the SDLP are now holding back.

5.00 pm

Mrs D Kelly: I thank the Member for giving way. Will the Member not acknowledge that the Tory Government are committed in July to further reductions in welfare of, I think, between £12 billion and £15 billion?

Mr McNarry: What are you going to do about it, Dolores?

Mr Dickson: I will indeed admit that I have read those stories in the newspapers, and I will tell you what I did about it. I stood against a Conservative candidate in my constituency. I was not the person who was elected, but I stood against them. The place to do it was at the ballot box. This is a democracy. They won. We will have to put up with what they throw at us for the next five years.

Under universal credit, more childcare support will be provided to households, meaning that all families, regardless of how many hours they work, will be entitled to childcare. That provides previously unseen levels of flexibility for parents to enter employment and opens up more opportunities for families to supplement their income. Welfare reform will help to make employment financially beneficial and attractive — that, for me, is an important element — by removing the senseless working hours requirements for certain benefits and tax credits, meaning that people who want to work are empowered to do so and will always be better off financially. Welfare reform will also make the system simpler. Currently, many of the most vulnerable in our society under-claim benefits as they are unaware of the elements or entitlements or are intimidated by the Byzantine welfare system that has developed haphazardly in our society, one that all our offices struggle to work with day and daily on behalf of claimants. Those are some of the real benefits of reforming our welfare system, and with mitigation in place.

Northern Ireland has gained an exceptional deal that is looked on with envy by Scotland, Wales and the rest of the United Kingdom, but that is to be blocked by an inability to see that welfare reform has serious positive aspects for all. All in all, it does not suit certain parties' electoral strategies. Sinn Féin believes that there are more votes in

scaremongering and maintaining a fear of change than in actually implementing change. Sinn Féin has been caught speaking out of both sides of its mouth at once, with starkly different messages, North and South. While I greatly welcome the mitigation measures that have been put in place to ameliorate the impact of the reform on the most vulnerable, the additional weight that Sinn Féin is seeking to add to the supplementary payment scheme is quite simply unaffordable.

Mr Wilson: Will the Member give way?

Mr Dickson: Yes.

Mr Wilson: Do you accept that we do not even know what Sinn Féin wants added to the supplementary scheme? Despite the fact that it has complained that there has not been sufficient talking about this and that the scheme is not suitable for its needs, we have not heard one suggestion in the House today as to what changes it would like to see made.

Mr Dickson: I entirely agree with the Member. Indeed, it is my understanding that, during the negotiations in the Stormont House talks, officials and others had to assist Sinn Féin and the SDLP to work out figures that they clearly did not understand as the process was being developed and worked through.

If those parties really want the rest of us to put up or shut up, the challenge to you today is to say what you want done and how you propose that it will be paid for. That is the challenge to Sinn Féin and the SDLP: you have to tell us where the money will come from. We cannot print it because we do not print it. We believe that we cannot persuade a majority Government in London to deliver any more money between now and their Budget, and, if they are to be believed, things will get worse, so why do we not bank what we have got instead of squandering it and throwing it away?

Mr Beggs: Will the Member give way?

Mr Dickson: Yes.

Mr Beggs: Does the Member agree with me that a better time to bring forward suggestions would have been at Consideration Stage or Further Consideration Stage, when amendments could have been made and ideas taken on board? They voted for the legislation at those stages.

Mr Dickson: Indeed, it would. In fact, in a sense, the argument is very hollow on any of what we are trying to achieve in the House today. There is little or nothing that Sinn Féin, the SDLP or, indeed, the Green Member can do by way of proposals today that will change the legislation. The sad reality is that the legislation will lie dead in the water after this evening.

The mitigation measures that have been put in place to ameliorate the impact of reform for the most vulnerable will assist, but we cannot assess every applicant under the old system and then the new system, because as I listened to officials in the Committee for Social Development, I know that, quite simply, the software is not built to do that. We simply cannot pretend that no one is going to be worse off. Put simply, we cannot run a welfare system in Northern Ireland that is completely separate from the rest of the United Kingdom, despite what at least two or perhaps three parties would like us to do. Yes, welfare is a devolved matter, but the reality is that it is also a parity matter within

the United Kingdom. We are not a sovereign state, despite what Sinn Féin might like to think it is running. We have no sources of funds other than those from the Treasury. Therefore, we can act only within the parameters set out to us by the Treasury.

The real fight was at Westminster. It is a fight that, as we have said on many occasions before, Sinn Féin chose to sit out. Destroying Northern Ireland's economy and its public services will not serve the electoral strategies as well as it may think. In contrast, in Stormont Sinn Féin has proved itself, at least on occasions, a formidable opposition, but it is nothing but a woeful party of government. It is clearly incapable of taking decisions that a prudent government must and should take involving spending our money wisely, protecting those in need and trying to keep the lights on for all in our society.

Our welfare system is, in essence, a social insurance scheme. Without contributors to our welfare system, it collapses. If we do not have the tax take, it falls. Can people really continue to work as before if they cannot get work and cannot access health care or, indeed, have the skills that they require to carry out their jobs?

I wonder if it is with a second thought to its electoral ambitions in the South that we see Sinn Féin's tag line of protecting the vulnerable for what is nothing more than a political slogan, because it is on that that it is woefully hypocritical. Sinn Féin talks about its care for elderly people walking our dark streets, in A&E having been injured, or of being victims of crime waiting anxiously for the police to arrive. Are those not the most vulnerable people in society? Are they, together with welfare recipients, not the people that we should all be caring for?

Sinn Féin's actions, as well as those of the SDLP, display a wanton disregard for the wider picture for all in our society. They are making people vulnerable through their intransigence. In the end, it is not about the vulnerable; it is about the number of TDs to be returned to the Dáil next year.

The SDLP tells us that it will not be bounced to an artificial date. If Dr McDonnell were here, I would say, "If you are still the leader of your party, the Welfare Reform Act in England received Royal Assent [*Laughter.*] in March 2012". It has been three years since it came into being. [*Interruption.*] How much more time do the SDLP and Sinn Féin need?

Dr McDonnell: Mr Speaker, is the Member blind?

Mr Storey: Is there a bright light shining in your eyes?

Dr Farry: On a point of order, Mr Speaker. In the light of the comments made by you, Mr Speaker, last Monday about comments of a personal nature being made from the Floor to Members, calling into question my colleague's eyesight would surely fall under the advice that you gave to Members.

Mr Speaker: I think that the Member is making a very valid point. The debate has been difficult, although it has been conducted in an appropriate fashion up to now. There was a direct reference, and perhaps the Member rose to the temptation, but I think that, if we continue as we were, it would be in everyone's interests.

Dr McDonnell: On a point of order, Mr Speaker. I apologise for any personal offence.

Mr Speaker: Thank you for that.

Some Members: Hear, hear.

Mr Dickson: I had a wonderful quip about wearing specs, but do not worry.

In conclusion, we have a good deal, and it is a deal that five parties signed up to, because it would not have been a good deal if five parties had not signed up to it. We need to implement that deal or we will, in my belief, lose it for ever. Sinn Féin, the SDLP and the Green Party must face up to the reality of the Government in Whitehall. If they continue to renege on the Stormont House Agreement, and Westminster takes back welfare, we may well lose all our hard-won mitigations and be powerless to soften —

Mr Agnew: Will the Member give way?

Mr Dickson: I want to finish.

We will be powerless to soften the impact of what really will be Tory welfare cuts for the people of Northern Ireland. We need to bank what we have got, not throw it away. The Bill needs to pass today; otherwise, the future for the Northern Ireland welfare system and, indeed, our economy is bleak, not through turmoil and markets or through civil unrest at home but through the shameful abandonment by our politicians of their duty to lead and to govern. I believe that I speak for the vast majority of people in Northern Ireland when I say that I am fed up with the brinkmanship, the constant deadlock and the endless inaction of this place. Today is the day to get on with it.

Mr Kennedy: At the outset, I join others in offering my good wishes to Mr Peter Robinson for a full and speedy recovery and to his family and his party at this time.

This is an important debate, with an equally important decision to be made at its conclusion. I say that not just as a Member of the Assembly or, indeed, as a member of the Ulster Unionist Party but as a member of the Executive. This is a critical day. The almost inevitable outcome today means one thing for the Executive: it represents failure. However, there is an air of unreality to this today, with some parties simply unable or unwilling to accept any responsibility for the consequences of their actions. This is a proper political and financial crisis at the very top of the Executive. The stances adopted by Sinn Féin and the SDLP throughout the debate have been nothing short of disgraceful. Even at this late stage, they should reflect again and withdraw their petition of concern, because, outside of the Stormont bubble, people have rightly become cynical of the crises of politics that these institutions are now accustomed to. This place simply does not relate to the lives of the many thousands of people whom we purport to represent, but the outcome of today's date will have a real and meaningful adverse impact on the lives of those same said people.

I have made no secret of the challenges currently facing me as Minister for Regional Development. I am facing a £60 million cut in resource spending in this financial year. The impact of that pressure is already being felt, and Members are already pressing me on it. Bizarrely, those are some of the same people who will troop through the No Lobby later this evening, having already signed a petition of concern, to salve their conscience and make them believe somehow that they are class warriors defending the poor and the vulnerable. How wrong they are, because, when the money runs dry — as it will do, and, by current estimates, will do so by late July or early August —

lives will be impacted on, services will be devastated and our political credibility will lie in shreds.

In the next few weeks, as pressure mounts in our health service, as education becomes a wasteland, as essential public services cannot be maintained, as the grass grows even higher, as the gullies are stuffed and blocked even more, as darkness overcomes our street lights and as potholes worsen and road defects increase, does anybody in the House really believe that politicians can keep their credibility? The answer is "Of course not".

5.15 pm

I spoke earlier of the air of unreality in this place today on the issue. Even after this debate and after the inevitable decision is reached to kill the Bill and create a crisis, that air of unreality will continue. It is curious that, as we debate this issue, golfers from all over the world are preparing to participate in the Irish Open at Royal County Down, Newcastle. A huge amount of work and preparation has gone into organising that event, not least by the golfing fraternity and our local superstars: Rory McIlroy, Graeme McDowell and Darren Clarke. The Northern Ireland Tourist Board worked its socks off, and Departments such as mine, including my staff in Transport NI and Translink, have pulled out all the stops. I was in Newcastle over the weekend, and it is looking absolutely pristine. The traders and the townsfolk have excelled themselves, and I saw that at first hand. This is the type of event that the people of Northern Ireland should be enjoying, and for too long we lost out because of political instability.

Dr Farry: Will the Member give way?

Mr Kennedy: Yes.

Dr Farry: I very much concur with what the Member says about the Irish Open, but the Irish Open this week was not just a hook to attract golfers to Northern Ireland: if things had gone differently with our political decision-making over the past number of months, this week we would have seen a major US investment trip to Northern Ireland, with some major blue-chip investors interested in bringing jobs to Northern Ireland. That has long since disappeared, and whether we get it back or not is a major question. The consequences of the delay around welfare are already being felt acutely beyond just golf.

Mr Kennedy: I am grateful to the Member for the point that he makes, and I concur with it. Whilst the Irish Open is a major showcase for sport and tourism, it opened further opportunities for economic benefit to the Province, some of which will now clearly be put in jeopardy by the decision that is likely to be made in the coming hours by the Assembly.

What will we say to the many international visitors when they ask about the current impasse? Frankly, embarrassed silence will not do. It is no longer enough to say, "This is just par for the course in Northern Ireland" and trundle along to the next crisis. The people of Northern Ireland deserve better, and politics in this country must deliver more for the people of Northern Ireland. This place can no longer be held to ransom by Sinn Féin's southern command, with every policy potentially doomed to failure as Martin McGuinness is shaken by the tail again and again by Gerry Adams.

Sinn Féin's cries of anti-austerity simply lack credibility. They continually voted in favour of a Budget that has delivered the severe cuts over the past number of months, and they have presided over those cuts as they have continued to fall across every Department in the Executive. Equally lacking in credibility are their claims that they are standing up for the vulnerable, because today they will set in motion a series of events that will see further drastic cuts to public services that will devastate the vulnerable in our society that Sinn Féin and others purport to defend. Let us not forget how they have sat on their hands since their flip-flop and watched while this place has haemorrhaged £2 million a week that could otherwise have been channelled into public services. So, I appeal, even at this late stage, to Sinn Féin and the SDLP to do the right thing. Accept your responsibilities. Acknowledge the political reality here. It is not too late to bring this place back from the brink.

Mr Speaker: You referred to a petition of concern earlier, so I make it clear that, once it has been lodged and I have validated it, it cannot be withdrawn.

Dr McDonnell: I will be as brief as possible and speak in general because, in the words of a Phil Coulter song, it has all been said now. Everything has been covered and most of the points made. Making the same points again might emphasise them, but it would not make things any different.

At the outset, I put on record my good wishes and, indeed, the very best wishes of the SDLP for the rapid and full recovery of the First Minister, Peter Robinson. We were all a little shocked on hearing of his sudden illness yesterday morning, and we should note the efficiency and the effectiveness of the health service at its best in providing him with appropriate treatment. I would appreciate it if colleagues could convey our best wishes. We may have differences at times politically, but, at a personal and human level, it is important that we take care of each other and have nothing but good wishes and goodwill towards each other.

I want to emphasise that the SDLP remains fully committed to negotiating and achieving a solution to all the issues raised by the Welfare Reform Bill, and we are committed to the Stormont House Agreement. However, we believe that the negotiations need to be mature and responsible, which means that they are not bound by an unnecessary deadline or short-term tactics.

Mr Wilson: I thank the Member for giving way. He is repeating the same line as Alex Attwood. The Speaker, just before the Member started to speak, made it clear that the petition of concern that has been signed was valid. It will, therefore, be put into practice here tonight. Once we vote, there is no more negotiation on the Bill. The Bill is dead, so what will he negotiate about?

Dr McDonnell: The point that I was making, humbly and honestly, was that perhaps this week should not have been and did not have to be the deadline. Useful negotiations were taking place, and there was further room. I compliment the Minister: we may not always agree, but he has been masterly in dealing with the Bill on many occasions. Despite our disagreement at times, he has been honest and honourable in all that he has done.

We have consistently highlighted the fact that welfare is bound into a much broader economic landscape in

Northern Ireland. There is a need to take a much more strategic approach to protecting the most vulnerable while creating the conditions required for access to prosperity for those in need of opportunities. I emphasise that we were clear at the conclusion of the Stormont House talks that, while significant progress had been made on a number of selected issues, the overall outcome was not as comprehensive, decisive or complete as we would have wished. We made that clear on the day, and we are still of that view. Nothing significant has changed. The SDLP has, since the Stormont House Agreement, sought to amend the Bill at Further Consideration Stage. We sought to strengthen and improve the emerging proposals by tabling a series of honest amendments and engaging constructively in all the implementation meetings that followed. We believe that this latest deadline is ill judged and ill timed and serves only to undermine much of the constructive engagement that we and others have been involved in during the process.

We have repeatedly highlighted our opposition to the British Government's imposition of arbitrary fines and penalties on the block grant. This shallow, British Government tactic of creating financial stress is a crude attempt to exert political pressure, and, for us, it is both reckless and potentially a very destabilising move politically. We remain committed and willing — I emphasise again — to engage in genuine discussion and negotiation including all five Executive parties, and we call again for an end to the side deals and the back-channel talks that can only lead to further misunderstanding and confusion. We in the SDLP believe that it is only through comprehensive, inclusive and honest negotiations that an equitable and fair settlement may eventually be achieved, not just on welfare but across the whole range of political challenges that face us.

I would like to talk briefly about protecting the vulnerable, because that is what we are about. This protection is not just financial but must be given expression through good advice and support services. I welcomed many of the changes that were made in the development of the Bill, and, again, that is one of the reasons why I commended the Minister. Access to advice and support has improved significantly, but there are still significant credibility gaps in this Bill. We have been told that 37,000 households will be better off, by some £39 million extra per year, which adds up to almost £1,000 per household. Yet we know that somehow or other, even with our mitigating package, something in the region of £100 million a year is coming out of welfare. So, somebody is going to lose. We cannot all be winners.

Mr Humphrey: Will the Member give way?

Dr McDonnell: Yes.

Mr Humphrey: Does the Member accept the point that, yes, many will lose, and because of the course of action that his party and Sinn Féin have set on tonight, along with the Green Party Member, the loss will be much greater? The mitigating measures that Nelson McCausland negotiated will not come into play. If the Tories take it on, it will be Tory cuts endorsed in Northern Ireland by your parties.

Dr McDonnell: I can accept half of what the Member has said, but the SDLP does not endorse Tory cuts.

Mrs D Kelly: I thank the Member for giving way. Does the Member also agree with me that the Scottish Parliament has already mitigated the effect of the bedroom tax, and there is nothing to prevent this Assembly from bringing forward its own scheme in the same way?

Dr McDonnell: I do not want to gush too much here, but the Minister has reminded us that a lot of this is down to regulation as it is worked through, whether here or elsewhere. The devil is in the detail of the regulation.

Another issue that I want to draw attention to is that, although the bedroom tax has been bought out in the short to medium term, it is still there, and it is our belief that it needs to be removed entirely.

We want to put it clearly on record that we took part in the discussions at Stormont House and agreed to many of the issues discussed there, including the mitigation of £94 million per year, or £470 million over five years. But, at that time, on that day again I emphasise, we made it clear that we thought there were still big gaps that needed to be dealt with as the agreement was fleshed out. We expected those gaps to be filled out by discussions and with agreement as the Bill progressed, but, unfortunately, the genuine amendments to the Bill that we tabled were dismissed out of hand using petitions of concern. That was even before — and this is the more worrying aspect — George Osborne announced his second round of brutal cuts.

There are some further points I would like to make briefly without causing undue delay. A lot of mention has been made of the Stormont House Agreement. There were meetings at Stormont House of the two Governments and five parties. There were even five-party meetings at Stormont Castle, but it appears to me that, in the aftermath, with the discussions, anxieties and stories we hear, there was a third set of meetings between Sinn Féin and the DUP that the rest of us were not privy to. Somehow or other, it seems that many of our problems have arisen in that space.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

5.30 pm

The big challenge for all of us here is much wider than welfare. Any movement towards curtailing welfare for vulnerable people at the margins of our society and somehow pushing them towards work requires, for example, a much better and more affordable childcare arrangement to allow young mothers to access work. A lack of adequate childcare here is acting as a major barrier for young mothers who want to work, due to the extra cost of childcare and a lack of reasonable access or availability.

The Government-imposed fines to our block grant around welfare reform are punitive and, we argue, must be removed. We see them as a gun to our heads in everything that we do. The recent threat of further cuts from George Osborne, without much detail, means that we are not having this discussion with our eyes open. Any decisions that could be made today are, in fact, gazumped by a further phase of cuts that will render any decisions that might be made obsolete. They will be swamped and overtaken by his next round of cuts.

There is a clear and real need for economic opportunity to be created and injected in parallel with any changes in the welfare system. It is crazy to talk about people accessing

work if there is no work to access. We in the SDLP want a commitment from the two Governments, and, indeed, maybe from Brussels and the US, but from all parties here as well, that we need to be doing more to create more jobs. That is in no way a criticism of what has already been done but a call to take stock and find ways of doing more and doing it better. If we can create a prosperity process, we will be more self-sufficient, autonomous and confident, and, indeed, would have more confidence in our Executive and our Government. From that will flow more tax and more funds for welfare, education and health.

We have, at all times, engaged honestly and honourably in these discussions and this debate. We regret that our genuine needs were not met and we feel that we are left with no other choice but to do what we have to do this afternoon.

Dr Farry: It is very hard to get your head around the stark fact that, after today's vote, if, indeed, parties vote on the basis that they have declared so far, everything will change in Northern Ireland. There will be implications for our political process and our budgeting process. Those implications will be massive and considerable, and the danger is that they will be long-lasting and that all the people of Northern Ireland will pay the price as a consequence. People need to be very clear about what they are doing tonight and not come back in a few weeks and say, "I didn't realise what we were signing up to or what the implications were." People have been warned extremely clearly about the implications.

A different future is available, or was available, to us in Northern Ireland. I go back to the point that I made in an intervention to Mr Kennedy. It was not just the fact that we were due to have a major golf tournament in Northern Ireland this week, which, thankfully, is still going ahead. We were potentially going to have a major US investment trip on these shores, with blue-chip companies potentially looking to invest in our economy. That is now postponed, in the best-case scenario, and, in the worst-case scenario, is lost. That is the very real consequence of even a standstill in the decision-making process that we have had, or lack of decision-making process that we have had, over the past number of months. I hate to think what the implications are going to be if we actually end up taking the wrong decisions, which will plunge Northern Ireland into deep uncertainty. People are already feeling the pain, at best in terms of investment deferred and, at worst, investment lost, so people need to be very conscious of where things are at present.

We have a stark choice before us on these issues. On welfare, the choice is very simple: we proceed with the local variation of welfare reform with all the flexibilities and mitigations that we have negotiated or we see the full blunt force of the stark version of reform that is taking place in Great Britain. No other choices are available. Nothing else has been proposed. No other sustainable, financially solvent approach has been suggested by any party in the Assembly. That is the choice that awaits us. All those who will block this vote tonight are supporting the full version of Tory welfare cuts in Northern Ireland.

All I can think of to try to rationalise the process is that some people just do not want to have their fingerprints on it. They would rather that people suffer than they have to go through the Lobbies and have themselves associated with something that many of us in this Chamber find distasteful.

We recognise that it is our duty and responsibility as the Government and legislators of Northern Ireland. We have to address society as we find it today, not some idealist fantasy land where we can do things differently. We have to face the stark realities before us.

Other major consequences flow from this. Potentially, we will see the unravelling of our budgets. Again, we have what may be viewed as the lesser-case scenario, where the pressures from the unravelling of the Stormont House Agreement build up around us. There will be the loss of last year's mitigation, that is the loan that the Executive received; the fact that we have to pay more in welfare penalties on an ongoing basis; and the fact that we have to fund the voluntary exit scheme. If, on the back of this, we, in turn, do not pass a Budget for this year, we then face a situation where budgets will be struck by civil servants, and there will be astronomical cuts to those budgets — beyond the level faced by any other society in western Europe in recent memory. That is the stark choice that faces us.

Mr Dickson: Will the Member give way?

Dr Farry: Yes.

Mr Dickson: The Member refers to civil servants having to set our budgets and the crisis that would ensue as a result. Can he tell the House whether he believes that that would include, for example, failure by the Agriculture Minister to pay single farm payments to farmers in Northern Ireland? Would it throw that into crisis? Would it also throw into crisis funding from the European social fund?

Dr Farry: There is an issue around accruals. That is the danger that we face. What may bring this home to some people is almost a reverse of what happened on the back of Sunningdale. We had the famous pictures of farmers blocking the Prince of Wales Avenue with their farm vehicles in protest. This time round, we may see the pitchforks up in protest about the inability of some parties to take decisions on the vital interests of Northern Ireland.

Mr Humphrey: I thank the Member for giving way. The Member makes a valid point that the political credibility of this place and its budgetary process will be damaged and tarnished. I would prefer that it were not a Tory-majority Government, as I think most Members would, but, as Mr Dickson set out, that is the reality that prevails in the United Kingdom. Does he agree that, if these powers have to be transferred to the national Government in Westminster, the protections that have been negotiated and the mitigations that are in place to protect the most vulnerable in society will not be there in that context and that, in fact, the people who claim to be protecting the most vulnerable people in Northern Ireland will have exposed those same vulnerable people to the worst type of Tory austerity measures? It is when those measures come into place and the protections are not there that people will come to their doors and those parties will have to explain why they have allowed that to happen. Does the Member agree?

Dr Farry: Yes, very much so. We are, essentially, at the mercy of the Conservative Government; that is where people in the Assembly will leave the people of Northern Ireland when it comes to welfare. We have to bear in mind that, as many Members have said, we are not here as a sovereign state; we are here as part of a wider UK. We receive our money from the Treasury, whether through the block grant in DEL money or annually managed

expenditure (AME) money. We are dependent upon that. Welfare reform, in practice, is set at a UK level. We have some ability to mitigate and have flexibilities, and we have maximised our ability to run those, both with regard to our ability to negotiate them and to pay them. Every time we negotiate a flexibility, it has to come off the Budget in some other way. We have done the best that we can, but we have to appreciate that we are not our own masters on welfare. We are part of a much wider political system.

We regularly hear comments that say, "The Conservatives have no mandate in Northern Ireland, so how dare they do all this?" One of the fundamental tenets of the Good Friday Agreement is the principle of consent, which means that all of us, including those parties that do not wish Northern Ireland to continue as part of the UK, have nonetheless accepted, like everyone else, that it will remain part of the UK. That means that they accept, ipso facto, that a national UK Government set policy on national issues. Welfare is one of those issues. The logical consequence of anyone's support of the Good Friday Agreement is that they recognise that reality, even those parties that want to see a united Ireland. That is the stark reality that they have to accept, and, at the moment, they are failing to do so. The Conservative Party may not have much of a mandate in Scotland and Wales and no mandate in Northern Ireland, but it won the election across the UK as a whole, fair and square, based on the electoral system that is in place.

Other consequences could flow from this. We are in danger of losing the voluntary exit scheme for civil servants. Just before I came down to the Chamber, I opened a piece of correspondence that was in my ministerial folder and was struck by a letter from a Member from Sinn Féin. I will not embarrass the Member, but the letter asked what assurance I could give to someone who contacted them about their ability to exit under the voluntary exit scheme. I asked, "Are you serious? Are you having a laugh? Do you not realise the reason why there is uncertainty with the voluntary exit scheme is because of the failure to progress the Stormont House Agreement?" It is absolutely staggering that people are not joining up the dots and making those types of connections.

Corporation tax is already disappearing off into the distance. That was going to transform the economy of Northern Ireland and create many, many new jobs. For sure, there would have been some very difficult decisions about how we would resource it to invest in the other drivers, but we are nowhere close to even having those types of discussions, and being able to get to those points is slipping further and further into the future, if ever. Frankly, if our budgets unravel any further, the notion of the devolution of corporation tax will not be tenable. That is another consequence that we are facing up to.

Perhaps most bizarrely of all, given the nature of the parties that signed the petition of concern — again, that is a further example of its abuse — is the potential unravelling of these political institutions. To be very clear, once we hit the Budget figures that we are contemplating or once we are in a situation that the Civil Service begins to put in place a Budget over the head of politicians, devolution itself will be in crisis. I cannot predict how different parties will react to that situation. Similarly, we could see a situation in which some powers of the Assembly on the administration of welfare are taken back to Westminster as it essentially imposes welfare reform over our heads. So, for the first

time, we will see a reversal of devolution. That will be against the grain of what is happening elsewhere in the UK, which is a desire to see more devolution. In Northern Ireland, devolution could go into reverse. That will begin to have implications for the institutions, and if the institutions become unsustainable, that will call into question the Good Friday Agreement itself.

A remark was made about the different arrangements that were put in place for the devolution of policing and justice. Those were very discrete interventions that were necessary to ensure that there was community confidence in the devolution of policing and justice, which built on the Good Friday Agreement. What we are talking about here is a fundamental challenge that undermines the Good Friday Agreement and rips the heart out of it. If there is no functioning Executive and Assembly, there is no Good Friday Agreement. That is where people are intent on taking us based on the logic of what they are doing. I cannot get my head around the fact that parties that claim to be pro-agreement are intent on taking that particular direction of travel. I just cannot understand it at all. When the petition of concern was lodged on Friday, it was the seventeenth anniversary of the referendum in which 71% of the people of Northern Ireland put their faith in a different future. That future is now having its heart ripped out.

There are fundamental points. I made the point about why we are in danger of breaching the Good Friday Agreement, and I referenced the principle of consent and how people are somehow pretending that what that means in practice somehow does not pertain when it comes to welfare reform.

The other aspect relates to power-sharing itself. We have a coalition Government, which is a mandatory coalition. Some of us want to change it and have a voluntary coalition and an opposition, which is a shout-out to Mr McCallister in case he raises the point later. That is an ambition for change which is, again, consistent with the agreement. However, for power-sharing to work in any society, whether it is in Northern Ireland or anywhere else in the world, we have to see willingness on the part of parties to accommodate one another, to have a sense of give and take, a willingness to compromise and a willingness to act in a rational manner. At present, we are in danger of parties not being willing to govern Northern Ireland. They are simply setting their face against any sense of responsible decision-making. We are not here to have a discussion about the nature of any compromise that we would fashion; it is about whether we ever have a compromise at all. People seem to be determined not to have that.

5.45 pm

That brings me to the issue of negotiations, picking up on Dr McDonnell's point that certain parties have acted honourably on the issue of talks. I will not go into the concept of the Assembly acting in an honest manner; I will let that one hang for now. The approach that has been taken to negotiations by the SDLP and Sinn Féin has been anything but honourable. We have had endless negotiation around welfare reform for the best part of three years, and today we hear that people are being bounced on the issue, that it is far too soon, that negotiations have not really started or that we can do it so much better. The latest one from the SDLP is that it is committed to having mature and — wait for it — responsible discussions around these issues. That ship sailed a long time ago. It closed,

essentially, with the Stormont Castle Agreement and the Stormont House Agreement, which five parties signed up to. I was there, and five parties signed up to the Stormont Castle Agreement. Let us be very clear about that: there were no ifs, buts or conditionality in the room when the five parties, by themselves, made the Stormont Castle Agreement. All five parties were very clear about what they were signing up to do. The fact is that parties have welsched on the agreement that was made and they have gone back, for various political calculations, and changed their mind, leaving us in major difficulties. That applies as much to the SDLP as to Sinn Féin, although they breached their commitments to the Stormont Castle Agreement at different paces.

When I refer to Stormont Castle, I am referring to the deal on welfare. Parties had different approaches to the Stormont House Agreement, and people nuanced how they responded to that agreement in different ways. Some were more fulsome in their support, notably Sinn Féin, and some, including the SDLP, were more conditional, to be fair to them in that regard. However, there was no conditionality around the Stormont Castle Agreement: everyone was very clear about what they were doing because the finances were at the heart of that agreement. The headroom for finances was central to having confidence among the five parties to move on. The notion that someone could say that they were signing up to it in principle does not wash one bit. I was there. I saw what happened, and that is a rewriting of history.

It may well be fine for the SDLP to make the argument that it was seeking to propose amendments to improve the Stormont Castle Agreement. Again, however, any amendments it tabled that sought to change it ran contrary to what it had agreed to as a political party. Indeed, the only parties with any legitimacy in proposing amendments at Consideration Stage and Further Consideration Stage were the parties outside the Executive. The amendments may have been ill thought out and may have been folly in many respects, but they had a perfect entitlement, as parties, to put them forward and have them tested. The SDLP, frankly, was trying to have it both ways, proposing amendments after it had signed up to the agreement that the Minister was trying to put through the Assembly at that time.

Even if we grant the SDLP grace today and say that it had the scope to table those amendments, it tried to do so and failed. They were blocked by a petition of concern, which, ironically, is what they are using today to block the Bill's Final Stage. They cannot really complain about the use of the petition of concern back then given that they are using it today to frustrate any progress. Even if those amendments were unsuccessful, all five parties in the Executive, as parties to the Stormont Castle Agreement, should be giving their assent to the Bill's Final Stage today. That is what they committed to doing, and that is where their duty lies in this respect.

It gets worse in terms of the bad faith around negotiations. Last week, there were productive discussions around the table in Stormont House between the five parties. I do not know what is going on in the SDLP — people are speculating — but Alasdair McDonnell and Fearghal McKinney were at the table, seeking to negotiate in good faith. That is certainly how I picked it up. Other people were concerned that the rest of the party was not there; the other 20 wings of the party were not at the table, giving their view

at that time, which should have given us a certain health warning. As recently as Friday morning, I left the room with the impression that the SDLP was still wishing to discuss the issue, even at the eleventh hour, when negotiations should have long since closed. I cannot get my head around how, within a matter of hours, they were proclaiming that they had signed a petition of concern and that, essentially, negotiations were over. Something happened behind closed doors in that intervening period. I believe that Dr McDonnell was, at that time, sincere about trying to find an agreement, but, within a matter of hours, he seemed to have been overruled by the rest of his party, which I thought was in favour of the Good Friday Agreement.

Dr McDonnell: Will the Member give way?

Dr Farry: Yes.

Dr McDonnell: Does the Member accept that no concessions or improvements were available on anything that we were negotiating for in good faith? We put issues, including a prosperity process and other things, to you and others, but there was no progress or comeback on any of them. Neither was there any comfort on the advances that we sought on the Bill. Frankly, it is a bit mischievous of you to make the suggestions that you make. We negotiated in good faith. We put our needs on the table, but they were not met.

Dr Farry: Let me be very clear to the Member in setting this out: my party acknowledged that there was a point to be made about what the Member terms the "prosperity process". We recognised that we needed to have a further discussion about what economic interventions we can make to build on our existing economic strategy, Programme for Government and economic pact, particularly looking ahead to corporation tax and changes in the nature of devolution across these islands. To be perfectly frank and brutal about it, beyond a slogan, we did not hear in those discussions any substance from the SDLP as to what its prosperity pact actually meant. If anything, it was me, David Ford and a few others, including Arlene Foster and Peter Robinson, who actually put meat on the bones of what the Member was talking about.

Furthermore, it is a matter of fact that, on Friday, discussions were happening between the Northern Ireland Office and the Northern Ireland Civil Service about putting together a proposal in relation to a prosperity panel for Northern Ireland. The notion that, somehow, no one was listening to the SDLP is far from reality. They were being listened to. People were working with them, and people were being generous to them in trying to find some degree of coherence to what was being said to the other parties. Papers were being put together to put to the party at the selfsame time as its members were behind closed doors, fighting amongst themselves and deciding to put a dagger through devolution and put the institutions in jeopardy. That is what the record shows.

Mr Wilson: Will the Member give way?

Dr Farry: Yes.

Mr Wilson: Does the Member accept that, in what was the speech by one of the main SDLP members on the issue not so long ago, the prosperity pact was not mentioned? All that was mentioned was the party's total opposition to the Bill. Even then, no suggestions were put forward as to how the Bill could be made. They are now trying to throw a

smokescreen up that, somehow or other, a prosperity pact would have got the SDLP on board. That clearly is not true.

Dr Farry: In some senses, that neatly brings me to my closing point. We —

Some Members: Hear, hear.

Dr Farry: Yes.

We have heard a lot about needing more time for negotiations and how negotiations have not really started. I am afraid that, for a lot of us, this comes across as being an excuse to avoid taking a difficult decision. Any excuse is rattled out, the latest one being that we now have the Scottish nationalists in an even stronger position in Westminster and they will be negotiating for something and maybe we should hang on to see what comes from that. That may be all well and good, and, frankly, we should be part of those discussions, but that need not happen to the mutual exclusion of us passing the Final Stage of the Welfare Reform Bill this evening.

We have a duty to progress this legislation because the consequences of us not doing so are so dramatic. I am stunned that people do not appreciate the gravity of what is about to unfold if this legislation does not go through. We can pass it tonight and progress welfare reform and still continue with the discussions to explore what else happens. The welfare reform that we are about to pass in Northern Ireland is a better deal than already applies in Scotland. They do not even have welfare powers. That is something that is up for discussion, and, indeed, there may be a certain reticence about devolving those types of powers, given the implications of people going off on solo runs on these issues. Let us have that discussion with Scotland, but let us not wait for that to do our duty on welfare reform.

Our duty as a Government and an Assembly is to act for the common good of all the people of Northern Ireland and to protect them, including the most vulnerable, from the fate that awaits them either through full-blown Tory cuts, which three parties are committed to voting for tonight — they are actively for Tory cuts — or through deeper cuts in public spending, which will see services cut even further. We already have difficulties with our public spending. People are already suffering. We well know the effect of the cuts. Indeed, the Members who are actually voting for more cuts tonight are the ones who often complain the loudest about the impact of those cuts.

We are going to see even steeper cuts. Those cuts will bite very much on those who are most vulnerable. They are the people who depend on the health service. Whenever operations are postponed or never happen and whenever we cut public health, we see that that has the biggest impact on those who are living in deprivation and who do not get the support, for example, to change their lifestyle to make them more sustainable. Cuts are going to be made to early years education when we are trying to break through intergenerational educational disadvantage, which again is about giving people opportunities. When I end up having to have an impact through job schemes, employment programmes and places at further education colleges and in higher education, that is about giving people a chance to move out of poverty and to have a stake in society. If we look at what David Ford does in Justice, we see that people are dependent on legal aid and on the police being around to give them protection

when they are vulnerable. All those things are going to be in jeopardy if we end up pursuing this agenda of more and more cuts. All those cuts will bite on people.

It is not just about cuts. It is about the lost opportunity costs of transforming the economy. If we want to go back to talking about the prosperity process, we find that it involves investing resources in economic drivers. It means spending more money on skills. It means investing in our infrastructure. It means building more office space. It means mobilising all the levers that are there to transform our economy. If we have less money, there is less money to spend on those levers. Job opportunities will be compromised as well. The cost is there and clear to everyone. When we vote tonight, people should be in no doubt about the consequences politically, financially and directly for people.

Mr Humphrey: Will the Member give way?

Dr Farry: Yes.

Mr Humphrey: Last week, the Enterprise, Trade and Investment Committee had the chief executive and chairman of Invest Northern Ireland giving evidence. They talked about the 18,000 new jobs for Northern Ireland, the huge investment that there has been in getting companies to come here, the wealth that has been created because of that employment, and the importance of setting the rate, date and time for corporation tax. All that is vital to the Northern Ireland economy.

I listened to the leader of the SDLP talk about jobs being created by the two Governments, although I do not know why the Irish Government would have anything to do with job creation here anyway. Those people also said that, when they go away internationally, they know that political stability is absolutely vital to creating jobs in Northern Ireland. The Member already articulated that serious people were to be coming here this week and that that has been jeopardised by the political inertia here. The message that will go out to Northern Ireland plc and offshore will totally undermine all the good work that is being done by Invest Northern Ireland and Tourism Ireland internationally to try to sell this place as a serious place to invest.

Dr Farry: I agree very much with what the Member said. The stark reality is that political stability is fundamental to creating a good investment location, so the point makes itself. With that, I will conclude.

Mr O'Dowd: When I last spoke on welfare, which was, I think, at Consideration Stage of the welfare Bill, I said that, following the Stormont House Agreement and the agreement that we made there, we had an opportunity to move forward on a stable platform, both politically and financially. At that time, I outlined that, seven or eight years ago, when the Executive were reformed and the agreements were in place after St Andrews and the Good Friday Agreement, no one would have guessed that the issue that would bring the Executive and the Assembly to the brink would be an issue like welfare. We may have speculated that it might be an armed group of some type; it might be distrust between the political parties; or it might be a breakdown in civic society over issues from flags to whatever. No one would have speculated at that time that the issue that would bring the Executive and the Assembly to the brink would be welfare.

6.00 pm

Following the Stormont House Agreement and those negotiations, I had hoped that we had reached an agreement that would have been a significant compromise on everyone's behalf but would have given us the stability to deliver change and continued change and stability to our society. So why are we here today? Why are we once again perhaps on the brink of the political collapse of these institutions and budgetary uncertainty? Why are we here today? I emphasise "today", because, despite claims that we have to pass this legislation today, I will argue the opposite. We do not have to pass this legislation today. Nothing in statute states that the process to allow the Finance Minister to prepare her papers for the final Budget Bill for the end of July has to start today. There is nothing to stop it starting tomorrow, the next day or, indeed, next week. So why did parties or, in this case, the DUP decide to bring this to a head? There have been three years of at times frustrating negotiations on welfare, there has been stalemate and dispute, and there have been heated arguments, even around the Executive table, but, over those three years, we made progress.

Mr Wilson: Will the Member give way?

Mr O'Dowd: I will let you in in a minute. We made progress to the point at which the five political parties were able to reach agreement in the Stormont Castle agreement. That goes to show that where there is a will, there is a way to solve problems. If the sponsoring Minister continues with the Bill to a vote, options will be closed down and eroded, and we will be left in the scenario that some have painted today on future political stability and our financial position. I will give way to Mr Wilson.

Mr Wilson: Does the Member accept that, first, there are financial implications with not proceeding with welfare reform, and, secondly, the Finance Minister has to bring the final part of this year's Budget to the Assembly in June so that it is approved by the end of July for Departments to have money to spend? To suggest, therefore, that she and the Minister for Social Development could have sat back on their hands and done nothing is simply ludicrous. She could not have a Budget and know for certain what money she had in the Budget unless welfare reform had been resolved and all the consequences of that, including the additional money from the Stormont House Agreement, were in place.

Mr O'Dowd: I certainly would not suggest for one moment that any of our Ministers, including me, should be sitting on their hands doing nothing. At a macro and micro level, I accept that there are implications for not moving forward a welfare Bill, but I think that there is greater opportunity in moving forward on an agreed welfare Bill than on a welfare Bill that is doomed to failure.

The Finance Minister does have time. In your tenure in office, you proved that, because I understand that, in June 2012, you moved the Budget Bill through accelerated passage.

Mr Wilson: *[Inaudible.]*

Mr O'Dowd: I think that you are agreeing with me. That proves the point. I ask the question again: why are we here today? Why was the decision taken to end negotiations on the way forward? I think that it was around 9 or 10 March that Sinn Féin publicly indicated that it could not

support the Welfare Reform Bill because of the schemes of management that had been presented to us. A number of weeks before that, we had been open and frank in our discussions with the DUP that, in our opinion, the schemes that were being presented to us did not honour the letter and the principle of the Stormont House Agreement. So, we did not have to reach 9 or 10 March, which is when we publicly came out against the Bill. However, in the six to eight weeks following that, we had an opportunity for serious negotiations. I accept that, for political parties, a general election takes up significant time. You are never sure which Government will be returned, but why, after the Tories were returned, was there not more energy and enthusiasm from some quarters to resolve this issue? Are we witnessing a choreographed plan? Has the DUP, or elements in the DUP — we have heard about such elements in other political parties — decided to hand back welfare to the Westminster Government? That is a huge mistake, both for the administration of government here and for the protection of — this is a well-used term — "the most vulnerable in our society". It is a huge mistake.

Let us go back to the start of this journey. In 2011, it was mooted that there was to be a radical "reform", which was the term used, of welfare, but this is not driven by reform. All processes and procedures should and can be reformed over time. This was driven by a £4 billion cut to the welfare budget. That is what drove the Welfare Reform Bill. It was not about ensuring that, through universal credit, many more households would be better off or about it making more sense to have one computer system to deliver benefits to citizens, which does make sense. It was driven by £4 billion of cuts. When the Bill was presented to the Executive, we made it quite clear that, as presented, it was completely and utterly unacceptable to us. Every time I think about these debates, the term that rings in my mind is "parity". We were told, time and again, that we could not move away from parity; that parity between here and Britain could not be broken; and that, if welfare reform was being delivered in Britain in this manner, we had to deliver it here in the same manner. We said, "No, we will not do it". We accepted the principle of universal credit as a credible way forward for the delivery of benefits to citizens, but, even within that, there had to be changes.

A phrase that I have used in the Chamber before is that success has many fathers, but failure is an orphan. We are now told that the changes to the Welfare Reform Bill, negotiated with the London Government, were due solely to the negotiating skills of the DUP. Why did those negotiations start? In 2011, we were told at the Executive table that there had to be parity; that the Bill presented to Westminster had to be the Bill presented to the Assembly; and that it had to be delivered in exactly the same way. So, why did negotiations between the Executive parties and the Westminster Government start? I will tell you: we said that we would not deliver welfare reform.

I do not mind who claims that they won concessions, mitigations or the better delivery of services, but let us be honest about why they were delivered. I have to say that I enjoy watching Mr Wilson delivering speeches in the Chamber. He is very animated and passionate, and he does so with some gusto. When the subcommittee of the Executive to discuss welfare reform was formed, I sat on it, along with several other members. When we raised the issues of the social fund, rates, the bedroom tax, fortnightly and split payments, Mr Wilson displayed

his usual gusto, enthusiasm and, at times, brashness in telling us that we were economically illiterate and could not govern because we could not take hard decisions. He told Sinn Féin that it could not break parity. Yet, today, Mr Wilson stood in front of us all with his usual gusto and told us that he delivered the social fund, rate relief, bedroom tax reform, and fortnightly and split payments. I am sorry, but history says differently. He led the opposition to those measures. In fairness to him, at least he comes out and is honest about this — he supports welfare reform.

He supports the intent of the policy and has no difficulty — perhaps he has some difficulty — with its outworkings. There are others who hide behind this statement: we have to do it. We have to make the hard choices. We do have to make hard choices, but politics is always about options. You always have an option in politics, and it is up to individual Members and parties to make decisions about where they want to go. If there are people hiding behind that statement who really support welfare reform, I think that they have a duty to come out front and centre and support it.

I listened to Paula Bradley's contribution — she was one of the earliest contributors to the debate — in which she said everything except "Get on your bike and find a job". Everything but. She referred to some of the research that she had apparently carried out on television programmes about benefits claimants. My advice to anybody watching any of those programmes is to turn them off. They are a load of nonsense. If you want to know what life is like for benefits claimants, as political and elected representatives you should already know: they are your constituents. They make up quite a significant proportion of many of our constituencies, and not just various nationalist and republican areas, as has been suggested at times.

Welfare covers many aspects of our lives, both for the working poor and for those who are not working for a variety of reasons. Let me make it clear that I firmly believe that it is the duty of every citizen who can work, and who can find work, to work. The fact of the matter, however, is that it is not as simple as that, because there are high levels of both physical and mental disability in our society. There are high levels of unemployment because there are many areas in which there are no jobs. Perhaps we should follow Ms Bradley's message — she did not say it, but she did not fall far short of saying it — of "Get on your bike, and you will find it". However, there is another responsibility in that equation, and it is the responsibility of government to create an environment in which meaningful, well-paid employment flourishes. That is our duty. It is our job, and it is what we are about, and we have had some success. The previous contributor outlined the role of Invest NI and others in doing that, but we need to do more of it. We need to create job opportunities for people and encourage people who can work to work.

Let us throw out the idea, which is in the ether of the debate, that the majority of welfare claimants are doing it simply because that is what they do. That is not my experience. Perhaps I live in a different world, and those who come into my constituency office are different from those who go into other constituency offices. I am proud to say that I have never watched 'Benefits Street' or some of the other rubbish that is broadcast, but I have seen enough commentary on it to know that it is there for a purpose: to downgrade those people who claim benefits.

Let us look at what benefits are and what the welfare system involves. Working family tax credit, although I accept that it is out of our control, is a benefit. Child benefit falls under welfare. Are we saying that we should cut that? Because the Tories are coming after it. Pensions fall under benefits and, although the Tories have said that they will not cut them, if they are looking for £12 billion of savings in the welfare system, they may well have to go after pensions. Another area is housing benefit, including for those who are working. You can be in a job, go out and be productive, delivering services and changes for our society — indeed, many of our public-sector workers fall into that category — and still be entitled to housing benefit. Let us be very careful in our mindset about the way in which we categorise people who are claiming benefits, because there is a wide-ranging group of citizens who claim them.

6.15 pm

The claim that you are not fit for government unless you are prepared to make hard decisions is always used in the context of how you cut services to the working poor, the poor, the disabled and those without a voice. You never hear it being used in the context of, "We had to make a hard decision; we had to introduce a mansion tax". You never hear it being used in the context of, "We had to make the hard decision: we had to tax the bankers more". You never hear it in the context of, "We had to make that hard decision: we had to increase the level of taxes paid by the highest earners in society". You only hear it in the context of debates like this, when it is about welfare or some other element that affects ordinary citizens. Well, you have to make hard decisions if you are in government.

I know about making hard decisions in government. I have had to rationalise the schools estate. Each and every decision to close, rationalise or amalgamate a school has been very hard, and some have been opposed by many in the Chamber. So, do not tell me that being in government is about making hard decisions. I know about making hard decisions, and I am prepared to continue to make those hard decisions.

Do not paint us into a corner by saying, "You are not really suitable for government unless you are prepared to further cut and restrict the quality of life of somebody who is on benefits, whether it is the working poor, disabled children or adults or the long-term sick". That is not making hard decisions in government. To me, that is an easy decision for some. They are quite willing to make those sorts of decisions moving forward. Let us cut out the nonsense about us not being willing to make hard decisions.

People say that we are economically illiterate. Those who ran the economy for generations and who claimed to be the economic masters caused the economic crash. Those who now sit back and benefit from the economic crash in terms of tens of billions of pounds of government interventions are the ones who caused the economic crash. No one on benefits, whether they be working poor or not working, caused the economic crash. None of them were sitting round the board tables making the decisions around the further greed that led to the economic downfall. You have to decide why you are in government, why you are an elected representative and what you want to achieve.

We have heard much over the last few days and months — and the figure goes up and down — about how much

the Conservative Government are fining the Executive. We are being told that it is £2 million a week at this stage. Let us look at what we are spending that £2 million a week on. The British Government are using the theory that we are spending £2 million a week more on benefits than we should be spending, and so they are going to take that off our block grant. People are saying that that money is lost and that there should be hip operations, more social housing, more schools and more teachers. Let us not blame people on benefits for the lack of hip operations, the lack of schools and us having less social housing. That is not their fault. The decision on austerity has been taken elsewhere.

Let us look at the £2 million that is going out to benefit recipients, who are your constituents and the people who rely on you to represent them. It is not going on extravagant lifestyles; it is going on food, heating, rent and clothes. It is being spent in the shops in your area. It is being spent in the local economy. It is not being wasted. You may disagree with how it is being spent, but it is not being wasted. So, let us not continue with the myth that £2 million is being wasted. The £2 million is going into the purses and wallets of citizens out there. Carers, people with disabilities and the long-term sick are receiving that money and are using it to survive.

They are the people who are at the centre of the debate.

I listened carefully to Mr Nesbitt's contribution, and he quoted Charles Dickens:

"It was the best of times, it was the worst of times".

It brought back to me a comment made by a group of senior economists in Britain after George Osborne's October Budget. They said that, if he delivers the cuts, which he has indicated that he will, we will go back to levels of poverty not seen since Dickensian times. Mr Nesbitt did not use that quote, but that is what was quoted. Such was the level of concern at that time that even George Osborne, the champion of austerity and the champion of withdrawing the state from citizens, had to rethink his plans, temporarily anyhow. Ahead of the elections, he announced that they are going to further cut public spending by £25 billion, which may bring us even further into Dickensian levels of poverty.

Mr Nesbitt went on to make another comment. He talked about maps, and he said that, if you outline the map of where the conflict raged and overlap it with a map of where most citizens have mental health and well-being problems, they match. There is a third map that you can lie over the top of that, and that is the map of social deprivation. There were those, such as Mr Farry, who expressed concerns about the future of the Good Friday Agreement. The Good Friday Agreement was about delivering change for everyone, and certainly it was about delivering change and hope to those communities that had suffered worst as a result of the conflict. The conflict, by and large, was not fought in the leafy suburbs; it was fought out in areas of high social deprivation. Those are the same areas that, if we were foolish enough to pass the current Welfare Reform Bill, the current guidance and other materials that go with it, will be affected by welfare reform cuts. I am an avid supporter of the Good Friday Agreement, but it has to deliver for those who suffered the most from the conflict: those citizens who lived in the areas of deprivation. That is where we have to make the changes.

We are debating welfare reform, but it is only a chapter in the book. The book is called 'Austerity', and they are about to throw the book at us. The Conservative Government are about to throw that book at us with all the muster that they can gather. We will see further cuts not only to benefits for the working poor and the disabled but to education, health, road services, Minister Farry's Department etc coming at us because that is the strategy ahead.

What can we do about it? Here we are, for want of a better term, a regional Assembly. The Westminster Government have been elected. I respect their mandate. They were duly elected and they have a mandate, but do they have a mandate to ignore the will of the devolved institutions? Scotland proves that they do not. Scotland has rejected the Conservative Government and the Conservative-lite alternative of Labour, and they have said, "No, we are not going down the austerity route. We are sending back MPs who are totally opposed to that". The Welsh Administration, too, have registered their opposition to it, and Mr Attwood outlined some of the measures they have taken.

Every one of the parties, as far as I am aware, who stood in the general election, apart from the Conservatives, went knocking on doors and said, "We are here to represent you. We are opposed to further cuts. We want to stand up for you. In fact, we are going to go back to Westminster's power brokers and we are going to help to form the next Government because we will stop them doing what they are going to do".

The first opportunity they have of standing up to them, they do the opposite. At a very crucial stage in the development of George Osborne's 8 July statement and at the very crucial stage of the Scottish National Party and the Scottish Executive's opposition to further Tory austerity, you are actually sending out a signal to them saying, "We are OK with this. We will deliver that for you. You won't have any trouble from us". Now is the time for us to be standing together. Here am I, an Irish republican, looking to Scotland and Wales for inspiration. Where does the Ulster-Scot unionist stand on that? Where does the Ulster-Scot unionist, who prides themselves on their resolute stubbornness to stand up for what they believe in, stand on that? Let us be clear about this: the rebellious Scots have achieved more in the last six months from the British Government than ye have achieved over this last 50 years being loyal to them. So let us learn a lesson from the rebellious Scots; let us learn a lesson from them and stand with them and the Welsh to ensure that George Osborne, David Cameron and others get a very clear message that, while we respect their mandate, they have no mandate to deliver what they are proposing to do to our public services, to our government and to our people.

People refer to that and say that you will go back and hand out the begging bowl. I find that very, very demeaning, because the truth of the matter is this: we all pay taxes in one shape or another — some more, some less, some whatever it may be. Perhaps there are few out there who should be paying a lot more. We all pay taxes, and I am talking about the general public — people in this room. We send money to the Treasury; we do not go with a begging bowl looking for investment back. We want investment in our society; we want investment to deliver the changes that we need to build a stable society moving forward. People who refer to that as a begging-bowl mentality are doing a great disservice to everyone going forward.

Folks, I think that there is still an opportunity for another option here. I call on the Minister not to move the debate to a vote, because if you move the debate to a vote, you are cutting out numerous options available to the Assembly, the Executive and this society. Be under no illusions — I doubt that you are under any illusions — that the Bill will fall. If your plan is for the Bill to fall and to hand it over to the Conservatives, I also think that that is a mistake. Let us take the time, whether it is hours, days or weeks — whatever we have — to get an agreed welfare Bill moving forward and to work along with the other Administrations in these islands to secure a better and more prosperous future for us all.

Mr Allister: At the outset, I join in the common accord of wishing the First Minister a speedy recovery and of expressing to the Robinson family our thoughts at this distressing time.

What we are witnessing here today is the fact that the chickens are coming home to roost in the failure of mandatory coalition. For years, it has been promised to us as the panacea of good government and that it is the essential and only workable system of government. Yet today, it stands utterly exposed as that which reeks of failure. It is a collective failure of all the parties that support and sustain that unworkable system of government. Of course, as a diversion from that, the blame game has been in full swing today. One side blames the other. I suppose that, in moving the Bill today, the DUP wants to stop the music while the blame parcel rests on the lap of Sinn Féin, and so, largely, it does. One side wants simply to blame the other, instead of anyone in the House facing up to the reality that it is the system of government that has failed. The system that they continue to sustain is failing before our very eyes.

6.30 pm

It is the attempt to avoid that reality that has given rise to much of the rhetoric of today. Instead of this House facing up to the fact that a system that has been available and in operation for 17 years is fast coming to the inevitable point of implosion, they want to blame everything but the system and blame the parties within the system. It is the system that guarantees the logjam, and it is the system that guarantees the mutual vetoes, which have brought us to this point. Therefore, the inescapable conclusion is that this is a colossal, seismic and defining failure of the system. That is the point, and unless and until this House grasps it, we will continue to lurch from crisis to crisis.

Of course, this has come against a backdrop of great deception. The deception, for example, that all this was sorted after long nights and long days. Mr Attwood was talking to us about, I think, the 40 days and 40 nights that were looming ahead of us. It was something like that, maybe more, that led to that great moment and great breakthrough of the Stormont House Agreement. The new dawn had arrived. The threat that was crippling the Executive over welfare reform had been removed. All had been resolved, and the first party out of the traps to endorse the Stormont House Agreement was Sinn Féin. Indeed, Mr Martin McGuinness told us it was a “remarkable achievement” and a “fresh start”. He said:

“And it is a fresh start we need to seize with both hands”.

The same hands, on top of everything else that they are responsible for, that since have torn to shreds the Stormont House Agreement. That same party came to this House at the Consideration Stage of this same Bill and repudiated the consistent — one has to concede it is consistent — opposition of the SDLP and joined the DUP and others to sustain this very Bill that, tonight, they are going to kill.

They had attained a remarkable achievement. They had made a fresh start. The fresh start did not last very long, because now they tell us that it was a false start. How they get themselves to that position is beyond the comprehension of most of us. Maybe it was the financial illiteracy that seems to plague them from time to time. Maybe they did think that £564 million was really the same as £1.5 billion, but they said that they had got a fresh start and made a remarkable achievement and that no one, now or in the future, was going to be less well off despite having a fraction of what it would take to ensure that. But, it was a fresh start. It was a remarkable achievement, whether or not, as I said, it was its notorious financial illiteracy at work.

Finally, the penny dropped, whether it was that or it was the old Sinn Féin trick in negotiations of extracting what you can at any given point, you pocket what you have got, and you then come back for more. Has that not been the story of the last 20 years of what is called the peace process? Of course it has, and maybe it was encouraged in that view by some of the things that Mr O’Dowd talked about. It had forced the DUP from a parity position into negotiating for a lavish £564 million uplift by raiding the block grant to sustain welfare. Maybe it was encouraged to believe that, with a little more push, pocketing what it had got and bringing it back to the edge, it would get more. Maybe, this time, it has just pushed too far. We will see.

Maybe it is just Sinn Féin advancing the political agenda that lies at the heart of everything that it does, because this party of Sinn Féin is not in government in Northern Ireland to give us good government and to make Northern Ireland work. This is a party that is quite happy to bankrupt Northern Ireland and to be self-fulfilling in its affirmation that Northern Ireland is a failure. How better to do it financially than to bankrupt it? That may well be the guiding principle that brings it to this point, but, whatever it is, we are at a point of reality check. It is a reality check that shows the welfare reform project in free fall and now hurtling towards irredeemable budgetary crisis.

It is quite clear that, within days and weeks, the budgetary arrangements necessary to govern in this part of the United Kingdom will not be possible as a consequence of the killing of this Bill tonight. The free fall of welfare reform and the inevitable budgetary failure that is coming at us very fast raises fundamental questions about the sustainability and even the desirability of these institutions. What is a devolved Assembly and institution about if it is not about settling the budgetary issues in a manner where the people whom it governs can be governed effectively and efficiently? It is the very core of what devolution is about, and, if, as the Finance Minister has warned, we are hurtling towards the unattainability of a balanced Budget and that tonight will hasten that day, what is the purpose and the point of this institution if we cannot even settle a Budget? If you cannot settle a Budget, you cannot govern. It is as simple and as elementary as that.

What should happen? Yes, the intransigence of those who have brought us to this point should lead to the natural corollary of the repatriation of welfare powers back to Westminster. That should be an elementary consequential step of killing this Bill. More than that, if, in the killing of this Bill, we kill a Budget for this House, what is left?

Why would you not then repatriate all the executive powers of a neutered Executive — neutered of finance and incapable of governing?

Some might hold up their hands and say, "Oh, but that would be the end of devolution". It does not have to be. There is more to devolution than executive power. The devolution that we have has three essential component and active parts: legislative devolution, such as we are exercising now in this debate on a Bill; the scrutiny powers of the Committees; and the executive functions — or malfunctions — that the Executive are largely failing to exercise adequately. If you lose one, do you have to lose all three? It is time we thought laterally and discovered that you do not. Major critic though I am of these institutions, I concede that in its legislative functions the Assembly has performed reasonably adequately and in its scrutiny functions it has performed quite adequately and done some good work. The one area where it fails and where "failure" is writ large is in its exercise of executive functions.

If the worst comes to the worst and we hurtle to the point where the Executive are functionless and pointless, it does not have to mean the end of all aspects of the institutions. Why could you not still have legislative and scrutiny powers as the default position? If and when the politicians in the House wake up to the reality that mandatory coalition has not worked and will never work and that there therefore has to be a better way, such as a coalition of the willing and an opposition, they can repatriate executive functions. Until they do, are we really going to say to the people of Northern Ireland, "All we can offer you is the perpetual dysfunction and perpetual failure of this Stormont Executive"? Better by far to say, "We will give you the scrutiny that a legislative assembly affords. We will give you the legislative functions of a legislative assembly". That will always be the default position in the devolution settlement. Unless and until we can learn from the processes and are ready to embrace the form of executive devolution that would work, namely voluntary coalition and an opposition, it is legislative devolution and the scrutiny powers. You have failed in the delivery of the rest.

Who in the House could stand on their feet to say that the Executive have done anything but fail in the delivery of their executive functions? Tonight, that is indisputably written on the walls of the House — failure on welfare reform, hurtling us to budgetary failure. There is a choice coming, and it is a reassessment and a recognition that it is the system of executive devolution that has failed. The reassessment requires a recognition and a grasping of the fact that we need not cling to a failed form of executive devolution when there is an attainable form. Those who are willing to agree on issues and command the requisite majority govern, whoever they are. Those who cannot and will not form the opposition. You get a Government that works, and, if it collapses, you go back to the default of legislative and scrutiny devolution. When the Executive finally implode, that may well look like a more attractive option than some ever want to contemplate. The sooner those who cling to the coat-tails of the failure of the

Executive waken up to the fact that it is not working and is not going to work, the better for us all.

6.45 pm

Mr Agnew: It is my first opportunity to wish Mr Peter Robinson well and hope for his full recovery. It is important at times like this that we separate the politics from the person. I have seen unkind comments about Mr Robinson on social media, and I say to those making them — some of whom, I know, are supporters of my party — that the time to knock a politician is when they are on their feet making political speeches and debates and standing as a politician. Mr Robinson is no different from any of us: he is vulnerable to illness, and, at this difficult time, we recognise the man as a person and pass sympathy to him and his family.

My persistent stance throughout the welfare reform debate has been that the figures do not add up. I first made the point when Sinn Féin claimed that, under the deal agreed at Stormont House, no one would be worse off. I made the point that that could not be the case, because, whatever figure we used, whether it was NICVA's figure of £250 million or the previous Social Development Minister's figure of £120 million, that was the scale of the cuts, and the mitigation was £90 million. Those sums can never be made to work. Nothing has changed in the mitigation measures since March, when the Final Stage of the Bill was first to come to the Assembly, which is why the Green Party is still opposed to the Bill and the proposals put forward around it. We have had some information from the Social Development Minister on who will not be worse off under the proposed mitigation measures that have been agreed. However, I cannot even have confidence in those, in that, whilst I appreciate the detail that has been given about the who, what has not been made public is how much each of those categories will receive.

I know that the Minister's predecessor was very dismissive of the NICVA report, which was produced on their behalf by the University of Sheffield. It laid out the figures and laid out by how much each benefit would be cut and the direct impact on Northern Ireland. It did not just give the blanket £250 million; it gave its component parts. We have yet to see a refutation of those figures. I often quote the two figures of £120 million and £250 million because I cannot say which is accurate, but I have yet to see from the Department, the Minister or an official source of the Northern Ireland Executive the breakdown of their £120 million calculation. I have certainly not seen any evidence that £90 million per year would be sufficient to mitigate the cuts that are being made. If we accept that, if we went forward on the current proposals, there would be a shortfall in the mitigation — I can see no other conclusion that can be drawn — we have not seen the detail of who will be worse off.

We have seen who, it is proposed, will be protected, but we have not been given the detail of who is to be worse off. How can we judge today whether that is an acceptable consequence if we do not have that detail?

The Green Party has sought to be constructive throughout this process. At Consideration Stage, we brought forward more amendments than any other party. We made clear the areas of the Bill that we would like to see improved. None of those amendments were passed. Indeed, they were blocked by the DUP and voted against by Sinn Féin,

which, as it has been pointed out, at that point, was putting forward welfare reform and saying that the deal that had been reached at Stormont House should receive the Assembly's support.

Last week, when it was clear that this Bill was coming before the House again, the Green Party laid out key areas where we still wanted to see improvements. If we were to have this deadline today — others have debated whether it was a necessary or unnecessary deadline — and accepting that this Bill was coming forward again, we made clear where we needed to see movement: on increased funds for mitigation measures; no bedroom tax; protection of child disability payments and additions; and sanctions.

On increased funds, we have heard some who say that this is not realistic, possible or affordable. We have to bear in mind that the same parties have signed up to corporation tax reduction, which would see £300 million a year come out of the block grant. The same people who say that we cannot afford the so-called penalties, which, as I pointed out consistently, are not penalties but money going into the pockets of the poorest and most vulnerable in society and those who are on the lowest incomes, are saying that we cannot afford those cuts from the block grant. Indeed, the Alliance Party leader, David Ford, when attacking my party in his conference speech, said that we cannot afford his guesstimate of the figure of £200 million of cuts to public services, but, in the same speech, he said that we must progress the corporation tax cut, which would see a £300 million tax relief for big businesses. He says that we cannot afford £200 million — if we take his figure; £250 million if we take NICVA's figure; or £120 million if we take the DSD figure — to protect the sick, the poor and the most vulnerable in society. I made it clear then and will do so again that where my party's priorities lie is in protecting the most vulnerable and ensuring that the first duty of Government is to make sure that people are not driven into poverty, destitution, further hardship or to food banks, which we have seen an increasing need for under the Tory Government.

We hear boasts about the levels of foreign direct investment etc that have been brought into Northern Ireland under this Executive. As a member of the Committee for Enterprise, Trade and Investment, I hear it time and time again. Well, in the lifetime of this Executive, the income gap between Northern Ireland and other regions of the UK has increased. Yes, we have had limited growth, but so has everywhere else: it was called the financial recovery and it was global. In terms of what this Executive have delivered, the income gap between Northern Ireland and Great Britain has increased under this Executive. The great boon of foreign direct investment that was supposed to lift us out of poverty has certainly not achieved that in the term of this Executive, and I do not believe that it would be achieved if we reduced corporation tax and took a further £300 million a year out of the block grant voluntarily.

We can talk about cuts being imposed by the Tory Government. I certainly sympathise with anyone who challenges the Tory Government's austerity agenda, but the proposal to cut £300 million from our own block grant voluntarily is this Northern Ireland Executive, which I stand in opposition to, making their own austerity cuts voluntarily. They can blame no one and, indeed, asked for the consent of the Tory Government to do so.

In its five-point plan, the DUP made it very clear that the one issue that it was going to Westminster on was no bedroom tax. Yet, again, the Social Development Minister has confirmed, and we have seen it; the legislation brings in the powers for the implementation of the bedroom tax. Whilst the mitigation measures would protect some from its implementation, the Social Development Minister said today:

"I should develop a scheme that protects existing and future tenants from any reduction in housing benefits for their tenancies unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation." — [Official Report (Hansard), Bound Volume 105, p2, col 2].

In other words, as I have said during previous stages, he has made it clear today that, where alternative housing exists and where personal circumstances change, the bedroom tax will be implemented and people will be worse off under this legislation. I do not know how that is reconciled with the DUP's strong stance against the bedroom tax in the Westminster election. I certainly cannot reconcile it. Indeed, I cannot reconcile it with my meeting with the First Minister, who told me that there would be no bedroom tax. Again, the Minister has put it on public record today that, in certain circumstances, the bedroom tax will be applied and people will be worse off because of it.

Another issue that my party has consistently raised and sought amendments on at previous stages is the sanctions regime, which is perhaps one of the most odious parts of the welfare cuts in GB and, indeed, here in Northern Ireland. It is worth remembering that we are debating the legislation today. It is not the Stormont House Agreement, the deals around it or the proposed mitigation measures. None of those are in the legislation, which remains virtually unchanged from the day that it came to the Assembly in October 2012. The legislation that we are debating would allow for an 18-month suspension of benefits as a penalty to claimants. For some, that would mean 18 months with no income whatsoever. We have talked about food banks, and that would mean people subsisting purely on the handouts of food banks with no protection from the state for 18 months. If you are unemployed or on disability benefits, you would see those benefits cut for 18 months. That will drive people to destitution and despair, and we have seen examples in Great Britain where it has driven people to their deaths. That is not something that my party can vote for. That is not something that my party could stand over.

We have seen some reassurance in the Social Development Minister's paper as to where mitigation measures would kick in for the disability additions for children. However, again, the figures to match that are absent, so we are left to trust in whether there will be full or partial mitigation. Indeed, we also do not know where we will be after three years.

As I said, a number of things have been debated. Some have touched on the legislation. We have also discussed the Stormont House Agreement and, indeed, the Stormont Castle agreement, which I was not party to and in which my party was not involved, the Budget and maybe something that has not been talked about so much but that is tied into all of this: the Programme for Government.

7.00 pm

It is clear that the Stormont House Agreement, the Budget and, to some extent, the Programme for Government are inseparable. These are agreements between the Executive parties as to how to move forward. You certainly cannot separate the Budget from the Stormont House Agreement, because it was predicated on what was agreed. I cannot explain why some people appeared to sign up to the Stormont House Agreement, and certainly signed up to the Budget, and then seemed to step back. I can say that the Green Party has been consistent in its opposition to the Stormont House Agreement.

Let us be clear; there was almost a sort of gratitude that the UK Government would let us introduce our own mitigation measures. I fail to understand that, because, first, welfare is devolved and, secondly, there was no extra money in our block grant out of which the mitigation fund was going to be taken. That was a decision that could have been taken by the Executive without including it in any Stormont House Agreement, tying it to corporation tax or to public sector redundancies: it was completely separate.

For that reason, I fail to understand those who say that if we do not pass the Bill today the Tory Government will implement the cuts and we will not have any mitigation measures. That is a decision for you in the Executive to make, because it is your Budget and block grant, for which you will seek agreement on how it should be spent. The Tories cannot say that you cannot put in those mitigation measures.

As was pointed out, in fact, the Scottish Government, which currently does not have power over welfare reform, still implemented their own mitigation when it came to the bedroom tax, to make sure that no one would be worse off. We still have those powers and it would still be our decision. Those who say that there will be no mitigation if welfare is taken over by the Government —

Mr Storey: Will the Member give way?

Mr Agnew: I will give way in one second.

They say that because that is the course they intend to go down rather than the one they have to go down.

Mr Storey: I have listened to Members talking today about Nicola Sturgeon and what is going on in Scotland. Let us remind ourselves of the reality in Scotland. Back in 2014, when Nicola Sturgeon was the deputy leader of the Scottish National Party, she said:

“There is no doubt that people in Scotland are paying a heavy price for Westminster decisions. But these figures show that by working closely with our Local Authority partners we have been able to provide support ... we will continue to do all we can to help. However, only an independent Scottish Parliament will give us the powers we need to scrap the bedroom tax.”

Is it not time for Members in the House to realise what the real agenda is here and put the facts about what happens in Scotland rather than create a smokescreen over the real situation?

Mr Agnew: I thank the Minister for his intervention, but it does not take away from my point that what we do with our Budget will be in our power. If we want to put in mitigation measures, whether they are for welfare cuts implemented

here or implemented by the Tory Government, we can decide how we spend our block grant. How much that will be is decided by Westminster, but how we allocate it, and whether we choose to protect our most vulnerable, are decisions that will be made by the Executive, and the Budget has to be passed by the Assembly.

We are here today to debate the legislation. The first draft of the Bill came to us in October 2012, and my party sought to make amendments, as did the SDLP and the Ulster Unionists, to improve it. Little changes were made. This is, effectively, still a replica of the Bill that went through GB. It will still increase hardship for the most vulnerable in our society and it is still a Bill that seeks to punish the poor for the excesses of the rich. This is a Bill that neither I nor my party can support.

Mr McNarry: If this Sinn Féin/SDLP blockade is about parties that are privy to official sets of figures adding up differently, will someone, for goodness' sake, tell them to do their sums again? There cannot be more than one reliable set of facts and figures to add up and count. Someone, therefore, cannot count, or someone does not want the calculation to add up. Unless, that is, the figures do stack up and everyone knows it, but it is the incidentals to be added on that tell us the true facts — the areas called “passports into benefits”, which do count and can overload figures officially compiled beyond the simple DLA conversion that we have been working to.

I suggest that we pay attention, because this is more than stalemate. It is about more than a petition of concern. It is beyond adding and subtraction. If you ask the public what they voted for nearly three weeks ago, they will tell you that it was not for a crash at Stormont. Watching the circling of well-worn and well worn-out party wagons collapsing in a pile-up, people out there are demanding to know just what is going on at the House on the hill. At the end of today, will anyone know whether it is a win, a loss or a draw? Are we up for business next week or next month? If the shutters come down for the summer recess, will they be pulled up again for business in September?

Frankly, it is an unacceptable position for parties that willingly formed a mandatory coalition to be unable to voluntarily sustain their duties in government. That is reprehensible and irresponsible. Keeping this cowboy coalition honest and accountable is fast becoming a waste of time. On days like today, and in the realisation that a day like today will probably happen again, it is painfully obvious that this Executive are proving themselves to be a failed entity. Is there a plan on the table today, or tomorrow? Even a majority plan will do, or do majorities, like everything else in this place, count for nothing?

Are we in the territory of the unknown, as described by the Chair of the Social Development Committee earlier? Is it not the case that the only plan that is causing posturing and prevarication — the reform of welfare benefits, sent down for us to adopt — is one outside our creation and beyond our scope of authority? Is it not the case that those reforms are universal across the whole of the United Kingdom? Irrespective of the genuine opposition shown here and elsewhere, they have been adopted and are being implemented in every region throughout the United Kingdom except here. The people out there would like to know what sets us so apart from others. Are our benefit-seekers any different from those in England, Scotland and Wales? Are the reforms not the same for

everyone? Is it not the case that, by resisting the reforms in a dishonourable manner, we find ourselves in a House that continues to punish the very people each of us wants to protect?

There is no engagement in trench warfare with the sovereign Government that is going to successfully pull people out of the deep hole that they have dug for themselves by promising that pie in the sky guarantee that no one, either now or in perpetuity, will ever be affected by cuts. Is that the plan? Is that it: make a promise that you could never keep and convince yourself that it is now all a matter of principle? Well, principle, my eye. Smartness and smugness all of a sudden looked daft and embarrassing on 8 May, when Sinn Féin's master tactic fell into its own hole and the Tories formed a single majority Government.

I read that the great strategist, the deputy First Minister, now wants to form a rebel Celtic coalition to fight austerity. He is forgetting, of course, that the nationalists in Scotland and Wales have already adopted the nation's welfare reforms and are working through the previous Government's austerity sanctions. Is he now telling us that he is in negotiations with Nicola Sturgeon and Leanne Wood to join with Sinn Féin? Is he bringing with him the lame-duck SDLP as his co-opted bag carriers? According to him today, we are beyond this Bill. He wants to scupper the July Budget without knowing what it contains. If so, it is going to be a long, hot summer waiting for the autumn, when on the basis of today, the talking has stopped and Sinn Féin, with the SDLP, have isolated themselves from this place. That is an important and pertinent question to ask, and it proffers another enquiry.

In the aftermath of seeing his intransigent stance and negotiating demands rejected, I ask this: what are the deputy First Minister's prospects and intentions? His plan was not just rejected but booted out in no uncertain terms when he was told by the Prime Minister that this part of the United Kingdom will be treated no differently on welfare reforms than any other part of the United Kingdom. I ask this, therefore: can anyone having been so seriously rebuffed in such a dismissive manner remain in office? How can anyone who thought that they were getting it so right be proved so wrong? Can the deputy First Minister stay on when his strategy has collapsed leaving vulnerable people on benefits facing the consequences of his failure alone to deliver the promises that he made to them that their benefits would not now or ever be reduced? Those promises failed to materialise. How could the Scots or the Welsh do business with a man who makes promises that he cannot keep and has used the most vulnerable in a despicable manner in this failed tactic?

Up until 8 May, he had one plan and one strategy: stick it out until Labour wins or, at worst, Labour and the SNP come together in a hung Parliament. It burst, they burst and he is bust with yet another plan decimated and torn up into pieces. Are people not entitled to ask why the deputy First Minister is not out of office three weeks after watching his pie in the sky promises wrecked by five more years of Tories in Government, this time in on their own terms? Did he not choose to use austerity as the stick to beat the Brits with, and has he not now fallen on his own sword?

7.15 pm

I know of no Member who welcomes austerity or who does not or will not stand up for the seriously vulnerable.

No single party can claim to speak for the vulnerable, who will be hit the hardest by these benefit reforms, but only one party made irresponsible promises. Only one party misled the public. Whatever the outcome resulting from today, be it direct rule, mounting Treasury fines or calling in administrators to do the work that the Executive cannot hack out together, let alone attempt to put a Budget through until next year, we should fast-track to next month, when the Chancellor will outline the details of further austerity measures and billions more reductions in cuts for everyone from the welfare budget. What then for Northern Ireland? Where is the plan? Where is there even talk of a plan to make adjustments in our financial management for the future, when we cannot agree today to proceed with the Bill?

What state will patient care in our health service be in by then? What will be the continued extent of turmoil in our schools? Tell the people who sent us to do a job, not me, what promises are going to be made that anyone is going to deliver on.

There can be no satisfactory outcome from today's proceedings. We cannot fault the people who think that this place, with its division, is not worth paying for any more. That truly would be a failure that we would be unlikely to recover from, yet we have hamstrung ourselves with overzealous regulations based on mistrust, rather than consensus cooperation. We have not grown up within the experiment that was designed to actually share power, and now we put at risk the very things we want to pass on as our legacy: peace; order; better government and democracy through the union; and devolution. Bust it now, and it will be a long time before that offer is renewed.

Today we have seen recriminations spill over. We see that we are governed not by consensus policies or by a majority within a coalition but by the sharp instrument of the veto and the blunt tactic of petitions of concern. Are we really saying, "Theresa Villiers, it's all yours. Do your best"? Are we so far apart that today we have joined the Crazy Gang?

As I said, I was not privy to an agreement that, at first, called the Prime Minister and a Taoiseach to rush over to Stormont House to seal a deal. I remember it. Nor was I involved in what transpired to be the Stormont Castle agreement. So, I am unable to comment on the common sense of either, but I do see the common sense of what is presented in the House today. Therefore, it is regrettable that we reach this stage of vetoes and rejection, having been unable to have either of those agreements debated in the House with amendments tabled and the petition of concern weapon decommissioned.

In such circumstances, in those talks and given the opportunity, then my suggestion on behalf of UKIP — having not been invited to so-called all-party talks — is to call Westminster's bluff on what we can use without offloading the funding onto our block grant stream. Could we, I asked, and would we, now that evidence has been shown to dispense with parity, look at the role of lifelong carers in the light of these benefit reduction measures and, given the significant evidence that most — granted, not all — benefit receivers who are categorised as seriously vulnerable are looked after at home and cared for on a 24/7 basis by a lifelong carer, do two things for the family and for the person on benefits at the same time? We could increase the lifelong carer's allowance by

an extra £500 per year and, in doing so, not get into the benefits argument. They will take their own course, but the family would at least suffer less by increasing the carer's allowance in circumstances where the benefit receiver would be hit the hardest.

I have heard it said before: help the unsung heroes who save this country a fortune, by giving them more to help the people they care for. Why not? For the same type of family, with a lifelong carer in place as previously described, we could also give the household a small but effective rates reduction. I ask you to look at it this way and face the facts. In basic economic terms, we do not have an extended credit line. We lack financial credibility to borrow and, moreover, to be trusted to pay back. We are already overcommitted to large loans, and the attitude of some Members today does little to foster confidence in our abilities to talk any economic sense. So why not talk to the Prime Minister and his Chancellor? Why not put the proposition of increasing the allowance for long-term carers and reducing their household rates free from knock-backs on funding? After all, they might be interested, one day, to call on the 11 votes which three of the parties represented in this place have at Westminster.

I am in no position to negotiate but I am clear that, if those who are in such a position have any sense, they will realise that they are clinging by a fragile thread in finding the attention of the Prime Minister waiting on their next move. The figures I offer are not about me or anyone else determining the vulnerability level of a person on welfare benefits. I simply do not know the categorisation of welfare benefits and how they are defined and equated so that someone is termed more vulnerable than someone else, but that that is how it works. I think that these figures relate only to a lifelong carer looking after a vulnerable person on benefits. My suggestion is to take the next three years. Why three years, you may ask? If we believe George Osborne, that is around the time that, he reckons, austerity will be ending.

Take 10,000 carers at an extra £500 per year on their allowance and that is £5 million; take 20,000 at £500 per year and that is £10 million. Take 10,000 carers with a rates reduction of £50 per year and that is £500,000; take 20,000 with a rates reduction of £70 per year, and that is £1.4 million. So take somewhere between 10,000 and 20,000 vulnerable people, served and looked after by carers; strike a cap and go for it; and, in showing that we care more about people's benefits than party political benefits, can we not find a way out of this? Can we find between £5.5 million and £11 million to ease a vulnerable person's family situation and, at the same time, deal with and ease the pressure on our forthcoming Budget?

(Mr Speaker in the Chair)

It has been a long day, and, as we come to the conclusion of it, if we show how much we in the House care about people, be they on benefits or not, that will go a long way to proving that this place can and should work for everyone. I am not asking people to save this place unless they truly believe that it can be made to work better and to improve on its value. I am, however, asking that we do not let down the people who believe in us, people who have come out to vote for the Assembly in sufficient numbers and trusted us to work for all, not least the most vulnerable in our society. If that cannot be done, and if that is the

consequence of today, we should not waste any more time or waste the people's time — this Executive must admit to their failure, fold up and walk away. If that is how we are being asked to leave the House, and this is my last day in the Assembly, shame on the Assembly and shame on those who would put the House in this position.

People may talk about recriminations, and, of course, there will be plenty afterwards. I heard Minister O'Dowd talk about hours or days to put this right, yet I heard Mr Agnew tell the House that we began this in 2012, and here we have a Minister of Education — a failed Minister of Education — telling us that we should devote a few more hours or days.

The conclusion has been made that there is no more time. I compliment the Minister on having the courage to put the Bill before the House today and not waste any more time. If that is the conclusion of the business of the Assembly in which we have all been proud to serve, then thanks, Minister, for ensuring that we do not waste any more time.

Mr B McCrea: First, I extend my best wishes to the First Minister and wish him a speedy return.

I have to admit that, when I saw Mr McNarry stand up to speak with what looked to me like an inch of papers, my heart sank. I asked myself —

Mr McNarry: Is that because it was not two inches?
[Laughter.]

Mr B McCrea: Mr McNarry, you finished your contribution talking about a little more time and a few more hours, and I have to say to you, "Please, anything but that". We have talked and talked and talked today, and it is irrelevant. I have watched people around here, and I have never seen so many phones studied with such interest and so many hands to foreheads. This is Groundhog Day. It reminds me of a triple period of Latin: just going over and over the issue. I despair. Not only is the debate irrelevant but it almost says that this place is ungovernable. We cannot get any form of agreement.

7.30 pm

I voted the last time. Mr Humphrey had to go and have a lie down afterwards because he saw me in the Lobby so often. I voted for the Welfare Reform Bill on the basis that it was a five-party agreement. I said to people, "I do not necessarily agree with everything, but the only way that you can deal with these issues is to get everybody together". There is something that I really struggle to understand. There were notable speeches today from Mr Maskey and Mr O'Dowd. I remember the welfare reform debate of 10 February, when Mr Maskey said:

"That deal allows an awful lot more money to be retained by the people who we represent, and that would not otherwise have been available except for the hard work that was carried out." — [Official Report (Hansard), Bound Volume 101, p407, col 2].

Mr O'Dowd said:

"What we have agreed to in a five-party agreement, which we have all been open about, is that we have ensured that the most vulnerable in our society will be protected. What we have agreed to is that we have a different welfare Bill from that passed at Westminster two or three years ago. As I said in my opening

comments, the Stormont House Agreement was about political parties agreeing to work with each other in deed and word."

He went on to chastise the SDLP because he seemed to think that it had done anything but live up to the agreement:

"they have ignored the facts that brought us to those negotiations. Party politics have their place, but, when it comes to destabilising the institutions, you have gone too far." — [Official Report (Hansard), Bound Volume 101, p437, col 1].

Shame on you, SDLP. How dare you oppose the welfare Bill. Yet we now seem to have petitions of concern. I really do not understand how, over one weekend, it changed from anybody who dares say anything against the Bill is somehow disloyal to democracy and to the people of Northern Ireland to "We need to oppose this". I am sorry, but, as someone who is sitting on the edge of these discussions, I do not understand what has gone so badly wrong. There is something fundamentally amiss with our political processes if we cannot, after months of discussion and debate, come up with some form of agreed position.

I listened to the debates and heard people from Sinn Féin talk repeatedly about their mandate. They said that the Conservatives did not have a mandate here and that Sinn Féin would go and argue for its mandate. I will point out to them that mandates are all very well, but, if you do not have any money, you have to talk to people in a particular way. The issue is that, if Northern Ireland was self-financing, we could do what we liked and spend our money in whatever way we wanted, but, as we do not have money and we get a subvention of £10 billion out of £20 billion that we spend, you have to talk to people in the correct way.

When we talk about £20 billion or £10 billion, people quite often do not really have any idea whether that is a lot of money. They ask, "Does £10 billion here and there count?". Let me give you some reasons why, in my opinion, it is not the case that the Tory Government have suddenly ganged up and said, "Let us see if we can really annoy the Scots, the Northern Irish and the Welsh". Let me give you some facts that I picked up, and I am happy to be corrected on them. Against our subvention of £10 billion a year, the deficit in UK terms in 2013-14 was £148 billion. That is the difference between what we raise in tax and what we spend. The Chancellor talks about bringing down the deficit, but he is not bringing down the debt. The debt is increasing and will peak in 2015-16 at 80% of our GDP. In fact, if you were to take in the pension liabilities, as the Institute for Fiscal Studies thinks we should, it could be at 240%.

I know that the economists amongst us will argue about whether it really matters, given that interest rates are so low, and we can borrow effectively anyway and just carry on. The problem is that it makes us vulnerable to what foreign investors think of the UK, not of Northern Ireland. Our problem is that we simply do not have enough money to pay the bills that we have. If you put the sums of money that are being reduced into perspective, the benefits budget in the whole of the UK last year fell from £215 billion to £213 billion. There was a saving of £2 billion, so that gives you a sense of scale. The left tried to advance the bigger issue, which is that it is unfair that the huge deficit was caused not by the people but by the banking crisis and why should the people have to pay that burden.

You could make that argument properly and discuss it with people. It is amazing that, given the amount of contraction that we have seen in social welfare, we have not had more riots throughout Europe. Look at what has happened in Greece — I heard Gregory Campbell talk about it — if you tell people that you are taking their pension off them or reducing it drastically and the reply is that they did not borrow all the money, I can understand why there are problems.

Mr Beggs: Will the Member give way?

Mr B McCrea: Yes.

Mr Beggs: Does the Member recognise that the deficit levels were growing out of control under the Labour Government before the crisis struck?

Mr B McCrea: In 2010-11, there was a deficit of £196 billion; the next year, it was reduced to £185 billion; the year after that, it was £178 billion; and now we are down to £148 billion. However, the point, Mr Beggs, is that we are still in deficit. We still spend more than we raise in taxation. Unless you change that —

Mrs D Kelly: Will the Member give way?

Mr B McCrea: Yes.

Mrs D Kelly: Does the Member not think that the Tories would be better thought of if they were to go after the companies and individuals who engaged in massive tax avoidance rather than picking on the people at the bottom end of the scale?

Mr Speaker: I am struggling to make the connection with the welfare reform debate that we are supposed to be dealing with. We do not have that responsibility. The overview was interesting, but, in my view, the point may have already been made. We should return to the subject matter.

Mr B McCrea: I will be guided by you, Mr Speaker, but the point that I am trying to establish is that the reason why we have to implement welfare reform is that we simply cannot afford to do anything else. It is not because people take an ideological position; it is a fiscal reality. People need to take cognisance of that point of view.

If parties here wish to go to the Government and explain that Northern Ireland requires special dispensation or special measures to mitigate the worst outcomes of welfare reform because we are still a society in transition from a troubled past, that is an acceptable way to go. That argument should be made, but you will not be able to do so if you do not go collectively. Our fundamental problem now with welfare reform is that there are arguments that could be made, but, at the moment, we look like a laughing stock. It looks like we are incapable of making any decision. It is not just the Government of the United Kingdom who think that we are a laughing stock. The people of Northern Ireland are saying, "Whatever you like. It does not matter whether the Assembly stays up or goes down, whether there is direct rule or not or whether we turn up tomorrow or not". Nobody gives two hoots about what we do because we are ineffective at doing anything. I will take issue with Mr Allister. In fact, if I had long enough, I could probably take issue with everybody, but he tried to say to me that he thought that this place was doing quite well with legislation and some oversight issues. I am sorry, but I do not see it. What I see and hear in the country is

people wishing that we would get our act together and do something. I give way to Mr Allister.

Mr Allister: To clarify, I was making the point that, as a process, we can generally handle legislation — today is not a good example of that — but we scrutinise legislation in the House and in Committees, and that is relatively successful as an experiment in legislative devolution. The scrutiny Committees do a relatively good job. The point that I was making was that the area where devolution is falling down is within the Executive. That is the big problem area.

Mr B McCrea: I have a lot of time for the points that Mr Allister makes. I do not always agree with them, of course, but he makes good points. However, he stretches credibility to believe that the processes are working. I do not see the processes working here. It may just be that Mr Allister is more generous than I am, or maybe he is in a different place, but I think that we need to do much, much better.

When I last spoke on this matter — it was a late hour, around 11.30 pm — the First Minister told me that I had made a really good point. *[Laughter.]* The only thing that was more shocking than that was when our new Minister of Finance and Personnel said last week, “I never thought that I would say this, but you made a good speech”. I have gone off and checked with whomever, and I need to rewrite things.

Here is the issue; here is the nub of the problem: in health, which is what I talked to the First Minister about, demand is growing at 6% per annum. That is a good thing, and it is because our people are living longer and we can do more for them. But our income goes up by 1%, and it is not possible politically to go and close hospitals or other buildings. I heard the Minister of Health say that we should not be wedded to buildings, which I take as code for saying that we will have to make some decisions. It is not possible to take decisions like that unless you have all-party support. We all know that it is far too easy for people to stand up and pick holes, grandstand and take advantage of people when they take tough decisions. Everybody says, “Take a tough decision”: the minute you take a tough decision, you get your head in your hands. You cannot work like this. This is what is so disappointing about the Welfare Reform Bill. There must be proper discussions, negotiations and some form of agreed position. You have to do something. Either you renegotiate with Westminster or you accept what you have got or whatever, but you have to do it together.

I will bring my remarks to a close by saying to people here that we really need to be careful that, when we argue from party political positions, try to make a few points and try to score some points on our opposition, we do not destroy that which is most important to us. It is a really good thing that we have a devolved Government here. It is right that the people of Northern Ireland should decide the fate of the people of Northern Ireland. We should take all these powers in our hands, and we should try to do it properly. If we look incompetent, incoherent and incapable, nobody will give us anything.

When it comes to the end of the debate, I will stick to my original decision, because the argument was made at that time that this is what we have to do. No contrary argument has come back in time to convince me to do otherwise. I realise that, by the nature of the debate, there is probably some other process in play. As we get to this stage of the night, the steam has gone out of the argument. All that

that tells me as a politician is that there is a deal already agreed with somebody about something that is going to go in a different way. That is the only thing that I can assume. Otherwise, I would see a lot more energy in this place. We do not want this place to fail. We do not want it to stop, because the last time that happened, it took years — in fact, decades — to get it back again.

So, to those of you who will negotiate long and hard in the next couple of weeks, I wish you well. Remember, the fate of Northern Ireland depends on it.

7.45 pm

Mrs Foster: Obviously, we miss the presence of our party leader and First Minister, and I know that everyone wishes him well. Hopefully, he will make a speedy recovery and come back to this place. I have no doubt that he will read the Hansard report of the debate at a later date, when, unfortunately, he will find that the quality of debate across the way has not changed and that nothing new has been added today from that side of the House. The debate must focus on the legislation, but, in that context, and as Finance Minister, it is, I think, incumbent upon me to set out the financial ramifications for Northern Ireland should the Bill fall at Final Stage today, as it appears it will.

First, I will look at the background. It has been well rehearsed that the deputy First Minister agreed the terms of a welfare deal with the First Minister some years ago. Then, Martin McGuinness was prevented from delivering on that agreement by others in the background of Sinn Féin. Last year, the First Minister indicated that we could not continue in the fashion that we were, so the Stormont House talks were convened towards the end of last year. Many issues were discussed at the talks, including flags and identity, parading, the past, dealing fairly and justly with the victims and survivors of violence, the need to have corporation tax devolved so that we could effect a step change in the Northern Ireland economy by lowering the rate, a voluntary exit scheme for the public sector, including civil servants, and, of course, dealing with welfare reform.

The agreement, when it came, was comprehensive and dealt with structural and financial issues. The first step was to agree a balanced Budget for 2015-16, which was achieved in the new year by the former Finance Minister through the Budget (No. 1) Bill. Secondly, a comprehensive public-sector reform and restructuring strategy was to be set in place, and this, too, was actioned. Indeed, over 7,200 civil servants applied to exit the service through the voluntary exit scheme. Thirdly, the Corporation Tax (Northern Ireland) Bill was passed in the House of Commons and achieved Royal Assent on 17 March this year. So, the implementation of the Stormont House Agreement was moving along.

The fourth element of the agreement was to bring to the Assembly legislation to give effect to welfare changes. My colleague the Minister for Social Development duly brought the Bill to the House, where various stages were passed. It was only after Sinn Féin had been to its ardfheis in Londonderry that things started to fall apart. After that meeting in the north-west, we were told that Sinn Féin would block the Final Stage.

So, let us go through what happened. The first fact that I want to talk about is that, last December at Stormont

Castle, all five Executive parties agreed on how to deal with welfare reform. The Bill and the Minister's proposals for its implementation are entirely consistent with that five-party agreement. The five parties discussed it in detail, and they asked the head of the Civil Service and the head of the Social Security Agency to document their agreement. Before reaching agreement, they read and studied the text that officials had presented. The five party leaders then took that agreement to the Secretary of State and recommended it as the resolution to welfare reform. Indeed, without the welfare deal, there would certainly not have been the Stormont House Agreement. The Stormont House Agreement was signed by all five Executive parties and yet two of them — Sinn Féin and the SDLP — have felt unable to keep their side of the agreement.

Our Government kept their pledge by pushing forward on the corporation tax legislation; in the new year, the former Finance Minister put forward a balanced Budget based on the Stormont House Agreement commitments; and the Minister for Social Development faithfully introduced welfare legislation and, all the while, worked on top-ups for Northern Ireland claimants.

Whatever happened in Londonderry, Sinn Féin has reverted to type and walked away from the implementation of an agreement that it had signed up to. That begs the question: did it not understand what it signed on 23 December 2014? What possible explanation is there for signing up to a deal — a comprehensive deal — and then walking away from it a couple of months later? That is what it has done, and it has now brought its fellow travellers in the SDLP along with it. It speaks volumes about the attitude to responsible government in Northern Ireland, and I totally understand the frustration expressed by my ministerial colleague Stephen Farry earlier after his engagement with the SDLP. Some talked of economic prosperity pacts, while others never mentioned it when they got up to speak today, and that includes someone who spoke for an hour and 14 minutes.

Fact two is that today we are debating the Bill produced as a result of a five-party agreement. When it was presented to the Northern Ireland Executive, Sinn Féin supported it; when it was brought to the Committee for Social Development, Sinn Féin supported it; when it was submitted to the Speaker for its pre-introduction scrutiny, Sinn Féin supported it; when it came to the House for its legislative First Stage, Sinn Féin supported it; when it came to the Stormont House leaders' committee, Sinn Féin supported it; when it was subjected to a full debate at Second Stage, Sinn Féin supported it; when it faced its lengthy Committee Stage and others sought to amend it, Sinn Féin supported it. Throughout this process, until it came to its Final Stage, Sinn Féin supported this Welfare Reform Bill. The principles and narrative of the Bill have not changed; there is not one schedule or clause, not one sentence or word in this Bill that Sinn Féin has not repeatedly supported. Until, that is, at the very last moment of a gruelling and lengthy process, its Dublin bosses cracked the whip and the Sinn Féin Assembly team flipped.

Fact three is that this is an enabling piece of legislation; it creates no change in the level of any benefit. It provides legal authority for the Assembly to improve benefit payments and leaves all the decisions about claimants' benefits levels subject to subsequent regulations. The Executive have already agreed that those regulations can

only be introduced by cross-community agreement. The Bill can be passed today, and nothing is lost to those who oppose the Minister for Social Development's proposals. His proposals will be dealt with through regulations. Killing the Bill, when that happens, does not impact on any payment levels. That really does show how contrived and artificial the argument has been today. Because it is an enabling Bill, its defeat would remove the power from the Assembly to improve welfare benefits for at least, I would say, two years. Dump this Bill, as is proposed today by the petition of concern, and welfare recipients will be worse off. That is a fact.

Let me spell out to those outside the Chamber what Sinn Féin and the SDLP are doing: they are removing the only mechanism that the Assembly has to improve welfare payments. You will receive less money not as a result of this Bill being passed but if Sinn Féin and the SDLP kill this Bill. The Minister for Social Development and his staff have been working on transitional protection or top-ups for claimants in Northern Ireland. The detail on all this is not in the Bill, as it is an enabling Bill, but was set out in the DSD paper of last week to Executive colleagues.

Let me spell out the consequences of the Bill not proceeding today for all those who would have received transitional support and top-ups. After today, if this Bill fails, their top-ups disappear as there will be no legislative cover to bring these issues into reality. Instead of having the opportunity of the most generous system of welfare reform in the United Kingdom, we will end up having the same as everyone else. Indeed, all those vulnerable people whom Sinn Féin says it is protecting will get the full implementation of GB welfare reform. I wonder whether Sinn Féin has explained that to its electorate. We have heard much about its mandate today, and I wonder whether it has explained that to its electorate.

Over the next three years, under our proposals, 102,000 existing benefit claimants in Northern Ireland will be better off, and no existing claimant will be worse off. This transitional scheme will collapse if the Bill is defeated. Future benefit claimants can top up their benefits by applying to a sizeable discretionary fund to assist them with any hardship, and this fund will not be available if the Bill is not passed.

Welfare reform has happened in England, Scotland and Wales, which makes a complete and utter nonsense of the claim that we should all go to Westminster together. What utter nonsense I have heard in this House today — "We should all go and see the Government." Welfare reform is already implemented in England, Scotland and Wales. They do not even have welfare powers in Scotland and Wales.

We have heard much about going along with Nicola Sturgeon this morning, but Nicola Sturgeon is talking about the wider economic picture. She is certainly not talking about welfare reform issues. So there has been a smokescreen thrown up by the parties opposite about going to London with Nicola Sturgeon and Carwyn Jones and making great play of the wider economic issues, when we are not dealing with the reality of what is right in front of us in this House tonight.

Because this House has chosen not to deal, and is choosing not to deal, with this issue, we are now facing fines of £9.5 million per month. Nine and a half million pounds buys an awful lot of hip operations and knee

replacements. In fact, I think it buys 1,800 hip operations. If the Welfare Reform Bill had been passed before now, the penalties would have been coming to an end once Royal Assent had been granted. If the Bill falls today, those penalties will continue and increase year on year.

We have heard much about austerity this afternoon and this evening and about what is coming down the line. Whatever happens in the future, what happens now should concern this Assembly. If this Bill does not pass — I have said it many times over this past week — £604 million of cuts will have to be made to vital front-line public services, the services that the most vulnerable in our community need and rely upon. That is the size of the hole in our finances at present. There has been a lot of talk about what is coming down the line and what might be happening, but that is the reality of where we stand tonight. I prefer to deal with what is happening in front of me right now.

Let me be clear: my party will not support such severe cuts. Public services would be decimated. Public safety would be endangered. I wonder whether there is anyone in this House who would support £600 million of cuts to health, to education, to victims, to justice services and to job promotion. I am looking round the House, and I do not see anybody putting their hand up for that sort of cut. The only way to avoid having to deal with that issue is to pass this Bill. There is no money tree out the back of Stormont. I have searched; it is not there.

The next thing I wanted to come to was the absolutely ludicrous suggestion that the timing of this debate is in some way artificial. I have heard it from a number of people across the Floor. The statutory requirements compel me as Minister of Finance to action the Budget process by Friday of this week. Today is the Assembly's last sitting day before that deadline and, without the funding that the passage of the Bill would bring, a balanced Budget that the Assembly would support cannot be crafted. That is why the Bill had to be completed this week. There is nothing contrived, artificial or politically motivated about the timing. It is the only legal option open to us to produce a balanced Budget.

Some Members have tried to excuse the U-turn that they have very skilfully managed today on this Bill by claiming that the Social Development Minister's proposals on how the Stormont Castle agreement would be implemented caused them to withdraw their support. Last Wednesday the First Minister called their bluff on this issue. He publicly and privately challenged those who claimed that they were going to oppose the Bill because the Social Development Minister had produced a scheme that was not what they believed they were signing up to last December. The First Minister announced that, if it would lead to them reaffirming their support for the Bill, he would accept any amendment consistent with the five-party Stormont agreement, providing it was within the agreed spending limit, legally competent and operationally feasible. Not one amendment was brought forward by any of the parties opposite, or, indeed, any other party. I think that speaks volumes about the debate that we have had here today.

8.00 pm

The inability to set a Budget because of the fall of this Bill would lead —

Mr Storey: Will the Minister give way?

Mrs Foster: Yes, I will indeed.

Mr Storey: Just to clarify, so that Members are clear on the point, it was suggested by the SDLP, in its contribution to the debate in the succeeding days from Wednesday through to the end of the week, that we look at the issue of sanctions, which we have debated in the House on numerous occasions, and that we set up an all-party Committee of the House to deal with the issue of welfare. That was the sum and substance of the amendments that it brought to the table.

Mrs Foster: I thank the Minister for clarifying that.

The inability to set a Budget because of the fall of this Bill would have severe ramifications and would lead to the permanent secretary in the Department of Finance and Personnel imposing even greater cuts. So great would those cuts be that the head of the Civil Service would be forced to inform Whitehall that the Northern Ireland control totals would be breached, and, in those circumstances, the United Kingdom Government would be forced to intervene.

The final fact that I want to leave with the House tonight — because we have heard a lot of conjecture today — is that our proposals on welfare are the best offer in the whole of the United Kingdom. Defeat of the Bill will reduce the level of payments to tens of thousands of people in Northern Ireland. Members have a clear but stark choice to make tonight. They can pass the Bill — it does not appear that we are going to do that — and protect those who need support from benefits, giving them the best deal in the UK, or — this appears to be the road that we are going down — we can consign welfare recipients to a harsher regime with lower payments, and for what? In the end, Sinn Féin and the SDLP will be punishing those for whom they claim to be fighting. It is just cheap, self-serving, party political posturing that goes on across the way — and, frankly, it is pathetic — just to look like tough guys to the rest of the electorate in Northern Ireland, and, indeed, to the electorate in the Republic of Ireland.

This is a test for the House today as to whether it will pick —

Mr Allister: Will the Minister give way?

Mrs Foster: I will give way.

Mr Allister: Just before the Minister finishes, if I sense that she is finishing, I have two questions about the knock-on budgetary effects if the Bill is killed tonight. Presumably the 2015-16 Bill, as you said, is premised and balanced on the basis of the Stormont House Agreement, so if the Stormont House Agreement falls then that is not a mechanism to balance the Budget, and, I take it, that is where the £600 million of cuts come from. The Minister said that no Minister in her party will implement that. If matters then pass to the permanent secretary — this is the second point that I want clarification on — does the permanent secretary have the power to dispense the accrual resources — in other words, the matters that arise giving rise to single farm payments etc? Is that within the gift of the permanent secretary, and, if not, what are the consequences?

Mrs Foster: I thank the Member for that point. Just to be clear, yes, the Budget that we talked about last week and the hole that is presently there in relation to £604 million of debt arises because of the non-implementation of the Stormont House Agreement, and we will not put our hands to supporting such a Budget, even though I will probably

have to bring the figures forward to the Executive this week for discussion. If that is not doable then it falls to the permanent secretary to deal with the issue. I have taken legal advice in relation to the use of accruals and have been told that, whilst the accruals will come in to Northern Ireland, they cannot be paid out, because to do that we would need legal authority under the Budget (No. 2) Bill. Without the Budget (No. 2) Bill there is no legal authority to pay the money out, so, whilst the money will come to Northern Ireland, there is no authority to pay out the accruals that come.

There is where the rather large figure of £2.7 billion occurs. It is a very distressing place to be.

As I have said, this is a test for the House of whether it will pick fantasy politics over responsible government. I fear that Sinn Féin and the SDLP have made the wrong choice on this occasion and are playing fantasy politics whilst the rest of us are concerned about public services in Northern Ireland. I support the Bill.

Ms Sugden: Like others, I wish the First Minister well in his recovery. My thoughts are with him and his family.

I have been a MLA for just over a year. I must admit that I am really frustrated and disappointed that the past year has been characterised by several events that have threatened to bring this institution down. In the Assembly, we often get criticised for not doing anything. This past year, I have done a lot. I could work 24/7 if I wanted to, not only on constituency concerns but on the Assembly business that we do here. I think that, to an extent, we do something up here. What frustrates me is that so much work has been done on all the legislation that will pass through the House in the next year, the last year of the mandate, and we have an opportunity to shape legislation that will affect people's lives on a day-to-day basis, but that will all be threatened and undermined because of where we find ourselves this evening. It has led me to believe that the Assembly is no more than theatre, and, to be honest, theatre is only as good as the message that it gives out and how it makes the audience feel. Tonight, the message of the Northern Ireland Assembly is that we are failing. The audience — the people of Northern Ireland — are heckling us. In fact, they are not heckling us; they have actually just left the auditorium. They do not care any more because they are so frustrated with us. That is not a good sign. That is where we are with this Bill: we are no further forward with welfare reform tonight than we were when we heard the First Reading of the Bill. That is not good enough.

I do not feel that we have an option here other than to back the Bill, and I do not like the Bill. In any other circumstances or on any other journey that would have brought us to where we are tonight, I would have voted against the Bill. However, I do not think that we have an option. For me, as a MLA whose work is predominantly constituency work, it is difficult to explain to a woman why she is not sick enough to receive certain benefits. It frustrates me that my constituents are pushed to their physical and mental limits to satisfy box ticking on an application form. It breaks my heart that I have to give a mother directions to a food bank because she cannot feed her child. Those are the shortcomings of welfare, and I have grave concerns about what welfare reform will bring. Equally, I have concerns about the budget cuts that we have, because that same mother was also talking to me about her community transport trips, which may be reduced from five to three. I

have had to explain to an elderly lady why she cannot go and meet the only person she will see that week because her community transport has been cut. I have had to comfort a lady who has shed tears because Early Years has been pulled from beneath her.

The cuts are not unique to one party; they go right across the board. Everyone will have felt it. Right now, we do not have any option but to pass welfare reform. It is a shame that we are not even going to have that opportunity tonight. It does not best serve the people of Northern Ireland, but, sometimes, we have to just strive for what we can get. The reality is that the Conservative Government are at the beginning of a five-year mandate. Welfare reform is coming to Northern Ireland with or without the rule of the Assembly. If without, it will be in its crudest form, without the concessions that we have negotiated until this point. Suggesting that we try to move forward and try to negotiate more is irresponsible. The most vulnerable, whom I have heard many of us from all sides of the Chamber talk about, will suffer.

Where is the rationale? I hate to be one to say this, but I think that Sinn Féin's rationale is nothing to do with the vulnerable. It was not before the ard-fheis in Derry, and it certainly was not after it. Like every party in the House — I see it — Sinn Féin is deeply split, although, to be fair to them, they are always the best at hiding it. To be honest, it is not even within the Assembly grouping that they are split; it is North/South. Let us face it: Sinn Féin's direction has not come from Martin McGuinness, the deputy First Minister; it has come from Dublin. I think we are all quite aware of that. I know that they do not recognise the border. Do you know what? That is fine. That is entirely fine, and I will respect that, but Members of this House do not have jurisdiction anywhere else but Northern Ireland, so it is their responsibility to put Northern Ireland first.

On Thursday, I had great faith in the SDLP. I thought that, for the first time in the past year, they would actually show leadership and realise that they should not put their names to a petition of concern. To be fair to them, they did not; they created their own. I sincerely hope that that was not a mistake and that they knew what they were doing when they signed a petition of concern that would be added to Sinn Féin's petition of concern and would render the Welfare Reform Bill invalid. By the sounds of it, that means that the party to my right are either stupid or desperate. At this stage, I feel they are both. Mr Attwood summed it up for me earlier: he said that, because things change, we should be open to taking risks. Number one: if we are going to wait for people to change things in Northern Ireland, we will not get very far. Number two: I will not risk the outcomes of the people of Northern Ireland, and I do not think that any other Member of the House should do so either.

I do not think that this is a case of it being the eleventh hour and that someone has to come and save us. That window of opportunity has passed. Crude as it might sound, Northern Ireland had a window of opportunity following the conflict, but that is closing, and I certainly think that, on welfare reform, that window has closed.

I will not keep you any more than I have done, because the Bill is doomed. I will support the Final Stage of the Bill if only to send out the message that there are some Members of the House who have faced the reality of where we have found ourselves and are starting to try to work

with that rather than trying to dream up something that is not possible.

Mr McCallister: Australian Prime Minister, Tony Abbott, said:

"I understand that government should live within its means, value the money it holds in trust from you the taxpayer, avoid waste and, above all else, observe the first maxim of good government: namely, do no avoidable harm."

The Northern Ireland Executive would do well to live up to even some of those basic principles. For example, on the point of living within our means, we get about £9.6 billion of a subvention from the Treasury with no charges, no efficiencies, and we do not have to worry about collecting any revenues. We get sent that from Treasury. That is our cut from the Barnett consequentials, our block grant and a benefit from being in the Union.

You hear all this other talk from Sinn Féin. I agree with many of the Members who have spoken, including Ms Sugden, that, with Sinn Féin, it has much more to do with Dublin and the politics there, with a Dáil election due within the year. It is to do with all those things.

As to the point about valuing the money held in trust, the mantra and the only policy I hear from Sinn Féin and the SDLP is that the Brits should give us more cash. If they gave us more money, we would do even less with it. We would reform nothing. We would not do public sector reform, and we would not do Transforming Your Care or anything else. We certainly would not do welfare reform. Look at the litany of examples of waste. Look at Transforming Your Care, a decade for local government reform and a decade for very limited educational reform. There is also the £700 million that we are borrowing for a voluntary exit scheme. Had we put a recruitment freeze on the Civil Service four years ago at the start of the mandate, we could have avoided that. There are 64,000 empty school places and £2 million a week in fines for not doing welfare reform. We have 21 special advisers, which is more than the total number in Scotland and Wales, at a cost of £2 million a year. I will put that in perspective: the education fund is set at £2 million a year. That is stuff that would make a difference to the lives of our citizens and help to break the cycle of poverty.

8.15 pm

Being in government has to be about much more than the car and the photo opportunity. Minister Foster, who spoke a few minutes ago, has the privilege of having a dedicated website, 'Arlene Foster holding things'. Being a Minister has to be much more than that. It should bring with it an enormous opportunity to change things and improve the lives of our citizens, but it must also carry a huge weight of responsibility of being in government and having to make tough and unpopular decisions at times. It requires a Programme for Government that means something. It requires that, if, after negotiations at Stormont House or Stormont Castle, you reach an agreement, you stick to it. Yet, what I have heard from a list of contributors, predominantly from the SDLP, is that we should have more negotiations. We have been negotiating for over 20 years: is it not time that we realised that the peace process is over and we should get on with the role of government?

I am one of the few unionists left in the Building who openly admits that he voted yes to the 1998 agreement. I am one of the few who acknowledges that, 17 years on, we have not delivered on the promise of that agreement. We need to change fundamentally how we do our business here. We have had endless negotiations. Over the last two Christmases, we had the Haass talks, which ran for a number of months, and then, last Christmas, we had 11 or 12 weeks of negotiations ending with the Stormont House Agreement. One of the big successes of that seemed to be that, down at the castle, the Executive had all agreed and gone to negotiate with the Secretary of State.

Given the warnings from the Finance Minister, I should probably have declared an interest at the start of the debate that I am the recipient of a single farm payment, in case I do not get that. We should probably all declare an interest in case we are all on welfare by Friday. I also receive child benefit, if that counts.

We have to face up to our responsibilities and the way that we conduct our government. Everyone in the House will know that I am a believer in having a proper opposition here. I would like the Government and the opposition to be two distinct bodies and not all in one place. That is the problem with us at the moment. The Government and the opposition — the five parties — are all in the one place. For Sinn Féin and the DUP, there is no great risk in this place collapsing or there being an election, because there is no credible, alternative Government sitting in waiting. The only opposition at the moment is provided by the six Members on these Benches. I am proud of that and of the opposition that that provides, but you need to get to a different point. In a normal process and in normal government in London or Dublin a Government who could not get their business through, such as this Welfare Reform Bill and a Budget, would collapse. That is what would happen.

Mr Kennedy: We want an election.

Mr McCallister: If an election would sort it out — I hear Mr Kennedy saying from a sedentary position that he wants one — I would welcome it. The problem is that, because there is no alternative Administration here, we would change a few faces, perhaps, but that is all that would happen. We would come back to face the same set of problems. That is why an election would not solve anything.

I was here for Mr Kennedy's contribution. He painted a fairly gloomy picture of the state of things in DRD, with lights going out and roads not being repaired. I was also here for Mr Nesbitt's contribution. I hope that I detected some signs that they were thinking of leaving the Executive and moving into a position of opposition.

Mr Kennedy: To join you?

Mr McCallister: To join me.

Mr Nesbitt: Leader, leader.

Mr McCallister: I would welcome them with open arms. *[Laughter.]* I am sure —

Mr Speaker: Order.

Mr McCallister: — that Ms Sugden and Mr Allister would make some room for them.

Mr Speaker: Order. I suggest that we have had enough of an exposition of your preferences for an opposition. We should return to the discussion on the Welfare Reform Bill.

Mr McCallister: I am more than happy to do so, Mr Speaker.

When I spoke in the last debate on welfare, I explained why I dislike not only the Bill but a lot of the mitigation measures; they do not get to where you need to be to help people. All the evidence points to early intervention in dealing with welfare and economic inactivity. Minister Farry has launched an Enabling Success strategy with no money. In all the welfare issues that we have to deal with, early intervention is the key. We have to deal with mental health, economic inactivity and educational underachievement, but we are not doing so. We will not help educational underachievement. Mr O'Dowd is back in the Chamber. We were to have committed £564 million over the next six years to mitigate welfare while we cut £2 million from the community and voluntary sector in early years education. That is wrong. That is the wrong priority in the wrong place. All Members will have been to events in here and listened to groups in their constituencies talking about early intervention.

During the last debate, Mr Attwood challenged me to come to west Belfast and speak to people. I could not get Mr Attwood tied down to a date, but I went to the Colin area of west Belfast, which has a similarly sized population to cities like Newry and towns like Coleraine. The impact of early intervention in literacy and numeracy is remarkable. In schools in my constituency, they talk about the difference in early intervention. When you go to the like of neighbourhood renewal events in Downpatrick and look at some of the figures, they were able, for very modest amounts of money, to lift the reading ages of children by up to two years. That is what the Assembly and the Executive should be focused on. Instead, we were about to get an agreement from Sinn Féin that said that it had saved everybody from the evil Tories and that that was just great; it saved them with £564 million of Northern Ireland public money going into it. Meanwhile, we are gutting all the early intervention stuff. So you have groups like NICVA. Who is going to —

Mr O'Dowd: Will the Member give way?

Mr McCallister: In a second.

Who will be hardest hit by the cuts? The first five are children and young people, local communities, education, health and social care and disability and mental health. I heard Mr Nesbitt speaking about mental health.

Mr O'Dowd: I thank the Member for giving way. I acknowledge that cuts to the early years fund are having a detrimental impact on the community and voluntary sector. When I presented my budget to the Education Committee, I said that we are now among the sacred cows because year-on-year cuts are having a detrimental impact on services. However, it is completely incorrect to say that we are now removing all early interventions. The Department of Education is spending somewhere in the region of £260 million per annum on early years education — £260 million — so it is not correct to say that we are cutting all early interventions.

Mr McCallister: I am grateful to the Minister. Perhaps, then, he will come down with me to Kilkeel and explain to

the parents and the children in Kilkeel why their nursery, their early intervention and their early years provision is being cut. That is the reality. That is the difference that it will make to young lives, and that is where I think that we are so fundamentally wrong.

On the scope of this Bill, I do not particularly like the Bill or some of the mitigation measures. As I spoke about in the last debate, I do not think that breaching things like the welfare cap is a good use of public money. Only about two Members — me and Mr Allister maybe — mentioned that in the last debate. However, your petition of concern has forced me, like Ms Sugden, to vote with the Minister. Bringing down this Bill is sheer irresponsibility. It would be bad enough if you were doing that from a position of being in opposition. It would be bad enough if you just let it go to a straight Assembly vote, but to do it with a petition of concern, whereby you know that the Bill is dead even though a majority of members, I suspect, will vote for it, is disgraceful. The most bizarre part of it is that, even if welfare reform started off as coalition policy and you had nothing to do with it, you had "Northern Irelandised" it by the time that you added £564 million to it. We have two parties in this Executive torpedoing their own Executive Government policy, and we somehow turn round and think that this is what passes as normal politics.

The outworkings of today, such as the cuts in early intervention, might not be felt for many years, but a Budget crisis will be very much a crisis made in Belfast. It will not be made in Westminster or anywhere else. We have walked ourselves into this by putting off welfare reform with the only suggestions being more negotiations — why would anyone believe you if you agreed to anything? — or the formation of a Committee. That has always worked well for us. From when this Bill was introduced in October 2012, we have had a Committee to look at the human rights aspect of it, which was set up in late 2012 or early 2013. We had delay and then talks and agreement, all of which was going very nicely up to the ard-fheis, when suddenly there was a change. That has to change.

Look at all the things on welfare that I warned about before. I said that two parties that are so opposed to welfare reform now are up for corporation tax. How very bizarre that they are still up for that. If you want to know why I said to them at the debate that corporation tax will have a long way to trickle down to the people in West Belfast, I will give you one example. An answer from the Minister of Education on the number of people doing ICT for A level by constituency indicated that West Belfast has an average of 17. Just to give you a comparison, South Down has the third highest number with 106, and the constituency with the highest number is Upper Bann at 148. That is the difference. West Belfast is at 17. Young people in West Belfast will not feel the effects of corporation tax cuts. That is not going to trickle down to them.

I have to say to Sinn Féin and the SDLP: you have been in charge of West Belfast from 1966.

It has had four or five different MPs since 1966. It is a disgrace that there are still such levels of deprivation and poverty in that constituency. You are supporting a welfare system that you think is not fit for purpose, but it is the one you want to keep. Somehow you are going to go over and fight a Tory Government. I have some upsetting news — I know you have heard this before — but the Tories actually won the general election a few weeks ago.

They are in with a majority for a five-year term. Sadly, we are stuck with the parties here: one that does not even turn up at Westminster and another that firmly nailed itself to the "EdStone". I am not quite sure what has happened to the "EdStone", but it does not look like it is coming back.

8.30 pm

We have to ask ourselves this: if the Assembly had any levels of responsibility, what would it do if one of our councils, for example, pursued an agenda of reckless spending? We know what happened when the South Eastern Education and Library Board got into difficulties. Commissioners were appointed. What would we do? What would Minister Durkan, who was here a short while ago, be recommending if a council got into such a reckless rate of spending and could not balance its books? Would someone have to step in? Would the Assembly or the Minister step in? I ask that because, at the minute, we are almost waiting for somebody to ride in to the rescue to sort this out, whether that is the permanent secretary at DFP or the Secretary of State with more money. That is an appalling place for us to be.

The main Executive economic strategy of cutting corporation tax is all about attracting inward investment, but one of the key things in attracting that inward investment is good governance. We are not going to be portraying good governance when you see that we are actually crushing our institutions, that we will run out of money and that we have one party that will not do welfare reform and another lead party in government that refuses to bring a Budget with what probably would be completely eye-watering cuts. Cuts of £600 million will mean that Minister Hamilton will be taking somewhere around £280 million out of Health. That is going to be a big help to the vulnerable and the sick. It is going to really hurt them. Minister O'Dowd's Department will take the next biggest hit. The only things that saved us in the last Parliament were that Health was protected, Education got a level of protection and we got the Barnett consequential of that. This is no way to run a joined-up government.

It is easier, I suppose, for some of the smaller parties in government to vote against the Budget as long as the bigger two agree. Today we heard from probably half a dozen government Ministers, so at least half the Executive have spoken in the debate, including Martin McGuinness, the joint head of the Administration. The joint head of the Administration is now torpedoing his own Administration's policy on welfare reform, and we somehow think that it is all right to do that. We somehow think that we should carry on. There is an attitude of, "Well, we can buy another few weeks. We can drift along with welfare reform." We are fortunate that we are not a sovereign government because we would be in the care of the IMF if we were. We could not and cannot continue with that.

There is no doubt in my mind that this is all to do with next year's Dáil election. Clearly, the message to voters in the Republic of Ireland is that they should be very wary of who they elect into government. Will they face up to the responsibilities that parties in government need to face up to and deal with them in a serious manner?

Right across the board, we have failures to make decisions. Too much focus has been on all the good things that people want announced but none of the difficult decisions. Nobody wants to talk about water charging or

tuition fees, but we want cuts in corporation tax and air passenger duty. We would like VAT on tourism cut to 9%. We want all those things, but we have no concept of how we are going to pay for them. At least £500 million will be spent on welfare reform and possibly another £200 million on top of that, since we worked out that the £500 million will not be enough. Such is the economic illiteracy that at least two of the parties in the Assembly are stuck on. That is a very unfortunate place. It would not be as bad a thing if you were not in government and did not have the ability to sign a petition of concern.

That is why I will vote with the Minister on this Bill. It is hugely regrettable that the renewal and rebooting of the First Minister and deputy First Minister's relationship after the Stormont House Agreement has all been lost. The momentum gained in January and February, by passing the Budget and moving on this issue, has all been lost, and we are going nowhere, to the point where we are about to hit the buffers.

I will leave it at that. I will vote with the Minister tonight.

Mr Storey: First, I thank those Members who joined in numerous comments in relation to the health of the First Minister. I thank them for their best wishes, and we are glad that we have a First Minister who has given us such time and effort, as I said earlier, in regard even to the issues that we are discussing. We thank Members who expressed their best wishes, one and all.

That is where the goodwill seemed to end. It gives me no joy, as Minister for Social Development, to realise that there are two parties that, despite all that has been said and done, and all the progress made, are prepared, by what they have already done with the petition of concern, to consign the Welfare Reform Bill to the bin. My colleague the Finance Minister set the debate in its factual context. Let us be under no illusion, and let it be said on the Floor of the House tonight, that there has been no contrived crisis; there has been no choreography to bring about a situation that we hoped would not really transpire. We are facing the reality of the circumstances that we find ourselves in.

So, all the talking has been done for tonight. All the comments have been made, and it is now up to the Members of this House to determine whether they want to have a Bill that has in it mitigations and measures to help alleviate and support those families and communities — we have all been told about them tonight — that we have concern for, or whether they are prepared to allow others to bring about a situation that will introduce another Bill, because welfare reform will come to Northern Ireland, but it will not be this Bill that will introduce it. I want to mention something that was touched on by the Finance Minister. There seems to be a misunderstanding, either deliberate or inadvertent, of what this Bill is about. It is a piece of enabling legislation, and all the parties have been well aware of the schemes, plans and regulations that would be brought in over time to bring into existence the welfare changes. It seems that that is all to be lost because two parties have decided, tonight, that they want to bring it to an end.

I do not intend to rehearse all that has been said by others, you will be glad to know, but I want to make a few comments as I conclude. Let me turn to comments made by Mr Maskey and by the Agriculture Minister. Earlier, they referred to the financial losses that different claimant

groups would incur as a consequence of the changes to the welfare system. They quoted figures from my Department for families with children, adults and children with disabilities, and ESA customers. They suggested that all those claimants would be financially impacted and that we in the Assembly needed to think about the impact that that would have on those groups. Let me say this: the supplementary payments scheme would have provided full protection for all current claimants in each of those groups. It is recorded in Hansard; it is on the Floor of the House; it is a fact. No individual would have suffered any financial loss as a result of the Bill that the two parties opposite are going to vote against. That protection would have initially lasted for three years, and future claimants in each of the groups would also have been able to access financial support when they were facing a financial crisis in their lives. What I proposed in the Bill was real and affordable support that would have ensured that current claimants would not have suffered any financial loss during the lifetime of the scheme, and that financial support would have been available to future claimants who had not suffered any real loss.

Members can look at their phones and try to be dismissive, but that is what you are rejecting tonight. I do not want to hear, tomorrow, all these claims about protecting the vulnerable and defending the poor when, in this House tonight, it would seem that there are Members who are quite happy to vote against a Bill that was intended to do that very thing.

Mr Maskey also referred to the need for political leadership and, while he was commending the work of the officials, he suggested that it is not officials who make the policy. He is absolutely correct. He said that it is important to point out that senior civil servants have a key responsibility to provide Ministers with objective and impartial advice to enable politicians to make informed policy decisions. Let me make this very clear: the advice provided on the supplementary payments scheme rightly pointed out the significant financial consequences, the legal impediments and the operational difficulties of making the types of payments that Sinn Féin proposed for future claimants.

If the party opposite thought that I, as Minister, was going to do something that had significant financial consequences, legal impediments and operational difficulties, it is not living in the real world. The party opposite knows well, as does the SDLP, that my officials and I have endeavoured, in good faith, to do the very best that we could in extremely difficult circumstances.

8.45 pm

Let me refer to the bedroom tax. Some cloud of mist seems to have now descended on the SDLP in that it somehow was not aware of the bedroom tax and its implementation or non-implementation, its place in the Bill and how all that would transpire. The SDLP endorsed the Executive paper on 22 January that set out how the Executive would ensure that the bedroom tax would not be introduced in Northern Ireland. Let me say that again: it endorsed the Executive paper on 22 January. The paper provided that current and future claimants would be protected from the financial consequences of the bedroom tax. The paper also clearly set out that existing and future tenants would be protected from any reduction in their housing benefit. All that was endorsed by the SDLP, so

let us not have any of this, "But it wasn't us, Jack; it was somebody else".

Mr D Kelly: I am grateful to the Minister for giving way. It is my understanding that, at the Executive, our Minister put on record our party's right to amend. We are under no illusion that the bedroom tax is in the Bill. Mr Agnew and others have stated that there are some protections for some years but not for ever in relation to those who might be subject to the bedroom tax. We tabled amendments and a petition of concern in relation to the bedroom tax a year and a half ago and asked others to sign it. It remains unsigned. Will the Minister at least acknowledge that as fact?

Mr Storey: What we will acknowledge is that, tonight, the SDLP will join Sinn Féin and bring to an end any measures, mitigations and benefit that would come to the people of Northern Ireland, whose champions they claim to be.

Members, we have come to the end of the debate today. It is now up to Members to decide how they will protect the people whom they claim they represent. The decision is now over to you.

Mr Speaker: I remind Members that the vote on the Bill will be on a cross-community basis.

Question put.

The Assembly divided:

Ayes 58; Noes 39.

AYES

Unionist

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Other

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

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

NOES

Nationalist

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr F McCann and Mr McGlone.

<i>Total Votes</i>	97	<i>Total Ayes</i>	58	[59.8%]
<i>Nationalist Votes</i>	39	<i>Nationalist Ayes</i>	0	[0.0%]
<i>Unionist Votes</i>	50	<i>Unionist Ayes</i>	50	[100.0%]
<i>Other Votes</i>	8	<i>Other Ayes</i>	8	[100.0%]

Question accordingly negatived (cross-community vote).

Adjourned at 9.01 pm.

Northern Ireland Assembly

Monday 1 June 2015

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

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. I raise again the vexed issue of the failure of Departments to respond in an acceptable time frame to questions for written answer, and ask for the assistance of your office. On this occasion, I refer to two questions to the Department of Finance and Personnel, AQW 35938/11-15 and AQW 35939/11-15, tabled almost nine months ago, on the important subject of the disposal or sale of the Northern Ireland debt portfolio by the National Asset Management Agency to Cerberus. Despite those questions being tabled almost nine months ago, and despite the importance of the topic, they still go unanswered. It really is a frustration for Members. This is but an example of the continuing failure of Departments to address their responsibility to answer questions.

Mr Speaker: I have considerable sympathy for the Member, and indeed for Members who find themselves in a similar predicament when pursuing legitimate issues in the legitimate expectation that their questions for written answer will be responded to. The Member will understand that this is not something that comes directly under the authority of the Speaker; but I make it clear that I have considerable sympathy with the position that you find yourself in. You have put this matter on the record once again, and I hope that Ministers will take note. Let us move on.

Committee Business

Ombudsman and Commissioner for Complaints (Amendment) Bill: Consideration Stage

Mr Speaker: I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt, to move the Ombudsman and Commissioner for Complaints (Amendment) Bill.

Moved.—[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Speaker: No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly to group the three clauses of the Bill for the Question on stand part, followed by the long title.

Clauses 1 to 3 ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill. The Bill stands referred to the Speaker.

Area Planning: Committee for Education Position Paper

Mr Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members called to speak will have five minutes.

Mr Weir (The Chairperson of the Committee for Education): I beg to move

That this Assembly notes the position paper produced by the Committee for Education on area planning; and calls on the Minister of Education to implement the recommendations contained therein.

The Committee's scrutiny of the area planning process began almost three years ago. In the intervening period, the Committee has undertaken a number of formal and informal evidence sessions with many stakeholders, including parents, teachers, principals, representative organisations, the relevant arm's-length bodies and not forgetting, of course, the Minister and his Department. The Committee also benefited from support from a special adviser, Professor Tony Gallagher. The end result of all that work is the position paper before the Assembly today with its recommendations. At this stage, I would like to take the opportunity to thank all our witnesses, particularly Professor Gallagher, for their contributions to the Committee's scrutiny.

As with a lot of things in life during the last three years, things have changed in the process. The Committee has changed its membership on a number of occasions and has changed its chairmanship twice. At this point, I would like to pay tribute to my two predecessors who were involved in the process, Mervyn Storey and Michelle McIlveen. It is perhaps appropriate in an education debate that there is a feeling of getting up and reading out someone else's homework today, given the work that has been put in over the last three years. Also during that period, the education and library boards have become the Education Authority, viability audits have been replaced with annual area profiles, and the area planning coordination group appeared to change its membership and also became a steering group. The area planning process itself was driven by other longer-term changes, demographic and budgetary, and by the unchanging need, which I think all of us would agree on, to improve education outcomes for all our children.

To be clear at the start, the Committee for Education accepts the need for area planning. Put simply, it is good to plan for education. It is correct to do so on an area basis. It is the right thing to do in order to address expected changes in the school population and to improve provision for all our children. Given the strong importance that all communities attach to education and the equally strong linkages between our schools and our cultural identities, it is perhaps not surprising that the process has proved to be complex and sometimes controversial.

It is also fair to recognise that the process of area planning is made more complicated by the highly sectoral nature of our education system and the lengthy transition period that we faced in the education and library boards becoming the Education Authority.

Having said all that, I must also say that neither the sectoralisation nor the highly charged nature of school planning was a secret or should have been a surprise to anybody. The dogs in the streets would no doubt have told the Department of Education — and we have some very wise dogs in this country — that area planning was a substantial change management challenge. It could also have easily been spotted that area planning would generate significant angst within schools and, almost inevitably, accusations of unfairness and inconsistency. What is concerning is that the Department, the education and library boards and the Council for Catholic Maintained Schools (CCMS) did not seem to fully understand that at the time.

It is anticipated that, now that the Education Authority is in place, there will be a review of area planning, and, looking to the future, hopefully things may change. I trust that, as part of that process, the Department will accept that the Education Authority is not the Education and Skills Authority (ESA) and that, consequently, there is still more than one planning body for schools in Northern Ireland. That being the case, the Department will still have a key role in leading and managing the change in our schools.

At the start of the area planning process, there were many references — they have been fairly constant — to the surplus school places.

First, there was reference to 85,000 and, then, to 74,000. It became apparent to the Committee that the Department was using a different set of figures from those that were used by the education and library boards and CCMS. Members found the use of different sets of figures to be, at first, surprising and, then, confusing.

In a change management system, rule number one is to communicate clearly and consistently and to immediately scotch any suggestions of ambiguity or arbitrary decision-making. The two sets of figures, which differed by around 10,000 or 11,000, and perhaps also the mysterious designation of everywhere outside Belfast and the city of Londonderry as "rural" — I am sure that that designation came as a great surprise to people in Rathcoole, Kilcooley or the Old Warren Estate in Lisburn — appear to amount to clear breaches of that basic first rule of good change management.

We may hear arguments today that the Committee's reference to the Bain criteria is completely out of place and that these criteria are no longer used in any way. I refer Members who make that point to pages 17 and 18 of the Western Education and Library Board's primary area plan, which was published less than a year ago. Admittedly, the reference is to revised Bain criteria of 85 children and composite classes as determining, amongst other things, the sustainability of a school.

The Committee was very much impressed by the evidence from parents and teachers from small rural schools on this issue. The Committee takes the view that Bain-type measures of the sustainability of a school are overly simplistic. The Committee believes that a dashboard of measures that assesses the value added in schools while also recognising the importance of cost is a better way to evaluate provision. We may also hear today that the dashboard is in fact departmental policy. That being the case, perhaps the Department could have advised the education and library boards and CCMS before they

published their area plans. Indeed, we hope that the Department will endeavour to make faster progress in actually establishing the dashboard.

I also want to mention the needs model. This is the methodology that the Department uses to project demand for educational provision on an area basis. I suspect that, some years ago, a lot of the assumptions underpinning the model in respect of the level of identification of communities with particular educational sectors may well have been highly accurate and reasonable. I do not believe that that is the case any more. I suspect that colleagues will refer to the outworkings of that in places like east Belfast. We now have an increasing level of diversity in our school population, including many more newcomer pupils from outside Northern Ireland and more children designating as neither Protestant nor Catholic. In parts of Northern Ireland, there is a trend towards a greater level of mixing, which is something to be welcomed. For instance, last week, in my capacity as Committee Chairperson, I met representatives from St Columbanus' College, which is in my constituency, and the Committee previously visited Methodist College. Neither of those schools is integrated and therefore they operate under a label and a certain level of assumptions. Instead, they might be termed "super-mixed schools". The needs model needs to recognise and promote this very welcome organic mixing of the major communities in Northern Ireland. I suspect that, in the debate, there may be others who will want to say how the needs model particularly treats the integrated sector.

The Committee also felt that it was a serious error to omit the further education sector from the needs model and thus from educational planning for over-16s on an area basis. The Committee also commented on the different timescales for and treatments of the two largest sectors in relation to area planning. It simply does not make sense for the Catholic maintained and Catholic voluntary sector to be permitted to plan their provision separately from the controlled and other denominational grammars. This approach undermined cross-sectoral solutions and, coupled with representational issues at the steering group, fed a perception that the controlled sector was not getting a fair deal.

I understand and am glad to say that the controlled sector support council and other groups will have some form of representation in the area planning steering group. I hope that in a future timescale for area planning, reviews will be inclusive and synchronized and will thus promote cross-sectoral and innovative solutions.

Finally, as Chair, I want to talk about consultation. The Committee does not have extensive resources. It does not have easy access to schools or to all parent or pupil organisations. It does not have steering groups that include a wide range of arm's-length bodies. I suppose that, in many ways, the Committee is asking itself how it was able to do a better job at times than the Department and its arm's-length bodies when it simply came to listening to stakeholders. What is wrong with the consultation processes? Why did the Committee consistently receive such forthright and eloquent feedback from teachers and parents on area planning? Why did those same representations appear to fall on deaf ears in DE and its arm's-length bodies?

12.15 pm

The Committee believes that it is time for a new departmental mindset in respect to consultation. To be sure, there is no doubt that hard choices and unpopular decisions will have to be made. The Committee however feels that that makes active listening and meaningful engagement much more important. Members particularly felt that, had there been a proper explanation to parents of the benefits of area planning resolution, including a greater linkage with the new capital builds, at least some of the problems, delays and angst that we have seen in some parts of Northern Ireland could have been avoided.

The Committee takes the view that area planning is necessary to deliver a better educational experience for all our children. That will inevitably mean some level of rationalisation of the schools estate. The wide-ranging and difficult process has simply not been managed in a satisfactory manner to date. I hope that, in taking forward the anticipated review of area planning, the Minister will consider and ultimately implement the Committee's position paper. As the Chairperson of the Committee, I therefore commend it to the House.

I want to turn now to a number of points in my other capacity as a DUP MLA. All those points are compatible with the report. In moving forward, there is an opportunity, with the report and the creation of the new Education Authority, to effectively restart, reboot and re-evaluate. We need to ensure that we do that on the basis of a level playing field and a sense of fair play across the sectors. Particular concerns had been raised about the controlled sector, and I am very glad that, when the Education Act was being put through the House, we secured the creation and, indeed, direct representation of the controlled sector body. It is vital that that moves ahead swiftly and that all the pieces are put in place by the Department. I call on the Minister to clarify that.

Secondly, the experience that people have had of the implementation of area planning has been somewhat piecemeal. For the sectors and from a geographical point of view, part of which comes from the division of the different boards and sectors, I am sure that we would all agree that area planning needs to move forward on a much more strategic basis.

Thirdly, we will hopefully shortly see the Department's legislation on shared education, and that is also an area that the Committee has looked at in some depth. As we look to the future, it is important that the linkages are there between shared education and area planning and that many of the old assumptions about the numbers and the lack of robust statistics are tackled. When I was speaking as the Chair, I mentioned St Columbanus' College in my constituency. That is a maintained school, but its intake from the Catholic community is less than 50% of its numbers and, on that basis, it is a super-mixed school. Where there is good practice, be it there, Lisanelly, Methody or other places, that should be taken into account when we look at area planning. Allied to that, we need more robust statistics. We have seen variable measurements for the number of surplus school places, which can be difficult to judge because it can be a moveable feast. In my constituency, very sensible adjustments were made reduce the nominal amount of surplus places in at least two of the local primary schools. In effect, the rooms in their buildings were being used for

other purposes beyond the primary school and an artificial number had been created. As we move forward with area planning, we have to ensure that everybody is working off the same assumptions and information.

Finally, as has been mentioned, as we move forward, we need greater listening, particularly to the needs of schools and parents. As was indicated, we need a much more proactive process in that area. In the last couple of years, we saw the problems when the former Southern Board seemed to jump ahead with the proposed changes to the Dickson plan, which clearly went against a lot of the concerns that had been raised locally. I would make the more general point that, as we move forward with area planning, we need to have much more of a responsive nature, be swifter in our responses and have a much greater degree of engagement with the public.

As I said at the outset, from Committee and party points of view, there is good value in the idea of area planning and it should be a no-brainer. Unfortunately, with the way in which the implementation has gone, we have seen a number of flaws within the system.

This debate and the Education Authority's review process provide an ideal opportunity. If lessons are learned from the mistakes made in the area planning process over the last few years, we can have a process on which we can move forward together and in which we look not simply to have greater cooperation and efficiency but to improve the standard of education. The opportunity is there, and I urge the Department and the new Education Authority to grasp it. I commend the report and the recommendations of the position paper to the House.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I speak as a member of the Education Committee on what is an important topic. I recognise the Chair's comments, and it is worthwhile that we reflect on the fact that area planning processes are necessary to advance accessibility and the educational attainment of all our children and young people. It is worth reflecting that the tone coming from the Committee is that things will change in future. It is important to acknowledge that we need to move forward to an inclusive and evidence-based process. We also need to reflect on the additional statutory powers that will exist in relation to area planning processes and, indeed, the Education Authority's responsibility in that.

It is important to reflect on the context that took us to this point and the fact that, in 2013-14, there were approximately 162,000 primary-school pupils in 839 schools. It was clear at that stage that enrolments in one third of primary schools was falling below the Department of Education's sustainable school threshold. We need to be mindful of the indications that we were given of the almost 67,000 unfilled school places: 12,000 in post-primary schools and 55,000 in primary schools. That was a key challenge for all of us, legislators and otherwise.

It was right that we moved to a position of commissioning the education and library boards, CCMS and the other sectors to engage in the area planning process. The process started with the viability audits, and there were indications that 46% of primary schools were evidencing stress, either in formal intervention or in enrolment. There were similar scenarios when we looked at secondary schools and, indeed, grammar schools: stress in either educational attainment or formal intervention.

It is important, however, to reflect on what we have learned through the process to date. We need to be mindful of the level of response to the consultation: almost 50,000 responses. It is also worth noting the geographical differences in those responses. Those from the Belfast Education and Library Board area were largely positive about what was proposed, but there was a stark difference in the responses from my region, the Western Education and Library Board area, which were largely negative. There are lessons in that about the geographical issues.

In the Committee's learning through the process, we listened to individuals such as Colin Knox and many others, who, quite often, cited inconsistency and significant dissatisfaction with the area planning consultation process. Much was said about the process in the Western Education and Library Board area and about the low level of agreement among respondents. Reference was made — we would be foolish to ignore it — to the 7,629 people in the Western Education and Library Board area whose views were ignored. The messages were stark and challenging. Many stakeholders argued that the consultation was tokenistic and failed to meaningfully engage.

At this point, I want to reflect on the learning and make the point that the plans are simply a process, at this point. In my view, it is an evolving process at this point, and it is important to be particularly mindful of the recommendations in the Committee's position paper. Area plans must be reviewed and should be consulted on through a formal, meaningful and robust statutory process. Any actions emerging from area plans, such as new schools, closures or amalgamations, will and should be subject to development proposals. That means that statutory consultation must take place. That is critical.

This is now about leadership from the new Education Authority, as referred to in recommendation 1, to ensure that we learn the lessons and that area planning is undertaken in a transparent way.

Mr Rogers: I am pleased to have the opportunity to speak on the matter today after the work that the Committee carried out in compiling the report. Before I go any further, I thank Peter and his staff for the way in which they compiled the report. I call on our Minister to take careful heed of the report and implement its recommendations.

The seven years and £17 million that was squandered through ESA did little to help the area-based planning process. The Committee found only a limited impact of area planning to date. Education is the building blocks of an individual's life and our economy. Every child should have access to the highest possible quality of education. A quality education should not be the luck of the draw.

With the Education Authority now in place, it is vital that we get area-based planning right. We lack a precise and clear analysis of the situation at present. Without it, we cannot plan for the future. We have plans from the boards, CCMS and whatever is left over. In addition, our colleges of further education have been left out of the process, despite the integral part they play in our education system. They offer a wide variety of courses, academic and skills-based, and they play a key role in local learning networks and shared education. In one sense, we are encouraging shared education, but, on the other hand, we are cutting off the best vehicle of shared education: the entitlement framework. It is time that we had one cohesive and

strategic plan in place that takes account of our unique educational landscape across the North. What was evident was the lack of transparency and the real mistrust felt by parents, schools and other stakeholders around this. They do not feel listened to or confident. The Department is in danger of promoting a culture of competition, with schools trying to outdo each other rather than complement each other. Area planning will not succeed if schools operate in a climate of suspicion. That is something that the Department must address.

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

One of the SDLP's main concerns is how rural schools fare in all this — or, rather, any school outside Belfast or Derry, which is the Department's bizarre definition of "rural". As it stands, we are left with a situation where a school in Lisburn must satisfy different sustainable criteria from one down the road in Belfast or where a school in Newry has the same sustainable criteria as one in the rural Mournes. Part of that set of sustainable criteria is that rural primary schools are expected to have more than 105 pupils, and schools in Belfast or Derry are expected to have more than 140. For post-primary, that number rises to 500. Whilst it is certainly important to take into consideration the number of pupils, no satisfactory explanation has been given of the rationale behind those figures. As far as I can see, they seem to be arbitrary lines drawn in the sand. Numbers are important, but we must take into consideration good leadership, the quality of teaching and learning and financial viability. That is just one of the flaws that have been exposed in the Bain proposals. Those flaws will have a detrimental and long-lasting impact on our rural schools, their communities and our rural economy.

I must also raise concerns regarding just how seriously cross-border cooperation is being pursued. As far as I can see, little real consideration has been given to it. Consider, for example, the provision of post-primary education in Fermanagh. A more sustainable and viable option may be a school 15 miles away in Donegal, not a school in Enniskillen that is maybe an hour or an hour and a half away by bus. Excuses used include that it is a different education system and that they transfer at 12 instead of 11, but educationalists know that those issues are not insurmountable.

If there is a will, there is a way. Unfortunately, it is evident that there is not the will for real and meaningful cross-border cooperation to ensure that cross-border communities can be sustained and have viable schools in their own areas.

Through the Education Authority, there is an opportunity for a joined-up approach, but there needs to be a better analysis of the school estate centrally. We have many oversubscribed schools and, on the other hand, many empty desks. I urge the Minister again to —

12.30 pm

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Rogers: — review these plans and take the opportunity to get this right. I commend the report.

Mrs Overend: I am grateful for the opportunity to participate in this debate. I add my commendation to the Committee Clerk and the Committee staff for all their work on this issue. As the Chair of the Committee said, the

inquiry began back in 2012, which was long before I was a member of the Education Committee. However, one could not fail to be acutely aware of the area planning process ongoing in every constituency.

The future of primary and post-primary schools was sent into disarray, not knowing how the area planning process would proceed. There then followed a time of contemplative action. The first recommendation that area planning should happen in a "transparent and consistent manner" is a common-sense approach. It is one that you might not expect to have to suggest because that should already have been a given, but sadly not. The process would have moved along more smoothly if all the various bodies had worked within the same process and at a similar pace. If the whole school estate ideal was to work together for the betterment of all our children, I am afraid that that did not happen either.

I consider the most significant recommendation of the Committee report to be number 5:

"The Committee recommends that the Department should require its ALBs to plan educational provision on a truly area basis to a single timescale including all sectors and Further Education colleges where possible and that cross-sectoral solutions should be given consideration as appropriate."

I actually think that this is not strong enough. Cross-sectoral solutions were explicitly meant to be the norm, dating back to the start of the process, with the viability audits and the first area plans produced by the education and library boards. After all, the Minister said when launching this process on 26 September 2011:

"As part of this process there will be close consultation with the other sectors."

In the Assembly, on 22 October 2013, he said:

"As Minister, I see far too many development proposals that are written as if the school up the road does not exist." — [Official Report (Hansard), Bound Volume 88, p311, col 2].

Has the area planning process lived up to the rhetoric? Throughout the process of listening to schools and parents across Northern Ireland, we have heard of cases where schools in some sectors were protected at the expense of schools in other sectors just around the corner. Meanwhile, there was also the issue that an area plan was developed without consideration of schools across the border. Before you think that I am referring to the Republic of Ireland, I mean across the borders of different education and library boards. I speak as a member for Mid Ulster, where we have schools in the North Eastern Education and Library Board and the Southern Education and Library Board. It is imperative that the area plans look across that particular border.

So far, area planning in education has not lived up to what it was meant to do. The reality is that sectors have reorganised and rationalised their estates, independent of others, before and after the process was launched quite some time ago. Recent debates in the Assembly have suggested that there is no consensus about where we should be going in a vision for our education system. It seems abundantly clear to me that the Minister has no inclination to take on vested sectoral interests. There is a policy vacuum and an attempt to reorganise a fragmented

system where some sectors have their own sectoral bodies with their own agenda and some have been allowed to unilaterally rationalise their own schools estate. That has led to confusion.

Can this process be truly described as area-based planning when the maintained sector has already planned its own future with little regard for shared education, and open hostility to integrated education? There is continuing uncertainty in many parts of our divided education system, and no leadership has been shown by the Department or the Minister. Of course, we debate this report with a growing recognition that we are on the verge of another Budget crisis and that the £500 million extra money for shared education is very much in doubt. How will that affect area planning needs? It needs to be thought through. I trust that the Minister will address that when responding to the debate.

Mr Deputy Speaker, I will end there. I support the Committee motion.

Mr Lunn: The process of area planning, I am sure, has been going on for much longer than the formal process that we have been involved in since September 2011. That is when the Minister commissioned the boards and CCMS to work together to produce a way forward for area planning. Mrs Overend politely suggested that, perhaps, that did not work too well in the case of CCMS. I will go further and say that it did not work at all in the case of CCMS because it has proceeded in its own sweet way for the last four years to plan its own estate. There has been no evidence of any serious input from CCMS by way of a rational, overall, unbiased view of the system that we have.

The Chairman said that there was good value in area planning. Again, that is putting it mildly. It is vital that we get area planning right and that we get it right as quickly as possible. We have already spent four years, and more, on it, and we have had the viability audits, which produced the figures that Ms McLaughlin referred to. Eighty-four per cent of secondary schools are in some sort of stress, according to the criterion used. We have also had the area planning coordination group, which was subsequently replaced by the area planning steering group. If there is some difference between those two, I would like to know what it is. All of that has led to what Members have referred to as the needs model, which is addressed in our recommendation 4.

I will highlight one or two features of the original process. The first requirement was to ensure a network of sustainable schools within reasonable travelling distance. It did not say "within sectors"; it said, "within reasonable travelling distance". How can you possibly do that without the consideration of cross-sectoral solutions, where appropriate?

Another feature was to identify realistic, innovative and creative solutions to address need, including opportunities for shared schooling on a cross-sectoral basis. Frankly, how does shared schooling help the situation if you have too many schools? It merely prolongs the agony; it does not help the process that we are supposed to be about. That is not to say that shared schooling does not have its place. There is big momentum, at the moment, towards a shared solution. I notice that every primary school in County Fermanagh that was identified as being under stress, or, in other words, under threat of closure, is now involved in a sharing solution. That is how it should be

while we make up our minds about what to do about the overall situation.

Others mentioned the requirement to explore opportunities for cross-border planning. As far as I am aware, there has not been any of that. Mr Rogers referred obliquely to the situation in Brollagh in Fermanagh, where there may be a solution, but is that being actively explored? Are opportunities being taken along both sides of the border to explore the obvious opportunities that arise for minority communities? I do not know. Maybe the Minister can tell us.

I will go back to the needs model. I would not want to cross swords with the Minister, because we do not agree on this, but he will probably correct me in due course. The needs model militates against the integrated sector. There is no doubt about that. I accept the Minister's acceptance of his obligation to facilitate and encourage the integrated sector, but the needs model effectively gives him a let-out, because it means that the other sectors have to agree before there is any increase, or potential increase, in the capacity target for integrated schools. So, let us see where we go with that.

I see that my time is nearly finished. All that the area plans, as they stand, have done so far is produce a lot of anxiety and worry amongst schools, parents and pupils. So, we have to get on with this.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Lunn: Frankly, I propose an independent review — something similar to the Donaldson review of health — with nobody with a vested interest having an input. Let us see what would come out of that.

Mr Newton: I support the report. I want to come back to a couple of things that the Chairman said, but first I would like to outline some of the experiences in area planning that my constituency has had over recent years and to indicate that although, obviously, area planning is essential — taking up some of the points that Members have made — it has to be holistic area planning that covers every sector of our education system.

I will mention a few experiences, Mr Deputy Speaker. I turn first to Dundonald High School, which was recommended for closure by the South Eastern Education and Library Board, and the reaction of parents to that closure announcement or "consultation on closure", as it was put. The school served the community in the largest or second-largest estate in Northern Ireland, and there was a lot of anger about that. However, that anger turned into a very positive area of work, and the work that parents did along with their elected representatives was recognised by the Minister, who reversed his decision or, rather, made the decision to keep the school open. One of the factors that came out of that, in terms of area planning, was that, while that school served pupils from the local estate, it also served pupils from the Belfast Education and Library Board area. Had Dundonald High School closed, some of its pupils would have gone to Belfast schools, yet there was no consultation or communication between the South Eastern and Belfast education and library boards, prior to that recommendation coming forward. That not talking obviously indicates that there is no real area planning taking place.

The same is true in the case of Orangefield High School. The Belfast Education and Library Board went along and recommended closure to the school's board of governors, the parent board of governors and to the school parents in general. Indeed, it indicated that, in other schools in the area, the cap would be lifted to allow the pupils to transfer in. That was not correct. The cap was never lifted, and the pupils had no chance of getting into the favoured schools, despite the fact that pupils were taken along to the schools and it was indicated to them that they should sit a test to decide which class they would go into in their new secondary school. School uniforms and transport were discussed, but that was not part of an area plan.

In another case, the Minister was threatened with judicial review. That was in the case of the closure of Knockbreda High School and its amalgamation with Newtownbreda High School to form the new Breda Academy. That was really about the concerns of pupils, again, with the merger of a school from the Belfast Education and Library Board area with one from the South Eastern Education and Library Board area or, rather, the closure of one and the formation of a new school. Currently, there is a lot of concern among parents whose children go to the three feeder schools of Strandtown Primary School: Dundela, Greenwood and Belmont primary schools. I hope that that can be sorted out via some degree of area planning, but it is causing a lot of concern to parents and the pupils who attend those schools.

Then there is the ongoing Elmgrove/Avoniel school situation, which involves the closure of one and merger with another. There is a great need for communication with parents to involve them in decision-making, so that they can at least see the rationale to make an argument, and a need for communication with and support from elected representatives. A degree of planning needs to take place, so that we can all benefit from this.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Newton: The Chairman has indicated the need for area planning, and the report sets that out. I do not think it is anything other than a basis on which to build for the future.

12.45 pm

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I too welcome the opportunity to talk on the position paper. I want to put on record my thanks to the Clerk and his team, who have put an enormous amount of work into the paper, as they do always. It is important to say that. Also, I thank the schools, stakeholders and communities — the pupils and parents — who travelled to this Building. We went out to engage, and people were very welcoming to the Committee over the last number of years as we looked at the issue. It is right to put on record our thanks to them for raising the issues with the Committee.

From the start, it has been clear to me that there is a real need for change. Perhaps what has sometimes not been clear to some people is that it is a process of change. It is a journey, and it simply will not be an overnight transformation. The process will be fluid and will involve different types of review and analysis and looking at exactly where we are going. Perhaps the last speaker, Mr Newton, touched on that when he mentioned Dundonald

High School. I was very privileged to be invited to have a look at the school during the process, and I was delighted to go along. It was clear that it was a school that had suffered, in previous years, as a direct result of no area planning in east Belfast. There had not been enough community engagement, and the leadership of the school had maybe not been what it should have been. The area planning process has certainly been to the benefit of that school. It seems to be on a far better footing and perhaps has a brighter future ahead. That shows where the situation has been fluid and flexible. The Minister was able to meet the needs of that school at that time to afford it that chance. To me, that is what the entire area planning process is about.

Despite the cries, sometimes, of "Crisis" and "Catastrophe", that we have heard about area planning from some quarters, it has not been that. We have had a steady process of change. Some people are perhaps frustrated that the pace of change is not enough or that there is too much change. They see alternative or hidden agendas in it. I simply do not see that. The position paper touches on some of the issues. It mentions some of the tweaks or changes that need to happen or would be fruitful. No doubt the Minister and his area planning team in the Department will look at that as we move forward.

I am sure that Mr Lunn will not be surprised that I do not have the same concerns around the needs model that are outlined in recommendation 4, but I will not die in a ditch over it and I certainly will not divide the House over any disagreement. I am happy that the report reflects, at various points, that some Members had alternative ideas. I also do not recognise in the area planning process the attack on the rural schools that is sometimes claimed. I simply do not see that. The process takes the special needs of our rural schools into consideration, and it was a mistake earlier to suggest that if a rural school does not have 105 pupils it is somehow in danger. It is not. There are various schools — I have worked for some in my own community — with fewer than 105 pupils that are fairly sustainable and are under no direct threat. The area planning process has not been a threat to them. It is wrong to send out messages publicly that this is somehow a numbers game. I have lost count of how many times the Minister or anybody else has said that area planning is not a numbers game and does not come down to numbers. It is about the sustainable schools policy and everything else. It is important to say that. The rural dynamics of the North suggest that we will have schools in rural areas that are under stress. Equally, we will have schools in urban areas that are under stress. If our schools are under stress, then they are not providing the services that we need to be part of an area planning process. Well then, so be it.

The areas we really need to look at to push forward and improve are engagement and consultation, not just for education but for government as a whole. We need to find better ways of engaging with and empowering local communities at the very bottom of society. If this is to be a bottom-up process, we need to ensure that every family, every parent and every pupil feels a part of the process and feels exactly what area planning is. I would hazard a guess that there are families out there who could not tell you what area planning is or what it means, and we need to address that. We also need to be far more imaginative and should not set limits to some of the solutions to area planning. There should be absolutely no limits. We need to

see models of all shapes coming forward, and the vested interests of institutions should not be a barrier to that. The Department needs to show real leadership on this. That is what we are starting to see.

Mr Lunn: Will the Member give way?

Mr Hazzard: I will indeed. Go ahead.

Mr Lunn: Going back to the needs model, does the Member agree with me that the Committee noted that no examples had been provided of changes to needs model projections for the integrated sector based on parental demand?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Hazzard: I thank the Member for his intervention. I am happy to note that. I just do not see the same criticisms as the Member sees. I also do not see it as the threat to integrated education that the Member outlined earlier.

Finally, given the massive change we are seeing here — this will be a journey of change — it is only right that we also acknowledge the financial environment we are in. We need to have a very fine balance between protecting the interests of the public purse and investing in our education estate. I do not envy the Minister in the difficult job of designing an estate that is fit for the 21st century and the needs of a global education market. I am happy to welcome the report, and I look forward to some of the changes in the future.

Mr McCausland: As a member of the Committee, I want to thank the Clerk, the staff and all others who contributed to the preparation of the report.

As the Chair of the Committee said, it is good to plan, and that needs to be done on an area basis. It is more complex in Northern Ireland than in many other places because of the range of sectors we have and the fact that the Education Authority is only coming into place now.

The recommendations in the report speak for themselves. Therefore, I want to take the opportunity to highlight a couple of situations that I have had experience of with planning in my constituency of North Belfast. The situation with the two Model schools very much came to our minds in the last few days, because you now have two controlled secondary schools in north Belfast — the Boys' Model and the Girls' Model — and the two Ashfield schools at the other end of the city. This year, it was encouraging to see that the number of children who applied to the Girls' Model was around 22 or 23 above the number that could be taken into the school. Eventually, some were accommodated elsewhere, but quite a number are still not settled. It is interesting that, when the letter went out to the parents about the situation, they were offered alternative schools. The schools they were offered as alternatives, since they could not get into the Girls' Model, were seven Roman Catholic maintained schools in various parts of Belfast, an Irish-medium secondary school in west Belfast and an integrated school at the far end of the city. Those were the schools in Belfast with vacancies. There were no vacancies in the controlled schools. The parents in Ashfield were experiencing a similar situation. It is clear that we have not been getting it quite right as yet and that there needs to be a lot more thought to ensure that, as we plan for the future, there is adequate provision in the various areas of the city.

One thing that has fed into that shortcoming in the past has been identifying future need and the way in which that is calculated. There are areas where large numbers of vacant brownfield sites will be developed over the next number of years, many of them for social housing. That needs to be taken into account when calculating future need and therefore how you would plan. When social housing goes into those areas, then, because of the way in which it is allocated, a family with more children will be more likely to be at the top of the list and therefore get one of the new houses when they are built. On that basis, we need to look again at simply having an overall view that, if so many houses are built, so many children will come into the school population. There is a need to review that.

When we spoke to officials from the Department, I was interested to find that, in terms of the linkage between the area plan and prioritisation for new build, there had been several occasions when the prioritisation system was altered and the role of the area plan enhanced within that prioritisation process, yet no equality impact assessment was carried out of that fact. You change criteria, but you do not look at the EQIA implications. Yet, when you have a highly sectoralised system, as we have, with large numbers of controlled schools and maintained schools, I would have thought that it was fairly obvious that you would carry out an EQIA. When the officials were asked, they looked at each other and the answer was, "No, we did not do that". The linkage of area planning into new builds can have a damaging, divisive impact, particularly in the controlled sector, where you find one school being told, "You can have a new school if the other school agrees to close". That leads to friction and division in communities.

We need a system that is responsive to local needs. I encourage the Minister to give careful attention to the things that have been set out in the report. It is a good report, and I commend it to the Minister.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in the debate on the Committee's position paper. I should say from the outset that I support some of the recommendations; I am not so happy about others, but I do not think that they are worth getting into a ding-dong battle about.

Area planning is an essential part of any strategic development of our education system and the schools estate. Every young person is entitled to access and experience high-quality education. There is no debate about that. No child should have to suffer an inadequate educational experience, but we all know that many children have suffered inadequate educational experiences. Our aim as public representatives should be to end that trend.

I have stated many times in the House in previous debates that we, as public representatives, should avoid any temptation to engage in political point-scoring around the issue of our children's education. I am not saying that we cannot have disagreements, but they should be carried out in a mature way. I am not suggesting for a minute that there has been any political point-scoring in the debate today, but it is an issue that we should bear in mind in general when we debate our children's education. It is much too important an issue to become the subject of unseemly squabbling.

I appeal to everyone involved in the debate to have as their primary focus the education of our young children.

For those children to have access to the best possible education, there needs to be long-term planning. That means ensuring that we have the right type of schools where they are needed. Currently, there is a large number of empty desks in our schools. I am not going to engage in a debate about the actual number of empty desks — I know that there has been some disagreement about that — save to say that, where schools are experiencing stress because of falling enrolment trends, there is a need to take action. Sometimes, that may mean the amalgamation of two schools, and, other times, it may mean closure. Whatever the decision, a development proposal must be submitted to the Department and be subject to a statutory consultation.

The Minister has shown that he is prepared to take account of and listen to those who engage in consultations, but what is more important in all this is that there is transparency, openness and consistency in the area planning process. There is a responsibility on the Department to ensure that any consultation is a truly bottom-up process. My colleague Chris Hazzard referred to that. There is no contradiction between an MLA lobbying on behalf of a school that may face amalgamation or closure on the one hand and, on the other hand, supporting the area planning process. That is the nature of the world that we live in.

I have said in the past that sometimes there is an emotional attachment to a particular school, maybe because a parent or siblings went to it.

However, there is a responsibility on all of us as political leaders to ensure that parents, particularly those whose children are in a school that faces amalgamation or closure, and teachers have all the information about the area planning process and about the school that their children are attending. I know of instances in the past when parents were aware of an unsatisfactory inspection report about a particular school —

1.00 pm

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Sheehan: I appeal to everyone involved to give leadership and to ensure that all the information is out there for parents to access.

Mr Kennedy: This is an important debate. I broadly welcome the recommendations made by the Committee of Education after its consideration of these matters. As a former Chairman of the Education Committee, I can well understand the amount of work involved in producing a report of this nature.

I particularly welcome recommendation 6, which is that the Department of Education and its arm's-length bodies:

“should work with schools, communities and area learning communities to facilitate sharing, cooperation and innovative solutions to area planning problems, particularly in rural areas, so as to promote higher quality, better value for money educational provision.”

The members of the Education Committee and the Minister will know of the issues surrounding the Armagh area planning proposals. I encourage everyone to continue to work to resolve all the issues in a way that will not descend into a winners and losers scenario. Whilst the debate is

largely concentrating on general themes to be taken forward in area planning, I want to draw the Minister's attention to my concern about an issue in my constituency, as other Members have done, which needs his urgent attention. Indeed, he will know of the urgent correspondence that he received from me overnight. It is, I believe, relevant to area planning, in that the issue of parental choice should always be a factor in considering outcomes.

The Minister will recall that Markethill High School recently applied to his Department for a temporary variation of some seven places, only to be refused. The school, which is in mid-Armagh, enjoys a deservedly high reputation for its educational outputs and quality, and it is popular with parents. It serves the growing, mostly unionist, population in the mid-Armagh area. At this stage, I should declare a personal interest, in that my wife is a teacher at the school, but I do not believe that that represents a pecuniary interest or is a reason for me not to comment on the matter. Obviously, the school, its leaders and the board of governors were very disappointed by the outcome of their application, but that has been compounded by the decision taken last week by the Minister to grant a temporary variation of some 24 places to St Paul's High School, Bessbrook.

I want to make it absolutely clear that I am not objecting to the granting of the temporary variation to St Paul's, which is also in my constituency, also provides an excellent education to its pupils and is also popular with parents. However, I seek to highlight the different outcomes from the Minister's decisions, and he needs to explain that urgently. These are two successful non-selective schools within a few miles of each other, both serving their local community very well, yet Markethill High School has been denied its request. The Minister should also know that the situation has been further compounded by the very unhelpful comments made by his party colleague Mickey Brady MP MLA, who, in welcoming the St Paul's decision said:

“This is a perfect example of team Sinn Féin delivering for people on the ground.”

I believe that such comments are not only disgraceful in themselves but give rise to the very deep suspicion felt by people and parents in my community that there is more than a whiff of party politics being played out here — deeply sectarian and offensive politics, too. I listened with interest to Pat Sheehan saying that there should not be any political point-scoring. The Minister needs to address this issue urgently, and he will know that I have requested an urgent meeting with him and other representatives to thoroughly discuss the matter. I hope that the Chairman and the Education Committee also investigate the issue.

These issues all impact on local area planning, and I trust that the House will support my raising of the very serious issues that I have highlighted today. I await with interest the response of the Minister.

Mr Wilson: I also welcome the recommendations of the report, though I suspect that, given the behaviour of the Minister in the past and his current decisions, they will be ignored by him. Mr Sheehan can call that political point-scoring, but I believe that it points to the political reality. This Minister seems to be incapable, first of all of grasping the economics of education or the political implications of some of the biased and party-driven decisions that he makes.

The whole issue of area planning is very sensitive, because people are attached to their local schools. They feel that when a school is closed it is a loss to the community. If people are to be persuaded that area planning and the decisions that result from it are for the good of their community, there are a number of things that they must be assured of. First of all, they must know that there is a degree of consistency in the decisions. Secondly, they must know that the decisions have not been made on a political basis. Thirdly, they must know that the decisions have a good, sound economic basis.

Yet, look at some of the decisions that have come from the Department of Education in recent times. Danny Kennedy illustrated one or two of them in his constituency. We have had many discussions in this Assembly about the opening of an Irish-medium school in Dungiven. How can the Minister persuade people that one of the criteria that will be used when considering the closure or opening of a school is economics — the number of pupils and the sustainability and viability of the school — when we see the kind of inconsistent and party political decisions that are driven by him?

I want to give an illustration of that in my constituency; one which you will be aware of, Mr Deputy Speaker. There is a surplus of secondary school places in Carrickfergus, where there are good schools that all perform well. Yet, only this week, despite that surplus of places, the Minister announced 150 additional places over a period for the integrated school in Carrickfergus. Within a stone's throw of that school, there are two secondary schools that are undersubscribed and which take pupils from all backgrounds and areas. Yet, their position is being undermined by the increase in capacity in the integrated school. That is a proposal that was opposed by the board; it is a proposal that has been opposed by other schools; it is a proposal that does not make economic sense; it is a proposal that robs the other schools of pupils; it is a proposal that —

Mr Lunn: I thank Mr Wilson for giving way. Does he not accept that the decision to increase the enrolment at — presumably — Ulidia Integrated College is based on parental demand and parental choice?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Wilson: If that is the case and the Minister is responding to parental choice, looking at the report, he should be granting, and I am not recommending this, far more places to controlled grammar schools and maintained grammar schools because they have the lowest number of unfilled places at 1%. If that is the route that we are going to go down, and that is the route that the Member is advocating, we are in very dangerous territory.

The Minister indicated to me in a written answer that one of the attractions of many integrated schools is that, if people choose an integrated school and travel from a distance, they are more likely to get free school transport. Fifty per cent of those who attend an integrated school get free school transport. That is a massive attraction, but it is an artificial attraction. If he starts basing his decisions on the attractiveness of a school, he will find that we have the problem of increasing capacity in areas where there is already overcapacity and, indeed, of adding to the transport bill for the Department of Education.

We need area planning — I am an advocate for it — and we cannot waste resources at a time when we are in difficulty with expenditure on keeping surplus school places open. However, it must be done on the basis that people have confidence that the decisions have a degree of consistency, are not politically driven and are not driven by a Minister who clearly either does not understand the economics and the politics of school closures or is so driven by narrow party sectarian interest that he is prepared to override that and, in doing so, annoy people and undermine the good work that people try to do in an area.

Mr O'Dowd (The Minister of Education): Fáiltím roimh an deis an rún seo a phlé inniu agus tuairimí na gComhaltaí a chluinstin. I welcome the opportunity to debate the motion and to hear the views of Assembly colleagues — well, the views of most of them. I wish to acknowledge the work of the Education Committee in producing the report and the witnesses who gave evidence.

Clearly, there continues to be significant interest in and scrutiny of the area planning process in many quarters, and that is absolutely appropriate. In responding to the debate, I want to take a few moments to set out my vision for area planning. It is my job as Education Minister to make decisions that will determine the shape of the education system for many years to come. They are often hard decisions, but I make them in the best interests of all pupils. Every pupil is entitled to access high-quality education and curricular experiences, and it is the needs of pupils that are at the heart and purpose of area planning. To carry out area planning is to identify the needs for the future and plan effectively so that we have the right type and size of schools in the right places to meet the needs of children today and tomorrow.

There are many challenges in this work that the report outlines and, on many occasions, recognises. Low enrolment numbers lead to pressures on school budgets, undermining efforts to provide a broad and balanced curriculum. We continue to operate in a restrained financial climate, the severity of which was not envisaged in the Bain report or the sustainable schools policy when they were drafted. I know that any change in the provision in an area, particularly a school closure, can be sensitive for the local community. No one should be under any illusions that, when I stood up in the Chamber in September 2011 and announced my intention to drive forward area planning, I thought for one moment that it would be an easy journey. It was always going to be a difficult journey, both at the strategic and local level. Many of our schools have long been at the heart of their community, and proposing any significant change or impact beyond the school gates also has an impact on the community.

It has to be said that the best way to keep a school open is for the local community to send their children to that school. That is key to keeping a school open. Too often, I have had to deal with school closures where, quite rightly, people have signed petitions that were sent to my Department with thousands of names. However, the most important document that anyone can sign in relation to a school is an admission slip. The admissions form that says that people will send their child or children to a school is the best way to keep it open.

As I have said before, this is a relatively new process that has not been attempted on this scale. In September 2011, I set out the challenges of area planning. Yes,

we are learning, and yes, we are listening, and we are continually trying to improve the process. My Department's sustainable schools policy specifies criteria that provide a broad framework for assessing a school's long-term educational sustainability. That policy provides the basis for the current area planning process. The policy's six quantitative and qualitative criteria and associated indicators provide a framework for assessing a school's sustainability. I will remind the House of what they are: quality educational experiences; stable enrolment trends; sound financial position; strong leadership and management; accessibility; and strong links with the community. Those criteria are not weighted, nor are they used in a mechanistic fashion. Any review of a school's future viability is considered on a case-by-case basis in the context of the Department's policies and statutory duties — statutory duties fall into place in recent decisions that I have made on the integrated and Irish-medium sector — and taking account of local circumstances.

1.15 pm

It seems to me that the main themes of the recommendations in the report point to the need for clear communication about the need for area planning; how it will be done; how stakeholders can work together and feed into the processes; how we use the tools that we have to achieve these ends — for example, the needs model aligning capital resources with area planning — and the measuring of surplus places. On consultation, I agree with Mr Hazzard that government in its entirety can and should improve consultation methods across many areas, but I have said that in the House before. Take this example — this information is contained in the report — the area planning consultation received 50,000 responses across the boards. That is a significant input from society. I often hear complaints about the variety of localised consultation processes, and I am not in a position to comment on any of them. However, I have said before that if, during a consultation process, your argument did not win out that does not mean that you were not listened to. It is a different context. You may have put an argument or an alternative point of view forward, but the fact that that was not the final argument does not mean that you were not listened to during the consultation process.

Turning to the first and fifth recommendations, I am clear about the necessity to continue to send a message to the education and wider community of the purpose of planning, what it is and what it is not. It is not a hit list of school closures. I welcome the fact that the Committee also recognises that. That is why I agree with the thrust of both recommendations. I agree that the process must be consistent. I have already mentioned the criteria against which any development proposal is assessed. They ensure transparency, consistency and equity in decision making on sustainability across school sectors. That is why, in providing strategic direction, I agreed in March of this year that area plans, both for primary and post-primary schools, would be reviewed, consulted on and published together in all regions for the first time by July 2016. They will then be reviewed on a three-year cycle. I expect to see an annual action plan to accompany the area plan. I expect that action plan to reflect how the needs of all sectors will be provided for and to see the planning and managing authority priorities for schools exhibiting stress and how those schools will be supported and how the sustainability

issues will be addressed. The first annual action plans are due in September of this year.

As a result of those changes, planning authorities will be able to bring forward a coordinated suite of proposals that reflect changes needed to deliver the vision in area planning. As Members will be aware, planning educational provision in any area is the statutory responsibility of the Education Authority working in close conjunction with the Council for Catholic Maintained Schools, the integrated and Irish-medium sectors and others. To facilitate openness, transparency and communication, I have agreed that all sectors are represented at every level, from the local planning groups on the ground through to the regional working group and, at a strategic level, to chief executive level.

The statutory development proposal process is the only means by which any significant change to a schools estate can be made. The first step is that the area plan is published and consulted on and changes are made where required. The only significant change to a school, whether that be closure, expansion or amalgamation, is made through the development proposal process, which is down to a detailed two-month consultation process.

Any development proposals brought forward from now on will have been the subject of discussion at local level. All options, including the cross-sectoral option, should be considered at this stage. The views of all stakeholders will then be fed from the local level into the regional plan.

Further education colleges are represented at the area planning and local levels, and I welcome the input of further education representatives, although I note the comments from the Committee in relation to the needs model and the projection of post-16 provision. Duplication of provision is wasteful of everyone's resources and across Departments. Planning authorities must submit a case for change accompanying the development proposal (DP). Robust and verifiable evidence must demonstrate how the proposal is aligned to the relevant area plan and how it will support the implementation of departmental priorities and policies. The rationale for change will therefore be clear to everyone in the school and the wider community.

I turn now to recommendation 2. Changes have been introduced to better align development proposal decisions and capital investment projects. Mr Department's strategy for capital investment in the coming years will continue to focus on supporting the development and delivery of a network of viable and sustainable schools in the context of 'Schools for the Future', a policy for sustainable schools shaped by the outworkings of the area planning process. The criteria and scoring mechanism for the selection of those schools have been included in my 2012, 2013 and 2014 announcements of new-build school projects and are set out in the protocols published on my Department's website.

In order to more closely align capital investment to area planning decisions, an initial gateway was introduced to the protocol in 2014. The first step in the process required planning authorities to ensure that all outstanding area planning uncertainties have been dealt with before a project can be considered for a new build. This was seen as a means of incentivising the relevant authorities to deal with outstanding area planning issues, and was introduced to prevent capital investment projects being announced but subsequently delayed due to the statutory DP process.

The scoring system in the most recent protocol also included significant additional scores for schools where a recent development proposal has been approved and further weight where, following the DP decision, a school was operating on a split site. Again, these changes were introduced to improve the alignment of the DP and capital investment processes. The constrained capital budget, however, remains a significant issue. Lack of capital funding means that it will not always be possible to implement changes approved following the debrief process immediately. My Department will continue, however, to work with schools and the wider communities to explain the constraints and to implement the accommodation changes as quickly as possible.

Turning to recommendation 3, I do not accept that there are shortcomings in the current measurement of school surplus places, nor do I understand the assumption of co-dependency between enrolment and curriculum. I do recognise, however, that it is not the information itself that could be improved, but how it is used. All six interrelated criteria set out in the sustainable schools policy are used to assess development proposals and the sustainability of the school, including finance, enrolments and quality of education. The Department can already seek the advice of the independent professional educationalists, the Education and Training Inspectorate, on every DP. Schools have access to the services of CASS. So, without more detail, it is difficult for me to see how an independent education improvement service would operate, although I understand it relates to a previous report of the Committee.

I turn now to recommendation 4. In order to plan effectively, the statutory planning authorities need information. The Education Authority publishes, and uses, information on enrolment, finance and attainment levels for every school, primary and post-primary, in the annual area profiles. Mr Lunn stated that he and I disagree on the needs model, although I note from the report that the Committee itself has several different opinions on the needs model and its worthiness. Let me be clear: the needs model is a planning tool, whose purpose is to give numbers for growth in three broad sectors for the planners. The needs model estimates school population projections at district council level and provides an indication of the numbers of pupils who will attend grant-aided schools over a 10-year period. It is up to the planning authorities, in consultation with the integrated, Irish-medium and other sectors, to make the case for change. I am open —

Mr Lunn: Will the Minister give way?

Mr O'Dowd: Just one moment.

I am open to considering the shape and use of the needs model in response to any suggestions put forward by the local area groups and area planning working group.

Mr Lunn: Thank you for giving way. You seem to be accepting that there may be some shortcomings in the needs model, but can you provide an example of when integrated sector totals have been adjusted to recognise growth beyond that suggested solely through population change? Maybe Ulidia is one.

Mr O'Dowd: Standing here, I am not in a position to give an example, but what I am saying to you is that the opportunity is there, although, I have to say, much of the debate referred to the challenges that area planning faces in relation to sectors in this society. When you listen to the

debate in the Chamber, you can hear that there are people who are clearly in favour of one sector or another and are totally opposed to one sector or another. That just reflects the challenges that we have in relation to area planning.

Turning to recommendation 6, I do not see the focus of area learning communities being area planning. I think that would take them away from their objectives. Finally, on recommendation 7, I am more than happy —

Mr Newton: Will the Member give way?

Mr O'Dowd: I am running out of time. On recommendation 7, I am more than happy to review our consultation processes.

Turning to some of the individual comments made during the debate, I have to say that I found it astonishing that Minister Kennedy came into the Chamber, in an unusual sidestep from protocol, and made serious accusations against me as Minister about a school where his wife works.

Mr Wilson: Only because they were deserved.

Mr Kennedy: Answer.

Mr O'Dowd: At a school where your wife works. You state that your concern is non-pecuniary; I totally reject that assertion.

Mr Kennedy: Answer.

Mr Wilson: Only because they were deserved.

Mr Deputy Speaker (Mr Beggs): Order.

Mr Kennedy: Answer.

Mr Deputy Speaker (Mr Beggs): All remarks should be made through the Chair.

Mr O'Dowd: So keen was Mr Wilson to attack me as Minister that he backed up Mr Kennedy's argument, not even knowing what Mr Kennedy's argument was. In fact, when he finished his speech, he had to go over and ask Mr Kennedy what his argument was. I am more than happy to deal in the realm of reality — more than happy to deal in the realm of reality — but I am not going to stand here, be insulted and have accusations made against me by Mr Wilson, who does not even know what the argument is about — he does not have a clue what it is about — and by a gentleman who has come into the Chamber to defend a school that his wife works in. I think that is completely unacceptable.

Mr Kennedy: I declared an interest.

Mr Deputy Speaker (Mr Beggs): Order.

Mr O'Dowd: On that point — *[Interruption.]*

Mr Kennedy: On a point of order, Mr Deputy Speaker. You will confirm that, in the course of my remarks, I made the personal relationship absolutely clear in relation to my wife being a teacher at Markethill High School. I declared that openly before the House. We are listening to a political smokescreen, as usual, to hide old-fashioned bigotry.

Mr O'Dowd: Further to that point of order —

Mr Deputy Speaker (Mr Beggs): Order. Can I deal with this one first, please? A point of order has been raised, and the Member did declare his interest in the course of the

debate, which is appropriate. Members, can we move on with the issue, please?

Mr O'Dowd: Further to that point of order, Mr Deputy Speaker. The Member has made a serious accusation against me of being involved in bigotry, which is completely —

Mr Wilson: It would not be the first time.

Mr O'Dowd: It has now been backed up by Mr Wilson from a sedentary position and is completely against my code of conduct as a Minister. I would like the Speaker to investigate this further in relation to both gentlemen.

Mr Wilson: There are probably plenty of examples for him to look at, too.

Mr Deputy Speaker (Mr Beggs): It is important that all Members listen carefully to each other and treat each other with respect. Can we now move on?

Mr O'Dowd: Can I just clarify it with you? Are you going to look into that matter in relation to the serious accusation that has been levelled against me in the Chamber?

Mr Deputy Speaker (Mr Beggs): I will ask that the Hansard report be reviewed, but I point out to the Minister that the code of conduct for Ministers is not an issue that is dealt with by the Speaker's Office, as far as I am aware, but we will ensure that the Hansard report is reviewed. Can we now move on, if the Minister has finished?

Mr O'Dowd: I have, yes.

Mr Weir: On behalf of the Committee, I would first of all like to thank all of those who contributed to today's debate, particularly the Minister, who has come along to give his response on it. I think we got into a little bit of the ding-dong that Mr Sheehan earlier indicated that we had avoided; perhaps indicating that, whatever else, Mr Sheehan is not a prophet.

1.30 pm

This has not just come out of the ether. As has been indicated, the Committee did a lot of work and gathered a lot of evidence. It was good to see that a number of contributors thanked the Committee for the work that it had done, and I reiterate in particular the thanks to Professor Gallagher for his work on the position paper. It is important that the Department and the Minister study the recommendations of the report and, even if there is disagreement on some of them, find some of the information to be useful and enlightening.

Before highlighting the key contributions to the debate, I would like to briefly remind the House why the Committee undertook this work. Sometimes, Committees undertake scrutiny for ideological or even political reasons; in the past, there has even been the accusation that Committees have brought reports simply to annoy, embarrass or generally admonish Ministers for the sake of it. I am sure that that has never happened in this House, but there is that accusation from time to time. This is not one of those occasions. The Committee began its scrutiny more than two years ago in response to the concerns and complaints of schools and parents. The Minister referred to the vast quantity of responses on area planning. That shows the importance of the issue to people. When Committee members set aside the time and listened, they found

that the concerns were reasonable and the complaints addressable.

I think that everybody has acknowledged that area planning is a significant challenge. That said, I think that the Committee genuinely believes that the recommendations in our position paper are eminently doable and would go a long way to getting buy-in by schools and parents in the area planning process. The Committee understands that a review of area planning will be undertaken. That is a crucial set of circumstances. It hopes therefore that there will be discussions with the Department on the subject in the not-too-distant future. From that point of view, this is not the endgame for the Committee but merely a staging post.

I will turn to some of the themes that emerged from contributions. Two things that were fairly consistent throughout all the contributions were that everybody accepted, without reservation, the need for area planning and change and that having empty desks in schools was a problem that needed to be sorted out in a strategic manner. Similarly, it was admitted by everyone, to varying degrees, that there were flaws in the area planning process itself. On those two positions — the need for area planning and acceptance of the flaws in its implementation — there was a wide spectrum of views. Probably the most enthusiastic on area planning was Chris Hazzard's contribution. Others, like Mr Wilson and Mr Kennedy, were considerably more sceptical on the issue. However, I think that everyone on all sides accepted that there was a need for change. Maeve McLaughlin highlighted that it needed to be evidence-based and indeed that there was much to reflect on and learn.

Mr Newton: I thank the Member for giving way. Does he agree that never again should a consultation process be undertaken by an area learning partnership or whatever in the sense that pupils, teachers and parents perceive there to be a predetermined outcome to that consultation process and, indeed, that, as indicated under recommendation 6 of the report, sharing, cooperation and innovative solutions ought to be sought in area planning?

Mr Weir: I completely agree with the Member. I think that it has been highlighted by a number of Members that even, shall we say, those who are most robust in their defence of what has happened in area planning would accept that there has not been that full level of consultation and inclusiveness. The need for inclusiveness as we move forward was highlighted, for instance, by Maeve McLaughlin and Chris Hazzard. Sandra Overend highlighted that the position on implementation, particularly in consultation, left things in disarray. Seán Rogers said that there was a feeling out there that parents just were not being listened to. This seems to be a fairly consistent theme. It is right that one of the key elements of our report's recommendations is that there has to be both inclusiveness and a feeling of real, positive engagement. If people take a view that area planning has a different motivation or, indeed, is coming with a predetermined outcome, proper results will not actually arise from that.

A number of Members raised the issue of cross-border cooperation, particularly Seán Rogers and Trevor Lunn and, perhaps in a very different context, as she admitted, Sandra Overend. That lack of joined-up thinking has been highlighted.

(Mr Speaker in the Chair)

While the Minister accepted that there were some problems, he was a little reluctant to see too much in the way of problems. However, a number of Members raised the needs model and, indeed, how up to date it was and whether it reflected reality. Trevor Lunn, Robin Newton and Sammy Wilson raised that issue. Trevor Lunn raised the issue of whether it was responsive enough to the needs of the integrated sector. Sammy Wilson also raised the integrated sector but had a slightly different view of the appropriateness of the needs model. One of the things that were abundantly clear — it was raised by Nelson McCausland and Robin Newton — is the extent to which future needs that are based on demography do not appear, in individual cases, to have been taken into account all that well. We have seen situations in which there has been a danger of schools closing in almost a domino effect and pupils perhaps being shuffled around. A number of Members — Robin Newton, Nelson McCausland, Sammy Wilson and Danny Kennedy — raised very specific issues about their constituencies. Whatever the vision and widespread buy-in of the idea of area planning, it has perhaps been seen to fail to respond in individual constituencies. Indeed, one of the concerns raised was that, at times, the Department has taken a too-rigid approach to the variation in enrolment numbers and that there has perhaps been a failure to respond to local needs. While that is a slightly different issue to the needs model, the fact that the needs model has also not fed in properly to things has also been significant.

The variation between the sectors in pace and process was highlighted by a number of Members, particularly Sandra Overend, Trevor Lunn and Nelson McCausland. As highlighted by Seán Rogers, there is a need, on a cross-sectoral basis, to be a lot more strategic in our thoughts. There is clearly a feeling from the Committee that, in proceeding, we need to ensure that all sectors feel that they are on a level playing field and will be dealt with fairly.

Mention was made — it is also referred to in the report — of the need to be all-encompassing of the different sectors. For instance, Seán Rogers raised the issue of the exclusion of further education colleges. Indeed, if we are looking at overall area planning for the post-16 category of pupils, that also needs to be brought in.

A number of Members, including Chris Hazzard and Seán Rogers, raised the importance of rurality and the need to ensure, as we move forward, that the needs of genuinely rural communities are taken into account. That leaves aside the argument raised about the issues around the definition of rurality. If I can turn —

Mr Elliott: Will the Member give way?

Mr Weir: I will give way briefly.

Mr Elliott: I thank the Member for giving way when he is making his winding-up speech. He mentioned rurality. Over recent times, there has been an indication that some schools in the Catholic maintained sector in Fermanagh, such as Brollagh and St Aidan's in Derrylin, will be retained, and that is very positive. However, in the same respect, the Minister closed down Lisnaskea High School last year, a very important school in the controlled sector, and now plans to amalgamate the Collegiate Grammar School and Portora and close the Collegiate.

Mr Weir: The Member will be aware of the circumstances in Fermanagh a lot better than I will. This highlights the point made by a number of Members: we need a level playing field and something that is cross-sectoral and strategic in nature that, consequently, takes into account all the sectors at the same time and at the same level and recognises that the needs in rural Fermanagh are not the same as those in Craigavon, Bangor or inner-city Belfast. There has to be that flexibility as well.

I turn briefly to the Minister's remarks. He set out his vision for area planning with the needs of children at the centre. He highlighted budget pressures and the sensitivities of local communities to school closures and amalgamations. I do not think that anybody would particularly disagree with his vision, but I suppose that the issue is whether what happens in practice matches that vision.

The Minister, while not accepting everything in the report, accepted that improvements to area planning were required and indicated that they were in hand. He accepted the need for consultations to be improved but argued that the existing process had been engaged with by a large number of respondents. Again, we come down to the issue of simply getting the responses. I appreciate the Minister's point that, if the final decision is not necessarily what you wanted, it does not mean that there has not been proper engagement. However, we need to see an improvement in the quality of the engagement. The evidence given to us was fairly consistent on that.

The Minister highlighted the planned improvement and synchronisation of area planning, with action plans being issued in September 2016. He advised that development proposals would take into account cross-sectoral solutions and confirmed that the FE sector will be directly involved in future area planning. He referred to revisions to the capital programme criteria. A bit disappointingly, he disputed recommendation 3 and referred to the sustainable schools policy. We believe that recommendation 3 needs to be properly taken on board. He advised that it was for planning authorities better to interpret and make use of the needs model. However, there are some concerns about its accuracy. The Minister did not accept recommendation 6, which was also disappointing.

If we look at this in an optimistic way, we all accepted the need for area planning. There has been an acceptance throughout the House of some of its flaws. The key challenge to the Department, the Education Authority and all those involved is the extent to which changes are made to ensure that all future implementation is fit for purpose. I can, perhaps, distil this into one exchange that occurred. The Minister, while he did not, unfortunately, support all the recommendations in the report, he made reasonably positive noises about them. My colleague Mr Wilson expressed cynicism that whatever noises the Minister made, he would, ultimately, simply ignore the recommendations. That is the key test.

I find myself in the unusual position of saying that I hope that Mr Wilson is wrong. The key challenge to the Minister, the Department and the Education Authority is that we have area planning that does what it says on the tin and that has not simply a good vision but a practical outworking that delivers change in our school system that is inclusive, fair, strategic and allows all sectors to feel that there is a level playing field. That is the key challenge for us all as we go forward. I commend to the House the

motion, the Committee for Education's position paper and its recommendations.

Question put and agreed to.

Resolved:

That this Assembly notes the position paper produced by the Committee for Education on area planning; and calls on the Minister of Education to implement the recommendations contained therein.

Private Members' Business

Human Rights Act 1998

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other contributors will have five minutes.

Mr Dickson: I beg to move

That this Assembly recognises the vital importance that the Human Rights Act 1998 plays in the lives of citizens of the United Kingdom; further recognises the importance of this Act to the Good Friday Agreement and the devolution of policing and justice powers; and rejects any attempts by the Conservative Government to repeal the Human Rights Act 1998.

I welcome the opportunity to move the motion on the subject of the Human Rights Act 1998. It is an issue of the utmost importance to our everyday lives and in maintaining confidence in the institutions of government here in Northern Ireland. This year, 2015, marks the 800th anniversary of the Magna Carta, the document that laid the basis of our constitutional parliamentary democracy and which, for the first time, imposed real limits on the state and instituted meaningful rights for its citizens.

1.45 pm

Mr Allister: Will the Member give way?

Mr Dickson: I will.

Mr Allister: Does the Member agree that a key component of Magna Carta, to which, I hope, we all subscribe, is that the nation state would have sovereignty in the making of its own laws and in the interpretation of its own laws? That is the very thing that the Member, in his motion, wants to destroy.

Mr Dickson: I think that, as I progress through what I have to say, Mr Allister will understand that I do not subscribe to that view.

Since then, the people of these islands have progressed far through revolt, revolution and reformation. Today, we enjoy rights and freedoms that our ancestors could barely have fathomed. It is perhaps ironic that, today, we stand here debating the potential rolling back of those hard-won rights. Our Prime Minister, buoyed by a slender and unexpected majority in the Commons but held back by the need to fight fires on his right, is seeking to mount a populist, rather nonsensical and, indeed, damaging attack on the constitution of the United Kingdom. It is an attack that could ultimately lead to the UK sleepwalking out of the European Convention on Human Rights. I and the Alliance Party will meet Mr Cameron and Mr Gove's misinformation with facts. We will meet their attacks on the liberties of our constitution with resolute opposition. We hope that other parties in the Assembly will join us today in making such a statement.

Perhaps it is worth reminding the Assembly of the ultimate origins of our modern Human Rights Act. The 20th century was one of intolerable wickedness on the part of state actors. Improvements in communications and technology made government control much more efficient, and it ushered in the era of the totalitarian state in the interwar period. The rights and dignity of individuals

became subservient to the aims of the state and a handful of individual rulers who usurped power. As we know, millions of so-called undesirables — political dissidents, the mentally ill, Jews, homosexuals, Gypsies and other minority ethnic groups — perished as a result.

Mr Wilson: Will the Member give way?

Mr Dickson: No, I want to make progress.

Ultimately, one of those states began the most devastating and brutal war ever witnessed. More than 60 million people died, the vast majority of whom were civilians who died at the hands of a state actor. Nothing was in place — nothing — to limit the executive power of those monstrous regimes. Post-war, we affirmed “never again”. Under the direction of Winston Churchill, the rights of European citizens were to be clear, guaranteed and inalienable through the groundbreaking European Convention on Human Rights, with its court independent of any Government. With the incorporation of the convention of rights into UK law by 1998, citizens have had the direct ability to secure their rights ultimately at the European Court in Strasbourg. Unlike before, there was a natural progression through the domestic courts, which increased the UK’s participation in reaching judgements.

Rights are quite often described and considered as an abstract concept until one finds oneself and one’s rights violated, so perhaps a few tangible examples of when and why the Act provides justice to our citizens will be helpful to begin with in this debate. The case of the British Airways employee Nadia Eweida, who had been told to remove a small cross necklace that she was wearing, was taken to the European Court in Strasbourg under the Human Rights Act. Our Government — the British Government — argued that her necklace was not a generally accepted means of practising religion, and so argued that it was not a human rights issue. However, the court disagreed; it found that her rights to freedom of thought, conscience and religion were violated.

Another example of the use of the Human Rights Act helped to get justice for Patience Asuquo, who was brought to the United Kingdom as a domestic worker and nanny. For two and a half years, she was abused, physically and mentally. She was not paid or given time off, and her employer withheld her passport. The police were initially uninterested in that gross violation of her rights, but article 4 of our Human Rights Act, which prohibits slavery and forced labour, forced the police to investigate on her behalf and prosecute her employer.

Would a British bill of rights, as it has been called, provide the same protections? I, for one, do not wish to have either the Conservatives or the right-wing newspapers of this country deciding which rights are fundamental and which are frivolous. Undoubtedly, social rights would take a back seat. Furthermore, we would find that writing that out of our law would make the UK’s position on the ECHR and the Council of Europe untenable. How preposterous would it be that states that constantly flout human rights laws, such as Russia, Turkey and Azerbaijan, remain full members of the ECHR while Britain feels it too onerous to comply with the rules at Strasbourg?

As the text of the motion asserts, the Human Rights Act also has a central significance for the people of Northern Ireland. In the hard-won peace settlement of 1998, which most parties here are supposed to be committed

to, we enshrined these fundamental rights into the very functioning of our institutions. The Good Friday Agreement required the United Kingdom to incorporate the ECHR into law in Northern Ireland to ensure access to the courts for our citizens. Furthermore, the Patten report, which forms the very foundation of our modern Police Service, instils an ethos of human rights into the very heart of policing, with strong observance of the ECHR. Removing that from the statute book would have a profound impact on the way in which we hold police accountable, and may even undermine confidence in communities that were traditionally ambiguous, at best, towards the police.

It is the right to appeal to a higher court outside the grasp of the British Executive that maintains confidence in our system of justice, policing and governance overall. It is, indeed, part of an international treaty between the Republic of Ireland and the United Kingdom. I am heartened that the Irish Government continue their commitment as a guarantor of the agreement. I just wish that the United Kingdom Government would fully recognise their responsibilities. Scotland has indicated that it will oppose outright any changes to human rights law, and we must send a similarly strong message to Whitehall. Unlike other battles, this one is only beginning and it is one that we can win.

The rhetoric from Whitehall and the right wing of the Tory Party has cooled, and the repeal of the Act has been shelved. Nevertheless, we must keep up our guard. The Prime Minister and others may spring this irrational policy back at any time in an attempt to satisfy the right wing of their party. I hope that no party here represented at Westminster would contemplate backing such a shoddy policy and undermine fundamental rights for the people of Northern Ireland to suit their political purposes.

I have heard people say so often, “Human rights are for other people. I do not need human rights. What have they ever done to help me?” I would like to leave on the record today the words of the Lutheran pastor, Martin Niemöller, an outspoken critic of the Nazi regime of the 1930s and 1940s, which may offer an interesting perspective on the rights of society. Writing of the years before his arrest, Niemöller said:

“First they came for the Socialists, and I did not speak out —

Because I was not a Socialist.

Then they came for the Communists, and I did not speak out —

Because I was not a Communist.

Then they came for the Jews, and I did not speak out —

Because I was not a Jew.

Then they came for me — and there was no one left to speak for me.”

These injustices are the origins of our Human Rights Act. We must step up to protect our rights or risk losing them. I encourage and urge the House to support them.

Mr McCausland: The motion before us today has been somewhat overtaken by events. Prior to the election, the Conservative Party’s position was, as I understand it, that it would move directly to a repeal of the Human Rights Act 1998. Since then, it seems to have moved to a position of consultation. However, I tend to support the initial position,

which is that we should move to repeal the Human Rights Act because, quite frankly, it is a cause of concern to many people across the United Kingdom, given the way in which the human rights agenda is operated and the way in which that agenda has been hijacked, particularly by the political left in order to further its agenda of evading and circumventing the political process. What they are unable to achieve at the ballot box, through the democratic process — things for which they cannot get support amongst the people of the United Kingdom — they seek to have implemented by use of a human rights agenda and the courts.

Reference was made earlier to the Magna Carta. That is not the only occasion on which the United Kingdom has had a proud record on human rights. We might also refer to the Glorious Revolution, the Williamite settlement and the Bill of Rights contained in it. Moving beyond our own shores, we might also think of the influence of such people as our own Francis Hutcheson and his teachings in respect of the Scottish Enlightenment on what happened in the American revolution.

I was taken very much by the comments made by some of the “special interest groups”, as they are described in Northern Ireland. We have, first, the Committee on the Administration of Justice (CAJ). Some years ago, Fiona Murphy, on behalf of the Committee on the Administration of Justice, said:

“For Northern Ireland, the Human Rights Act formed part of the Good Friday agreement. Not only would creating a ‘British’ bill of rights be unacceptable to people in Northern Ireland, it would undermine an international peace agreement.”

So, the fact that it was a “British” bill of rights that was being proposed was an anathema to the Committee on the Administration of Justice, which perhaps tells us more about CAJ, its political stance, its political bias and its political position than it does about any proposed bill of rights.

Ms Ruane: Will the Member take an intervention?

Mr McCausland: I am happy to.

Ms Ruane: I ask the Member to withdraw his comments about CAJ. In my view, and from my experience, CAJ is a collection of individuals from across the political spectrum and none, with human rights experience, academics and human rights activists. It is a bit disappointing to hear the comments made about an established human rights group.

Mr McCausland: The fact that Caitríona Ruane rushed to her feet to defend CAJ probably says more to reinforce what I have said, because it is an organisation that has frequently operated to a Sinn Féin agenda more than anything else.

Ms Ruane: Please. This should not be —

Mr McCausland: Sorry, Mr Speaker, we cannot have two Members on their feet at the one time.

Ms Ruane: On a point of order, Mr Speaker. That is a very dangerous statement to make, and it is absolutely untrue. I ask the Member to withdraw it. The CAJ is not working to a Sinn Féin agenda. It is absolutely wrong for somebody to say that in the House.

Mr Speaker: I know that the Member is well enough experienced to know that there should be no personal

references across the Chamber. I have made that clear previously. I heard the personal remarks. I will, if necessary, review Hansard if we do not proceed in a more respectful manner. We can make our arguments without, I think, impugning the reputation or the motivation of Members.

Mr McCausland: Mr Speaker, if you do reflect on what was recorded in Hansard, you will see that I referred to the Member, because the Member had spoken, and I also, I think, referred to her indirectly. I did not refer directly to her or speak to her; I was referring to what she had previously said.

Bear in mind that one of CAJ's previous directors spent time as a director of a republican ex-prisoners' organisation. I think that to be the case. Furthermore, I think that the current director was, certainly at one time, a member of the Communist Party of Northern Ireland. That sort of pedigree says something about the organisation. It helps to explain why it finds it offensive that there would be such a thing as a British bill of rights.

We also had the comments on this matter from Amnesty International. I will move on, because my time has virtually gone.

The unionist community is critical of the Human Rights Act, the way in which it has been interpreted by the European Court of Human Rights, and of the fact that it has been abused on a regular basis by criminals and terrorists who have used spurious challenges to avoid deportation.

If we are going to protect human rights, let us think about the human rights of innocent victims, rather than the supposed human rights of those who are perpetrators and want to avoid justice.

This is simply a way of evading or circumventing the political process. It is a very undemocratic position, with a lot of this human rights agenda and human rights sector. Therefore, I certainly welcome and support what the Conservative Party seeks to do, whether in part or in whole.

Mr Speaker: As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Caitríona Ruane.

The debate stood suspended.

2.00 pm

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

Oral Answers to Questions

Culture, Arts and Leisure

Mr Deputy Speaker (Mr Dallat): We start with listed questions. I inform Members that question 14, should we get to it, has been withdrawn.

Football Stadiums: Funding

1. **Mr Anderson** asked the Minister of Culture, Arts and Leisure for an update on the £36 million funding for the development of subregional football stadiums. (AQO 8264/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his question.

The Executive endorsed an investment of around £36 million for subregional stadia development for soccer as a priority in the next comprehensive spending review (CSR) period, and a resource budget of around £600,000 was allocated by DFP in February to allow my Department to start to the development of the programme. A strategic outline business case has been developed and was submitted to DFP for approval in February.

My Department has been developing the programme and has worked closely with the Irish Football Association (IFA) to ensure that it is aligned to the IFA facilities strategy and that the Executive and DCAL's priorities have been fully incorporated into the programme. Programme-specific details — eligibility criteria, funding strands, funding limits — are currently being finalised. Plans for formal consultation with key stakeholders are under way.

Mr Anderson: I thank the Minister for her response. Are clubs being given all the necessary information to assist them to make their applications? Who will administer the fund? What is the number of clubs that are likely to benefit? Will the funding be spread across the Province?

Ms Ní Chuilín: I thank the Member for his supplementary question. As I said in my primary answer, the terms of reference and the consultation are being developed by my Department. Clubs that are interested in applying for subregional facilities will know of the workshops that will be planned as part of the IFA's consultation roll-out. They will get all the information they need in order to make a decision and help them shape up an application. If the Member has any particular clubs in mind, it is important that he contacts the IFA as part of that consultation to ensure that it gives the clubs all the information that they need. It is really important for clubs to have as much information as possible in advance of committing themselves to an application. I assure the Member that, once that process has happened, the IFA will make recommendations, but, at the end of the day, the decision on which clubs receive funding as part of that programme is mine.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I ask the Minister to expand on her response and give

further clarity on who is responsible for the subregional programme. What form will public consultation on that programme take?

Ms Ní Chuilín: I thank the Member for her supplementary. Primarily, DCAL is responsible for the development of the subregional programme for soccer and additional facilities for the other two of the three big sports thereafter. In relation to consultation, as I said to Mr Anderson, it is important that all the clubs have as much information as possible. I am confident that the IFA will roll out a very robust consultation process that will probably last around 12 weeks in order to ensure that clubs right across the North have an option to get as much information as they need before submitting their application.

Mr Lyttle: I welcome the much needed funding for football stadium facilities across Northern Ireland. Will the Minister give us a bit more detail around the likely timeline for the allocation of that funding?

Ms Ní Chuilín: I am sure the Member heard — maybe he did not — my primary response to Mr Anderson. Initially the subregional programme was not due to kick in until the next CSR, which I suppose, without the added year on the mandate, would have meant this year. Not waiting for that, I have already put money into a specialist in DCAL to continue the work on the subregional stadia programme. The outline business case is with DFP, and I imagine it will be approved sometime in the summer, although it is freezing in here and you would not imagine the summer has started. Hopefully, when we come back from the summer recess we will be looking at the consultation process, which will last 12 weeks. I imagine that, certainly before the end of the year, applications will be submitted and we will be considering them. It is substantial money: £36 million is to be distributed among soccer clubs in the North.

Mr Beggs: The Minister has alluded to the process of determining who will be successful. Will she also indicate when the funding will be available and when it must be delivered by, so that it does not drag out? Can she also indicate any other limitations or constraints on the funding so that any urgent issues, such as health and safety situations and essential improvements, can be made to benefit the junior game?

Ms Ní Chuilín: First, two of the criteria need to be around planning permission and security of tenure. It is important that groups and clubs that apply have a long lead-in period, particularly around planning permission, if they are going to look at developing facilities outside their current footprint. That, in itself, will take time, and we need to work with and support clubs through that process. I am happy to do that. The subregional programme was really going into the next mandate to be spent across that mandate, well in advance of the end of it. It is important that clubs get the information and support they need to make an application. They need to make an application on the basis that, if successful, they will need a further lead-in period to seek security of tenure, if they have not already got it, as well as planning permission in order to spend substantial capital moneys.

Sport: Participation

2. **Ms Sugden** asked the Minister of Culture, Arts and Leisure what proportion of the £17.5 million Sport

NI-administered National Lottery funding will be allocated to facilitate females, older people and people with disabilities to participate in sport. (AQO 8265/11-15)

6. **Ms Fearon** asked the Minister of Culture, Arts and Leisure to outline Sport NI's plans to deliver £17 million of Lottery funds for sport and physical activity in the community. (AQO 8269/11-15)

Ms Ní Chuilín: With the Deputy Speaker's permission, I will group questions 2 and 6. I thank the Member for her question.

On 18 May this year, Sport NI announced plans to invest £17.5 million of lottery funding in sports facilities projects across the North over the next five years, which will result in significant investment in sporting and leisure infrastructure and will help to increase participation in sport and physical activity across the communities.

The programme will be delivered through three strands: a single-facility strand, a multi-facility strand and a performance facility strand. Sport NI has indicated that £8.75 million — half of the total — will be allocated to single-facility and multi-facility strands, which will benefit sports clubs and communities. The investment will also contribute to DCAL's priorities, such as targeting social need and tackling deprivation through sport, by providing improved sporting and leisure access across our communities, including those who are in under-represented groups, such as females, older women and people with disabilities.

Ms Sugden: I thank the Minister for her response. What influence will local authorities have in distributing the money to ensure that it is distributed where it is needed?

Ms Ní Chuilín: I understand that local authorities have been in discussions with Sport NI for some time. Most, if not all, local authorities by this stage — particularly before they amalgamated into the super-councils — should have prepared a facilities management plan for their area based on their facilities management plan, which is based on clearly identified need. They were entering into discussions about the potential and possibilities for any mergers in the future.

I understand that those discussions are ongoing. With the facilities management plans and with the identified need being detailed right across the North, it is better to get the spend where it is needed and where it can be spent quickly and for the benefit of the community. I am sure that the Member will agree with that.

Mr G Robinson: Could the Minister outline how she intends to ensure that the money will be equally distributed in all areas of Northern Ireland?

Ms Ní Chuilín: I am sure that the Member heard my response to Ms Sugden, and, as he comes from the same constituency, he certainly will have seen the investment that went into Coleraine. We need to ensure that local government works collectively with Sport NI and any other potential sources of funding to have many needs addressed throughout the community but primarily to make sure that there is access and participation for all — not just in soccer clubs, GAA clubs and rugby. They make up a big percentage of sport on this part of the island, but we need to include as many other sports as possible and even people who just want to use it to enhance physical activity through walking clubs as well.

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. Could the Minister tell us how DCAL will promote greater participation in sport and physical activity for older people, young women and people with disabilities?

Ms Ní Chuilín: I thank the Member for his supplementary question. I know that he has been listening, and, as I said, district councils, the Active Communities programme and even Sport NI all work closely with a number of the sporting organisations and bodies. That is important. Some of the bodies include Special Olympics and Disability Sports NI, which has the 5 Star Disability Sport challenge. It is important that we work with all the governing bodies, and, in recent years, there have been very good examples of the three big sporting bodies working together to look, in particular, at older, more seasoned athletes and people who used to play and have maybe let it pass for other activities. There has been a participation gap for women, and all people with disabilities need to be included in the proposals as well. It is important that we look at where the gaps are and do our best to try to close them.

Mrs McKevitt: Has it been determined what percentage of the overall fund will be awarded to each of the three strands, namely the single facility, the multi-activity facility and the performance facility?

Ms Ní Chuilín: Yes, money has been set aside for each strand. For example, the single-facility strand has a budget of approximately £2 million, and that is primarily aimed at increasing participation in sport in community and club structures. That can range from anything from £10,000 to £100,000. I will definitely get all the details. The multi-facility strand has a budget of almost £7 million, and those awards are anything from £100,000 to £1 million. The performance strand has a budget of almost £9 million, and, while there are no limits on that, it would be for fairly big capital programmes. It will be done on the basis of the assessment of that capital project overall. That is to be welcomed, because, when local government and sporting bodies were talking about coming together at the start, they were always shy of a few hundred thousand pounds, which made the projects unviable. This is an opportunity to try to bridge that.

Marching Bands

3. **Mr Middleton** asked the Minister of Culture, Arts and Leisure what plans she has to source funding to restore the musical instruments for bands scheme. (AQO 8266/11-15)

4. **Mr Douglas** asked the Minister of Culture, Arts and Leisure what social, economic and cultural benefits marching bands generate locally. (AQO 8267/11-15)

Ms Ní Chuilín: I understand that questions 3 and 4 have been grouped. I thank the Members for their questions.

Unfortunately, there is a shortfall in my Department's capital budget for 2015-16, which means that it must be restricted to meeting contractually committed expenditure only. The earliest that my Department can consider capital allocations beyond contractual commitments will be after the outcome of the June monitoring round is known. The musical instruments for bands scheme is therefore on hold, and I will submit a bid in June monitoring. In addition,

the ongoing promotion of some pipe band contests and solo competitions and, for example, the all-Ireland fleadh, have been examples that I have used to try to bring additional money in.

2.15 pm

I am still very supportive of the role that the culture in musical bands and the marching bands tradition has to play here, but given the situation that my Department is in financially, it is something that I hope will change in the not-too-distant future.

Mr Middleton: I thank the Minister for her answer. Following a study recently undertaken by DSD outlining the significant benefits that bands have on the local economy in Northern Ireland, does the Minister agree that such funding is value for money? Will she ensure that it is a priority as the outcome of the June monitoring round?

Ms Ní Chuilín: The study is not recent; it is a few years old, but I suppose that it is something that the Department can rely on if it so wishes. It pointed out the amount of money that was invested, particularly around the Twelfth, but I would be loath to use it because the gaps in the study did not point up the amount of money that is potentially lost. However, I value the role that marching bands have to play, so I wish to separate marching bands from that study, if the Member does not mind. I do not think that the study lends itself to the cause of the marching bands, but I have made a very robust bid for June, and I hope that that is met.

Mr Douglas: Will the Minister outline what sort of funding has come from the Arts Council for Northern Ireland under the musical instruments for bands scheme?

Ms Ní Chuilín: In recent years, it is well over half a million pounds. In fact, it is probably well over £700,000 so far. Given the demand and the need for marching bands from all traditions right across the North, there is a demand for that funding pot to be increased. The June monitoring round will help to bridge a small gap, but, fundamentally, we need to look at not just the role of marching bands but music, even for young people and not-so-young people of our age, Sammy, who want to pick up a musical instrument and get involved in jazz, traditional music or other forms of music. I think that we need to look at the long term, acknowledging the roles and the importance of marching bands in the community, but other forms of music are also demanding pots of money.

Mrs D Kelly: Given various Departments' responsibility for the promotion of good relations, I wonder whether you or any of your officials have given any consideration to having additional criteria for grant aid for musical instruments to bands so that they have to show respect for other communities in the usage of them?

Ms Ní Chuilín: I appreciate the Member's question. It is something that comes up usually before the summer recess or directly afterwards, and it is important. First, let me assure the Member, because it has been raised in this House on several occasions: any band that is in receipt of funding from the Arts Council, for example, and that has broken the law and may be subject to criminal proceedings, will not be a recipient of grant-aided funding. That is clearly laid out in the Arts Council's criteria. There has only been one band that that applies to, and it has not applied for funding this year. It is important that they not

only sign up to but demonstrate good relations and mutual respect. That is part of cultural diversity that we all aim and claim to be part of. We need to see what that looks like.

Scarva Demonstration: DCAL Assistance

5. Mr Moutray asked the Minister of Culture, Arts and Leisure what financial and practical assistance her Department can provide to the Scarva demonstration on 13 July. (AQO 8268/11-15)

Ms Ní Chuilín: I thank the Member for his question. DCAL provides funding for festivals, and it is distributed through the community festivals fund. As the Member is aware, the fund is administered by local councils, which also provide match funding, set criteria and make individual funding decisions. I have been advised by Armagh City, Banbridge and Craigavon Borough Council that the Scarva and District Cultural Society has been awarded funding for the Royal Thirteenth event in 2015 through the community festivals fund. In addition, the Ulster-Scots Agency has been approached by the organisers, and a meeting is to be held shortly, with a view to the agency providing some entertainment at the event.

Mr Moutray: I thank the Minister for her response. Given that the demonstration on 13 July in Scarva is one of the largest one-day cultural events in Northern Ireland, attracting some 100,000 visitors annually, and given its contribution not only to the local economy but to the preservation of culture and heritage, does the Minister not believe that there should be a joined-up approach to funding?

Ms Ní Chuilín: There will be a joined-up approach to that and other events. My money going through the councils means that it is joined up: that is DCAL and local government providing community festivals funding. The Ulster-Scots Agency has come back with a very positive response, so that is another joined-up event. I am sure that the Member is aware of other funding opportunities that he, others and the organisers can approach. Certainly, I think that that is an example of where joined-up government will have an outcome.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister outline how applications to the community festivals fund are evaluated?

Ms Ní Chuilín: We rely on work involving local government, the Department and the Arts Council. There is a policy and guidance framework, and the councils work very closely with event organisers to make sure that they are aware of the conditions. That is also clearly laid out in a letter of offer that the councils provide. Councils provide DCAL with the evaluation. It is important that festivals consider what they are applying for from the very start and ensure that the conditions of their grant have been met. That should come out very clearly in the evaluation. It is fair to say that those small bits of money are normally applied for by the same groups every year, so it is in their best interests to come back with a very strong evaluation. To be fair, most of them do.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. Is there any stipulation in the community festivals fund that events must have a cross-community aspect?

Ms Ní Chuilín: Not that I am aware of. I know that, for some time, some groups have very naturally worked

together across the community. However, I am also aware that single identity work has been ongoing. We need to try to encourage mutual work across and between communities as much as possible. Certainly, most of the councils are very familiar with some of the groups. As I said in answer to the previous question, for a long time, the same groups have been applying for small bits of money to provide valuable festivals, but I do not think it is incumbent on councils to insist on cross-community work. When it is not there and there is no possibility of it being there, it is off-putting for groups that are trying to do it.

Mr McCarthy: The questions so far have all been about funding — £36 million for this and £17 million for that — Casement and Windsor Park. Will the Minister advise the House that, if she and her Executive colleagues do not get their head out of the sand very shortly, there will be no funding for anything in Northern Ireland, let alone —

Mr Deputy Speaker (Mr Dallat): Order. The Member will resume his seat.

Mr McCarthy: — the Scarva demonstration.

Mr Deputy Speaker (Mr Dallat): The Member is long enough here to know that the question should be directed at the question on the sheet.

Mr McCarthy: The Scarva demonstration.

Mr Deputy Speaker (Mr Dallat): Sorry, is the Member questioning the decision of the Chair?

Ms Ní Chuilín: To be fair to the Member, he is normally one of the people who jumps up and asks for £10 million for this and £2 million for that, and that is his job — he represents a constituency. However, I will not take lectures from Kieran or anybody else on trying to protect those who are most vulnerable. If the Member has a specific question about something in his constituency that might need support — the Member writes to me quite a lot — I will be happy to respond, but I will not take any lectures from people who want to go into water charging, prescription charging and taking free travel from the elderly. I do not think so.

Mr Deputy Speaker (Mr Dallat): Minister, the same rule applies to you.

Ms Ní Chuilín: Sorry.

Casement Park/Windsor Park: Update

7. **Mr Ross** asked the Minister of Culture, Arts and Leisure for an update on the redevelopment of both Casement Park and Windsor Park. (AQO 8270/11-15)

Ms Ní Chuilín: I thank the Member for his question. Construction work at Casement Park has been delayed following the outcome of the judicial review in December of last year. Since the ruling, the GAA, DCAL and the relevant team members have studied the judgement to ensure that any new planning application fully addresses and takes into account the points that were raised by Justice Horner. There remains a strong resolve within the Ulster Council of the GAA to submit a new planning application. I anticipate that a 12-week planning consultation process to support the planning application process will commence in the coming months.

Windsor Park is under construction, and, notwithstanding the recent issues regarding the west stand, the project has

progressed very well. The project team and the IFA are striving towards delivering the required spectator capacity for the forthcoming Euro 2016 qualifier against Romania on 13 June. On 20 April, it was agreed that the west stand should be demolished. After receiving approval from the IFA's insurer, the west stand has been demolished, and the details of the next steps are being developed between the IFA, the insurer and the project team.

Mr Ross: Does the Minister agree that it is important that we get a stadium the size of Casement Park, with the associated capacity, for Northern Ireland to bid for major events such as the Rugby World Cup in 2023 and other events? On that basis, is she confident that there will be a planning application submitted at an early stage, and is she confident that that will get approval so that we have a capacity of in and around 30,000, which will allow us to bid for major sporting events?

Ms Ní Chuilín: The Member has pointed out the issues that were raised as part of the strategic outline business case for the all-stadia programme, in which the three sports were going forward together. We have a fantastic facility at the Kingspan Stadium, Ravenhill, which is providing great opportunities not only for people on the field but for those off the field. The same will happen with Windsor Park, and I hope the same will happen with the redevelopment of Casement Park.

I anticipate the Ulster Council bringing forward a planning application in the autumn. They will use the summer to consult. They will consult widely and ensure that the comments that were made by Justice Horner in December of last year are fed into that consultation. I agree that there needs to be a capacity of at least 30,000, not only to meet the conditions and criteria of the business case but to attract other events that were laid out in the business case and as part of the consultation. It would be an absolute tragedy if people decided to set their face against something, but they need to have an opportunity to talk about the difficulties that they have around planning. I hope that the 12-week consultation process will be an opportunity for people to do that.

Mr Ó hOisín: Go raibh maith agat a LeasCheann Comhairle. Can the Minister provide details on the actions that she has taken to address the safety concerns that were raised by the chair of the safety technical group (STG) at the CAL Committee meeting on 30 April?

Ms Ní Chuilín: I thank the Member for his question. He is a member of the CAL Committee, so he will be aware that I went to the Committee. I want to ensure that safety is paramount: it has been, and always will be, paramount to me.

In line with good practice and programme management, in relation to the allegations that I heard on 30 April, I instantly initiated a project assessment review of the stadia programme, which will include a specific focus on the issues raised around the Casement Park project. The review has been commissioned through the CDP and will be undertaken by independent experts. Normally a report is published to the Department, but I will ensure that the Department publishes the report publicly so that people see that as much as can be done is being done.

I am reluctant to get into anything else because there is a whistle-blowing allegation, and it is important that people

have the confidence to come forward and make such allegations and that it is not subject to public consultation.

Mr B McCrea: Will the Minister advise us of what she thinks about the emergency exit plan for Casement Park?

2.30 pm

Ms Ní Chuilín: The Member is talking about an exit plan for a previous application. He is on the Committee, and I have heard and seen some of the questions that he has asked. The Member will know that, as part of any new planning application, new plans will be brought forward. I assure the Member and other members of the CAL Committee that I will ensure that, as part of the consultation process, the Committee will see any new design, including exit plans, evacuation plans or anything else that comes with it.

Mr Elliott: I thank the Minister for the updates. Can the Minister advise on who is responsible for the liability or for recouping the costs of the repair to Windsor Park and the recent construction problems that there have been in one of the stands?

Ms Ní Chuilín: The IFA is working that out with the contractor and its insurer, and I am led to believe that this is being done with a can-do attitude. I am very certain that the liability not only for the demolition but for the completion of a new west stand will not come from DCAL or, indeed, the public purse. That will be sorted out between the IFA, the contractor and its insurers.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We now move to 15 minutes of topical questions. Question 1 has been withdrawn.

Casement Park: Safety Considerations

T2. **Mr Lunn** asked the Minister of Culture, Arts and Leisure whether she agrees that it is surprising that, given the worldwide expertise and experience that exists in stadia development and building, safety considerations for such a relatively small stadium arose only at the very last minute, and whether she believes that she should have known about them at an earlier stage. (AQT 2562/11-15)

Ms Ní Chuilín: If the Member is referring to Casement Park, safety considerations are there at the start, the middle and the end. Safety considerations for any big capital programme are there throughout. However, what was different was the level at which the safety concerns were reported. The allegation that they were suppressed is something that I completely refute. I am looking forward to the outcome not only of the review but of the investigation to see what lessons can be learned.

Mr Lunn: I thank the Minister for her answer. Does she agree that, perhaps, in retrospect, we might have been better to have gone ahead with a super-stadium at the Maze and avoided all this nonsense?

Ms Ní Chuilín: The Member is aware that there was not political agreement for that, so it is kind of a moot question. I have absolutely no doubt that it is something that is in the past, and there is nothing that we can do about that now. The three governing bodies are getting on with developing their programmes. Let me assure the Member that the work and the relationships between those three governing bodies are really good, and I have no doubt that those

relationships will endure well beyond the completion of these projects.

Casement Park: Committee Inquiry

T3. **Mr Dickson** asked the Minister of Culture, Arts and Leisure to assure the House that she will cooperate with the Committee for Culture, Arts and Leisure by attending its meetings as part of its inquiry into the debacle over Casement Park. (AQT 2563/11-15)

Ms Ní Chuilín: Not only can I assure the Member that I will, but I have already been to the Committee, and I anticipate being back at the Committee. I will be fully cooperative.

Mr Deputy Speaker (Mr Dallat): I call Mr Ian McCrea for a topical question.

Mr I McCrea: Thank you, Deputy Speaker. Sorry, I think the —

Mr Deputy Speaker (Mr Dallat): I apologise. We need a supplementary question from Mr Dickson.

Mr Dickson: Minister, thank you for your assurance that you will fully cooperate. Given the concerns around this project, can you assure the House that no corners will be cut in respect of delivery of what is clearly a pet Sinn Féin project for west Belfast?

Ms Ní Chuilín: I resent that remark. I think that that is ridiculous, to be frank. I am surprised, because the Member is normally more sensible than that. I will certainly ensure that safety is paramount in the redevelopment of Casement Park, as it will be for the other facilities. Not only have I gone in front of the Committee but so have my officials. We will continue to do so if and when needed, and I will leave it at that.

Windsor Park: Completion Date

T4. **Mr I McCrea** asked the Minister of Culture, Arts and Leisure whether she can give a date for when the work at Windsor Park will be completed, given that the difficulties with the stand have cast doubt over the original date of November this year. (AQT 2564/11-15)

Ms Ní Chuilín: The Member will appreciate that we are working that out, but I do not anticipate a very big delay. He is right that completion was due by November 2015. I imagine that the delay will be just a few months, because, to be fair to the IFA, it has a great team there. It is working very closely with the Department and has a very good working relationship with its contractors, which is not always the case with capital builds. I anticipate that the delay will be a matter of a few months rather than several months.

Mr I McCrea: The IFA not only has a great wee team working on it; it has a great wee team that plays in the park. Perhaps the Minister will join me in congratulating the young Cookstown lad, Stuart Dallas, who scored his first international goal last night alongside Cookstown's Aaron Hughes, who is now the most capped outfield player. Given that a European Championship game is scheduled for 13 June, can the Minister give any details about whether the temporary arrangements that the IFA hopes to have in place will still be in place for that match?

Ms Ní Chuilín: First, I join the Member in congratulating his constituents. He manages to weave them in, but that is what topical questions are about. Congratulations to young Stuart on his appearance.

I am working through the processes for 13 June with the IFA at the minute. Everything that I have heard thus far has been in the right direction; it has been encouraging and positive. The IFA is working through the procedures and protocols to do what is needed, not only to have as much capacity as possible, but to have done that against the backdrop of a lot of challenges, particularly around the Kop stand. I am happy with developments thus far and content that everything is going in the right direction to ensure that maximum capacity is there to help to meet the rules.

Cross-community Sports Programme

T5. **Ms Lo** asked the Minister of Culture, Arts and Leisure for an update on the cross-community sports programme element of the Together: Building a United Community (T:BUC) strategy. (AQT 2565/11-15)

Ms Ní Chuilín: The Member has raised the topic of community relations before. The programme is developing very well. DCAL is one of a number of Departments working towards the overarching strategy of T:BUC. The pilot scheme that we had in the greater Village area and the Falls/Grosvenor area has worked very well. I knew that even before I got the results of the evaluation. We are talking to colleagues in OFMDFM about rolling it out, not only in deprived areas but in rural areas. I am very happy with the direction that it is taking.

Ms Lo: I am pleased to hear that it has been progressing well. Does the Minister intend to evaluate the whole process and produce a report?

Ms Ní Chuilín: As I said, the first programme was a pilot scheme. The evaluation of that scheme stated that it was successful, that there was a need for it, and that there is a need for more like it. Some of the tweaks in the programme came from the young people who participated, which is very good. If anything, the lessons that we have learned are that we need to incorporate those young people's ideas into the design of the next programme. That is happening at the minute, and I have no doubt that, once the overall T:BUC programme is finished, OFMDFM will ask each Department to provide contributions to an overall evaluation report.

Casement Park: Emergency Exiting

T6. **Mr Dunne** asked the Minister of Culture, Arts and Leisure, further to recent evidence given to the Committee for Culture, Arts and Leisure by Mr Paul Scott, to advise the House when she, as Minister of Culture, Arts and Leisure, became aware of the concerns about the emergency exiting at Casement Park. (AQT 2566/11-15)

Ms Ní Chuilín: The Member is on the Committee: he was there on 23 April when my officials were at the Committee; and he was there on 30 April when Mr Paul Scott made his allegations. He will know the answer because I told him when I was there. Perhaps he did not understand me when I said that I was not aware of the seriousness of the allegations that Mr Paul Scott made until I heard them when he gave evidence to the Committee on 30 April. Since then, I have initiated two very robust processes. His

colleagues in DFP are involved in that investigation and review, certainly the review, anyway. It is not just DFP: the British Westminster Cabinet Office is also involved in the investigation.

Mr Dunne: I thank the Minister. Will the Minister give an assurance that any new design proposals for Casement Park will deal with the emergency exiting issue and not bury it as in the past?

Ms Ní Chuilín: I wonder at the coincidence of his and Basil's question; maybe he is reading from the same script. Let me give the Member the same assurance as I gave to Basil McCrea and to anybody else listening: I will ensure that safety is paramount. I have done so and will continue to do so. Any new plans submitted as part of a new planning application will be subject to at least 12 weeks' consultation. I anticipate that the CAL Committee, of which Mr Dunne is a member, will not only see the plans but have an opportunity to contribute to the consultation. I am sure that he will look out for exiting, egress, access and, indeed, any other aspect of concern. I am delighted to see so many people supportive of the redevelopment of Casement Park.

Music, Musical Instruments and Tuition

T7. **Mr McKinney** asked the Minister of Culture, Arts and Leisure for her assessment of the importance of music, musical instruments and tuition, particularly for children, and to outline the action that she could take to resource a strategy to maximise uptake, in light of the fact that he does not quite know how we have reached this new, depressing level where it appears that we are about to start politicising musical instruments and music, which, of course, should be about harmony. (AQT 2567/11-15)

Ms Ní Chuilín: I am not sure what the Member was referring to. I have not made it political and would resist any attempt to do so. I understand that the Member is coming from the same position. Some time ago, I met the marching bands forum, which is one aspect of musical tuition. There are others: I have met people from Comhaltas and from the all-Ireland fleadh committee in Derry and so on. I went to the Ulster Fleadh and all the rest. I also met children and young people who are involved in jazz and contemporary music, and the fact that music is important to them is important to me. Music is my thing, and that is something that I fully appreciate, participate in and see the importance of. It is important that, where possible in these financial circumstances, we invest in opportunities for children and young people to get involved in music.

Mr McKinney: I thank the Minister for her response. In the context of her latter remarks, will she undertake to liaise with her colleague the Education Minister to maximise the availability of musical tuition and music for all our children?

Ms Ní Chuilín: Absolutely. Not only are John O'Dowd and I sitting next to each other today, but our offices are close together. We have done so and will continue to do so. I have spoken to many principals and, indeed, boards of governors about not only music but art and physical activity in school. It is important that, within their current budgets, schools ensure that those subjects are not an afterthought but are built right into the criteria.

Mr Deputy Speaker (Mr Dallat): Mr William Irwin is not in his place. I call Mr Thomas Buchanan.

Angling: West Tyrone

T9. **Mr Buchanan** asked the Minister of Culture, Arts and Leisure what engagement she or her officials have had with angling clubs to help to further that sport, given that she will be aware of the important role that angling plays, especially in tourism, in West Tyrone. (AQT 2569/11-15)

Ms Ní Chuilín: It is a valuable asset not just in West Tyrone, which obviously has some beautiful scenery, but right across this island. Angling clubs have worked very closely together for years and will continue to do so. Angling is very important, and not just for community participation; it is intergenerational and helps increase tourism, particularly along the waterways that have a good yield of trout. I am, have been and will continue to be very supportive of local angling clubs.

Mr Buchanan: Will the Minister give an undertaking that she will meet the angling clubs in West Tyrone to help iron out any of the difficulties they may have?

2.45 pm

Ms Ní Chuilín: Certainly. I have met many angling clubs, and I am sure that I will continue to do so. If the Member has angling clubs in his constituency that he wants me to meet, I am happy to do that. Just find the office and we will get that sorted. It is absolutely no bother.

Carryduff GAC

T10. **Mr Ó Muilleoir** asked the Minister of Culture, Arts and Leisure for her assessment of the contribution of Carryduff GAC to sport and the community in south Belfast. (AQT 2570/11-15)

Ms Ní Chuilín: I am happy to recognise the contribution of Carryduff. I know it is a big club. Like many clubs across sport and physical activity, the work it does, particularly across generations, is actually keeping people well, fit and safe.

Mr Ó Muilleoir: Tá an t-am ag éirí gairid. Thank you for squeezing in the last supplementary question, Mr Deputy Speaker. Will the Minister give a commitment to visit the club and see the good work that is going on there? With over 1,000 members, it is the biggest club in Ulster, but, sadly, it does not get the resources it is entitled to.

Ms Ní Chuilín: I am absolutely happy to visit Carryduff.

Education

School Enhancement Programme: Funding Cuts

1. **Mr A Maginness** asked the Minister of Education why schools that were successful in the first phase of the school enhancement programme have now had furniture and equipment funding withdrawn. (AQO 8278/11-15)

Mr O'Dowd (The Minister of Education): As the Member knows, the Executive Budget has been cut by the Westminster Government by £1.5 billion over the last five years. As a direct result of that cut, there is significantly reduced money to spend on front-line services such as

education. I have taken every action possible to protect education funding and the front-line services within the Department of Education's remit, ensuring that the priority is keeping teachers and classroom assistants in classrooms.

To date, furniture and equipment allocations have been made to five of the 22 school enhancement (SE) projects on site. I recognise the issues this raises for the remaining SEP projects, and I have allocated a further £1.8 million for the furniture and equipment need at capital projects on site. That is expected to fully meet the furniture and equipment requirement of SE projects in 2015-16. DE officials have prepared an in-year bid to the Department of Finance and Personnel to address the shortfall in funds for the furniture and equipment requirements in other capital projects currently on site.

Mr A Maginness: I thank the Minister for his answer. Is he assuring everybody who has been told that they will not receive funding for furniture and equipment in schools that that will be remedied by his Department? The impression given is that they have new classrooms but no furniture.

Mr O'Dowd: I am assuring everyone who is listening that I am trying my best and we are exploring options for how we fund furniture and equipment going into the future. It depends on the project. For instance, in school enhancement programmes, if additional classrooms are being provided to schools, there will certainly be a shortage of furniture, but, if we are replacing classrooms or an existing room, there will already have been furniture in that room, so we have to ask how we use that furniture and equipment going into the future.

As I said, the Member is aware that £1.5 billion has been cut from the Executive Budget. All Departments are suffering as a result of that. When we look to the next three years and at the spending plans of the Conservative Government, we can see that there will be further cuts to our public services, hence the reason why we are in the middle of the crisis we are in at the minute and why there are talks going on in other places. We wish success to those talks. That is the reality of reduced budgets — reduced front-line services.

Early Years Fund: Reductions

2. **Mr D Bradley** asked the Minister of Education what representations has he received regarding the reductions to the early years fund. (AQO 8279/11-15)

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta as an cheist. I appreciate that the reduction in funding has come as unwelcome news to the early years sector. By far the majority of correspondence I have received on the matter has been from MLAs. I have had one invitation directly from a recipient of the fund. I have answered 51 Assembly questions on the topic and 27 correspondence cases on behalf of nine of the 153 groups. I have received petitions on the matter from two of the current 153 recipient groups. In my response I have once again highlighted the cuts to the Executive Budget as a result of Westminster spending plans.

I recognise that some worthy programmes may be impacted upon as actions are taken to protect front-line services within the Department's remit.

The early years fund was established by the Department of Health, Social Services and Public Safety in 2004 to help

to sustain certain early childhood services when Peace II funding ended, and it has remained available only to those applicants who were in areas of greatest need at that time. A recent review of the fund has highlighted the inequitable nature of the fund for this reason. Importantly, there are children across the North who are equally deserving of support who cannot benefit from the fund and whose situation must also be considered. It is essential that any funding is allocated in a fair and transparent manner to ensure that those who need it most can avail themselves of it.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. Given the fact that each £1 that is invested in early years education saves £18 further on in each individual's life, does he agree that the £2 million that was invested in this particular initiative was money well spent, considering that, as he said, it benefited 153 communities, created 177 jobs, created 2,500 early years places and helped 620 children with special educational needs —

Mr Deputy Speaker (Mr Dallat): Have we got a question?

Mr D Bradley: — and 250 children whose first language is not English? Does the Minister not consider that to be a very good investment and money well spent?

Mr O'Dowd: Investment in early years is very good investment, but I contest the Member's figures and the way in which he has presented them. This fund has not created 177 jobs; in some instances, it sustains jobs. It has not created 2,500 preschool places; they are funded from an alternative budget. Not one preschool place will be lost as a result of the cut to the early years fund. I am trying to avoid ending the early years fund, but 2,500 places will not be lost. Indeed, only this weekend, we published the figures for children who have been successful in gaining a preschool place. We now have up in the high 99% of children who have achieved preschool places, so how have we lost 2,500 places?

I accept that organisations that are losing funding, quite rightly, have a right to lobby for funding, but I do become concerned when I read and hear alarmist figures that have no substance and cannot be backed up in any way. I will support early years funding because I believe that it is a good way forward. I will not support it on the basis of alarmist figures from anyone.

As regards early years funding in the future, Members may recall a debate in this Chamber — I think that it was in December 2014 — when a motion was put before Members to support classroom activity solely. As I said before, my party colleagues put forward an amendment which covered a wide range of areas. That was rejected. The Assembly called on me as Minister to invest in the classroom. That is exactly what I did at the end of the budget with very limited resources. You cannot now come back to me and say, "Oh, by the way, what about the early years fund, youth services and all these other services?" When it came to the crunch and the vote in this Chamber in December 2014, you all voted for funding to go directly into the classroom. That has an impact on the early years fund.

Mr Weir: The Minister has already referred to it, but, whatever scale of early years funding is available, can he indicate what practical measures will be taken to ensure that applications are treated in an open and accessible

way and that it is not simply a case of it being rolled over to groups that have received it in the past?

Mr O'Dowd: The Member makes a very valid point. This has been a concern. The review that was carried out on the early years fund highlighted the concern that, in fact, it was a closed fund. If you were in at the start, you stayed in. No new applications were made to that fund. I am seeking a way forward for the early years fund. I am trying to establish a budget line for it. I will make a bid in the June monitoring round. I will also examine very closely my own budget to see whether we can continue the early years fund throughout this year. My preferred option would be to open it up to a new programme. The provider of that programme would be open for further discussion and debate. I want to open up a new programme, to which all relevant groups will have an opportunity to make a bid. They will then be judged against the criteria, and funding will be awarded in an open and transparent way.

I understand that there are frustrations from both sides of the argument on early years: organisations that are losing money currently, and those that did not get money in the first place. I am trying to open up a new pathway, but I have to secure funding first.

Mr Allister: I am disappointed that I sense a lack of sympathy from the Minister about a situation that is of his creation. Surely he realises that a number of playgroups and preschool arrangements are vitally dependent on a significant contribution to keep their doors open? Talk of a new fund will not solve the problems of those who face a situation in September in which they may lose a huge percentage of their funding, have to lay off staff and even have to close their doors. Now is the time to address the matter urgently. Does the Minister not agree?

Mr O'Dowd: The Member does not sense a lack of sympathy from me; he senses a sense of reality. The Member will know that groups that are affected by funding cuts will of course lobby. As I said to Members previously, I am at times frustrated when I hear some of the claims that are broadcast on the airwaves and when I read in the newspapers about the impact that this will have on preschool places and a wide range of community infrastructures. Those claims do not stack up when you look at the situation in detail.

Preschool places are funded from a completely different budget line to the early years fund. I have made several commitments today that no one will be disadvantaged in obtaining a preschool place because of an end to the early years fund. I want to support community and voluntary organisations because they play a vital role in our society and our communities, but I also have a responsibility. I am sure that the Member will agree that any fund that is created should be open to everyone; it should not be a closed fund, as is the case with the current fund. I am sure that he will also agree that groups that are as equally deserving as groups that currently achieve funding from the early years fund should be allowed, at least, to apply to the fund and be judged against the criteria.

Sometimes, I am accused of being somewhat blunt on a number of matters. My responsibility is to achieve funding for early years moving forward. I am looking at my budget, and I will make a bid in the June monitoring round. Both of those matters will be explored, and I hope to come out the other end with a successful conclusion to them.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister outline what funding is available to deliver those programmes at the moment?

Mr O'Dowd: From the early years fund that we have been discussing, there is still £900,000 available between now and the end of August. To complete the year, I need an additional £2 million, and that is what I am seeking.

The Department of Education spends somewhere in the region of £220 million annually on early years interventions, which includes funding to early years, preschool and other early years organisations. That is quite a significant and worthwhile investment from the Department of Education. I will emphasise this time and again: we have the funding for preschool places and to keep those places in the future. The challenge for me and perhaps the Executive is to find the £2 million that will keep the early years fund running. I will say it again: we have to open up that fund to other bidders.

Ligoniel Primary School: Accommodation

3. **Mr McCausland** asked the Minister of Education whether he will work with the Education Authority to provide an additional mobile classroom to meet the accommodation requirements of Ligoniel Primary School. (AQO 8280/11-15)

Mr O'Dowd: Ligoniel Primary School is a controlled school and, as such, falls under Education Authority control. It is for the Education Authority to prioritise its minor works budget allocation in line with the priorities that I have identified. Those priorities include inescapable statutory requirements, such as health and safety and obligations under the Disability Discrimination Act, as well as existing contractually committed works. The Department has recently approved a temporary variation to increase Ligoniel Primary School's admissions and enrolment numbers. That was granted following confirmation from the school that additional pupils could be catered for within the existing school buildings and that no additional accommodation would be required.

3.00 pm

Mr McCausland: The Minister will be aware of the history of the situation. Back in the 1980s, at the height of the Troubles, several classrooms and toilet and storage facilities were separated from the rest of the building so that a nearby nursery school could be accommodated in the suite of buildings. The position now is that the school is able, just about, to bring children in but is not able to meet the requirements that would normally be expected for seven-class provision over seven years. Will he at least enquire as to what might be done by the Education Authority about the provision of one mobile classroom, which would ensure that the school was able to meet the full requirements of the seven classes and, therefore, there would be no need for composite classes?

Mr O'Dowd: I am more than happy to raise the matter with the Education Authority, but I also suggest that the Member raise the matter with the authority himself. He may already have done so. The authority has a responsibility to be as open and frank with elected representatives as it is with the Minister, but I am more than happy to raise the matter with the Education Authority and report to the Member on Ligoniel Primary School.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response to that question. We are now in June, and many schools that are making plans for their September intake find themselves in the same position as the Ligoniel school. Will he expand on the work that DE is doing with the Education Authority to ensure that schools have a good line of communication with the authority so that steps can be taken to inform them whether they will be provided with additional classroom accommodation in September?

Mr O'Dowd: As I said in my original answer to Mr McCausland, it is for the Education Authority to prioritise its minor works scheme. It may have set its priorities. The minor works funding this year has reduced dramatically for all the reasons that I have already rehearsed during this Question Time. There are significant pressures on minor works programmes moving forward, and the Education Authority has to prioritise in light of disability discrimination, health and safety and other statutory obligations. It is vital that there is open and clear communication between the Education Authority and schools. Schools need to know what their accommodation will be in September because it will come very quickly. I am more than happy to raise the concerns expressed by Members in the Chamber with the Education Authority, but I urge Members also to contact the authority directly. As I said to Mr McCausland, it has a duty to be open, frank and transparent with elected representatives as well.

Nursery Schools Admission Criteria

4. **Mr Moutray** asked the Minister of Education whether he has any plans to revise the criteria set by his Department for nursery school admission. (AQO 8281/11-15)

Mr O'Dowd: Legislation requires that all preschool settings give priority to children from socially disadvantaged backgrounds. Preschool settings are responsible for setting any subsequent criteria. Priority is given to children from socially disadvantaged circumstances in the preschool admissions process because research has shown that they experience more difficulty at school than any other children. This is part of our wider efforts to tackle educational underachievement. 'Learning to Learn: a Framework for Early Years Education and Learning' includes an action to implement remaining actions from the review of preschool admissions, including one to examine the definition of socially disadvantaged circumstances with a view to ensuring that the relevant criteria are up to date and, if need be, expanded. I also want to examine the criteria to ensure that they do not disadvantage low-paid working parents. I have asked my officials to consider the issues associated with extending the priority criterion.

Mr Moutray: I thank the Minister for at least part of his response, but I remain unconvinced that he realises the depth of feeling on the ground about the criteria that are enforced on schools, leaving working families disadvantaged compared with those on benefits. Will he confirm that, given the increase in the birth rate and its impact on already overstretched provision, he will consider extending the provision that currently operates on a part-time basis, especially in places such as Waringstown, where there is considerable oversubscription?

Mr O'Dowd: The Member has raised a number of points. Regardless of parents being on benefits for whatever

reason, my job is to look after the children in these matters. Children from socially disadvantaged backgrounds are at a greater disadvantage when starting school than those who are not. That is an evidence-based statement. There was a debate earlier around early interventions, early years etc. If we make an early intervention, we ensure that the child has a greater opportunity to succeed in education, and we save money further down the line. I accept that there is an argument from low-paid families who face financial challenges and are out working and trying to make ends meet. I accept that there is a further responsibility on my Department to assist those families. As I said, I am asking my officials to look at how we broaden the social disadvantage criterion. It was caught up in the welfare debate, but I think that we can move it on in conjunction with the welfare debate or separate from it. It is now time to move that on.

In relation to part-time and full-time provision, evidence-based research shows us that there is no significant difference between part-time and full-time provision for a child. Ideally, I would like to provide up to four hours for all children. The finances are not there to do it, but I am satisfied that the provision that we make in part-time is good for the child's development.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister have any intention to widen even further the prioritisation criteria for preschool admissions to the working poor?

Mr O'Dowd: As I outlined to Mr Moutray, I intend to try to move this forward. As I said, it is tied up in the welfare debate. It may be tied up in that further because, as I speak, I am thinking that the Conservative Government may well do away with a number of benefit entitlements. We are concerned about the future of family tax credits and what bandwidth those will be in. The goalposts may continually change on us, but I want to assist low-income families who are out working and who, quite rightly, recognise that there is a disadvantage to their children as well.

It is also worth noting that the social criterion operates only for 25% of children who apply for preschool places, and I am in a position to say that over 99% of children who applied for preschool provision this year have been provided with that. No one, at the end of the day, is being left out because of the social disadvantage clause. I am an elected representative; I know about the heat that it can cause around some of these issues, but I believe that the principles of the policy are right. They are making a difference to our educational achievement, but I recognise that there is an argument to widen the criterion.

Mr Rogers: Thanks, Minister, for your answers thus far. The sustainable schools policy guidelines for travel time to school state that primary-school children should not travel for more than 30 minutes and post-primary-school children should not travel for more than 45 minutes. Will the Minister provide some guidance on travel time for preschool children?

Mr O'Dowd: As the Member is aware, there are no set criteria for travel time for preschool children, but we certainly would not want them to travel for longer than that set out for primary-school children. We try to provide services as close to the family home as possible, although that is not always possible. I suspect that the Member's question has been triggered by the letter that parents

receive if they are not successful in getting a place. That gives the entire list of preschool providers in an area, some of which may be 30, 40 or 50 miles away. There is no suggestion in the distribution of that letter that parents should consider sending their children that far. It is a generic letter sent from the regional offices of the Education Authority to parents. Every parent will receive the same. I understand why it causes some concern and, at times, anger among parents when they receive it, but it would be more expensive and a logistical nightmare to break it down into even smaller areas. We have to think about those matters as well.

Mr Lunn: The Minister has, rightly, highlighted twice that over 99% of applications for preschool places this year have been satisfied. Does he have any concerns about the balance between the statutory and non-statutory sectors and in the long term, perhaps, the need, as funds allow, to redress that balance in favour of the statutory sector?

Mr O'Dowd: There has been an ongoing debate in education for many years about the value of each of the sectors that provides preschool education. I would just caution the Member on some of these matters. The second question that I was asked today was about the early years fund. That fund goes into the community and voluntary sector and it allows that sector to provide preschool places and early years intervention. It also allows it to be sustainable and provide very many other services in the community. I would caution against removing preschool places in the community and voluntary sector in favour of the statutory sector for a variety of reasons, including that we would decimate the community and voluntary sector's funding.

Education and Training Inspectorate reports show that there has been a constant improvement in the delivery of preschool education in the community and voluntary sector. We will ensure that that continues. I have invested more and more money. I cannot remember the exact percentage but, over the last number of years, the amount of money that I have invested in preschool settings in the community and voluntary sector has risen quite considerably. That allows the sector to invest and provide more and more curricular activity for the children involved. It also allows the sector to provide training and decent wages so that it attracts the right staff. All those things are at play, so it is not simple. Even during my time on the Education Committee, there were some quite lively debates on this matter between the various sectors. I have no doubt that those debates will continue.

Mr McNarry: Going back to Mr Rogers's question, the Minister's answer and the idea of the generic letter, the Minister quite rightly identified parental anger when that generic letter is received. There is a geographic list of where they can go. On the basis that that can be misinterpreted and provoke anger — it certainly has among my constituents — will the Minister be in a position in future to ensure that such a letter is worded more carefully and more appropriately so as not to cause any consternation to parents? The message that he has given in the House today is perhaps one that parents and schools would like to hear. Perhaps his press office might do something about —

Mr Deputy Speaker (Mr Dallat): I think that we have got the gist of the question, Mr McNarry.

Mr McNarry: — getting that answer out. Would he go along with that?

Mr O'Dowd: Yes. I find myself in the strange position of agreeing with you. You have a point about communication. It is about the use of language and the information on these matters given to parents, elected representatives, the media etc. I have raised it. During the review a number of years ago, one of the areas that I raised with the then education boards was the use of a generic letter. I am more than happy to return to the Education Authority and work with it on that. I am not ruling out any options, but I do not think that there is an opportunity to break it down into tighter geographical areas because, logistically, that would be quite difficult. However, I do believe that there is an opportunity to reword the letter in a way that sets out to parents exactly what is meant and the intent of the letter.

Early Years Fund: Reductions

5. **Mr D McIlveen** asked the Minister of Education, given that the funding for groups such as Mother Goose playgroup in North Antrim has been cut significantly, to outline his current strategy for early years funding. (AQO 8282/11-15)

Mr O'Dowd: As I have set out, the Executive's Budget has been reduced by the Westminster Government by £1.5 billion over the last five years. I have taken every action possible to protect Department of Education funding. However, it is simply not possible to protect every element of it. I have endeavoured to minimise the impact as far as possible by ensuring that all groups that currently benefit from the early years fund will continue to receive funding to the end of the current academic year on 31 August 2015. I have committed to review my budget and any other opportunities for funding to establish whether a fund can be established for the early years sector that would be open to all applicants and not just current recipients and aligned to the priorities of DE.

I fully recognise the importance of the fund. As I have said to other Members who have asked questions on this, over 11% of the entire DE budget, somewhere in the region of £220 million, is dedicated to early years. That includes fully funded early years programmes, identifiable funding for nursery schools, nursery units of primary schools and the foundation stage. It also includes other relevant expenditure such as that allocated to special educational needs, early years capacity building and extended schools funding.

Mr D McIlveen: I thank the Minister for his answer. I appreciate the time constraint. I am sure that the Minister would agree with me that there is no group in society more vulnerable and more in need of protection than children of preschool age. Therefore, what assistance is his Department going to give such groups — particularly in rural areas, which are going to be particularly hard hit by the reduction in funding — to help them to source funding from other sources?

3.15 pm

Mr O'Dowd: My first priority is to try to achieve funding to continue through this academic year, up until 31 August. It is important that we do not lose important community assets in isolated communities, particularly isolated rural communities, through the loss of the early years fund. I am conscious of the situation and will continue to monitor

it. I have not admitted defeat on this matter yet, but if I am not successful in identifying the £2 million in my budget or achieving the funding bid to the Executive, we will work very closely with the organisations that are currently funded to signpost them to other funding organisations.

Mr Deputy Speaker (Mr Dallat): I can take one very brief question from Mr Chris Lyttle.

Mr Lyttle: I thank the Minister for his answer. I am sure that every MLA recognises that we have to incur budgetary reductions, but how can the Minister justify a 100% reduction to the early years fund?

Mr O'Dowd: Because I am in an area now where chipping away a few hundred thousand here and a few hundred thousand there does not work any more. The Member will, as he said, appreciate that all budgets are under severe financial pressure, but I have to save tens of millions of pounds. In the past, I was able to take a percentage away from a budget line; I am now at the point where I have to end budget lines to make the savings required. It is far from satisfactory to me and, I am sure, to anyone in the House, but that is the reality of the current financial situation.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We now move to topical questions.

Sentinus: June Monitoring Round

T1. **Mr Rogers** asked the Minister of Education whether he will make a bid for the Sentinus STEM programme in the June monitoring round, albeit that he is delighted that the Minister is seeking extra funding for early years. (AQT 2571/11-15)

Mr O'Dowd: No. I have to be realistic in that this is the June monitoring round. Traditionally, there are very limited opportunities to obtain money from this monitoring round. I have had to prioritise my bids. I have made bids that, I believe, are, possibly, important to the Executive and the House and based on the lobbying that I have received. The early years fund has been top of that list, so I have included it and not Sentinus. That does not mean that it is not important; it means that I am being realistic about what funding I can achieve.

Mr Rogers: I thank the Minister for his answer, although I am very disappointed because STEM is necessary in enriching our students' learning and to our economy. Has he any plans to seek extra funding for the Sentinus STEM programme in future rounds?

Mr O'Dowd: I will keep my options open for future funding rounds. However, the Member will be aware that funding is still going into the Sentinus STEM programme. It still has a budget line; it is still able to carry out very good work in that area. So, it is still operational, and I will keep my options open going into future monitoring rounds.

Foyle College/Ebrington Primary School Sites: Future Use

T2. **Mr Middleton** asked the Minister of Education for an update on what discussions, if any, are taking place on the future use of the Foyle College and Ebrington Primary School sites after the completion of their new build. (AQT 2572/11-15)

Mr O'Dowd: The future use of the sites will be a matter for Foyle College and the Education Authority, which will be the manager of the Ebrington school site. I am aware that there are suggestions in the Derry area as to what the future use of that school and school site should be. In that case, it is a matter for discussion between the proposers and the relevant ownership authorities.

Mr Middleton: I thank the Minister for his answer. Does he agree that it is important that those sites be of use to local communities? Will he work with the relevant authorities to ensure that those sites are of benefit to the local area and are not left in dereliction?

Mr O'Dowd: I am more than happy to work with the relevant authorities on that matter. In fairness to him and other representatives in Derry, you always have a plan and a call for what should happen next. That is a credit to you all. I know that there is some discussion about educational opportunities for the site, perhaps from the further and higher education sector, which would seem interesting and exciting. I do not want to see sites lying derelict anywhere; I want to see investment, growth, jobs being created and community infrastructure being strengthened.

The way to do that is through the use of former, for want of a better term, government sites. I appreciate that Foyle is under the ownership of trustees etc, but I am more than happy to work with anyone who has ambitious plans for moving forward.

Capital New-build Programmes: Amalgamated Schools

T3. **Mr Byrne** asked the Minister of Education to outline the situation in regards to capital new-build programmes for amalgamated schools, particularly for two primary schools in Omagh town: St Colmcille's Primary School in Brook Street and Loreto Convent Primary School in Brookmount Road. (AQT 2573/11-15)

Mr O'Dowd: As the Member will appreciate, I am not in a position to comment on the individual schools. During an earlier debate on area planning, one of the recommendations in the Committee's report was that investment should be aligned to area planning, which my Department already carries out. Where there are amalgamations or development proposals that have come to a conclusion and are being implemented, capital should be aligned with them. We are doing our best on that in the Department. The Member will also be aware that the Department of Education has taken a 20% cut to its capital funding this year, which is proving difficult for the delivery of the full scope of the projects that we hoped to have on the ground either in this year or next.

Mr Byrne: I thank the Minister for his answer. Does he accept, however, that, in a situation where we have an amalgamation of two primary schools on different sites, it poses particular problems for the management and the principal of those schools? Should priority be given to those situations?

Mr O'Dowd: As a general principle, I agree that that provides additional hurdles for the principal and senior management team of any school, but I also advise the Member that, in terms of scoring for capital projects, there is a score for amalgamation. If a school has amalgamated, it will score additional points in relation to the building

policy. Therefore, the school and the amalgamation is recognised as part of the capital programme. Speaking in general terms, at this stage I do not have enough funding to move all projects forward in the future, but I will continue to try to secure funding.

Post-primary Schools: Admissions

T4. **Mr D Bradley** asked the Minister of Education how he views situations in which local post-primary schools are hugely oversubscribed and have to turn away local pupils who live in the local area, attend local feeder primary schools, are in the top categories of the admissions criteria and come from families that have been associated with those schools for generations. (AQT 2574/11-15)

Mr O'Dowd: This is one of the pillars of area planning. There was quite a good debate — apart from sections of it, I have to say — earlier in the day about area planning. The Committee report is worthy of very careful consideration by all Members involved. We have to ensure that we have in place an area plan that recognises population shifts, growths and declines and that our schools, both primary and post-primary, are able to adapt to that in the future. However, there are areas where, in my view, area planning should be much further advanced than it is and managing authorities should have in place plans that would respond to variations in population growth at any time.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas fosta leis an Aire as a fhreagra sa chás seo.

I thank the Minister for his answer. In the absence of area plans, in cases where there is a proven need for extra places will the Minister look at other possibilities that will fulfil the need in the meantime?

Mr O'Dowd: I will, and I have. The process is called temporary variations. There will be instances where it is the appropriate method to move forward and others where it will not. However, that does not negate the responsibility on managing authorities to bring forward area plans that meet the need of an area.

Mr Deputy Speaker (Mr Dallat): Question 5 was withdrawn.

Special Educational Needs Provision

T6. **Mr Sheehan** asked the Minister of Education what is being done to standardise special educational needs (SEN) provision throughout the Education Authority area. (AQT 2576/11-15)

Mr O'Dowd: The Education Authority is working to develop a regional approach to the delivery of the current SEN framework. The purpose of that regionalisation is to ensure equity of access for all children to special educational needs services and to promote a more cohesive and harmonised approach to supporting some of our most vulnerable children across all the Education Authority regions. The provisions in the Special Educational Needs and Disability Bill and revised SEN regulations and statutory code of practice will provide a rounded and considered package of measures that will contribute to a more responsive and less bureaucratic framework moving forward.

Mr Sheehan: Go raibh maith agat. Gabhaim buíochas leis an Aire as a fhreagra. How will the Education Authority regionalisation, together with current SEND legislation, impact on SEN provision and the statementing process?

Mr O'Dowd: One of the rationales for bringing forward the Education Authority legislation initially and one of the very strong arguments for bringing forward the Education Bill was to ensure that we had harmonisation of services across all regions. One area of concern was the provision of SEN services, where one board area might provide different services from the one next door, so that children literally half a mile apart were receiving different services.

There is an opportunity for the Education Authority to bring forward plans for a regional service that meets the needs of all young people. The SEND Bill is about modernising the statementing process; it is not about the deletion or removal of the rights of any of our children or their parents. It is about strengthening the legislative basis on which we move forward and, indeed, speeding up the statementing process, which is very often a matter of frustration for parents. I am sure that all elected representatives in the Chamber have experience of working on behalf of parents on the statementing process and are aware of the difficulties in approaching that. The SEND legislation is about modernising a very convoluted and complicated process.

Donegall Road, Fane Street and Blythefield Primary Schools: Amalgamation

T7. **Ms Lo** asked the Minister of Education whether he agrees that, given the protests on the Donegall Road about the proposed amalgamation of Donegall Road, Fane Street and Blythefield primary schools, the proposal does not have local support and has, in fact, caused a lot of uncertainty for parents and teachers, and whether he believes that this premature decision will go ahead. (AQT 2577/11-15)

Mr O'Dowd: I am not in a position to comment on an individual proposal, especially one that is in pre-consultation mode with the Education Authority and the local community. I encourage everyone with an opinion on this to make it known to the Education Authority and keep their mind focused on the fact that education delivery is not about buildings but about the provision of good education for all our young people. I do not mean this in a disrespectful way to anybody involved in any of the protests, but I am not as interested in "Save our Schools" as I am in saving our education.

Ms Lo: The problem with this is the lack of a site and lack of certainty about when and where the school will happen. Will the Minister consider putting forward a firm proposal on where the school will be before he decides to close the three schools?

Mr O'Dowd: It is not the job of the Minister to do so; it is the job of the Education Authority to, first, bring forward a development proposal if it wishes to do so. I will then go into a two-month consultation period, during which I am more than happy to meet elected representatives, parents and representative groups to discuss the proposal. I do not wish to go into the detail of any development proposal that may come to me on this matter, but the general principle is that it is up to the Education Authority or the managing authority to bring the proposal forward. It is not the job of the development proposal to develop a site;

that is separate again. It will be a matter for the Education Authority to identify a site for any future proposed amalgamated school. They are joined issues, but two separate issues in terms of how the decision-making process works out.

GCSEs: Attainment

T8. **Mr F McCann** asked the Minister of Education to outline the key points in the report released by the Department last Thursday that showed figures for the number of pupils who had achieved GCSEs. (AQT 2578/11-15)

3.30 pm

Mr O'Dowd: It makes for welcome reading. We have seen a continued increase in our young people achieving five good GCSEs from A to C or equivalent, including in English and maths. Now, 63.5% of our young people leave school with that. That is almost five percentage points up on the last report from a couple of years ago. So, the intense focus on raising standards is paying off, from the initial investment in early years, right through primary school and into post-primary school. The hard work of teachers, parents, pupils, communities and community leaders in raising the focus around the need for educational improvement is beginning to pay dividends for our young people.

Mr F McCann: The percentage of pupils achieving GCSEs from A to C in 2009-2010 was 71.9%, which increased to 78.6% in 2013-14. That is to be welcomed, but can the Minister outline how his Department intends to continue that upward trajectory?

Mr O'Dowd: As I outlined, this is a multi-agency approach. I use the term "agency" advisedly. We debated this much last year when we were making changes to the common funding formula. The evidence shows that a child from a socially deprived background is less likely to do well in education. So, we have to invest in jobs, community infrastructure and families and have to ensure that people are given an opportunity to be everything that they can be from the family home. When they go through the school gates, we have to ensure that our teachers are motivated and focused — thankfully, the vast majority of them are — that there is a strong board of governors and strong leadership in the school, and that the school has close links with the community and the community is playing its part. If any one of those pillars falls down, the child is automatically disadvantaged. Yes, the Department of Education will continue to focus inside and outside the school gates, but we have to ensure that the family and the community are supported as well if we want to see continued educational improvement for our young people.

Mr Deputy Speaker (Mr Dallat): Members, time is up. You may take your ease while we change the Table.

(Mr Speaker in the Chair)

Private Members' Business

Human Rights Act 1998

Debate resumed on motion:

That this Assembly recognises the vital importance that the Human Rights Act 1998 plays in the lives of citizens of the United Kingdom; further recognises the importance of this Act to the Good Friday Agreement and the devolution of policing and justice powers; and rejects any attempts by the Conservative Government to repeal the Human Rights Act 1998. — [Mr Dickson.]

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an rún seo, agus gabhaim buíochas le Páirtí na Comhghuaillíochta, mar is díospóireacht an-tábhachtach í seo. I welcome the motion and thank the Alliance Party for bringing it forward, because I believe that this is a very important debate.

For the record, Sinn Féin called for and supported the Human Rights Act, and we are deeply concerned about Tory plans to consult on or any attempt to repeal the Act. The implications of the plans to repeal it and reject the current oversight role of the European Convention on Human Rights are enormous for the administration of justice, policing and equality in the North. It is also a direct attack on the Good Friday Agreement and the international treaty signed by the British and Irish Governments, which gives legal effect to the agreement. Not only was the agreement approved by referendum, it was incorporated as a treaty between Britain and Ireland and was lodged with the United Nations. It is treaty series number 50, 4705. Article 2 of the treaty binds the British Government to implement provisions of the multiparty agreement. I have some of the agreement with me. Paragraph 2 of the section on rights states:

“The British Government will complete incorporation into NI law of the European Convention on Human Rights ... with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.”

It was very disappointing and worrying to hear the cavalier attitude of Mr Nelson McCausland earlier, who threw out wild, inaccurate claims about CAJ. He is not here now. He may be busy with something else, or he may not be interested in human rights. Maybe he did that because it was the easy option. Maybe he did not have his work done on preparing for the debate. I would like to read something into the record about CAJ, because the claims made about it this afternoon were nothing short of disgraceful. CAJ is an independent human rights organisation. It has cross-community membership in the North. CAJ seeks to ensure the highest standards of justice and campaigns on a broad range of human rights issues. CAJ seeks to ensure the highest standards and administration of justice by ensuring that the Government comply with their obligations in international law. It is a member of the International Federation of Human Rights (FIDH) and has received many international human rights prizes, including the Reebok human rights award and the prestigious 1998 Council of Europe human rights prize.

I understand that the Cheann Comhairle is looking at the comments, and I am sure that I speak for the entire House, maybe with the exception of some in the DUP, when I say that I assure the membership of the CAJ, the human rights community and human rights academics that Mr McCausland's comments do not reflect the view of the Assembly. As I listened to him, I was struck that the human trafficking law came into effect today, spearheaded by Lord Morrow. There was a wonderful event in the Senate, which I attended because I believe it is a very important piece of legislation, and practically the entire DUP Assembly team was there, and they applauded and gave a standing ovation to a woman who fought for human rights on the platform of human rights. Yet, an hour or so later, we have a Member of the same party making such spurious, inaccurate and wild allegations about the human rights community. So, I hope that the contributions of the DUP in the human trafficking debate reflect the ethos of the sentiments that I heard, rather than the ill-thought-out contribution of Mr McCausland.

I respectfully suggest that he rereads the quote that Mr Dickson read out at the end of his contribution. Sinn Féin will continue to work to ensure that we have the Human Rights Act as it is, and, as a society coming out of conflict, we badly need that. It is one of my favourite quotes; so I am sure that Mr Dickson will not mind if I repeat it, because I think that it is important that we all listen to it again. It was from Pastor Martin Niemöller, who was a Protestant pastor and social activist:

“When the Nazis came for the Communists, I did not speak out —

As I was not a Communist.

Then they locked up the Social Democrats, I did not speak out —

I was not a Social Democrat.

When they came for the trade unionists, I did not speak out —

As I was not a trade unionist.

When they came for the Jews, I did not speak out —

As I was not a Jew.

When they came for me, there was nobody left to speak out.”

Mr Attwood: I thank the Alliance Party for bringing forward the motion today. I agree with Mr Dickson's comments in respect of the direction of travel of the Prime Minister and the new justice secretary in England. I will not be as casual as Mr McCausland when he said that this debate was overtaken by events, given the lack of references to the Human Rights Act in the Queen's Speech.

Mr Dickson: Will the Member give way?

Mr Attwood: Yes.

Mr Dickson: The Member might not have caught up with the news today, but, at lunchtime, Number 10 recommitted the Prime Minister to breaking the link. He is determined to proceed.

Mr Speaker: The Member has an extra minute.

Mr Attwood: I was not aware of that, but it corroborates my point that we have not been overtaken by events. My view is that the reason why the Prime Minister might have

made that comment today is that, in the fullness of time, on the eve of an in/out European Union referendum — and this party will vigorously campaign against withdrawal from the European Union — the British Prime Minister will trade a yes vote to stay in Europe for a no vote for the Human Rights Act. In order to bring dissident elements in the Tory party into line to try to get a possible yes vote over the line, he will throw other things into the negotiation to try to justify a yes vote. One of those things will be doing damage to the Human Rights Act.

As Members have outlined, at the heart of the Good Friday Agreement is a rights-based approach. As I have said endlessly in the Chamber and in other places, that is because, when our national conflict was fully evolved, it revolved around issues of law, order and justice.

On many occasions, the narrative of conflict on this island was informed and defined by disputes about issues of law, order and justice. The failure to have in place proper rights, provisions and standards fuelled and added to those disputes. That is why the wise authors of the Good Friday Agreement, in their interventions in respect of policing, justice, human rights and equality, created structures and architecture to mitigate and legislate against invasions of rights and protections in the future such as we had in the past. If, through the stated commitment that Mr Dickson has brought to my attention, the British Prime Minister will do damage to the Human Rights Act, let us be very clear: we are undoing and doing damage to the Good Friday Agreement; we are undoing and doing damage to the rights, the culture and the approach that are at the heart and centre of our new democracy and stability going forward; and we are doing damage to protecting people's rights.

Generally, the Human Rights Act is a sword to deploy against wrong, but it is also a shield to protect what is right. That is the essence of the Human Rights Act. When you cut through the fog that the British Prime Minister and others are trying to create, you see that it is something that protects the citizens of not just Northern Ireland and Britain but the rest of the island and far into the wider European context. It is a sword to deploy against the wrong, but it will be a shield to protect the right. We must never move away from all of that.

We want to go further. For all the strength of the Human Rights Act and the European Convention on Human Rights that it reflects, there are many more provisions. If, going forward, we are to have a rights-based approach on this island, especially in the northern part, we must consider the many other examples of international codes and conventions on the protection of human rights that have application to our society. When we were negotiating and implementing Patten and when the legislation was being passed in the House of Commons and the House of Lords, the code of ethics built into its architecture and into the new beginning to policing went beyond the European Convention on Human Rights. It was informed by the wider principles and provisions of UN conventions. Is anybody any less for the fact that our Police Service has a code of ethics that, when upheld, is to the benefit of each citizen and each community in the North? I think not. Those examples — there are many others — are good grounds for why, even at this late stage, we should look for a bill of rights, which was committed to in various agreements entered into by governments and parties heretofore. There is a further opportunity to build into the architecture of

Northern Ireland a bill of rights relevant to the particular circumstances of here.

Mr Speaker, I agree with the comments made by various Members about what Mr Nelson McCausland said. When you review Hansard, I urge you to note that in his comments about members and former members of the CAJ, he named one person, he identified two others and he purported to visit on them various political allegiances as well as the allegiance of that organisation. If that is not a reason to name somebody in the Chamber, I do not know what is.

Mr Elliott: I welcome the opportunity to debate this important issue in the Chamber and, indeed, further afield, as I might have the opportunity to do in the days that lie ahead. When you hear some in the Chamber talking, you would think that the only reason why we have freedom today in this society is thanks to Brussels, the European Court or the European Convention on Human Rights. Even a cursory examination of the facts tells a totally different story. History tells us that the British people did not need a European-based Human Rights Act to guarantee their freedom and liberty. It was not the United Kingdom that witnessed the rise of the twin ideologies of communism and fascism in the first half of the 20th century. Rather, it was western Europe that fell under the sway of fascist dictators like Hitler, and Russia was conquered by Marxism. The political stability of the United Kingdom endured with a constitutional monarchy in which Governments were changed at the ballot box. People shunned divisive and destructive ideologies, and political freedoms remained protected by our own laws and courts.

3.45 pm

The European Convention on Human Rights was a post-war construct, a package of laws designed by nations, including the United Kingdom, that was aimed more at preventing continental Europeans from ever again going down the path to destruction and madness that those who had been prepared to follow the fascist leaders of the 1930s trod. By the end of the war, Europe was also aware of the cruelty and misery that accompanied communism, and the subsequent experience of the people of Poland, East Germany, Czechoslovakia and Hungary, to name but a few, bore that out. In other words, the European Convention on Human Rights was intended to guarantee basic rights that had been utterly usurped in western Europe during wartime and were being usurped in eastern Europe during a Cold War of peace by Soviets.

The 1998 Human Rights Act was introduced by Labour and put the European Convention on Human Rights into British law. It meant that people in the UK could bring cases about their human rights to domestic courts, but it also meant that the Strasbourg court became the final court of appeal for human rights cases. It was never intended to provide protection for criminals and terrorists, nor did the British people ever vote to give judges in Europe the power to overrule British laws and judicial decisions.

Dr Farry: Will the Member give way?

Mr Elliott: I am happy to give way.

Dr Farry: The Member is, to an extent, conflating the Human Rights Act with opposition to the European Convention on Human Rights. Given that the Ulster

Unionist Party has been keen to cite clauses of the convention in its submissions on parading, does he not feel that he is in danger of losing the point that his party is trying to make for its own political self-interest, never mind the good of the community as a whole?

Mr Speaker: The Member has an extra minute.

Mr Elliott: Thank you, Mr Speaker. I thank Mr Farry for his intervention. I am pleased that he is so concerned about the parading organisations in Northern Ireland. It is a pity he would not show more sympathy and respect for them when they are trying to exercise those basic human rights and have a peaceful and legitimate parade. Instead, he stands on ceremony, and some of his party colleagues try to stop some of those parades, which is unfortunate.

I noticed that his party colleague Mr Dickson cited a number of what he claimed to be positive examples from the European Convention on Human Rights. What about the like of the Qatada case, where the Home Office spent at least £1.7 million over eight years on trying to deport a man once accused of being Osama bin Laden's right-hand man in Europe and was repeatedly thwarted by human rights laws? Such cases are very negative, and the UK Government, with a British rights policy, should be able to bring them to a positive conclusion rather than being stalled by human rights law in Europe.

What was wrong with the Prime Minister's statement that:

"I want these decisions made by British judges in British courts, not in Strasbourg."

As far as I am concerned, that is quite a legitimate request. It is a legitimate position to take, and I support it. Why can the UK not have its own bill of rights instead of having to rely on Strasbourg and Brussels to that extent? I do not see the absolute basis of the Alliance proposals, and I will oppose them.

Mr D McIlveen: I welcome the opportunity to contribute to the debate. If I was to stand here and list all the reasons why I am proud and happy to reside in the United Kingdom, we would be here till late in the evening. However, in the top ten of my favourite things about being part of the United Kingdom is the fact that we are not bound by a written constitution in the way that other countries are.

All that we have to do is look west to the United States to see how destabilising to a national Government a written constitution can be. We have seen in recent days in the United States how they are sometimes tying themselves in knots over constitutional issues. I am glad that our forefathers in the United Kingdom established a system of government that is agile, flexible and able to move with the people.

Already, I think that the very core of the debate has been missed by some of the contributors. This is not a debate about human rights in the United Kingdom; this is a debate about a piece of legislation called the Human Rights Act, which, I believe many would argue, has failed to deliver what it was designed to do. We all know that the Act was brought in in 1998 by a massive majority Government in the United Kingdom that wanted to try to ensure that fewer cases were brought directly to the European Court of Human Rights in Strasbourg and to try to deal with issues internally before it got to that stage. Whilst I am broadly

supportive of that principle, this Act has failed to do that. The people who are arguing against any sort of a change in the Human Rights Act are, in my view, afraid. All that they are doing is admitting their fear of change and of making a piece of legislation that has not worked better. That is what this debate is ultimately about; it is what the debate at Westminster is about. It is about how we can make the human rights protections for people in the United Kingdom better. That is at the core of this argument.

Mr A Maginness: Will the Member give way?

Mr D McIlveen: I gladly will.

Mr A Maginness: The Member says that the Human Rights Act has failed. In what respect has it failed? It has brought into British jurisprudence and here in Northern Ireland the values and the standards of the convention. That is what it has done, and it has been very successful in embedding itself in the jurisprudence of this jurisdiction.

Mr Speaker: The Member has an extra minute.

Mr D McIlveen: I thank the Member for his intervention. In my view, it has failed in what it was ultimately set up to do, which was to try to ensure that fewer cases went to Strasbourg and that more were handled within the jurisdiction of the United Kingdom. That is not the case because there are more cases now being handled by the European Court of Human Rights.

Mr A Maginness: Will the Member give way?

Mr D McIlveen: I really am running a bit low on time. There are more cases now being brought to the European Court of Human Rights than when the Bill was introduced. That is the point that I am trying to make. That is why Westminster is now looking at this issue and saying that something has to change.

I support my colleague's contribution today, and we will be voting against this motion. Why are some Members concerned about how the existing Human Rights Act has been used? Why is there a suspicion in some sections of this House that the Human Rights Act and the legislation that has flowed from it have caused problems and are something that we should be concerned about? I think that the people who have been advocating on behalf of the Human Rights Act have a responsibility too. It is highly irresponsible to claim that human rights legislation and the equalities that are supposedly flowing from that should be used as a Trojan Horse to grind people down. That is a misuse of a particular piece of legislation.

When, under human rights legislation, a business in this country is taken to court, challenged and loses for failing to promote something that is not even legal in this jurisdiction, we have a serious problem. Human rights legislation is being used adversely and as a weapon against people. As Mr Elliott mentioned, on the issue of parading, human rights legislation has been used to trample down the human rights of other people, particularly in the community that I predominantly represent. Therefore, when human rights legislation has been used in such an erroneous way, and when a new Government come in and start to look at how it can be better and how trust can be regained in the human rights agenda, it is entirely unreasonable for people who have been using it as a weapon then to cry foul. Of course, on that basis, people are starting to look at the human rights legislation and say that something has to change because, in many

cases, it has been used as a weapon to beat people. As Mr McCausland said this morning, when people have failed in their political objectives, they seek to railroad their opinion on other people through other objectives and in an undemocratic way. That is why we oppose the motion.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt i bhfabhar an rúin seo. I will speak in favour of the motion tabled by the Alliance Party. It is fair to say that most people would have a degree of suspicion when a Government try to repeal, or propose to try to repeal, a very recent and significant piece of legislation. Mr Attwood, in his contribution this afternoon, gave us more food for thought with his scenario around the European referendum, which I think is worth considering.

The question that we should ask ourselves is why it was necessary, particularly in the context of an international treaty — the Good Friday Agreement — to have the Human Rights Act as part of it. When people start to examine the need for it, particularly in this state as we try to repair the damage and the lack of confidence in many of the institutions, particularly around policing and justice, it is only natural and understandable that people in Sinn Féin, supported by the SDLP and the Alliance Party, will do all that they can to ensure that the principles of the Good Friday Agreement will not be undermined and that the Human Rights Act will remain very much a part of the judicial process and, indeed, the justice process.

I found it strange, in the course of the debate, that Mr McIlveen talked about the virtues, although perhaps that should be “virtues”, of the British constitutional system. He said that if he had to list all those virtues, we would be here for the rest of the evening. That might be the case from his perspective, but he then went on to question why a Government, when elected with a large majority, bring in what they think to be a vital piece of legislation. That is one of the virtues of the British constitutional system: that Governments do that and do it for the right reasons. People can question it, but that is one of those virtues.

Other people commented on the performance of Nelson McCausland. It was very interesting that he did not make any particular point about either the strengths or weaknesses of the Human Rights Act; he seemed to attack the people who supported it and he listed some of them. He implied that, if you were once a member of the Communist Party of Ireland, you should not seem to have any opinion on human rights. In fact, if you have an opinion on human rights, it is detrimental to his position. Mr McCausland almost rebuked the British Prime Minister for daring to slow down the process of examining that legislation, yet I heard Jeffrey Donaldson say, on Radio Ulster, that it was at the intervention of the DUP that the British Prime Minister changed his mind. I am not sure whether Nelson and Jeffrey have had a discussion on that issue.

As to the need for and the desire to ensure that the Human Rights Act remains, there is the idea, underpinned by the Good Friday Agreement, of a rights-based approach. The British Prime Minister may have his reasons, and Mr Attwood outlined some view of that. However, when Tom Elliott was speaking, he said that Britain does not seem to have a need for the Human Rights Act. If that is the case, why fear it? If all the laws in Britain are so good and wholesome, why fear the Human Rights Act? The Human Rights Act only protects people who believe that their human rights are being undermined.

4.00 pm

Mr Elliott: I thank the Member for giving way. I did not say that they did not need a Human Rights Act; I was not speaking against it. I was merely saying that there were human rights in the United Kingdom long before there was intervention by Europe. I think that is bound to be broadly accepted. On your point about the control of policing or other aspects of life in Northern Ireland, you can still have that without being part of the European Convention on Human Rights.

Mr Speaker: The Member has an extra minute.

Mr McCartney: Thank you very much, a Cheann Comhairle. I suppose that is a fair enough point, but our view is that you strengthen rights and give people more protection. Why oppose it, therefore? It has been pointed out by many, many people in many, many avenues. I have heard people make different arguments here — unionists have used the European Convention to promote aspects of legislation that we were featuring here. You cannot take the view that it is good one day but so bad the next that we have to do away with it. Everybody in every piece of legislation has their favours and puts weight on it, and then some days they will not. The best way to ensure that a rights-based approach underpins all that we do in the Assembly is to have a Human Rights Act to assist that process.

Mr Givan: I welcome the opportunity to contribute to the debate. It was interesting that, in opening the debate, Mr Dickson failed to provide any proper examples; indeed, some of the arguments put forward I regard as entirely spurious. One was that, if Britain withdrew from the European Convention on Human Rights, Russia would somehow become non-compliant. They are already non-compliant; they are one of the primary states that flagrantly breach the European conventions and are consistently up before the European Court of Human Rights. There was also a point on policing, which Mr Elliott covered, about how the police would not be accountable for how they carried out their duties from a human rights perspective. That is simply not the case. As others have said, human rights did not just arrive in this jurisdiction through the Human Rights Act and the European Convention on Human Rights. Some of the arguments put forward have been questionable.

The main concern that I have with the Human Rights Act is that it allows the courts to subvert democracy in the United Kingdom. It openly invites judges to intervene and change laws in the United Kingdom, contrary to what at times is the democratic will not just of Parliament at Westminster but of the Assembly here. That has been recognised openly by Sir Declan Morgan. He said in a speech in 2012:

“in my jurisdiction the incorporation of significant elements of the European Convention on Human Rights into domestic law has caused a change in the relationship between the judiciary, the executive and the legislature.”

The relationship has been changed through the Human Rights Act, which allows the courts to look at convention rights and change the law. Any democrat would resist unelected, unaccountable judges being responsible to develop the law on issues of social policy — some of them very sensitive — crime and national security.

Why should we be subject to the judgements of a European court in Strasbourg giving prisoners the right to vote? In my constituency, I do not particularly want over 1,000 people in Maghaberry being given the right to vote. It would be enough to elect a councillor on the new council. Why should we be subject to those court judgements, when that court has ruled consistently against our ability to deport foreign nationals who have engaged in serious criminal activities? There are a host of judgements that do nothing to enhance what are proper human rights but instead have denigrated the human rights that are encapsulated in the European Convention.

In and of themselves, very few, I think, would be able to argue against those convention rights, but the court in Strasbourg has interpreted the convention as a living instrument and applied proportionality, so that somehow judges sit over society and say, "This is what I think is proportionate. This is what I think is more reflective of what a democratic society would want, and therefore I will make the ruling and make a change". That is a change that elected representatives, mandated by the people, should be responsible for making, irrespective of those decisions.

Mr Weir: I thank the Member for giving way. Does he agree that it is not simply a question of democratic deficit but of how the courts have taken on mission creep and that what has happened has gone beyond the original intentions?

Mr Givan: "Mission creep" sums it up very well in terms of what the 1998 Act has facilitated, brought in by the Labour Government.

Mr B McCrea: Will the Member give way?

Mr Givan: No, I will not. Mr Dickson said that he did not want the right-wing Conservatives and right-wing media being responsible for what human rights should be in the United Kingdom. It was OK when it was the left-wing liberals of the Labour Party and the Lib Dems, his sister party, at Westminster. It was OK for them to make such a sweeping change in the law, but it is not OK for those of us who value democracy being responsible for those decisions.

I am opposed to the 1967 Act that Westminster legislated for, but at least it was democratically elected people who brought the change in; it was not the judges or the courts. I am opposed to other things that have been brought in, like gay marriage in the rest of the United Kingdom, but at least it was through the democratic process that it happened; it was not some cultural warrior wearing a wig in a courthouse who brought in the changes. That is what the Human Rights Act facilitates in the European Convention on Human Rights — changing sensitive social policy issues that should be for the House to decide on.

The European courts have allowed terrorist foreign nationals to remain in the United Kingdom when they should have been deported. Why? Well, the view is that it is their right to a private life and family life, the family life that actually allows prisoners to engage in creating families through artificial insemination. In a 2007 Strasbourg court judgement, that is what was facilitated for prisoners. Seriously, I appeal to Members: democrats should take back control of those decisions. We should not allow the subverting of democracy that has been engaged in by some members of our judiciary and happily facilitated by other so-called democrats who cannot get their way

through this House or at Westminster to make changes but are happy for a judge to do it.

Mr Attwood: On a point of order, Mr Speaker. When you review the comments of Mr McCausland, will you also review the last comments of the Member who just spoke? He referred to current members of the judiciary subverting our democracy.

Mr Speaker: I will take a look at it when I am considering the other remarks.

Mr Givan: Let me finish with a quotation from the Home Secretary, Theresa May:

"the law in this country is made by the elected representatives of the people in Parliament. And our democracy is subverted when judges decide to take on that role for themselves."

Mr A Maginness: On the point that Mr Givan has raised in relation to judicial activism, that is common to all jurisdictions. Go to the United States, Canada, any continental country or Dublin, and you will see that judicial activism in one shape or form takes place. That is the reality of any democratic society. The courts play a role where the law is being interpreted. It is a fact of life, and as politicians we have to accommodate that.

Dr Farry: Will the Member give way?

Mr A Maginness: Yes, sure.

Dr Farry: Does the Member agree that democracy should not be conflated with simple majoritarian rule? Democracy is not only about elected representatives making decisions but about having courts to uphold people's rights. Human rights and the rule of law are also cornerstones of democracy in the widest sense of the concept.

Mr Speaker: The Member has an extra minute.

Mr A Maginness: Yes, I accept that. It is a much wider concept than simply majoritarian rule, as we know here to our cost.

The fact is that we are trying to develop a system here where government is based on consensus. It is not working terribly well, I have to say, but, nonetheless, that is and should be our aim, and it is certainly the aim under the Good Friday Agreement. The Good Friday Agreement called for the convention rights to, effectively, be integrated into our legal system and into our courts.

Mr Agnew: I thank the Member for giving way. Mr Givan made the point about the number of pieces of law that came into effect because of democracy.

Given that the Good Friday Agreement, which, admittedly, his party does not support, was endorsed by the majority of people in Northern Ireland and in Ireland as a whole and introduced the Human Rights Act into Northern Ireland, should we not defend it on behalf of our people?

Mr A Maginness: Well, yes. I accept the generality of the point, although it did not actually introduce the Human Rights Act per se: that was coterminous with the Good Friday Agreement. If there had been no Human Rights Act on its way through Parliament at that stage, it would have had to be legislated for. I would remind people that also promised in the Good Friday Agreement was a bill of rights for Northern Ireland, which was supplementary to the

convention rights that came into being here as a result of the Human Rights Act.

The Human Rights Act was a great achievement by Tony Blair and his Government. It is very important. It has embedded convention rights. Mr McIlveen is absolutely right that it was a deliberate attempt to bring convention rights into British courts. That was the right thing to do. In fact, it is so embedded now that there is no way, even if you were to repeal the Human Rights Act tomorrow, that you would change the jurisprudence now, which is human rights-based and convention-rights based. It is just simply inconceivable that you could do that. That is the way judges and lawyers think. There is no way in which you can remove that from our jurisprudence, whether in London or in Belfast. You just cannot do that. That is a fact of life. If you do not believe me, read what the former Attorney General Dominic Grieve said. He said that the Act is "well embedded". Further to that, he said that it is well embedded in the constitutional settlements that underpin devolution throughout the UK, making it difficult to do anything against the wishes of the Scottish, Welsh and Northern Irish Governments. What the Tory Government are presently attempting to do is wrongheaded because it will not work. It cannot work. It certainly cannot work without the consent of the various constituent parts or devolved Assemblies throughout the UK.

The further point that one has to make is this: if you were to repeal the Human Rights Act, the convention rights still stand because Britain, the UK, is part and parcel of the European Convention. It is a treaty member. It has a solemn obligation to carry out and obey the values and what has been laid out in the convention. It is the duty of the Westminster Government to do that unless the British Government withdraw completely from the European Convention. It is inconceivable for a leading country in Europe, indeed throughout the world, to withdraw from the convention. It is just absolutely inconceivable and is something which, in effect, is nonsense.

Indeed, people have said that the reason why the repeal of the Human Rights Act was put into the Conservative Party manifesto was simply as a last-minute attraction to those people who traditionally supported the Conservatives but were not quite supportive enough —

Mr Speaker: Thank you.

Mr A Maginness: Sorry: I will finish there.

Mr Weir: I am glad that Mr Maginness is not infringing on our human rights by carrying on beyond his allotted time. *[Laughter.]* I find myself agreeing with him on one point at least. Like a stopped clock, it may be that we agree twice a day. On his last point —

Mr A Maginness: Just be careful what you agree with.

Mr Weir: Well, I am sure that you will have no problem with what I agree with, which is the motivation behind the Conservatives' pledge in their manifesto. I suspect that it was to create a sort of UKIP-lite appeal. Clearly, it is difficult to know the cause and effect, but the Conservative manifesto ended up getting 331 Conservatives elected while one was elected from UKIP. Whatever the large volume of votes there was for UKIP, it seemed to have a degree of success. If I were being cynical, I suspect that the Conservatives perhaps believed that they would be forced into some form of situation in which there was a

coalition Government and they wanted to have various things that they could jettison to show that they were willing to accommodate, most probably, the Liberal Democrats.

4.15 pm

I appreciate that the movers of the motion tabled it well before the Queen's Speech, so they cannot be held guilty on that point. However, to some extent, the motion has been overtaken by events. It is undoubtedly the case, I think wrongly, that David Cameron is rowing away from this faster than the Coleraine rowing team that competed for Great Britain in the European rowing cup at the weekend. There is no doubt that he intends to abandon this and, hence, we saw the watering down of the commitment in the Queen's Speech. To some extent, the motion has become irrelevant. Like Don Quixote, we are tilting at windmills if we see it as a central point.

There is a degree of revisionism as well. To be fair to Mr Maginness, he, at least, slightly corrected that impression. The concept that the Human Rights Act 1998 was in some way central either to the Good Friday Agreement or to its passage by way of referendum is a high level of revisionist history. As indicated, the Human Rights Act was a pledge of the Blair Government in 1997. Irrespective of whether there was an agreement in Northern Ireland, a UK-wide Human Rights Act that would incorporate that into domestic law would have happened, and it was not, in that sense, a deal-breaker. As somebody who, for past transgressions, was involved in the negotiations on the Good Friday Agreement, I know that it was not a central element. Those of us with long enough memories know that, for anybody you spoke to at the time of the agreement, whatever side they voted on, prisoner releases, decommissioning, the formation of Government and the reform of the police were the key elements. I do not remember meeting anybody in the street during that period who said that the incorporation of the Human Rights Act was a key element of the agreement, but perhaps I move in different circles than some in the House.

Principally, the reason why I oppose the motion is, as highlighted by Mr Givan, a concern about judicial activism and its pushing of the boundaries. There is a degree of mission creep. As indicated, the courts always have to interpret the law and there is obviously, therefore, a balance to be struck. However, within a democratic society, I am concerned that we are moving in the wrong direction. There has to be a greater level of democratic accountability, and, to some extent, the courts see it as their role more and more, and above the democratic decision, to enforce what they see to be right. That is a danger in any democratic society. It is more dangerous when that judicial intervention comes from outside the democratic framework and is therefore not accountable. We are in a situation in which it is not simply British judges or even judges in Northern Ireland who are reaching particular decisions. The European Court is also taking part.

Mr Agnew: Will the Member give way?

Mr Weir: I will give way briefly.

Mr Agnew: I thank the Member for giving way. Does he not accept that the judges are making their rulings and decisions based on laws that were created through democratic processes? They are making those decisions in the context of democratic laws.

Mr Weir: No, I do not accept that. They have gone beyond their remit in many cases.

Mr Speaker: The Member has an extra minute.

Mr Weir: We have seen, particularly in the European Court, mention being made of prisoner rights. I suspect that, if somebody was elected from Maghaberry, they may have a little bit of difficulty attending council meetings in the new Lisburn and Castlereagh City Council, even with the modern technology of video links.

Nevertheless, there has been a degree of mission creep. If you were to go back far enough, I suspect that, among those who helped to set it up, the likes of Churchill would be spinning in his grave at the prospect. It goes beyond that. The United Kingdom and, before that, its constituent parts have a long history. If we were simply talking about abandoning the Human Rights Act and having no human rights protection at all, I would probably support the motion, but we are not. We are talking about putting in a British Human Rights Act, an Act that would build on the long tradition of the British Parliament. This year is the 800th anniversary of Magna Carta, and there has been a movement from that, traditionally through an unwritten constitution and various Acts of Parliament. Those are the protections that we have in place, and I would like us to be dependent on those rather than the Human Rights Act. For all those reasons, I urge people to reject the motion.

Mr Allister: I detect among those who support the motion a considerable degree of muddle and misrepresentation of the situation. I do not think that anyone who is opposed to the present Human Rights Act is opposed to the existence of human rights. Indeed, I would have thought that each one of the rights that the convention adumbrates — the right to life, the right to family life, the right to freedom of expression — are rights that we all cherish and that, in any British bill of rights, we would expect to see enshrined in law. That is not the issue with the Human Rights Act; the issue is that it makes us, in the interpretation of that, subservient to the often politically motivated decision-making of a foreign tribunal. That is the problem.

The problem with the Human Rights Act is, in essence, summed up in sections 2 and 3. Section 2 makes it clear that, when it comes to interpreting the Act and any of the convention rights, any court in the United Kingdom must take into account not just the judgements of the European Court of Human Rights but even the opinions of the European Commission on Human Rights. Anyone who knows anything about European jurisprudence will know that the commission throws the ball as high as it can in all these cases, yet here we have legislation that says that, in adjudicating in our own courts, we must take into account even the opinions of the activist agenda promoted by the European Commission on Human Rights. Section 3, in similar terms, indicates that all our legislation must be interpreted in a manner compatible with the convention rights. This is the nub of the issue.

Mr Givan put his finger on it when he said that the problem is not the rights: the problem is the aggressive activist agenda of the European Court of Human Rights in interpreting those rights and in forever pushing the boundaries and substituting itself as the lawmaker and implementing in the law that which never would have a mandate from those who are supposed to be the lawmakers. That is the problem. It was rather neatly

summed up by a comment from the current British judge on the European Court of Human Rights, a renowned Eurocrat, who said:

“the open textured language and the structure of the Convention leave the Court significant opportunities for choice in interpretation; and in exercising that choice, particularly when faced with changed circumstances and attitudes in society, the Court makes new law.”

That is the nub of the issue. New law should be made primarily and in the main by Parliament and by Assemblies, not by the European Court of Human Rights sitting in Strasbourg. It is the pushing of that activist agenda and that judicial activism that are the real problem. That is why the Government, if it is their view, would be right to abandon the structure of the current Human Rights Act in order to liberate the United Kingdom, its Parliament and its courts from the constraints imposed by that judicial activism from Strasbourg. That is why it is right to aspire to re-establishing the sovereignty of the United Kingdom in making and interpreting its own laws. That is what those who oppose the motion aspire to. That is not an irrational position to take, nor is it an anti-human rights position. It is very much compatible with human rights, and that is certainly the position that I take. I find it rather nauseating to be lectured in the debate by some Sinn Féin Members

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

Mr Allister: — who piously quoted those remarks. I remind the House that, when the Provos came for the security forces —

Mr Speaker: Thank you. The Member's time is up.

Mr Allister: — they were silent. When they came for the drug dealers, they were silent.

Mr Speaker: Thank you. I call Mr Steven Agnew.

Mr Allister: When they came for the informers, they were silent. Enough said.

Mr Speaker: Mr Agnew, I have one other name on the speaking list. I cannot award you the normal extra minute if you take an intervention.

Mr Agnew: OK. Thank you, Mr Speaker.

Tom Elliott gave me the strongest argument to support the motion. When he talked about the origin of the European Convention on Human Rights in the Second World War, he said, “It wasn't us who had a problem. We had human rights. We had rights in Britain. We've a proud tradition of human rights. It was those other countries in Europe that had the problem”. What better reason is there to spread the values of Britishness that Mr Elliott is proud of — indeed, I am proud of them as well — across the rest of Europe? The conflict that we saw was because of the lack of common international agreement. We took those values for granted here, but other countries had to be brought to the table. We still see Europe doing it with countries such as Turkey, which is looking to join the EU. There is a requirement to bring it to the table on human rights. What stronger reason can there be for a collectivist agenda for human rights?

The clue is in the name: human rights. They are not British, Irish, German or French rights; they are human rights. They recognise the common values, needs and

protections that we all require, regardless of borders or where we happen to have been born. Those are the values that we should protect. They are the reason why we should be proud, at times, to cede some power; in return, there will be collective agreement that no citizen in Europe should live without the most basic protections for humanity.

Mr Givan: Will the Member give way?

Mr Agnew: I will give way briefly.

Mr Givan: Is it the protection of the victims who suffer persecution that we are all interested in, or is it the rights of foreign nationals engaged in terrorism or to give prisoners more rights? That is what has been happening through the European courts.

Mr Agnew: In his speech, Mr Givan talked about deportation as if, somehow, that in itself deals with the problem. Of course, that just says, "Well, it's not our problem any more. We can export the problem". It is about having a collectivist approach to work together. If we stand alone, we are lesser. The Little Britain approach espoused by UKIP and being supported by others today actually weakens Britain. It may give us more powers over some of the issues outlined to make the decisions within a UK context, but, on the international stage, we make ourselves irrelevant. We go it alone and stand alone, and we would be the weaker for it.

The irony in some of what is being said is that the repeal of the Human Rights Act would not exclude the UK from the remit of the European Court of Human Rights. The effect would simply be that we could not take such cases in the UK. The irony is that those who seek to repatriate powers would actually be saying, "Our courts will not deal with these cases. Our citizens will have to go to Strasbourg or Europe". They would be given no recourse to justice under human rights law in the UK. In terms of a British —

Mr Allister: Will the Member give way?

Mr Agnew: I will not give way. I have only one minute.

The other problem is that the Tories have not outlined which rights they wish to take away from us. This is clearly not about strengthening our rights. There is nothing to stop the UK Government giving their citizens additional rights over and above those given to other citizens in Europe. Will they tell us which rights they wish the people of the UK not to have that their European neighbours have?

Why does Mr Cameron believe that we should have lesser protections than our European neighbours? Why does he feel that such protections should not apply to all our citizens?

For those reasons and for the benefit of humanity, including the people of the United Kingdom, I believe that we must keep the Human Rights Act.

4.30 pm

Mr B McCrea: Thank you, Mr Speaker. I appreciate the efforts that you have made to let me speak. I will say at the outset that I spent five years as chair of the Policing Board's human rights and professional standards committee. During that time, I got to look at a number of really interesting issues from a human rights perspective, guided by one Keir Starmer. There were interesting debates, including on the introduction of the taser, which

not everybody agreed with, and changes to stop-and-search powers, which not everybody agreed with. I got to understand how the human rights legislation framework works, which is why I am a big advocate for it.

When I listened to the speeches today, one of the issues that disturbed me a little is that human rights terminology has got itself a really bad name, much of it not justified. Look at the number of cases that actually come before the Court of Human Rights. Of the 2,082 complaints against the United Kingdom last year, the court rejected 2,047. It found no violation in 23 and upheld just 12, which is 0.6%.

Mr Givan made what I thought was a most appalling speech. Heaven help us if we ever live in a country where Mr Givan has the say-so about what happens. I actually think that there is no better testimony for why we need a Human Rights Act than what Mr Givan said. Let me deal with the issue that he brought up about prisoners not being allowed to vote. The court did not say that every prisoner should or should not be allowed to vote. What it talked about was proportionality. If you are in prison for only six months, should you be allowed to vote or not? Of course it is different if you are in there for 30 years. In the democratic mandate that he wants to fight it —

Mr Givan: Will the Member give way?

Mr B McCrea: No, I will not let you come in because you would not let me in. If you cannot have a debate, do not try to interject. This is a democracy, and I will have my say.

Mr Speaker: I remind you not to point across the Chamber. Address each other with respect. Thank you.

Mr B McCrea: What the court does say though, for example, is that a blanket voting ban on every single prisoner is not consistent with the convention by which Britain is legally bound. Interestingly, that is a view that a parliamentary Joint Committee emphatically endorsed last week when it said:

"The Government has failed to advance a plausible case."

It is when you get down to the nitty-gritty and understand the whole issue of human rights that you get sensible decisions. I really do believe in a separation between the judiciary and the legislators. I think that it is right that you should legislate, but the reason why I oppose mandatory sentences in almost every case that comes through here is that, when you look at individual cases, you see that there is always something else to be taken into consideration. We should support the judiciary. The judiciary should be independent. The judiciary should not be beholden to legislators in the way that Mr Givan thinks that it should be. I have to say that this place will be a much worse place if we get political interference in the courts.

We talk here about whether human rights affect us. They affect all of us. What is the problem with defending the right to life, the right to a private life, the right to free assembly, the right to a fair trial or the right to legal representation? What difference is a British judge going to make to a European judge? Let me conclude by saying that this is not Europe imposing its views on us. This is Britain imposing its values and principles on Europe. It was borne out of the atrocities of the Holocaust; it was borne out of states that do not have our 300 years; it is

something that we gave to Europe and the world, and we should support it.

Dr Farry: Today should be an opportunity for the Assembly to unite and, indeed, to send a very strong message to the UK Government. The message is one of particular significance, coming from a devolved Assembly. I suppose that the jury is still out on exactly how the Assembly will vote in a few minutes' time. While we note that the item has been dropped from the Queen's Speech, that there will not be an immediate rush to legislation and that there is a fresh commitment to consult, I do not think that there should be any room for complacency, because the Prime Minister is clear that this is an issue that they intend to address by one means or another during the course of this Parliament. To be ever so slightly optimistic, I think that there may be some appreciation of the complexity of what they are presenting, of the fact that they have not thought through properly what they are committed to, of all the implications that will flow from it, and of the difficulty, as Mr Maginness outlined, of, if you wanted to do so, disentangling yourself from the jurisprudence in case law that has been built up over the intervening 17 years.

There is a number of core themes and, probably, three arguments in relation to the motion. The first is that the repeal of the Human Rights Act and its replacement with a so-called British bill of rights is something that is wrong for the UK as a whole. We should be clear in saying that. It will mark a regression on human rights; it will risk clouding the commitment of the UK to the European Convention; and, indeed, it may be part of a slippery slope where the UK attempts to withdraw from the Council of Europe and from the convention itself. We will see a weakening of enforcement mechanisms in relation to the domestic route for human rights, and it may mark a return to the status quo ante that some of us may recall before the Human Rights Act, when people had to go directly to the European Court for redress for their human rights abuses. That process was very lengthy, very costly and, indeed, very selective. I am not sure that that is entirely something that we should be aspiring to as a society.

The Human Rights Act allows the courts to challenge primary legislation and, indeed, to overturn secondary legislation. I do not think that we should see that as a threat in any shape or form. The Act also allows the courts to take into account judgements of the European Court. Again, we should not see that as a threat. It is also worth stressing that the convention and, as a consequence, the Human Rights Act, is a framework of rights. Very few rights, in themselves, are absolutes, and, in most cases where rights are cited, balance and proportionality have to be applied to the situation.

I come from the perspective that rights are natural and universal. Through conventions, we recognise rights and ensure that they can be enforced, but those documents were written at a particular time and in a particular context. Very few people who were around in 1950, when the European Convention was being put together, would have envisaged the range of social, economic and political issues that governments and citizens around the world are confronted with today. The world moves on, and the way in which conventions and, indeed, domestic bills of rights, are interpreted changes as well. That is a perfectly natural process and part of a democratic process.

There is also a danger that we will send a very damaging message around the world and, indeed, to Europe, in particular, especially in the context where, regrettably, human rights continue to be contested and unsecured in some societies.

There is also a very direct implication for Northern Ireland, given our circumstances with continued divisions and the legacy of our troubled past. There are particular commitments in the Good Friday Agreement that we need to be extremely mindful of as an Assembly. We also have to bear in mind the particular implications for the new beginning for policing. I see that the DUP has entirely deserted the Chamber. However, it is worth stressing that the rather silly argument was made that, if we do not have the Human Rights Act, the police will not, all of a sudden, start breaching human rights. Of course, that will not be the case. The important point that has been lost is that the presence of the Human Rights Act and the human rights approach to policing is a very important confidence-building measure in the new beginning. That is the relevance of the point. It is not a comment on the police or, indeed, their intention, if they did not have this safeguard behind them.

It is worth referencing the commitment in the agreement:

"The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency."

I am glad that Mr Weir has now joined us. He may dismiss the importance of bill of rights considerations at the time of the Good Friday Agreement itself, but it is important to recall that, over the 20 years prior to the agreement, when people were talking about the potential for a settlement in Northern Ireland, a bill of rights for Northern Ireland or indeed a bill of rights for the UK as a whole was always at the cornerstone of those discussions. It was not a bolt-on at the last minute in the agreement; it was recognised by many parties as being of absolute core importance.

Mr Weir: Will the Member give way on that point?

Dr Farry: Yes.

Mr Weir: I appreciate the point that the Member has made. The contribution that we have made is to say that what is being at least nominally proposed by the Conservative Government, if taken at its height, would actually be a British bill of rights. It is not saying that there should not be any form of rights or that there should not be any human rights protection. It is specifically as regards the incorporation of the European Convention. Indeed, as Mr Allister indicated, the issue is the idea of foreign judges essentially dictating what happens within the sovereign territory of the United Kingdom.

Dr Farry: The Good Friday Agreement itself is very clear on the issue. It is about the European Convention being directly enforceable through local courts and the power to challenge legislation. There is no ambiguity in that regard. There is a separate debate — I recognise that it is entirely separate — on whether we should build on the European Convention through a further Northern Ireland bill of rights. No doubt, we can return to that at another stage, but it is not the direct item for discussion today.

My colleague Stewart Dickson set out the context of the debate and cited important case studies. It is worth putting it again on the record that those were not about situations where human rights were being abused by criminals and terrorists, given the narrative that primarily comes from a certain quarter of the House.

Nelson McCausland got rather tied up in the issue around the CAJ. Without going into too much of that, it is worth putting it on record that, if there was a comment about the inappropriateness of a British bill of rights, it was not, as the Members may seek to suggest, because of an objection to the concept of Britishness; it was a comment about regression away from having a Human Rights Act and enforceable European standards in domestic law. That was the context in which that point was made.

Like others, I was disappointed by the contribution from Tom Elliott, who, very quickly, seems to want to throw his lot in with the Conservative Government. I am also concerned that, given the clear commitments in the agreement, the Ulster Unionist Party now seems to have completely abandoned all the commitments that it made back in 1998. Again, there seemed to have been a bit of confusion between the Human Rights Act and the European Convention itself. I reiterate the point that a number of parties in the Chamber have made great play of citing the European Convention when they are proposing reforms in relation to the contentious issue of parading. When it suits people, when they have a particular political issue to pursue, they are very happy to cite the Human Rights Act and the European Convention.

Let me clarify for Mr McIlveen that the Ashers case that he cited is primarily an issue in relation to domestic equality law. In the context of wider human rights legislation, it was not primarily a human rights case that was taken. Again, he talked about a written constitution: an important element of a written constitution is checks and balances. It is not about pure majoritarianism.

Mr Givan's comments were very disappointing. He talked about courts subverting democracy, entirely missing the point that democracy is not simply about majoritarianism and what happens in legislatures; it is also about the rule of law, human rights and the role of the courts. The courts are part and parcel of democracy. They are not someone outside democracy who comments on what happens; they are an integral part of the democratic process.

Again, I stress to Mr Weir that the legacy in terms of discussions around bills of rights and how central they have been to the political discourse in Northern Ireland goes back, I think, to Sheila Murnaghan, who first introduced the issue into the predecessor of this Assembly in the 1960s. The issue has been well discussed for over 50 years. We need to be careful in throwing out that issue.

Finally, I come to the comments made by Mr Allister, which were essentially about putting national sovereignty first. Mr Agnew adequately addressed those points when he said that this is about a wider international and European context. We should be a beacon for the rest of the world and set extremely high standards. We all benefit from those high common standards being applied across the piece.

4.45 pm

Question put.

The Assembly divided:

Ayes 43; Noes 41.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Dallat, Mr Dickson, Dr Farry, Ms Fearon, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Ayes: Mr Dickson and Mr McCarthy.

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Question accordingly agreed to.

Resolved:

That this Assembly recognises the vital importance that the Human Rights Act 1998 plays in the lives of citizens of the United Kingdom; further recognises the importance of this Act to the Good Friday Agreement and the devolution of policing and justice powers; and rejects any attempts by the Conservative Government to repeal the Human Rights Act 1998.

Adjourned at 4.56 pm.

Northern Ireland Assembly

Tuesday 2 June 2015

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

Members observed two minutes' silence.

Ministerial Statement

North/South Ministerial Council: Environment

Mr Durkan (The Minister of the Environment): With your permission, a Cheann Comhairle, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the nineteenth meeting of the North/South Ministerial Council (NSMC) in environment sectoral format, which was held in Armagh on Wednesday 13 May. The statement has been agreed with Minister Kennedy who, along with me, represented the Northern Ireland Executive. I chaired the meeting. The Irish Government were represented by Ann Phelan TD, Minister of State at the Department of the Environment, Community and Local Government (DECLG).

Ministers had a discussion on the review of the agreed NSMC work programme for the environment sector and noted that an interim update will be provided to the 5 June 2015 NSMC plenary meeting. They also agreed that an update paper on the matter will be brought to the next NSMC environment meeting. Ministers also agreed that collaboration on the drawdown of EU funding for environmental projects and research will continue to be a high priority.

The Council noted that the first phase of the air quality research study has been completed and that the key findings have been noted by Ministers. The interim report was shared with a group of key stakeholders, and that will inform the next phase of the study. A copy of the interim report has been placed in the Assembly Library.

Ministers noted the establishment across both jurisdictions of a collaborative evidence programme known as ShARE, enabling stakeholders to deliver evidence to underpin their activities as regulators to derive maximum benefit from the funding and resources invested.

The Council noted that the all-island research project into the environmental impacts of unconventional gas exploration and extraction is ongoing.

Ministers noted that a joint €72 million INTERREG VA programme has been adopted by the EU Commission covering the terrestrial, freshwater and marine environments. The Council noted that the EU Commission announced the opening of the LIFE 2015 programme on 1 June 2015 and, in preparation for its launch, potential applicants to the programme from both jurisdictions attended the LIFE application training course in Dublin.

They also noted that the official launch of the Northern Ireland Horizon 2020 strategy took place on 31 March

2015 at the Commission's offices in Belfast and that the cross-border roadshow event on the Horizon 2020 societal challenge 5 programme was held at the end of May 2015.

The Council noted that the carrier bag levy, introduced on new single-use carrier bags by the Department of the Environment on 8 April 2013, was extended on 19 January 2015 to low-cost reusable carrier bags. Ministers welcomed the introduction of the Food Waste Regulations (Northern Ireland) 2015, which were made on 22 January 2015 and will restrict the amount of food waste being landfilled.

The Council noted that the DOE consultation on a quality action plan for recycling, which incorporates proposals for a material recovery facility code of practice, closed on 6 March 2015. Ministers noted the proposed reform of waste enforcement and the establishment of three lead authorities for waste enforcement in Ireland.

Ministers also noted the proposed regulatory changes to be introduced by the Department of the Environment, Community and Local Government to provide for regulatory controls on type 8 plants and the successful coexistence of those and composting plants in the overall waste treatment infrastructure in Ireland. The Council noted the intention of the Minister for the Environment, Community and Local Government to introduce a full producer responsibility initiative for tyres and waste tyres. It also noted that DOE officials are working with DECLG officials and that that will assist the DOE in considering the desirability and feasibility of introducing similar proposals in the North.

The Council noted that two illegal waste landfill sites will be addressed in the repatriation programme during 2015. It also noted that both Environment Ministers and their Departments are continuing to target resources at joint enforcement action against illegal operators, which includes the exchanging of intelligence and information on problem areas and carrying out coordinated inspections.

Ministers expressed continuing concern at the impact of fuel laundering and stressed the importance of closer cooperation between agencies to tackle the issue. They agreed that relevant officials would provide an overview of the issues at the next environment NSMC meeting.

Ministers welcomed the publication in Northern Ireland of the consultation documents on new draft river basin management plans (RBMPs). The Council noted that the consultation on the timetable and work programme for the development of the second-cycle RBMPs in Ireland closed on 31 January 2015 and that the responses are being considered.

Ministers also welcomed the continued cross-border collaborative work on the development of the river trusts, including the provision of funding by Ireland to the Rivers Trust organisation in Northern Ireland to assist with the development of river trusts in Ireland, including the development of a new cross-border river trust in Inishowen in County Donegal.

The Council noted that DECLG has given its support, in principle, to a DOE proposal to seek INTERREG funding for a cross-border pilot initiative to provide electronic signs that give real-time data on bathing water quality in certain designated bathing areas. The Council also noted the initial engagement between DRD and DECLG to discuss areas in the water sector that offer opportunities for mutual cooperation.

Ministers welcomed the continued coordination on the Clean Coast and Coast Care schemes and noted the success of the symposium that was held in November and involved representatives from both jurisdictions. The Council noted that the 2015 awards for beaches in each jurisdiction were announced in May 2015.

It was agreed to hold the next environment meeting in autumn 2015.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his very comprehensive statement. I am very pleased to hear of the many issues that were discussed. Certainly, there are very good opportunities for cooperation and collaboration between the two jurisdictions. Will the Minister outline some of the key findings of the interim report on the air quality research study? Moreover, when will the final report come out? Does he anticipate any legislative changes coming from the recommendations?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Ms Lo, Chair of the Environment Committee, for her question. The research that the Member referred to is still under way, and the interim report marks the end of just the first phase of the research. The interim report, which is available in the Assembly Library, sets out the context of the study and presents information on air pollutant emissions, health impacts, the fuel market, fuel poverty and measures that have been used in other member states to address the problem of air pollution from households burning solid fuels. Much of this information is already available in the public domain, and it was indeed the subject of a debate here several months ago. I will be presenting the key findings of the study once the second phase has been completed and a final report produced. I very much expect that to be later this year. I do not want to pre-empt the outcome of the second phase by predicting whether legislation will be required, but, in her capacity as Chair of the Environment Committee, the Member will certainly be kept abreast of proceedings.

Mrs Cameron: I thank the Minister for his full statement this morning on many issues, and I welcome the introduction of the food waste regulations. What is his Department doing by way of working with the 11 new super-councils to ensure that all the bio waste that can possibly be collected is collected for recycling across Northern Ireland?

Mr Durkan: I thank the Deputy Chair of the Committee for her question. It is very important that the Department work in collaboration with the 11 councils. I addressed this

issue in a previous Question Time to another Member. It is important that there is consistency across the new councils. I suppose that that has proven difficult where you have an amalgamation and a reduction from 26 to 11, where councils with different practices and policies are being stuck together.

Currently, there are three waste management partnerships in the North. We have Arc21, with which the Member is very familiar, the Southern Waste Management Plan (SWaMP2008) and the North West Region Waste Management Group. I have gone on public record to say that I believe that we should have one management group or one overseeing body dealing with waste management right across the North, and I believe that that would lead to greater consistency across all the councils.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Is the Minister at liberty to pinpoint the location of the two illegal waste landfill sites, which are to be addressed in this calendar year? Can he also outline the scale of the problem at both locations?

Mr Durkan: I thank the Member for that question. I am at liberty to disclose the locations of these sites; unfortunately, however, I do not have the detail right here. It is, as usual, along the border. I will certainly get the exact locations to the Member before the close of play today.

In total, 17 sites have been identified, with an estimated total of 273,000 tons of waste to be removed or repatriated from North to South. A total of 10 of those sites have been completed thus far, and, this year, we hope to do sites 11 and 12.

Due to budgetary constraints, I suppose, they have gone for the low-hanging fruit, so, of those 17 sites, it is safe to say that the 10 that have been cleared so far are those that present the least problem. However, it is important that those two sites be cleared this year, which will leave five sites remaining, and that we work together to ensure that they are repatriated on schedule by 2017.

10.45 am

Mr A Maginness: I thank the Minister for his detailed and worthwhile report on the environment and environmental issues. I note in the report a reference to the drawdown of EU funding and a commitment to collaborate. Will the Minister enlarge on that and indicate whether there is match funding between North and South for European funding? Is there any further development that might be useful in dealing with a wide range of environmental issues that affect us both North and South?

Mr Durkan: I thank the Member for that question. There is, indeed, a good degree of collaboration between North and South in the drawdown of European funding. There is a variety of reasons why there has been a lower overall drawdown of competitive EU funding here than in the South. That is why it is important that we work with them and learn from them.

First, as a member state, Ireland has direct access to more opportunities for engagement in Europe, and, while much of that is now offset by European task force structures, formally the Barroso task force, differences remain. I referred to the largest funding source, Horizon 2020, which totals about £80 billion across the EU. Some

70% of drawdown is by higher education or university establishments. Unfortunately, we do not have too many of those here — some might say that we do not have enough. In addition, here in the North, we have a limited number of companies that engage in R&D. There were only 535 here last year. For the majority of the other funding programmes, drawdown has to be match-funded, so a project proposer must be able to provide a percentage contribution — up to 45% — from its own resources.

On the positive side, my Department is funding the Northern Ireland contact point for Societal Challenge 5 in the Horizon 2020 programme, which includes climate action; environment; resource efficiency; and raw materials. My Department has also provided limited support to a small number of projects, but, given the current financial situation, I am unable to commit to any new funding. That again underlines the importance of working with companies and with other jurisdictions in order to maximise the funding that we can draw down from other sources; notably, in this instance, Europe.

Mrs Overend: I thank the Minister for his statement. It was pleasing to see that the interim air quality report has been completed. Considering that 42% of households in Northern Ireland are in fuel poverty, does the Minister still agree with me that the banning of certain types of coal and other solid fuels may exacerbate the problem? Can the Minister inform us how he plans to engage with the industry?

Mr Durkan: I thank the Member for the question. As I said, that was the subject of a debate here a few months ago during which many Members raised the issue of fuel poverty. The interim report, as well as being placed in the Assembly Library, has been shared with relevant stakeholders, including people working on fuel poverty and some representatives of the industry.

I share the Member's fears about the potential impact of a ban on certain household fuels; however, it is imperative that we see what the next phase of the study brings and that, should any change be required, it is managed in a sensitive and sensible manner.

Mr Middleton: I welcome the statement from the Minister. Can he give any indication of the long-term costs associated with illegal waste at the Mobuoy site in Campsie and what action he is taking to recover the costs from the perpetrators?

Mr Durkan: I thank the Member for his question. There was an earlier question on waste that had been illegally disposed. The Member's question refers to a well-publicised site in our constituency. I am firmly of the opinion that the polluter should pay. Unfortunately, to date, the polluter has not paid. The taxpayer has paid, through my Department. Indeed, to date, in the region of £1 million has been spent on managing the waste deposited at that site. An eye-watering figure of over £50 million for the total clean-up was put out there, most notably in the Mills report, although that would involve removing all the waste from the site. A range of options is currently being looked at by the Department and the Northern Ireland Environment Agency, with the help of external experts, to manage the waste on the site in a way that will represent least risk to the environment and best value for the taxpayer.

Mr Rogers: I also thank the Minister for his statement and welcome the ongoing cooperation between North and South, particularly on the movement of waste and

fuel laundering. What areas will be considered by the Department in the review of the North/South programme?

Mr Durkan: I thank the Member for his question. It is important that we keep the work programme under almost constant review. DOE is considering, for example, extended scope for discussions and joint working in current NSMC work programme activities on important topics such as habitat and species protection, biodiversity and climate change. DRD, as I indicated in my statement, has also advised that opportunities do and will exist for collaboration in the area of water and sewerage services.

Mr Campbell: Hopefully, the Minister will not have a marathon session to cover today, as I understand he successfully concluded one the other day. He will be aware of the number of fuel laundering plants that have been uncovered, and there is an emerging perception that fuel launderers simply wait until the fuel has got into the ground and then report it to the authorities. In other words, they get a clean-up done at no cost to them and a cost to the taxpayer. What is he doing to ensure that is clamped down on and ceases to be the standard procedure for fuel launderers?

Mr Durkan: I thank the Member for his question. I, too, hope that we are not here for a marathon session. However, having had a brief look over the Justice Bill, I would not be surprised if we all are. It might be more painful than the marathon I completed on Sunday.

Fuel laundering is a huge issue. It causes not only great damage to our environment but to our economy, and it costs an awful lot of money to clean up. Over the past three years alone, my Department has spent over £900,000 cleaning up after fuel launderers and, while DOE and NIEA are not responsible for enforcement or legislating — the enforcement body is HMRC, along with the PSNI — we are charged with cleaning up after these criminals.

The point that Mr Campbell makes about these fuel launderers leaving out their rubbish in the way that you or I might leave out our milk bottles for the milkman to collect is a good one, and it is why my officers are working with their colleagues in HMRC and the PSNI to find these fuel laundering sites, clean up the waste left behind and, most importantly, ascertain where it has come from. The Environment Agency is helping to deter, disrupt and prosecute offenders where sufficient evidence can be found.

Unfortunately, to date, we have not been great, collectively, at finding that evidence and getting prosecutions. As well as work being done by the NIEA, the transport regulation unit in my Department continues to focus on taking action in cases involving hauliers who used illegal fuel or transported illegal waste.

Mr Elliott: I thank the Minister for the update. He mentioned the research project that is being carried out between Northern Ireland and the Republic of Ireland on fracking. Have any issues of concern been raised with the Minister in relation to the company involved in carrying out that research project?

Mr Durkan: There have indeed been some concerns raised about one of the companies involved in carrying out research in that project. I have to say, however, that they are not concerns that I share.

Mr McCrea: Following on from my colleague's question about fuel laundering, the Minister may be aware that there

has been an increase in the number of fuel laundering sites in my constituency, in Draperstown specifically. Whilst I welcome the fact that there has been one arrest in that respect, many people involved believe they are beyond the law and are free to carry out the activity without fear of arrest. Can the Minister ensure that the agencies involved are doing everything they can to ensure that they pick it up early, when the information is given to them, and that arrests are made, rather than waiting until, as my colleague said, the damage is done, people are away and someone else picks up the tab?

Mr Durkan: I thank the Member for that question. Unfortunately, I am not in a position to ensure that arrests are made. That might be a question better placed with one of my ministerial colleagues. However, the fact that there have been so many questions on fuel laundering underlines its importance. It is an issue that I will raise on Friday at the NSMC plenary session in Dublin.

Mr Speaker: Thank you. I am sure that the Minister of Justice will be surprised that he has arrest powers.

Executive Committee Business

Justice Bill: Consideration Stage

Mr Speaker: I call the Minister of Justice, Mr David Ford, to move the Consideration Stage of the Justice Bill.

Moved. — [Mr Ford (The Minister of Justice).]

Mr Speaker: Members will have a copy of the Marshalled List of Amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are five groups of amendments and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 to 5, 20, 40, 43 to 46 and opposition to clauses 7, 8, 9 and schedule 2 stand part, all of which deal with committal and court process reform. The second debate will be on amendment Nos 6, to 11, 17, 19, 21 to 29 and 68, which deal with administrative schemes for protection, disclosure and information sharing relating to vulnerable groups. The third debate will be on amendment Nos 12, 16, 49, 51 to 67, 75 to 78 and opposition to clause 86 stand part, which deal with regulation-making powers, technical and miscellaneous amendments. The fourth debate will be on amendment Nos 13 to 15, 18, 30 to 33, 35 to 39, 47, 50, 69, 70 and 72, which deal with criminal records, evidence-gathering and evidence-handling. The fifth debate will be on amendment Nos 34, 41 and 42, 48, 71, 73 and 74, which deal with offences.

Valid petitions of concern have been tabled in relation to amendment Nos 34 and 50. Each will therefore require a cross-community vote. I remind Members who intend to speak that, during the debates on the five groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If all that is clear, we shall proceed.

Clauses 1 to 6 ordered to stand part of the Bill.

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

11.00 am

Clause 7 (Abolition of preliminary investigations)

Mr Deputy Speaker (Mr Dallat): We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 5, 20, 40, 43 to 46 and opposition to clauses 7, 8 and 9 and schedule 2 stand part. These amendments deal with committal and court process reform. Amendment No 1 is mutually exclusive with clause 7 stand part. Amendment No 2 is mutually exclusive with clause 8 stand part. Amendment No 4 is consequential to amendment No 3. Amendment No 44 is consequential to amendment No 43.

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List:

No 1: After clause 7 insert

“Preliminary investigations

7A. Article 30 of the Magistrates’ Courts (Northern Ireland) Order 1981 (which enables a magistrates’ court to conduct a preliminary investigation of an indictable offence) shall apply only when the court is satisfied that a preliminary investigation is required in the interests of justice; and accordingly in all other cases committal proceedings in a magistrates’ court shall be by way of preliminary inquiry under that Order.”— [Mr Allister.]

No 2: After clause 8 insert

“Mixed committals: evidence on oath at preliminary inquiry

8A. Article 34(2) of the Magistrates’ Courts (Northern Ireland) Order 1981 (which enables witnesses to give evidence on oath at a preliminary inquiry) shall apply only when the court is satisfied that such is required in the interests of justice.”— [Mr Allister.]

No 3: After clause 12 insert

“Direct committal for trial: offences related to specified offences

Direct committal: offences related to specified offences

12A. —(1) Where—

(a) this Chapter applies in relation to an accused (“A”) who—

(i) is charged with an offence (“offence A”) which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) A appears or is brought before the court on the same occasion as another person (“B”) charged with a specified offence,

(c) the court commits B for trial for the specified offence under section 12, and

(d) offence A appears to the court to be related to the specified offence for which the court commits B for trial,

the court shall forthwith commit A to the Crown Court for trial for offence A.

(2) Where—

(a) this Chapter applies in relation to an accused (“A”) who—

(i) is charged with an offence (“offence A”) which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) on a previous occasion another person (“B”) has appeared or been brought before the court charged with a specified offence,

(c) the court has on that occasion committed B for trial for the specified offence under section 12, and

(d) offence A appears to the court to be related to the specified offence for which the court committed B for trial,

the court may forthwith commit A to the Crown Court for trial for offence A if the court considers that it is

necessary or appropriate in the interests of justice to do so.

(3) Where the court commits the accused for trial for an offence under this section—

(a) it shall accordingly not conduct committal proceedings in relation to that offence; and

(b) the functions of the court then cease in relation to that offence, except as provided by—

(i) section 13; or

(ii) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(4) For the purposes of this section an offence is related to a specified offence if a count charging the offence could be included in the same indictment as a count charging the specified offence.”— [Mr Ford (The Minister of Justice).]

No 4: In page 8, line 31, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 5: In page 9, line 14, leave out “(e) or (f)” and insert “or (e)”.— [Mr Ford (The Minister of Justice).]

No 20: in page 36, line 7, at end insert

“(9A) If where the offender is attending proceedings through a live link it appears to the court—

(a) that the offender is not able to see and hear the court and to be seen and heard by it, and

(b) that this cannot be immediately corrected,

the court must adjourn the proceedings.”— [Mr Ford (The Minister of Justice).]

No 40: In page 55, line 21, leave out subsection (3).— [Mr Ford (The Minister of Justice).]

No 43: In page 55, line 31, leave out

“The Department may by regulations impose a general duty on”

and insert “It is the duty of all”.— [Mr Ford (The Minister of Justice).]

No 44: In page 55, line 34, leave out subsection (2).— [Mr Ford (The Minister of Justice).]

No 45: In page 56, line 23, at end insert

“(5) The regulations must in particular take account of the need to identify and respect the needs of—

(a) victims,

(b) witnesses, particularly those to whom Article 4(2) of the Criminal Evidence (Northern Ireland) Order 1999 may apply; and

(c) persons under the age of 18.”— [Mr Ford (The Minister of Justice).]

No 46: In page 56, line 23, at end insert

“(6) Before making any regulations under this section the Department must consult—

(a) the Lord Chief Justice;

(b) the Director of Public Prosecutions;

(c) *the General Council of the Bar of Northern Ireland;*
and

(d) *the Law Society of Northern Ireland.*” — [Mr Ford
(*The Minister of Justice*.)]

Mr Allister: I will speak to amendment No 1 and the other amendment in my name and some of the others in the Minister’s name.

My amendments and opposition to certain clauses focus on the important issue of committal in criminal proceedings; that is to say the process by which someone is returned for trial in the Crown Court, a process that is conducted within the Magistrates’ Court but which, nonetheless, is an inherent component part of the trial process and therefore is as entitled to the application of the provisions of article 6 towards a fair trial as any other part of the trial process. Yesterday, we had a debate in the House on the whole subject of human rights and the application of the European Convention on Human Rights, and one of those key rights is the article 6 right to a fair trial. That, of necessity, also extends to ensuring that the committal process is equally fair.

I will just take a moment to outline the current provisions of the law, which have stood for some decades. They provide that before anyone is committed for trial before their peers in the Crown Court, this committal process has to be gone through whereby the essence of the evidence against someone is presented in written form in a set of committal papers. A magistrate then reviews those papers, and there is an opportunity at that time for the defence and indeed, in some circumstances, for the prosecution, rather than simply proceeding on the papers of the case, to have selected parts or all of the evidence called to be heard in the Magistrates’ Court. The purpose of that, of course, is to test the validity of the evidence if that is the desired tactic being deployed, because one can only be returned for trial in this jurisdiction if the court is satisfied that there is a prima facie case against the person. The House will recognise that that is distinctly different from the ultimate test in the Crown Court: before one can be convicted, there has to be proof beyond all reasonable doubt.

Of course, in the committal process the threshold is substantially lower; it is that there is a prima facie case against that person.

In our current system, we have the option of what is called a preliminary investigation (PI), whereby evidence can be called before a magistrate to assist him or her in deciding whether there is a prima facie case. The system more prevalently, almost overwhelmingly, used is what is called a PE. It is a quirk of language. We call it a PE, but, in fact, it stands for preliminary inquiry and, in the legislation, it is spelt with an i as you might expect. Quite why it is called a PE might be a matter of some speculation, but it is deployed to distinguish it from a PI, which is a preliminary investigation at which evidence is actually called. With a PE, the evidence is simply assessed on the papers.

In most cases, overwhelmingly, the accused and the prosecution are satisfied with the process proceeding on the papers by the PE route. There might be a number of reasons for that from the defence perspective, including the fact that the threshold that I have mentioned is low: you have only to show a prima facie case; it is not the business of showing beyond all reasonable doubt. Secondly, more often than not, the defence would wish to keep their

powder dry on the evidence that is coming down the tracks at them and not cross-examine witnesses at the first opportunity in the Magistrates’ Court, because to do so would flag up the defence’s detail, tactics and approach. Therefore, in the terms that I have used, more often than not, the defence would want to keep their powder dry for the Crown Court trial.

In consequence, under article 34 of the Magistrates’ Court Order, there is the capacity to have a little bit of both, PIs or mixed committals, where you do not have all the evidence called, as in a preliminary investigation, but selected portions of the evidence are called on request in what is called a mixed committal. It is a right that exists but which is very sparingly used. Answers from the Minister demonstrate that, in the last year, there were but 56 occasions on which there was either a PI or a mixed committal. The Minister will tell us what percentage that is of the many hundreds of cases. I do not have the figure to hand, but there will be hundreds, if not thousands, of returns for trial in that same year and, out of that, a minuscule number — 56 — were held by way of PI or mixed committal.

ULet us just pause and realise that in this jurisdiction, according to what this Bill wants to do, a citizen can and would, in every case, end up on trial in the Crown Court without a single statement against him ever being sworn or a single witness against him ever being heard, and would be committed simply on the committal papers. Let us consider further how committal papers are accumulated and how they come about. They come about very simply by that arm of the prosecution investigative service, the police, interviewing the witnesses, writing down the statement of the witness, presenting it in as cogent and persuasive a way as possible, one might think, and the witness signing the statement. The witness never takes an oath to say, “this is the truth” and is never at all tested to see if it is the truth, but the papers presented in that fashion are then compiled and, on that basis, that individual is returned for trial.

At the beginning, I mentioned article 6 of the European Convention on Human Rights and the right to a fair trial. Of course, in most of continental Europe there is a very different system, where committal takes place in front of an investigating magistrate who actually probes, asks questions and interrogates the witness. The product of that is a committal where evidence has been tested. In our system, such as the Bill wishes to impose in every case, there is no facility for that. I have already indicated that in the vast majority of cases, everyone — prosecution and defence — is content with that. The defence are content because, usually, they want to keep their powder dry on these issues because they recognise that you only have to show a prima facie case.

There are a minority of cases, however, which are of themselves inherently weak, very often because they rely on a flawed witness — a broken reed. You will never read in a set of committal papers anything that indicates to you that this is a flawed witness. The statement will always read persuasively. I do not think I have never read a set of committal papers where it jumps out of the page that this is a witness that you could not believe. The defence might well know matters about that witness which, if they were before the magistrate, would cast that evidence in a very different light. The only way they can ever get that

before the court in committal proceedings is to ask for that witness to be called and cross-examined to demonstrate that that witness is not a witness of truth. There are cases where that is the only evidence — of course, in most cases it is more than one — and if that is the only evidence then the magistrate, as in these 18 cases out of 56, will quite properly say that he cannot return the accused for trial because it does not reach the standard even of a prima facie case, and that the proceedings need to end. In doing that, the public purse makes a saving.

It is to preserve that facility for that tiny number of cases that I move these amendments.

I move them in the context of accepting the general premise of what the Bill wants to do on committal proceedings. The general mode of progress should be PE — no evidence, just the written committal papers. I accept that premise, but why would you want to exclude something that is not exploited, as we have seen from the numbers, and can save money in the longer term? More importantly, it can deliver justice at the earliest possible stage. Why would you want to deny that to those we represent: our citizens? If they are charged with a criminal offence, surely they are entitled to expect that we will have protected that facility.

11.15 am

The purpose and purport of my amendments are to say, "Yes, let the general norm be preliminary enquiry, where you simply do it on the papers, but let there be the safeguard — the failsafe — that the defence can seek to persuade the magistrate that, in the interests of justice, he should hear a particular witness. If he hears that witness, justice might be better served."

Mr McCartney: Will the Member give way?

Mr Allister: In a moment.

Let us embrace the norm that the Minister wants to embrace, but let us keep open the exception, which is on the basis that the magistrate would have to be persuaded that it is in the interests of justice for a PI or a mixed committal to take place. That is the right and sensible way to go on the matter.

Mr McCartney: The Member's first amendment mentions the interests of justice, and he has just spoken about it. It was said at Committee on a number of occasions that there should not be investigation at that stage in sexual cases. Does the Member agree that, in the particular case of sexual offences, it may not be in the interests of justice to call a witness, particularly the victim?

Mr Allister: I see the point that is being made, but I have to try to relate it to the principle that there are cases of all types and descriptions. I do not think that sexual cases necessarily are any different, although they are much more sensitive. There are cases where the evidence is shallow and comes from a flawed source, and where the probability is that, upon trial, the case will collapse. The real question is this: in those circumstances, why wait for that? Why put everyone through that? Why not take the opportunity of testing the matter at the first opportunity, where it might well fail even the prima facie test? That could happen in a sex case as well as a non-sex case. It is not a very straightforward or easy issue, but, if the amendment passes, there would be a facility to the House

at Further Consideration Stage to consider that matter further. I might take a view on it and the greater number in the House might take a different view, but you will never get to take that view if you simply accept the Bill as it is. Therefore, by accepting these amendments, you leave open the door to consider that possibility.

Mr Elliott: I thank the Member for giving way. I am interested in the first amendment that has been referred to. I am looking for the Member's assessment of:

"shall apply only when the court is satisfied that a preliminary investigation is required in the interests of justice".

Is there any definition around that? How is it defined? Are there any criteria around it?

Mr Allister: The phraseology "the interests of justice" is not at all foreign to our criminal law, and I think that the magistrate will be well able to apply it. Yes, there is a certain generality to that, but the essence of how I would see this evolving is this: the norm is your preliminary enquiry and committal on the papers, but if, for example, the defence knows that the primary witness is an utterly flawed witness and expects that witness to crumble on cross-examination, the representatives of that defendant, if this was the tactic that they decided to take, would open before the magistrate a submission to the effect that, "Because of facts a, b and c, which we believe must be put to this witness, you might well find that this witness is unbelievable and unreliable, and, therefore, in the interests of justice, you should allow that exercise to proceed so that you, the magistrate, can be satisfied that there is in fact a prima facie case." It would be for the defence to demonstrate and satisfy the presiding magistrate that it was in the interests of justice for evidence to be called.

I think that we can trust the district judges, given their experience, enough to know when a proper case of what is in the interests of justice has been made out before them and to decide on that course of action. Otherwise, everyone, no matter how flawed the witness might be though looking good on paper, will forever be returned for trial. In the past year we have seen, in the minuscule number of cases where evidence has been tested — 56 — that the case fell apart in 18. There did not need to be a trial, and the state was saved the cost. That would more than cover the cost of the corresponding PI.

In fact, I think that PIs are unlikely to be used very much at all. In my own experience, the mixed committal was far more readily used because no one really had an interest in a full-blown PI where every witness, the police mapper and everyone else was called to give evidence. One wanted to get to the core of the issue and go for the witnesses that really mattered. Therefore, mixed committal is far more likely to be the mechanism deployed. It is a very measured approach to this issue. It accepts that the norm should be a return on paper, but it keeps the door open in the interests of justice so that the process might not be burdened with cases that, in other circumstances, would not be proceeding and that, in the interests of justice, should be tested.

That is the essence of the thinking and the logic behind these amendments. I trust that that recommends itself to the House. As I say, it is very modest and very measured in its approach. The House would be doing the right thing,

and not doing any great violence to the integrity of the Bill, if it was to accept it. It is taking the best of the present system and stitching it into this Bill so as to give that added layer of protection in circumstances where it is justified, but putting the hurdle, essentially for the defence to cross, to get to that point. At the moment, one, as of right, can say, "I want a mixed committal. I want a PI." That would be removed by these amendments, You would have to cross the hurdle of demonstrating that it is in the interests of justice. Who in the House should be opposed to doing something in the interests of justice? I would have thought no one, and therefore I fail to see the difficulty in that regard.

I should explain that amendment No 1 deals with preserving the exceptional right to a PI, and amendment No 2 deals with preserving the exceptional right to a mixed committal. Since schedule 2 removes from our legislation all references to preliminary investigations, you have the amendment to oppose clause 9 and to oppose schedule 2 so that, of necessity, those references remain in our legislation.

I will say a few words about a couple of the Minister's amendments. Amendment Nos 43 and 44 deal with clause 79. The Minister wants to amend that clause so that it will read:

"It is the duty of all persons exercising functions in relation to criminal proceedings in the Crown Court or the magistrates' court to reach a just outcome as swiftly as possible."

I suggest to the House that, wittingly or unwittingly, that now embraces the work of juries in the Crown Court, because juries are persons exercising functions in relation to criminal proceedings in the Crown Court. Are we really saying in this House that we want to have a statutory obligation on a jury to reach a just outcome as swiftly as possible? I do not know how many jury charges when I have not heard the judge, at the end of his charge, say to the jury, "Now, ladies and gentlemen, the case is over to you. You take as long as you need to reach a just decision." Are we now going to say that the jury is going to have to be told, "You reach a just decision, but do it as quick as you can"? I think that would be a very foolish road to head down. Therefore, I think that the Minister needs to look at what he is seeking to do in clause 79. Certainly, to my reading, persons exercising functions in relation to criminal proceedings will include the jury.

Mr A Maginness: Will the Member give way?

Mr Allister: Yes.

Mr A Maginness: It is on another point, but I sense that the Member is about to conclude. Has the Member any comment to make on clause 11, "Direct committal: indication of intention to plead guilty", or, further to that, clause 12, "Direct committal: specified offences"? Is the Member content with those clauses? Are they affected directly or indirectly by your amendments?

Mr Allister: I am grateful to the Member. I do not think that either is affected by my amendments because, where the accused has an intention to plead guilty, it is hard to imagine circumstances in which he would have an interest in the calling of evidence and the hearing of the accusations against him, so I do not think that that is likely to apply. Likewise, the clause relating to specific offences is probably something that I am content with. I am sure that if this were a justice Bill I was writing, it would not be

written like this, but I recognise that I am only one voice in the House and that I have to tread warily in trying to encourage the House towards a view that I might take on some matters. I think I have attempted to be measured in the approach I have taken to committals in the hope of bettering the Bill, as I would see it. So, I have not ventured further than that with regard to other clauses.

If I may, I will finish on the point that I was putting to the Minister about the juries. I might have my own issues with clause 79, but if it is intended to be directed at professional persons exercising functions in relation to criminal proceedings, that would exclude the juries, but that is not what it says. Maybe that is the answer for the Minister, if he thinks there is a problem there. I raise that and trust that the Minister will respond. I trust that he will also respond, in a considered way, to the genuine concerns that I have raised in the House about the committal process and that, rather than rush headlong into throwing out everything on committals and going on a paper exercise solely, he will recognise that there are advantages to retaining, in a very restrained form, the facility to have the mixed committal, or, indeed, the PI, in the interests of justice.

11.30 am

Mr Ross (The Chairperson of the Committee for Justice): With your indulgence, Mr Deputy Speaker, before addressing the amendments, I wish to make some general remarks about the Bill.

The Committee welcomes the Bill, particularly as it seeks to improve services and facilities for victims and witnesses. A number of its provisions and a number of the amendments brought forward by the Minister are as a direct result of the findings and recommendations of the Committee's inquiry into the criminal justice services available to victims and witnesses of crime, which was completed back in 2012.

The Committee also supports the Bill's other main aims, which are to speed up the justice system and to improve the efficiency and effectiveness of key aspects of it. As well as the main clauses, the Committee also considered a wide range of amendments provided by the Department of Justice, both at the start of the Bill's Committee Stage and during it, some of which relate to provisions in the Bill, while others are on unrelated matters. The Committee also considered two proposals for amendments from the Attorney General for Northern Ireland and a proposed amendment from Mr Jim Wells, which he had provided when he was a member of the Justice Committee.

Given the wide range of policy areas covered by the provisions and the proposed amendments, the Committee spent a considerable amount of time undertaking detailed scrutiny, and it sought a wide range of views to assist in its deliberations. Written evidence was sought from interested organisations and individuals, as well as from the Department of Justice and the Department of Health. The Committee received 52 submissions and a significant number of petitions and responses from individuals on the amendment that would restrict lawful abortions to National Health Service premises. The Committee took oral evidence from a wide range of organisations and officials from both Departments. The Attorney General and the Director of Public Prosecutions also attended to assist the Committee's consideration of specific issues.

I put on record my thanks to the members of the Committee for their contributions to the discussion on, and consideration of, the Bill at Committee Stage. The detail in the Committee's report demonstrates that we considered all aspects of the Bill and the range of proposed amendments in a full and thorough manner. I also thank all the organisations and individuals that provided very useful written and oral evidence and the Department of Justice officials, who provided additional information and clarification throughout the process. Of course, I also put on record my thanks to the Committee staff, who ensured that members were in a position to fulfil their obligations to scrutinise the Bill.

I turn now to clauses 7, 8 and 9, which would abolish preliminary investigations and mixed committals, and the amendments by Mr Allister to introduce new clauses 7A and 8A, which, as he outlined, are intended to retain preliminary investigations in some limited circumstances, in what he described as the "interests of justice". There was a divergence of views in the evidence received by the Committee, with the PPS and Victim Support Northern Ireland both supporting the Department's proposed changes but ultimately wanting to see committal proceedings abolished altogether, while the Law Society is of the view that the proposals are flawed.

The Law Society does not support the assertion that committal proceedings slow down the process, and, whilst it indicated that it understood the concerns expressed about vulnerable witnesses, it highlighted the point that special rules already exist to ensure that they are not unduly subjected to the stress of having to give evidence. It expressed the view to the Committee that a more measured approach would be for district judges to have limited discretion to allow the calling of key witnesses where they believe that it would be in the interests of justice to do so, and that appears to be what Mr Allister is seeking to achieve with his amendments.

In contrast, however, Victim Support told the Committee that the experience of being cross-examined on one occasion is highly stressful for victims and witnesses and that to be required to give evidence more than once compounds the anxiety and is contrary to the interests of justice. That is a point that the Deputy Chair made in an intervention to Mr Allister. It has long been a firmly held opinion that the abolition of preliminary investigations and mixed committals would represent a significant step in addressing some of the considerable trauma and distress experienced by victims and witnesses of crime during the court process.

The PPS also welcomed the proposed changes, believing that they could result in an eight- to 10-week saving in the trial process.

The PPS views the committal process as a luxury and a historical anomaly that no longer exists in other parts of Great Britain, and which is expensive to the public purse not only in the extra cost to legal aid but also in the burden it places on the PPS. The director highlighted that defendants will retain the right to challenge the sufficiency of the prosecution's evidence through the Crown Court's no bill procedure pre-trial, or through the trial process itself, and viewed the proposals as rebalancing the process and providing greater protection for victims and witnesses. He also provided examples of cases where

committal had added considerable delay to the progress of the proceedings or impacted negatively on witnesses.

Mr Allister argues that PI can save the public purse, but we also heard arguments that were the opposite of that. When the Committee considered this part of the Bill it noted that, whilst the proposals aim to streamline the procedure for moving business from the Magistrates' Court to the Crown Court, and are expected to result in some improvement in efficiency, the Department's stated primary driver for abolishing preliminary investigations and mixed committals is to reduce the impact on vulnerable victims and witnesses.

From its inquiry into the criminal justice services available to victims and witnesses, the Committee is fully aware of the concerns raised by, and the experiences of, victims and witnesses in relation to having to give evidence twice. Members also appreciate the excessive length of time it takes for many cases to be completed and the need for reasonable measures to be taken to streamline the system.

The Committee noted that figures provided by the PPS indicated that very few defendants who were the subject of committal proceedings were not committed for trial. In 2013, out of a total of 2,289 defendants, only six were not committed for trial by a district judge. This represents approximately 0.3% of defendants who were the subject of committal proceedings. In 2014, four of the 1,938 defendants who were the subject of committal proceedings were not committed for trial.

Given the benefits to victims and witnesses, the evidence, which indicates that very few defendants who are the subject of committal proceedings are not committed for trial, and the fact that under clause 7 district judges will retain their existing power to decide whether a prima facie case against the defendant is disclosed by the evidence and can discharge the defendant on the basis that no such case exists, the Committee agreed that it is content with clauses 7 to 16. One Member, Mr Maginness, indicated that he had some concerns, and I am sure he will outline them during his contribution this morning.

The Committee also supports amendment No 3, which will allow for the direct committal of any co-defendants who are charged with an offence that is not a specified offence so that, in the interests of justice, all defendants can be tried at the same time.

I move on to Part 6 of the Bill, which will expand provision for the use of live video link facilities in courts, prisons and psychiatric units, and to amendment No 20, which the Minister is bringing forward. The main issues raised in the evidence received by the Committee focused on wider issues relating to the use of live links generally, particularly with regard to children and young people and their ability to understand and participate in proceedings and give informed consent, and the ability of a defendant to access legal representation and communicate with their legal representative. Indeed, it is an issue that formed part of a discussion at a recent justice seminar that the Committee held in this building.

Committee members are aware of the current use that is made of video links with little or no evidence of problems arising and, when considering the proposals to expand their use, noted that there are statutory requirements that the person must be able to see and hear and to be seen and be heard for a live link to take place, otherwise the

hearing must be adjourned. It is the responsibility of the courts and the judiciary to ensure and monitor compliance with those requirements.

In relation to the impact of live links and the ability of children to understand and participate in proceedings, the Committee noted that consultation with the judiciary in the past indicated that, from their perspective, a live link facility whereby the child can speak directly and more visibly with the bench can assist the contribution they make, and an on-screen, face-to-face exchange can be more effective than when the child is sitting more remotely in a busy and possibly intimidating courtroom.

The Committee sought further information on any consultation that had been undertaken with young people on their experience of live links and their views on the proposed changes. The Department advised that staff and six children in the juvenile justice centre, all of whom had experience of using live links, had been interviewed and were very supportive of the system. There was a generally high level of satisfaction, and reasons given for preferring live links included that it is less intimidating, more convenient and private, does not require the child to speak or stand in front of everyone and that care workers can be there to help. The Department also confirmed that, in conjunction with the Courts and Tribunals Service and the Office of the Lord Chief Justice, it will produce guidance for the courts, legal representatives and defendants on their new arrangements for the use of live links for certain hearings at weekends and public holidays, before the provisions are commenced.

The Committee also explored the estimated savings to be made by extending the use of live links and noted that the use of live links for first remand at weekends and public holidays would reduce 330 judicial days to around 52 days.

Given the benefits of extending the use of live links, the assurances provided by the Department regarding the various legal requirements set out in statutory frameworks for the use of them, which operate under the authority and supervision of the courts and judiciary, and the fact that the Department of Health, Social Services and Public Safety had requested the provisions in respect of persons detained in hospital under mental health legislation, the Committee agreed that it was content with clauses 44 to 49. The Committee did, however, question whether clause 46 required amendment to provide the same safeguard as is provided in clauses 44 and 45, which places a responsibility on the court to adjourn proceedings where it appears to it that the accused is not able to see and hear the court and be seen and heard by it and where that cannot be immediately corrected. As a result of that, the Minister has brought forward amendment No 20 today.

I now want to briefly comment on amendment No 40, which relates to clause 78. Together with clause 77, it provides legislative support to a non-legislative scheme being developed to provide a structured early guilty plea scheme in the Magistrates' Courts and the Crown Court. The Department informed the Committee that, on the advice of the Attorney General, it intended to bring forward that amendment to remove a regulatory-making power in subsection 3 of clause 78 that has been identified as being of no practical benefit. The Committee agreed that it was content with that approach.

Noting the purpose of clauses 77 and 78 and having sought reassurances regarding the protections available for children and vulnerable adults and the assistance provided to people with communication difficulties, the Committee also agreed that it was content with clauses 78 and 79, although several members outlined concerns and reservations regarding the duty to be placed on solicitors, with views expressed that it is unnecessary as, in practice, a solicitor would inform a client of the position anyway; it could potentially create problems and conflicts between solicitors and clients; and would not deliver efficiencies.

I will move on to clauses 79 and 80 and amendment Nos 43, 44, 45 and 46. Those clauses introduce a statutory framework for the management of criminal cases, and, through regulation, the Department of Justice will be able to impose duties on the prosecution, defence and the court that will set out what must be completed prior to the commencement of court stages. The Department can also impose a general duty to reach a just outcome as swiftly as possible on anyone exercising a function in relation to criminal proceedings. I listened to the contribution from Mr Allister. I am speaking on behalf of the Committee. I do not think that the Committee's understanding of what "swift" meant was that it should be rushed through the system. We just meant that we did not want to have unnecessary delay. That is certainly my understanding of where the Committee was coming from on that issue. The Department has included those provisions in the Bill in response to the Justice Committee's recommendation in its inquiry into the criminal justice services available for victims and witnesses that case management should be placed on a statutory footing as a means of tackling delays in the system. All the evidence received by the Committee on those provisions recognised the serious problem of delay in criminal proceedings and the negative impact that it has on victims, witnesses and defendants, especially children and young people, and support was clear for measures to address avoidable delay, including statutory case management.

Having sought the advice of the Assembly Examiner of Statutory Rules regarding the range of powers in the Bill to make subordinate legislation, the Examiner drew the attention of the Committee to the regulation-making powers in clause 79(2) and clause 80 on the grounds that both clauses are at the core of the Bill's main purposes and are therefore significant for that reason and as they are likely to and intended to have a major impact on the conduct of criminal proceedings. The Examiner considered whether the regulation-making powers in clauses 79 and 80 should be subject to the draft affirmative procedure but was satisfied that they could be left subject to negative resolution if there was a built-in statutory requirement to consult the Lord Chief Justice, the Director of Public Prosecutions, the Bar Council and the Law Society given that, if the regulations are to be workable in any proper and meaningful way, they will need to have a major input from those involved. The Committee referred the matter to the Department for consideration, and the amendments today address that issue and a proposal by the Attorney General that the general duty to progress cases should be placed in the Bill rather than providing a power to make regulations to do so.

One issue that was consistently raised during the Committee's inquiry was the adverse impact that the length of time it takes for cases to go through the criminal justice

system has on victims and witnesses, many of whom are unable to move on while they wait for the process to be completed. Whilst recognising the complexity of the issue, the Committee noted that avoidable delay in the criminal justice system was not new and, in its view, has been going on for far too long. Given the detrimental effect that it has on victims and witnesses, as clearly demonstrated by the evidence received in the inquiry, the Committee believed that substantive action was required.

11.45 am

While delay is a common complaint with regard to the entire criminal justice process, one of the key frustrations for victims and witnesses is the length of time that court cases take and the number of postponements and adjournments that frequently occur. The Committee was of the view that a statutory case management scheme would be beneficial and have an overall positive effect in addressing delay and, ultimately, the experiences of victims and witnesses and, therefore, recommended to the Minister that that should be taken forward in the next available piece of justice legislation. The Committee, therefore, welcomes and supports clauses 79 and 80 and the proposed amendments that aim to address avoidable delay in criminal proceedings.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. In the wider concept of the Bill at Second Stage and Committee Stage, we were very supportive of the main principles of the Bill because it is designed to improve the operation of the justice system by improving services to victims and witnesses who find themselves in the court system. Part of that was speeding up the efficiency and effectiveness of justice. In that particular context, we are very supportive of the idea of a single jurisdiction, although the Committee said that, in the operation of that, it did not want to see any disadvantage given to people in terms of travel, particularly for witnesses and victims. The Committee made its views known and wrote to the Lord Chief Justice to see how that operation and consultation process will be carried out.

Similarly, we were supportive of the idea of prosecutorial fines for low-level offenders, up to a maximum of £200, as an alternative to taking people into the court system. In all the evidence that we have heard, it appears that sometimes the longer people are in the system, the harder it is for them to get out of it. We were mindful that, in the past, there were issues around the collection of fines, and we said that we did not want the impact that more fines were being imposed. That creates problems further down the line, but that is something that the Committee will look at when the fines and enforcement Bill comes forward.

Another major part of the Bill as it goes through its various stages is about how we treat victims and witnesses. The victims' charter and many steps such as the care unit are all very significant steps forward in doing that properly. Indeed, many of the things in the Bill were part of the Committee's inquiry into victims and witnesses. Speaking on behalf of my party colleagues, we got a good insight from that inquiry and from meeting many of the groups that work with victims and witnesses and the whole system. Indeed, we saw many of the gaps in the system, and the Bill goes some way now to begin to fill some of those gaps. I know that it is an ongoing process, and that is to be

welcomed. Indeed, we will turn to that when we talk about the amendments tabled by Jim Allister.

I will turn to that part of the Bill now. At Committee Stage and throughout, we have always been broadly supportive of, if you like, refining or reforming committal proceedings to help speed up the process of making trials take place quickly and within a reasonable time frame. Mr Allister outlined that. Over a long time, committal proceedings have evolved to a situation where the overwhelming majority of cases now proceed straight to trial, with an agreement of what will be contained in a trial process.

It was brought to the Committee's attention that a small number went between PI and mixed committals. I think that there were 56, but 18 did not return for trial. That gave us some cause for concern. We heard that when we were conducting our inquiry into victims and witnesses; indeed, when representative groups and the Prosecution Service came before the Committee, they outlined the situation. That is why I asked for the intervention to define the interests of justice. There was a feeling among groups that putting a person, particularly a rape victim, through the process of cross-examination twice was unfair. Sometimes, even though the person who went through the process was a very credible witness and would have come through the first run, so to speak, of the cross-examining process, the Public Prosecution Service and victims' groups said that their resolve was weakened by the process, and that they found the second attempt or second run at a trial very daunting.

Jim Allister talked about the best of the current system being kept but then, obviously, to put in some protections. In some way, I think that that goes a long way to ensure that you do not have a system where, when a person is charged, it is a trial and there is no testing for prima facie status anywhere in the process. In that situation, it is worth considering those amendments. I think that the offer was held out that if "the interests of justice" becomes the framework in which the magistrate, from a defence or a prosecution point of view, can put forward a proposition that it is not in the interests of justice to proceed, then the magistrate could take that into consideration. I accept the point that it is sometimes difficult to say that in all rape cases or all particular cases, but the experience of the groups is something that will assist us if this goes through this stage. I do not want to make that assumption either way. However, it would be helpful if what is meant by "in the interests of justice" could be defined at Further Consideration Stage.

It is worth noting that, in the small number of cases among the thousands of prosecutions in any given year, only 56 went to that stage, but 18 did not proceed, and that is over 30%. That, in itself —

Mr Allister: Will the Member give way?

Mr McCartney: I will.

Mr Allister: First of all, can I correct the figure? I did the maths wrong. There were 74 recourse to committal; 56 were returned and 18 were not. Sorry; I misled the House, and I apologise for that. That is according to an answer from the Minister to Lord Morrow a few weeks ago.

On the issue of the rape victim and the undesirability of putting the rape victim through giving evidence twice, I would have thought that that itself would be a

consideration that the magistrate would apply when applying the test of “in the interests of justice”. I would have thought that that was something that went into the scales in deciding what is in the interests of justice. Yes, I am more than open to further refinement of that at Further Consideration Stage but, already, it is probably something that would go into the scales of deciding what is in the interests of justice.

Mr McCartney: I accept the figures, but the rejigging is still a high enough number to be worried about.

Mr Ford (The Minister of Justice): I appreciate the Member giving way, because there seems to be a little confusion about the figures. I have the figures for the number of cases not committed, which were sent to the Justice Committee by the PPS in March. It had originally been suggested that 51 cases out of 1,743 were not committed in 2013; in fact, as Mr Ross said, only six out of 2,289 were not committed in 2013, and only four out of 1,938 were not committed in 2014. It seems that there was a bit of confusion, because there were other reasons — for example, when cases were withdrawn or a caution was accepted. Those kinds of issues have made the difference. However, we are talking about minuscule numbers that proceeded to full hearing and that were not committed.

Mr McCartney: I thank the Minister for that. I want to take up on the point, particularly in the case of rape. I accept that any magistrate, when he is considering the threshold around the interests of justice, will have that in mind. Again — this came out very clearly in our inquiry and in evidence given to the Committee — that often puts off a person from even coming forward as a witness when they know that there is the possibility that they will be cross-examined twice.

That is why I am looking for some sense that exemption is there. Perhaps then, in the interests of justice, if the defence felt that the witness was not a good one, it could be examined in that context. What we are looking to see, particularly to protect a person who has made the allegation of rape, is the magistrate going in with the threshold and it being up to someone to convince the magistrate that it was in the interests of justice for them to be called, rather than the reverse. That is the important caveat that we would put in. It is with that in mind in particular that we are supportive of these amendments, so that at Further Consideration Stage, there can be a second run at trying to get this right.

Most of us accept, and the Minister has given the figures, that it is a small number, but it is an important part of a trial process, and we have to be very, very careful that we do not just wipe it out without giving some consideration to the fact that there are many cases in which a person has not gone through the unnecessary procedure of going to trial. We also have to ensure that the right to a fair trial is not simply legislated away.

The Chair covered amendment No 43. The Bill talks about coming to:

“a just outcome as swiftly as possible.”

Perhaps the Minister will address that, because if there was any sense that a jury should do something swiftly rather than justly, it just needs to be cleared up procedurally. Go raibh míle maith agat.

Mr A Maginness: I listened with considerable interest to all the contributions, particularly that from Mr Allister in relation to preliminary investigations. I also take the point that we are trying to modernise our system and make it better and that we want to be innovative. That is all very well and good, and, in general terms, I support that, but I have to remind colleagues that we are making law, and we are making changes that are substantive and fundamental to the whole trial process. Obviously we are talking about pre-trial, but it ultimately affects the trial process nonetheless.

Once you make changes, they are permanent: you do not go back. The history of the criminal process in Northern Ireland, in Ireland generally and in Britain shows that it has stood the test of time in many respects. It is of great value, and it is something that we should not forget about. Once we interfere with the process, we could do irreparable damage to it. I say that as a health warning more than anything else, but when we are considering changes that are quite fundamental, we should bear that in mind.

During the course of discussion in relation to committal proceedings, I expressed misgivings to officials and colleagues on the Justice Committee in relation to the changes that were being proposed. The committal proceedings are an important filtering process that allow the defence, the prosecution and the court at large to test appropriately the strengths or weaknesses of the charges that people are faced with. There is absolutely no doubt in my mind that that is an important process. I know that the notion now is that you can get rid of something that was described by the PPS as a historical anomaly. You can get rid of that, and you can describe it as that, but there is a contemporary value to a historical legal development.

12.00 noon

Mr Ross: Will the Member give way?

Mr A Maginness: Yes.

Mr Ross: You mentioned how it was an effective filtering mechanism. Will the Member accept, given that the numbers are so low for the last two years that figures are available for, that there is an argument that, if it is a filtering mechanism, it is not perhaps a very good filtering system?

Mr A Maginness: It is an interesting point that you raise, and it is a point that was raised by the PPS and, indeed, the Department of Justice. People did talk about minuscule numbers. In a way, you can turn that argument around and say that the amendments that Mr Allister is putting forward to retain, at least vestigially, the committal proceedings in the interests of justice does not really affect the situation as greatly as the Department or the PPS have suggested. If it is so small and so minuscule, why interfere with the process to the point of extinction? I am not against, as it were, reforming the committal process, but it is the extinction of the process that worries me. At least, there should be some residual power given to the court to test the evidence if it is truly in the interests of justice.

Mr Ford: I appreciate the Member giving way. He talks about not extinguishing the process. In fact, that is exactly what happened over a decade ago in the Irish jurisdiction and in the England and Wales jurisdiction. That is not what is being proposed here, although there was a strong body of evidence that we should have moved to complete extinction. We will be maintaining PEs and, therefore, we

will be maintaining the bulk of the process that has been abolished in the two most equivalent jurisdictions already.

Mr A Maginness: I do accept the point that the Minister has made. It is a valid point and a point of some strength, but I do say to colleagues in the Chamber that, whilst we can reflect on the experience of other jurisdictions, we have to make up our own minds ultimately in this jurisdiction, doing the best that we can to preserve what I think is valuable in the system. The Minister —

Mr Dickson: Will the Member give way?

Mr A Maginness: Yes.

Mr Dickson: Following on from the point that the Minister has made regarding reform and ultimate removal of that, particularly in England and Wales, the first stage came in 2001 and the removal came in 2013. There is no body of evidence of the detriment that perhaps you and Mr Allister are proclaiming may happen here. Therefore, there is a substantive body of evidence — likewise in the Republic of Ireland — that is demonstrating to us, in this particular case, about cautious reform. You are right to say that the law should be reformed cautiously, but, on the basis of 2001 and 2013, this seems to be a caution that we should be prepared to take today.

Mr A Maginness: Again, I understand the strength of Mr Dickson's point, but I think that we have to balance our own experience with the experience of others.

I believe that we have to be cautious in relation to something as sensitive as a criminal trial. I err towards being cautious and I remain to be convinced that the English experience is as smooth as the Member suggests; and I am not saying that facetiously.

The Minister made a point about committal proceedings, and I accept that this would not see the end of those proceedings. There will still be preliminary enquiries, but the preliminary investigation and mixed committals will be abolished, or repealed, as a result of this legislation if it is passed. That is the stated aim of the Department, and the departmental officials were quite forthright in saying so. I am not so certain that this is the destination to which we should be going. This is being seen as an intermediate stage on the way to achieving that.

I think there is still value in having a form of committal proceeding. In the circumstances and context of what Mr Allister is proposing, the Minister's aim would be achieved to some extent, insofar that the committal proceedings would be reformed. There will be very few preliminary investigations, but they will be looked at rigorously by the court in the interests of justice. I think it is important, in those circumstances, that the House takes that into consideration and believes there is value in keeping that failsafe mechanism in our current legislation. Therefore, I think that Mr Allister's proposals are to be preferred to those that the Minister has suggested, and we will be supporting Mr Allister's amendments.

Having said that, I recognise, as the Committee Chair said, that arising from the Committee's investigation into victims and witnesses, there is an important need to be protective of witnesses, particularly those who are vulnerable. Further provisions may have to be made for those vulnerable witnesses; but I do not think that it is beyond our capacity to create a situation whereby vulnerable witnesses in particular are further protected during the

course of preliminary investigations, on the rare occasions on which those investigations would take place.

If there are various pre-trial issues that would normally be dealt with at a committal level that are not dealt with, there may be a greater preponderance, when something comes to trial, of no bills or applications to the Crown Court judge to deal with matters that should properly have been dealt with at committal level. You cannot call witnesses to examine those issues at that stage, nonetheless there could be further hold-ups in the smooth running of a Crown Court trial. That would be disagreeable and not intentional, but it could happen as a result of the changes proposed by the Minister. I ask the House to take that into consideration, because the aim of this legislation is to speed up the process, not delay it further, and that is a very laudable aim.

Mr Deputy Speaker, I welcome the single jurisdiction, although we have had county court divisions in Northern Ireland for many years, and it is a pity to lose them. We are losing a bit of our history but, nonetheless, given the efficiencies arising out of a single jurisdiction, perhaps we can overlook that little bit of history. Mr Allister is, of course, the Traditional Unionist Voice, but I was minded when he was speaking that he might well now be called the "Traditional Legal Voice" in this House. It is important that we look at changes to our system. The proposal in relation to prosecutorial fines is worthy, and it is important that we move in that direction and be innovative and imaginative in what we do; I welcome that.

I refer the House to clause 78. Amendment No 40 relates to 78(3). I am unhappy with clause 78. I think that it is unnecessary. It imposes a duty on solicitors to advise clients about early guilty pleas, and this will be a statutory duty imposed on solicitors. I do not think that it is necessary. Any solicitor worth his salt will advise his client on an early guilty plea. It is unnecessary for this House to impose a further statutory duty on the solicitor. It could also complicate the relationship between the solicitor and the client. Clause 78(5) says:

"If a solicitor contravenes this section, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal."

I do not know how such a tribunal would deal with this matter. It seems to me that there are certain matters between a solicitor and client that are indeed privileged, and it could well be that, where there is a dispute over whether the solicitor gave this advice, there would be breaches of privilege. Whether or not that happens, it complicates the relationship between the solicitor and the client. This clause could have unintended adverse consequences. I ask the Minister to look seriously at withdrawing the clause, which does not in any way add usefully to the role of a solicitor in a criminal trial. It really is ill thought out. I quote:

"The solicitor must notify the court by or before which the client is tried, in such manner and before such time as magistrates' court rules or (as the case may be) Crown Court rules may require, that the solicitor has complied with subsection (2)."

I am not certain, Mr Deputy Speaker, that it is really necessary. It just overcomplicates things. It is almost a

bureaucratic response to the courtroom situation that will not help resolve matters.

I know what it is intended to do, but I am not certain that it is the right thing to do in all circumstances. I am tempted to oppose clause 78 standing part of the Bill, but I would like the Minister to look at it seriously, because I do not believe that there is any great value in it.

12.15 pm

I have nothing further to say about any of the other amendments or about this section.

Mr Elliott: We have got to a stage with the Bill at which the Committee has looked at it in some detail and a number of other, almost unexpected, amendments are coming forward. That is what democracy is about and what this place is about. It is about listening to those issues and to people's concerns.

On this particular group of amendments, I entirely understand where the Department is coming from in its attempt to streamline the court system at an early stage. I respect and understand that. Mr Allister proposes interesting amendments. The Department's proposal is to take that opportunity for the defence to bring forward its case at an early stage completely out of it, whereas Mr Allister's proposal appears, from what I hear, to be a halfway house between the two. It still gives that opportunity for defendants —

Mr Ford: I am grateful to the Member for giving way. The Department's proposals do not remove the opportunity for the defence to put the case; what they remove is the opportunity for the defence to cross-examine witnesses. The key point, as I understand it, both in the Committee's first report on victims and witnesses and in its consideration of the Bill, was the pressure that can be put on vulnerable victims and witnesses.

Mr Elliott: I thank the Minister for that intervention and information. I accept that point, Minister; I have no argument with it. I listened to Mr Ross, who, quite rightly, put over the view that the witnesses appeared to support the Department's proposals and felt that it was quite difficult in the sense of maybe having to give evidence on two occasions. Obviously, it would be overly burdensome. However, if I remember rightly, the Law Society did not feel that the proposals were right and was opposed to them. We cannot take everything that the Law Society says in general terms as gospel, but I am just putting the point down that, in fact, there was opposition to the proposals as well.

It has been an interesting debate, and I have to say that I have a lot of sympathy for Mr Allister's proposals in that respect, as I feel that they have merit. I will listen intently to what the Minister says about them and to what Mr Allister says in his winding-up speech — just to keep them on their toes — to convince my colleagues and me of the proper route to go down.

I want to move on to clause 78, which Mr Maginness interestingly touched on. It is an aspect that I raised several times during Committee Stage. Mr Maginness and I have slightly different points, in that he spoke about the early guilty plea and the onus on solicitors to inform their clients of that. I understand that, but my point was that someone has to give that advice. I felt that, if it has to be the solicitors, I do not have a major issue with it.

My main concern with clause 78 is the pressure that there will sometimes be on the client and defendant from an early guilty plea. Indeed, I raised it on several occasions. Some defendants may feel under huge pressure to say, "OK; I'm going to get away with a much more lenient sentence if I put in an early guilty plea", and that is the advice that may be given. The solicitor will be under no obligation to say — and should not say, I assume — that if you are definitely not guilty you do not put in an early guilty plea. However, I know from speaking to many defendants in the past that they have even felt under pressure as it is to put in an early guilty plea when they are adamant that they are not guilty.

It is quite easy for people who are standing on the side to say, "Well, look, you should not plead guilty if you are definitely not guilty." If a defendant is looking at the difference between a four-year custodial sentence and maybe a much more lenient sentence, they do feel under that pressure. I know that from speaking to defendants in the past. Maybe I differ slightly on the reasoning around it, but I have always had those concerns about clause 78.

Mr Allister: Will the Member give way?

Mr Elliott: I am happy to give way.

Mr Allister: I suggest to the Member that there is another consideration to which this clause gives no regard, in practical terms. More often than not in the course of a trial and the criminal process, a key component can be the eventual delivery of disclosure in a case, which can be quite truncated and delayed. The eventual delivery of disclosure in a case can cast an entirely new light on certain pertinent issues which touch upon the relevant sentence, yet this compulsion under clause 78 to herd people towards the earliest possible plea may be something that, in fact, does not do justice to the situation. If and when there is disclosure, which despite all the promises does not often meet the time frames, it can cast the matter in an entirely new light and leave someone very much wrong-footed in terms of what they did or should have done.

Mr Elliott: I thank the Member for that intervention. It was not an aspect that I had particularly looked at, but it obviously brings a new angle to the entire debate around clause 78.

I will listen to the debate on Mr Allister's amendments as it moves on. I just want to put on record that I am minded at this stage to favour them because they bring balance to the law itself. However, we did go through the entire Committee Stage in discussion on this. I think that we need to return to clause 78. Like Mr Maginness, I am of a mind to oppose it here today. I will listen to the debate further.

Mr Dickson: Perhaps I will make a few opening remarks first of all. The Bill marks the third Justice Bill that has been brought forward by the Department and the Minister as part of reforming our justice system and, indeed, making it fit for the 21st century. In those circumstances, I would like to commend the Minister for this and express my support for the process of reform and my opposition to those who wish to derail that.

Like the Chair of the Committee, I place on record my thanks to staff in the Department of Justice, to those who came to give evidence to the Committee, and to the

Committee staff for the incredible amount of work that they put into assisting us to prepare the report.

Group 1 refers mostly to the reform of the committal and court process. We have heard arguments in respect of this. Mr Allister's amendment will oppose the reform of the committal system and seek to retain some form of mixed committal. We must recognise that the origin of this clause was, in fact, the consultation with those who have profound experience of the justice system, as the Committee Chair pointed out, as victims.

In the current system, victims and vulnerable people are often compelled to experience the trauma of giving evidence twice; once at PI or mixed committal and again at the trial itself. I do understand that Mr Allister may have concerns, perhaps suggesting that these are important in the interests of justice. I fully understand that position, but as I am very sure he is aware, it is the trial that determines the innocence or guilt, not the committal proceedings.

As the Minister has indicated in a number of interventions, and as I hope others will take into account when coming to their view in supporting this today, a preliminary inquiry will still be undertaken by a magistrate, with the inbuilt safeguards to ensure that the defendant is sufficiently represented. In fact, defendants may even be able to make a submission to the court personally. If it is found that there is insufficient evidence for a trial, the defendant can be discharged at that stage. I am satisfied that the Minister's plans are sufficient to safeguard the rights of victims and defendants in that area. Therefore, I will not be supporting Mr Allister's amendments.

I welcome amendment No 20, which relates to the provision to enhance live-link facilities in our courts. That will help ensure that offenders are able to see and hear the court during the trial, and vice versa; otherwise, the trial will be adjourned. Other departmental amendments will ensure that the Bill works more efficiently regarding early guilty pleas, and that will avoid delay in criminal proceedings. I intend to support those amendments.

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

The debate stood suspended.

The sitting was suspended at 12.25 pm.

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

2.00 pm

Oral Answers to Questions

Employment and Learning

Mr Principal Deputy Speaker: Question 6 has been withdrawn.

Childcare: Careers

1. **Mrs Hale** asked the Minister for Employment and Learning to outline any initiatives designed to encourage a career in childcare. (AQO 8292/11-15)

Dr Farry (The Minister for Employment and Learning): My Department plays a full and active part in the delivery of the Executive's Bright Start initiative, particularly in relation to the recruitment and development of the childcare workforce. Since 2011, my Department has provided funding support for 355 employees to commence training in childcare learning and development qualifications across 205 settings at a cost of over £300,000. Level 5 training for managerial staff in childcare settings will become a mandatory requirement in 2016 and, as a result, my Department will no longer provide funding support. This is because increasingly limited resources are targeted at encouraging employers to upskill their staff beyond the legislative or mandatory requirements that they must meet.

All further education colleges provide a range of high-quality full-time and part-time childcare courses at a variety of skill levels. In the last academic year, childcare-related provision accounted for over 2,500 enrolments across Northern Ireland. In addition, Stranmillis University College provides a degree course in early childhood studies and the Open University in Ireland provides a range of degree courses in early years and in childhood and youth studies.

My Department's employment service supports clients seeking employment in the childcare sector and offers a range of services to meet employers' recruitment needs. Vacancies in the childcare sector are regularly advertised on our recruitment website and employment service staff have recently worked with childcare providers Employers for Childcare in the delivery of job fairs. These events promoted childcare as a career and offered opportunities for industry-related training and employment opportunities. In the past year, my Department's Bridge to Employment programme has assisted 19 people into employment in the sector through customised training related to the skill requirements of specific vacancies. The careers service can also provide advice and guidance for those who wish to work in the childcare sector.

Mrs Hale: I thank the Minister for his very detailed answer. Given that we are in times of increased austerity, will he tell the House how his Department is encouraging males, in particular, and individuals from minority communities into the sector?

Dr Farry: It is worth stressing that all our opportunities are open to people across the community irrespective of their gender or their ethnic or religious background etc. Obviously, where there are particular areas of under-representation we are always very keen to encourage more applications. We often talk about the under-representation of females in certain areas, and the Member has asked questions on that particular theme in the past. The reverse also applies in other areas. We want to make sure that we maximise the talent pool to our best advantage as a whole. There are also particular opportunities through the apprenticeship strategy and the forthcoming youth training strategy. Again, gender considerations will be built into those areas to ensure that we have a balanced representation of people coming forward into new opportunities.

Ms McGahan: I thank the Minister for his responses so far. What initiatives has he taken with employers in the childcare sector to encourage participation in the Steps 2 Success programme?

Dr Farry: The Steps 2 Success programme is for people who are unemployed. We have a number of contractors who, in turn, appoint subcontractors. They are there, based on an outcome-focused approach, trying to get people into employment. They will be looking for every opportunity that exists and will provide the relevant training and encouragement to people to take up those opportunities. No doubt where they see growth in opportunities they will be incentivised to move in that particular direction.

Mrs Overend: Does the Minister believe that there is currently sufficient childcare provision to enable parents to take up part-time training courses or employment?

Dr Farry: I thank the Member for her question. That is a slightly broader issue than our approach to supporting training for childcare. However, looking at some of the different programmes that we are bringing forward, we are very conscious of the issues that participants may be facing, and childcare may well be one of those. Perhaps the most recent example that we can cite is the economic inactivity strategy, where we have recognised that, in terms of the inactive population, one of the target groups is those with family commitments. Often, that will predominantly be females with childcare responsibilities. We are looking to see how we can provide innovative solutions to encourage people who are interested in working but perceive barriers to overcome those barriers and participate fully in the labour market.

Ms Lo: Minister, I was speaking with Employers for Childcare this morning about the shortage of childcare workers. It told me that there is a great shortage; it cannot recruit enough qualified childcare workers. Apparently, trying to get qualifications is very expensive; it can be up to £1,200 per course to get people qualified. Is there —

Mr Principal Deputy Speaker: I ask the Member to come to her question.

Ms Lo: — any possibility of helping or subsidising those courses?

Dr Farry: We are looking a range of different provision. One of the interesting developments that will be coming forward shortly is the outcome of the review of youth training. In particular, we will be looking to see how we can support and incentivise training for people leaving

school at 16 or other young people between the ages of 16 and 24 who have not accessed employment or do not yet have the qualifications to do so. There will be particular opportunities under that strategy in the field of childcare.

John J Sweeney Scholarship

2. **Mr Ó Muilleoir** asked the Minister for Employment and Learning for his assessment of the importance of the John J Sweeney scholarship in applied peace and conflict studies being based at the International Conflict Research Institute (INCORE) at Ulster University. (AQO 8293/11-15)

Dr Farry: I very much welcome the introduction of the John J Sweeney scholarship at Ulster University's international conflict research institute. The scholarship is open to all US citizens who have been offered a full-time place on Ulster University's MSc in applied peace and conflict studies and who are members, or have a familial connection to a member, of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). This fully supports my Department's stated aim to increase the numbers of international students studying in Northern Ireland. It is a coup for Ulster University which will further enhance the institution's international standing. This is the first year of the scholarship, and my officials have been informed that there are already 18 applicants for this year's intake.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire fosta. Thank you, Minister. Given the recent appointment of Tom Moran as chancellor of Queen's University, how can we encourage increased interest via the diaspora in our universities? John Sweeney was, of course, an eminent member of AFL-CIO. Is there a way in which we can join together to encourage other labour unions to support scholarships at our universities?

Dr Farry: First of all, I very much welcome the appointment of Tom Moran. It is an excellent appointment. I have already written to congratulate him in that regard. Our universities have to be very much outward-facing. They are not here as universities servicing a local market; they are part of Northern Ireland's wider outreach to the world. They should be seen as global players in their own right.

We have some very particular challenges at present with the very regrettable cuts that we have had to pass on to universities. We are seeing a situation where we are losing places. Our universities will be very keen to encourage more and more international students; that has been a long-standing commitment, not least in terms of our current higher education strategy. However, we also have to be very mindful of offering opportunities for local students. There is a very real danger of the displacement of students out of Northern Ireland to Great Britain or the South of Ireland, or, indeed, people not going to university at all.

For sure, we can do a lot more around scholarships. If more scholarships come forward, including from local businesses or major investors in Northern Ireland, that will, in itself, create opportunities. For example, we have a new scholarship programme in computing and engineering that has about 20 places on offer. That is moving in that direction, but we need more of it. However, scholarships, in and of themselves, cannot make up the shortfall and the pressures that the sector is, very sadly, facing at present.

Performing Arts Courses

3. **Mr B McCrea** asked the Minister for Employment and Learning, given the proposed closure of the Belfast Metropolitan College Tower Street campus, how he will ensure specialist performing arts training remains available and accessible for young people. (AQO 8294/11-15)

Dr Farry: Preparing our young people for the jobs of the future is a priority for my Department and the Executive's Programme for Government. That includes the provision of training in the performing arts. Although Belfast Met's Tower Street campus will no longer offer dance and drama courses beyond the end of the current academic year, students currently enrolled at Tower Street will be able to continue and complete their studies at the college.

Belfast Met has been working closely with South Eastern Regional College (SERC) on options that might be offered to those wishing to commence performing arts courses from September 2015. The £12 million investment in the new SPACE facility at SERC's Bangor campus will offer students wishing to pursue a career in this area a wide range of high quality courses that will be delivered in a world-class learning environment. The courses will mirror those currently delivered at Belfast Met. SPACE includes rehearsal and production studios and a theatre that can permit the staging of professional productions. Performing arts courses will also continue to be provided at SERC's Lisburn campus. Other colleges, including Northern Regional College's Ballymoney and Newtownabbey campuses, offer a range of performing arts courses from level 2 through to level 5. Students will be able to apply for courses commencing in September.

Mr B McCrea: That is all very well, Minister, but it does not really address the issue. The performing arts associations have issued a statement; I am sure that you are aware of it because Dan Gordon has been quite vociferous. Bangor is too far away for many people, and it does not offer the specialist courses that the industry needs. People would like to know what you are going to do about it.

Dr Farry: The first remark to make is that we are getting very close to a sense of parochialism in that, if it is not in Belfast, it does not work. I am surprised that a Member for Lagan Valley, who actually has performing arts offered in his constituency in Lisburn, is buying into the argument that, if it is not in Belfast, it cannot work. We have colleges across Northern Ireland delivering performing arts courses very successfully. If you take the logic of what is being said to its conclusion, if it is not in Belfast, it does not matter. That is a terrible message to send to the other five colleges and, indeed, students who are functioning there.

I am sure that the Member is very much aware that we are going through an unprecedented level of cuts in Northern Ireland. I would not like to see any courses being cut, but the sad reality is that we are passing on a £12 million cut to the FE sector this year. I know that the Member is not responsible for the Budget mess that we find ourselves in, but I would like to think that he would at least acknowledge the context in which the colleges are operating and their need to take some very tough decisions. The fact is that this particular decision by Belfast Met has a very clear mitigating factor in the context that we have a brand-new, state-of-the-art facility coming online in Bangor in September. It is 13 miles from Belfast. If we are suggesting that, if it is not on people's doorstep, they cannot function,

we are in very real danger of missing the point, not least given the fact that we have a Northern Ireland of six counties and six FE colleges.

Mr F McCann: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Can the Minister give a breakdown of the current labour market information pertaining to specialist performing arts?

Dr Farry: I am happy to write to the Member to give an indication of any figures that we have on file from the employment service on some very particular vacancies that may exist. We are also developing in conjunction with Ulster University a skills barometer that will give us much better real-time information on where there are emerging opportunities in the economy. I am not diminishing whatsoever the importance of performing arts to the future of our economy and, indeed, the wider creative industries. They are of absolute importance, as are many other subjects.

I say particularly to the Member, given that he is from Sinn Féin, that the answer to the dilemma that we find ourselves in very much lies within the power of his party and the SDLP to adopt a different approach to the Budget madness that we are facing. The singular approach around welfare has already had major knock-on consequences. Unless we have a change of course, we are going to see this situation deteriorate even further and end up with people asking similar types of questions but not actually joining the dots as to why certain things are happening.

Mr Lyttle: I have had the privilege of visiting the Belfast Metropolitan College Tower Street facility. In what is clearly a vibrant learning environment, I met acting and dance students from Belfast, Donegal, Austria and America, some of whom have already performed in shows like 'Vikings' and 'The Fall'. What would the Minister say to students and professionals who genuinely believe that it is a wrong decision by Belfast Metropolitan College to apply a 100% reduction to this provision and who are genuinely concerned and have reasoned arguments that the provision at SERC Bangor is not an appropriate alternative?

Dr Farry: People should visit Bangor. Indeed, I think, 20 students took the opportunity, only this past weekend, to go down to talk to local staff, view the emerging facilities and see for themselves the real value of the investment that is being made in students for everyone across Northern Ireland.

2.15 pm

Freight Transport and Logistics Training

4. **Mr Hussey** asked the Minister for Employment and Learning for his assessment of the importance of training in freight transport and logistics in relation to local economic development. (AQO 8295/11-15)

Dr Farry: The relevant training and skilling of the workforce is vital for local economic development. That applies not only to the transport and logistics sector but to all sectors of our economy. My officials work with businesses, universities and colleges to identify, plan for and meet workforce development needs through a range of curricular provision, from entry level to foundation degrees.

I have commissioned the Northern Ireland Centre for Economic Policy to develop a Northern Ireland skills

barometer. That will indicate where there are skills gaps, where they are emerging and where they are forecast to emerge over the medium and longer term. The barometer will help to shape all areas of skills provision.

The Ulster University delivers a BSc(Hons) in transportation and a master's degree in transportation planning. The university is also planning to introduce a specialism in logistics/supply chain management as part of its business studies programme. The Northern Regional College provides two courses at level 3 for transport managers. In the academic year 2013-14, there were six enrolments, and there were nine in the current year. That course will be available for the forthcoming academic year as well.

Recently, my officials met representatives from the sector to discuss how they can work more closely together. That includes liaising with the employment service to assist in filling some current vacancies, and with the Careers Service on the promotion of the sector within schools. The Department is willing to work with and support the sector, wherever possible.

Mr Hussey: I thank the Minister for his response so far. In your response, Minister, you made reference to the BSc(Hons) degree and the MSci in transport planning at UUJ. Is it not the case that those are going to be stopped? Is that not very short-sighted?

Dr Farry: As I said to Mr McCann, a moment ago, a whole host of things, which, on the surface, seem very short-sighted and nonsensical, are happening, but we are in a situation where, in the forthcoming year, we will be taking £16 million out of higher education and £12 million out of further education. Universities are going to have to take some very difficult decisions. The decisions that were taken were those for Ulster University to make. It is its job, not the job of the Department, to determine which courses are offered and which are not. The universities are seeking to rationalise the courses that are on offer. In that way, they are better placed to maximise the number of opportunities for students in Northern Ireland. I appreciate that there are particular consequences for the sector from those decisions. We are in discussions with the sector, and opportunities may well emerge to address those particular high-skilled demands. In particular, I draw your attention to the apprenticeships strategy and the fact that we have money under the change fund for pilots. To my estimation, that type of course, particularly given its vocational nature, would lend itself very readily to a higher-level apprenticeship. Through that course, we may actually see the needs of the sector being not only addressed but addressed in a more efficient and effective manner.

Mr Campbell: Will the Minister undertake to examine such issues as the one that was brought to my attention in my constituency, in which a private sector company, an expertise of which is training people for HGV courses, has found it extremely difficult to compete with other companies whose practices are not as in-depth and comprehensive as theirs? Some allegations were made about dealings that were not entirely in keeping with legislation that restricts companies like the legitimate company that came to me.

Dr Farry: I would be very happy to take a look at the issue, if the Member could drop me a line or an email to set out some of the issues. Some of the factors will be whether we are talking about an entirely private sector situation

or about some degree of public-sector involvement. The potential way forward, the Member suggests, would be set in the context of the contracting of a lot of the skills offer that we have and the provision within FE and higher education. I am more than happy to look at the points that the Member has raised.

Mr Dallat: I am sure that the Minister agrees that transport and logistics is not exactly a new phenomenon. Indeed, it probably dates back to the days of the red flag. Will the Minister explain to us why he is only making plans now for the development of this and why these subjects are not integrated across a range of degree courses, so that we can catch up with the rest of Europe, which is light years ahead of us in training people for transport and logistics?

Dr Farry: The issue probably predates the red flag; people were transporting things before the motor car was invented. We have historical provision. The situation is evolving, and I have explained why that is the case. At the same time, under my watch, we are developing a new approach to vocational training, in the apprenticeships strategy and the strategy on youth training. If the Member wants to go down the avenue of asking, "Why is this only being done now? This is not rocket science", I would remind him that his party held this Department in the first mandate of the Assembly, from 1999 onwards, and there was no revolution in vocational training — if I can use the term "revolution" when we talk about transport — at that particular time, but it is now being addressed.

Youth Unemployment: Foyle

5. **Mr Middleton** asked the Minister for Employment and Learning to outline the strategies being pursued, or proposed to be pursued, to reduce the level of youth unemployment in Foyle. (AQO 8296/11-15)

Dr Farry: My Department has a wide range of measures to address youth unemployment in Foyle and will be implementing the new initiatives from 2015-16 to improve opportunities for young people across Northern Ireland.

The youth employment scheme was introduced to help those aged between 18 and 24 to develop skills, compete for jobs and sustain employment. In the Foyle and Lisnagelvin jobs and benefits offices' catchment areas, a total of 1,200 young people participated between July 2012 and March 2015. To date, over 400 participants have moved into subsidised or unsubsidised employment. A refreshed youth employment scheme will be introduced from June 2015, subject to funding being available.

The main employment programme, Steps 2 Success, is delivered by EOS NI in the Foyle area. Steps 2 Success is available to all eligible jobseekers, irrespective of their employability need or age. Clients who are in receipt of jobseeker's allowance and aged between 18 and 24 will be mandated onto the programme after nine months on benefit.

I recently introduced Into Work Training Support, enabling clients to undertake short training courses to improve their employability. In addition, enterprise allowance, a new measure of support for clients seeking to start their own business, was made available from April.

The Department is leading in the development of the United Youth programme. The target group for the pilots beginning in 2015-16 are those aged between 16 and 24, who are not in education, employment or training.

We are also undertaking a review of youth training. It is planned that the new proposed youth training system will be available to all young people aged between 16 and 24, facilitating progression into an apprenticeship, further education or sustained employment. A series of pilot initiatives will be implemented during the current financial year, prior to implementation in full in the next year.

Mr Middleton: I thank the Minister for his response and welcome the new initiatives and those that he already has in place. Will he advise what conversations or engagement he has had with other Departments about getting out the message as to how young people can get involved in these initiatives?

Dr Farry: We have certainly encouraged other Departments to offer opportunities, and I am pleased that all my ministerial colleagues understand the logic of that. We have also spoken to arm's-length bodies and to district councils about offering placements. However, in the current financial context, we have a situation where there is an inevitability about a lot of the public-sector organisations wishing to shed staff. In that context, opportunities in the public sector are going to be very limited or, indeed, next to impossible. We have to have a wider discussion around the continued problem of youth unemployment. The Member will be aware that, in 2012, the Executive came forward with a major package of funding over three years to fund the youth employment scheme. Sadly, given the context around the Budget, it was never going to be viable for the Executive to renew that particular pot, so we are now in a situation where, from existing resources — there is even a question mark over those, as the Member will be aware — we are trying to offer a more limited package of opportunities in direct interventions to help young people.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for his answers so far. I noted that he said that of the 1,200 young people who participated in the youth employment programme, 400 had moved into subsidised or unsubsidised employment. Can the Minister break that figure down further and give us an indication of how many moved into quality or sustainable employment?

Dr Farry: We are happy to come back to the Member with the precise figures, but it is important to bear in mind the range of different job opportunities out there for young people. Some will be of a permanent nature and some will be of a temporary nature. All are of worth, and it is important that we do not create some sort of hierarchy or dismiss opportunities. It is very important that we encourage young people to get that experience because it allows them, in turn, to progress to other opportunities, or to go back into further education or higher education. The worst possible situation is that we get defensive about opportunities and end up with young people being left on the shelf so that their education or training goes rusty. If they have not invested in skills, they will very quickly be overtaken by other cohorts of young people coming through. They would then face a life of unemployment or economic inactivity, so it is very important, for a whole range of reasons, that we encourage people on that journey.

Mr Eastwood: I thank the Minister for his answers thus far. Of course, the Foyle constituency has the highest levels of any type of unemployment in all the Westminster constituencies. That was the case long before the welfare discussion, or crisis, as the Minister likes to talk about.

What progress are we making in increasing the maximum student number (MaSN) at the North West Regional College, which will, of course, be essential in trying to tackle youth unemployment and underemployment?

Dr Farry: First, I concur with the Member that there are major structural issues in relation to unemployment and economic inactivity, which is the hidden form of unemployment, and that both are particularly high in the Foyle constituency. It is a bit of a stretch to jump into the issue of MaSN and the potential expansion at Magee —

Mr Eastwood: *[Inaudible.]*

Dr Farry: — but let me stress that we are processing the business case and waiting for revised information to come forward from the strategy group. If we are to see the expansion of MaSN, we need to have the funding to do that. I am happy to bid for that, but we have to have a sense of reality about it. I mean —

Mr Eastwood: That is not what I asked you.

Dr Farry: — we are talking about a situation in which we will need recurring money, in excess of £29 million or £30 million every year, to facilitate that. That is on top of the very deep cut to higher education that we already face.

I hear the Member mentioning from the sidelines that that is not what he asked. He asked whether there was any progress on increasing MaSN. There is no point in increasing MaSN if you do not have the money to back it up: it is an utterly futile and pointless gesture to make.

Mr Principal Deputy Speaker: I ask the Member that when he asks the Minister a question, he allows the Minister to answer without being interrupted.

Apprenticeships: South Antrim

7. **Mrs Cameron** asked the Minister for Employment and Learning how many people took up higher level apprenticeships in South Antrim during 2013-14. (AQO 8298/11-15)

14. **Mr Girvan** asked the Minister for Employment and Learning to outline the number of apprentices in South Antrim. (AQO 8305/11-15)

Dr Farry: Mr Principal Deputy Speaker, with your permission, I wish to group questions 7 and 14 and request an additional minute for the answer.

The latest published figures indicate that, at the end of January this year, 461 apprentices from the South Antrim constituency were undertaking Apprenticeship NI-funded training in a range of subject areas. Engineering has the highest programme occupancy in any single area, with 88 apprentices. Of the overall number, 228 apprentices are working towards level 3 apprenticeship framework qualifications, including 46 undertaking level 2 en route to level 3, and 233 are working towards level 2 apprenticeship framework qualifications.

The Department is in the early stages of testing higher level apprenticeships as part of the implementation of the new strategy. Between 2013 and 2014, those opportunities were taken up by 106 people across Northern Ireland. However, it is not possible, at this stage, to break the figures down to a constituency level. Seven high-level pilots are under way across five occupational areas including professional services, ICT, engineering,

accountancy and life sciences, and off-the-job training has been tested by four further education (FE) colleges, including the Northern Regional College (NRC). They are working with employers including Schrader Electronics, Acute Engineering Surveys (AES) Ltd and Michelin to deliver an engineering apprenticeship.

In total, there are now over 120 higher-level apprentices working with 46 different employers across Northern Ireland.

2.30 pm

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move on to topical questions. Question 1 has been withdrawn.

Post-19 Special Educational Needs

T2. **Ms McGahan** asked the Minister for Employment and Learning for an update on his Department's review of post-19 special educational needs for further education and disability employment services in her constituency. (AQT 2582/11-15)

Dr Farry: I thank the Member for her ongoing interest in the area. As she will know, we conducted an audit on further education provision across Northern Ireland in those areas, and we are trying to preserve things in the face of pressures in the sector, and, indeed, in other sectors, at present.

The issue of transitions is being discussed at Executive subcommittee level. It is one of the topics that was discussed by the Bamford committee dealing with mental health and learning disability issues, and an action plan has recently been agreed across Departments on how to co-ordinate services better. There is a range of different players involved. My Department has a role to play in further education. There is also a role for the Department of Education in planning better for transitions, for the Department of Health in day-centre provision and for DRD on transport facilities. Work is under way with Departments to try to ensure a more coordinated approach, but it is important to bear in mind that, as with everything at this stage, we are hampered by a lack of finance.

Ms McGahan: Go raibh maith agat. I thank the Minister for his response. What engagements have you had with South West College regarding post-19 special educational needs in Fermanagh and South Tyrone?

Dr Farry: As the Member knows, the college is extremely proactive in almost every area of its work and is very much part and parcel of the community. We have had ongoing discussions with the college on the whole spectrum of its activity. Like others, it is trying to do its best in very trying circumstances to ensure that it can continue to deliver. It is conscious of issues around trying to ensure that there is a level playing field for provision across all areas, and, in that regard, it is not any different from any other college, given that there are always issues around ensuring that there is equal provision in different parts of Northern Ireland. It is almost impossible to provide that, given the nature of geography and funding limitations.

Mr Principal Deputy Speaker: Before I call the next Member, I want to say that Hansard is having some difficulty with the mics. Members should direct their mic towards them when speaking. Thank you.

Strengthening the All-Ireland Research Base: Update

T3. **Ms Boyle** asked the Minister for Employment and Learning for an update on the strengthening the all-Ireland research base programme. (AQT 2583/11-15)

Dr Farry: A number of different initiatives are under way, and, as the Member will know, it is important that we seek to develop more and more collaboration on high-level research. A global phenomenon is what is expected. Several years ago, I signed an agreement with Richard Bruton, my equivalent in the Republic of Ireland, for a partnership between Science Foundation Ireland (SFI) and my Department to support collaborative funding for research on a North/South basis. Indeed, we announced a number of such projects during May. The Member is hopefully aware of that, and we can provide further details if she wishes to receive them.

The Executive are very keen that we maximise the drawdown from Horizon 2020, and some very challenging targets have been set. The collaboration that we do, particularly around the SFI-DEL investigators programme partnership, gives us a very strong foundation on which we can then move into Horizon 2020. Other collaborations are already happening in that regard, and, of course, given that it is European funding involved, they are very keen to push collaboration between different jurisdictions.

We are very hopeful that there will be some very strong progress on Horizon 2020 over the coming months, and I urge the Member to look out for that.

Finally, I stress that we are privileged to be part of the US-Ireland research and development alliance, which is an agreement between both jurisdictions on the island and the US State Department. That sponsors a number of collaborative projects. We are seeking to build upon all our different strengths and to make a much bigger impact.

Ms Boyle: I thank the Minister for his response. Can you detail any specific areas of research taking place under the programme? How are they advancing? Go raibh maith agat.

Dr Farry: We will send on a copy of the press release and associated information that will list all the programmes that are happening. I will not attempt to list all the areas off the top of my head, but the Member will be aware of the general priorities that we have for research, particularly life sciences, cybersecurity, agriculture, agrifood, nanotechnology and other areas of life sciences. Those are areas where we believe there are strengths on both sides of the border. We are very keen to build on existing strengths, but we will ensure that the Member has the full list of projects, who is undertaking them and the institutions involved with them.

FE Colleges: Governing Bodies

T4. **Ms P Bradley** asked the Minister for Employment and Learning when he expects to make an announcement on the reconstitution of the further education colleges' governing bodies. (AQT 2584/11-15)

Dr Farry: It is not a form of reconstitution as such because we are going through a process of gradual incremental change, but there are a number of governor posts that we will seek to fill in the coming weeks. That is at a fairly

advanced stage. Given the nature of public appointments, as the Member will well know, I, as Minister, simply sign off on the specification at the outset of the process and then I have no role until recommendations come forward to me from the panels that study the applications for me to make the final appointments. We are not at that stage just yet, but my understanding is that that will be with me in the next few weeks.

Ms P Bradley: I thank the Minister for his answer. In the same vein to do with further education colleges — the Minister might have partly answered this earlier — with the transfer of community development and urban regeneration to councils next year, how does the Minister believe that colleges can collaborate with our local councils to tackle underachievement and low educational standards in their areas?

Dr Farry: I am happy to encourage that. In January, I hosted a dinner between the incoming chief executives of the 11 councils and the directors of the six FE colleges to spark those types of conversations. A number of initiatives are being pursued already in that regard at different speeds in different parts of Northern Ireland. I am hearing some very strong noises about the Northern Regional College and BMC. It is very proactive in that area with Belfast City Council, so, in the Member's area, that work is happening.

There is a very clear opportunity for community planning and urban regeneration for colleges. Also, when they are developing their community plans, skilling and upskilling will be key elements for what they are seeking to do on the economy, and they will quite rightly be looking to FE colleges to provide a lot of the solutions. We are encouraging FE colleges to be the first point of contact for businesses and, by extension, councils at a local level, appreciating that Northern Ireland is not homogeneous and that there are different specialities in different areas, so, again, that is an opportunity.

We also recently devolved what was formerly known as the Department's skills solution service to the FE colleges. Previously, when businesses wanted solutions to their training needs, they went to centralised services. We now take the view that that is better devolved through the FE colleges, where they already have a business development infrastructure, and it is best to build upon that and have that seen as the first point of contact for local businesses. So, we will reroute contacts back to the FE colleges with a stronger localised knowledge to engage with their local community.

JTI Gallaher Workers: Assistance

T5. **Mr Frew** asked the Minister for Employment and Learning for an update on the ongoing work to assist the JTI Gallaher workers. (AQT 2585/11-15)

Dr Farry: There are a number of different initiatives that we committed to doing. One is the potential pursuit of an application to the European globalisation adjustment fund. On previous occasions, I reported to the Assembly the parameters around which a bid needs to be made and the potential difficulties we perceive in trying to see how JTI would fit into it. Ultimately, it will be a decision for the Department for Work and Pensions in London on taking forward a bid, given that it is the national Government in that regard. Again, that is a discussion that we will have

to have. That bid can be made only in the context of the redundancies becoming live. As the Member knows, they are still some time away. This is a rather unusual situation to come before us.

While not wishing to disrupt the factory's ongoing work, which is of importance and which, if anything, has been intensifying in recent months, there is a commitment from JTI to work closely with the Department and the Northern Regional College over a skills audit and to then see what additional courses can be put in place to facilitate the retraining of workers who are affected by redundancy.

Mr Frew: I thank the Minister for his very detailed answer. Will he give the House an assurance that he will continue to work and provide support to JTI employees and that he will also work, as he and his officials have been doing, with Invest NI and the council, which has now set up a working group on the issue?

Dr Farry: I am happy to give the Member that reassurance. I am conscious of the interest of the outgoing Ballymena Borough Council, which, if my lingo is correct, is now Mid and East Antrim Borough Council. I know that it is very keen to work with them. We also highlighted the potential for a critical mass of highly skilled workers, particularly with engineering skills, to come on to the market. As the Member knows, there are engineering companies out there that are keen to recruit. We are seeing what we can do to match workers coming out of JTI with opportunities. Again, we need to be conscious of the timescales in this, because we want to respect the company's ongoing business needs, but I am more than satisfied that there is a full commitment from it to work with us at the appropriate time to make sure that we fully implement the opportunities that are there to assist the workers.

IT Skills: Development

T6. **Mr A Maginness** asked the Minister for Employment and Learning what further measures he can take to expand the range of skills in IT, especially as, during the general election campaign, in which, although not elected, he had the honour of standing as a candidate, he attended a meeting at which a distinguished local businessman claimed that he could double his workforce in IT if the skills were available, albeit that the Minister has put effort into developing skills, but the businessman was claiming that there is still no breakthrough in the range of IT skills. (AQT 2586/11-15)

Dr Farry: I welcome the Member's interest in the IT sector. It is a sector with huge potential for the local economy, and it is also one that has grown very significantly over recent years. Indeed, it never really experienced a recession as such, unlike some other areas. We have an ICT working group that brings together universities, colleges, Departments and the business community to map out the needs of the sector. Indeed, a meeting has been scheduled for a couple of weeks to review progress on that.

There is a global shortage of IT skills, so Northern Ireland is not alone in having that particular pressure point, but we have a range of different interventions that we are taking forward. We have seen a significant increase in the number of places at university and an increase in the interest and application rate to them. We announced the rebuilding of the Bernard Crossland Building at Queen's

earlier this year to facilitate expansion in that regard. Notwithstanding the cuts that the higher education sector is facing, I am pleased that it has given a commitment to seek to protect narrow STEM subjects, which are of particular relevance to the IT sector.

We are also looking to develop higher-level apprenticeships in IT, and, again, one of our early works under the new strategy is a sectoral partnership on that. We also developed a number of different academies under our Assured Skills programme, working predominantly in the IT sector in areas such as data analytics, cloud computing and software testing. Again, that is proving a very good way of providing, in effect, a conversion course for young people to enter the IT sector.

Obviously, we would like to do more. What is important is that we have the resources to do more and that, through careers, we have a good throughput of young people who are interested in skills and careers in this area.

2.45 pm

Enterprise, Trade and Investment

Mr Principal Deputy Speaker: I congratulate the Minister on his appointment and welcome him to his first Question Time as Minister. Question 12 has been withdrawn. We will start with listed questions.

Mr McGimpsey: Mr Principal Deputy Speaker, I join you in welcoming the Minister.

Labour Force Survey: Estimates

1. **Mr McGimpsey** asked the Minister of Enterprise, Trade and Investment for his assessment of the latest adjusted labour force survey estimates for Northern Ireland for the period January to March 2015. (AQO 8307/11-15)

Mr Bell (The Minister of Enterprise, Trade and Investment): First, I thank you, Mr Principal Deputy Speaker, and Mr McGimpsey for the congratulations.

I am pleased that the latest figures demonstrate that the economic recovery is progressing. That is evident across both short-term and long-term indicators. The claimant count measure, which is best used as a short-term indicator, shows that the number of people claiming unemployment benefits has fallen for the twenty-eighth consecutive month, reducing by 20,500 over that period. The labour force survey, which is best used for examining medium- to long-term trends and making cross-country comparisons, is showing similar improvement, with the current unemployment rate at 6.2%, which is down considerably on its previous high. That same positive trend is also reflected job growth with nearly 30,000 net new jobs added to the local economy since the start of 2012. However, I do not want anybody to feel that I am complacent, despite those positive figures. All of us will recognise that we still have a number of labour market challenges to address.

Mr McGimpsey: I thank the Minister for quoting those figures. Can I quote him two other figures that he omitted? The figure for the economically inactive is the highest in the UK and is up 4,000 from this time last year. Most crucially, our rate of youth unemployment is also the

highest in the UK, up 3,000 from last year. Will the Minister undertake to give the same deal to our young people as young people get in Scotland? In Scotland, when young people leave school, they are offered a place in education, training or employment. That way, we will not have an indictment on this House that young people in their hundreds and thousands leave school to go on the dole.

Mr Bell: The Member makes a strong point about our young people that concerns all of us greatly. In terms of economic inactivity, if you look at the European standard measurement, you see that we are slightly below that, and we are slightly below the figure in the Republic of Ireland. I fully accept the concerns that he has expressed.

It will be a joint approach by Minister Farry and me, in conjunction with DSD, the Department of Health, Social Services and Public Safety and Invest Northern Ireland. We have a strategy called "Enabling Success". That is what we want to do: enable success. To do that, we have to tackle what the Member rightly points out as the high level of economic inactivity here. The strategy will look at how we can reduce the persistently high levels of economic inactivity in Northern Ireland by helping economically inactive groups to make the transition towards and into the labour market. Key within those target groups are the long-term sick, the disabled and those with family commitments. In particular, I have in mind lone parents and carers.

The draft strategy was agreed at the Executive on 16 April and was published by the Minister of Enterprise, Trade and Investment and the Minister for Employment and Learning on 20 April. Implementation has begun on key points, but I will just give two because I am conscious of the time. We have worked on a competitive pilot testing process to test innovative ways to reduce inactivity, and work has begun to develop the proposed way forward for that process. Secondly, we are establishing and facilitating a strategic forum to oversee the delivery issues, improve coordination and increase public awareness of those who are economically inactive.

Mr Spratt: Can I too be associated with the remarks congratulating my friend the Minister on his new appointment? Since Northern Ireland has had an economic downturn across the whole Province and suffered job losses, what assessment does the Minister have for future job creation in the South Belfast constituency?

Mr Bell: The Member makes his point well, and I thank him for his congratulations. I suppose that South Belfast, like all our constituencies elsewhere in Northern Ireland, was impacted by the downturn. However, I am pleased to say that I believe that things are now moving in the right direction. For example, the latest figures show that there has been a sustained fall in the number of people claiming unemployment benefits in South Belfast since early 2013. That is a fall of almost 1,200, equivalent to a fall of approximately one third.

In light of both the Member's question and what Mr McGimpsey raised about the concerns for young people, it is particularly welcome that we see significant falls in the number of claimants amongst young people aged 18 to 24. They have fallen by more than 600 since the recent peak, and there have been improvements in the number of long-term unemployed — those who have been claiming benefit for 12 months or more. Those numbers have fallen

by more than 300 since the recent peak. It is important that the Member raises his constituency, but, when we look at job opportunities and at addressing unemployment in South Belfast, we should not become overly localised. New jobs in any part of the city will create opportunities for people right across the city of Belfast and beyond. I look forward to further progress in those areas.

Composite Economic Index

2. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for his assessment of the implications of the Northern Ireland composite economic index on driving local economic growth. (AQO 8308/11-15)

Mr Bell: First, I believe that the composite economic index provides us with a good short-term measure of how the local economy is performing, in the absence of GDP figures. However, to clarify, this measure does not drive growth; it measures growth. The latest results showed that local economic activity expanded by a relatively modest 1.1% on an annual basis. However, it is pleasing that the growth was driven by the private sector, which posted 2% growth over the year. The index shows that our production sector has been performing particularly well, with services also posting solid growth. While the construction sector is still facing difficulties, I welcome some emerging signs of growth in that sector.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. I also offer my congratulations to the Minister on his recent appointment to his new role.

The economic index shows that local economic growth has been flat in three of the last four quarters. What proposals does the Minister have to ensure that we have sustainable local economic growth?

Mr Bell: I thank the Member for his congratulations. One of the key levers for growth — this is not only what I believe but what the Ulster University economic panel has told us — is to see us develop our corporation tax rate. We simply need a date for when we are going to develop a reduction, and we need the rate to give to businesses. The research is clear: there is a strong economic case for lowering corporation tax. Many Ministers, including the First Minister and deputy First Minister, worked hard to achieve that. If we are to follow the research and reduce the rate to 12.5% in 2017, let us for a moment consider the prize for local economic growth of where we could be: we could create almost 40,000 additional net jobs, and we could see our economy grow by 10%.

In particular, for the West Belfast constituency, I note also that there have been some improvements recently. On an issue that has been a theme in the House, the number of young people aged 18 to 24 who were claiming unemployment benefit in West Belfast has fallen by 900 since the peak.

That is equivalent to almost one half of all young claimants. We have to continue to provide job opportunities, particularly for those young people. Generally, the number of people claiming unemployment benefits in West Belfast since early 2013 has fallen by almost 2,000, which is equivalent to approximately one third.

Mr Dunne: I, too, congratulate the Minister. As a north Down resident, there is no doubt that he will do a good job. Will the Minister give his assessment of the economic impact and the need for political stability in Northern Ireland following the need for a decision on welfare reform?

Mr Bell: The more stability we have, the more we can drive forward the promotion and creation of jobs and build a wonderful future. I know that talks are under way, so I want to be diplomatic in what I say because I want to see those talks reach a successful conclusion and I do not want to see anything that would jeopardise them.

We should all remember where we were in 2011. We set a target to create 25,000 jobs. I was there when that target was lifted from 20,000 to 25,000, because I remember that the First Minister really wanted to drive job creation at that time. We are sitting today with 37,277 jobs; a 49% increase on the target that we set ourselves. We set ourselves a target to have £1 billion of investment, and we have got £2.7 billion of jobs investment; a staggering 167% increase on where we were. We set ourselves a target of £300 million in research and development, and we have delivered £520 million; a 73% increase. We looked for £28 million in the growth loan fund, and we have delivered £30.8 million.

Northern Ireland is very much open for business. We saw the most tremendous Dubai Duty Free Irish Open and the PRO12 rugby final. I spoke to hoteliers in Belfast who had completely sold out back-to-back and were struggling to get people accommodation. We have a great country with great sporting events and an economy that has the potential to grow by almost 10% and deliver some 40,000 new jobs. Friends, that is a prize that none of us can afford to lose.

Mr McKinney: I, too, congratulate the Minister on his recent appointment and I welcome the figures that he just reflected on. However, does he agree that the target figures that he mentioned for corporation tax will not shift us sufficiently from the 66% reliance on the public sector and 34% reliance on a weakened private sector to allow Northern Ireland to stand on its own two feet?

Mr Bell: Unemployment today is at 6.2% and, over the previous four years of this Assembly period, we have, for the vast majority of that time, had lower unemployment per capita in Northern Ireland than the rest of the UK. We have had significantly lower unemployment than the Republic of Ireland. If you take that 6.2% and add to it some of the things that we are trying to do, particularly around growing the tourism industry to a £1 billion industry by 2020 and improving on our golf tourism, think of all of the jobs that will flow from that.

Sometimes, it is important to look at what we have done and where we need to go. Look at the results of just the last year, and I congratulate my predecessor, Invest NI, the Enterprise, Trade and Investment Committee and all the people who worked so hard to deliver all this. In 2014-15, 13,829 jobs were secured. That was the highest ever. We created 9,410 jobs; again, that was the highest ever. We put in £1.4 billion of investment; the highest that we have ever done. We brought 25 new investors for Northern Ireland; again, the highest figure ever. We also got a customer satisfaction rate of 85%; the highest ever recorded.

Northern Ireland is very much open for business. Many of us saw, over the last couple of days, significant investors here for the sporting events taking time to look at what Northern Ireland has to offer. I tell you this: they went away very impressed.

3.00 pm

Labour Market Survey: Derry and Strabane

3. **Mr McCartney** asked the Minister of Enterprise, Trade and Investment, in light of the recent labour market survey, which listed Derry City and Strabane District Council as the area with the highest percentage of people claiming jobseeker's allowance, what additional interventions are planned in the areas of highest unemployment and of greatest need. (AQO 8309/11-15)

Mr Bell: Under local government reform, local councils now have the responsibility for some local economic development functions. Invest Northern Ireland is a statutory partner in the community planning process and will actively work with a range of stakeholders to address the social and economic issues in the local area. Invest Northern Ireland is also co-funding the development of an integrated economic strategy for the council area.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Indeed, I congratulate him on his recent appointment to the post. The Minister will be aware that the business start-ups that were administered through the local councils have been cut, particularly in neighbourhood renewal areas, where they were of some value. Has the Minister any proposals to alleviate that cut?

Mr Bell: It would be good to take a wee look at where we are for the Member's constituency; I did that in the research to answer his question. The number of new jobs brought to Foyle by Invest Northern Ireland has increased by 156% in five years, from 340 in 2009-2010 to 871 in 2013-14. I congratulate all those in the Foyle constituency who worked so hard to make that a success. Of the 2,496 jobs that were promoted in Foyle during the five years, 1,269 were in locally owned companies and 1,227 in externally owned companies. We have a good balance between locally and externally owned.

The Member raised the point of start-ups. Over the past five years, the regional start initiative (RSI) has offered support to 892 people in the Foyle constituency area, helping them to develop their business plan for a new business. In addition to the RSI, Invest Northern Ireland has offered £1.4 million of assistance to start-up businesses in Foyle over the last five years. Invest Northern Ireland support for business development and investment in the region has been targeted not only at job creation but at other business development activities, such as research and development and skills development. Really, it is all about targeting and underpinning business competitiveness to sustain jobs and eventually lead to what we hope will be growth and more employment opportunities in your area.

Mr Middleton: I thank the Minister for his answers so far and wish him well in his new post. Can the Minister outline — he touched on this in his previous answer — what

investment in research and development is being made in the Londonderry and Strabane council area?

Mr Bell: I gave some of the figures for the new jobs that have been promoted. I also gave some of the figures for the start-ups and the investment that has gone in. We will continue with that, right across the board, in Foyle and in East Londonderry, where 904 jobs were promoted in locally owned companies and three in externally owned, while support was provided to 826 people in the East Londonderry constituency as well.

There is a good news story to tell about Londonderry and Strabane specifically. Unfortunately, I do not have a long time to tell it in; I get two minutes. Let us look at two particular areas in the Strabane and Londonderry area. Let us look at Waste Systems Ltd. It designs and manufactures equipment primarily for use in the waste and quarry industries. Since its foundation six years ago, turnover has increased steadily year by year. The company, currently based in Plumbridge, County Tyrone, has secured a number of awards and accolades in recognition of the innovative nature of the product, with virtually all sales being exported outside Northern Ireland. Two grants for research and development offers have been issued to support the development of equipment to separate light waste and stones from a biodegradable product.

The second one that I will briefly touch on is Seagate Technology Ireland. A major research and development project in the area was announced in October 2014. It provides the read/write heads for Seagate's final hard disk drive products. All output from the Springtown plant is supplied to other parts of the Seagate group, mainly in Asia-Pacific areas.

Mr Dallat: May I just add my congratulations to the Minister and tell him that I strongly believe in the old adage that a new brush sweeps clean. The Minister made reference to East Derry. Will he, being that new brush, agree with me that we desperately need an economic task force set up in the north-west to identify the strengths of the region but also to establish why there has been a dearth of potential inward investors to that region, which has been savaged over the last decade, with losses of jobs in industry, textiles and farming?

Mr Bell: I thank the Member for his congratulations. Certainly, if there is anything that we can do for the constituency, my door is open to do that. I will certainly try to encourage and push. Many Members in the House have sat with key investors from right across the world over the past week. They were over for the golf, and we used the time to talk to those investors. Karen McKeivitt is shaking her head, and there are many others. We have to let business go where business goes, to a certain extent, but we will certainly try to look towards what we can do to support jobs and job creation.

It is important, because, in East Londonderry, the number of jobs promoted increased by 68% over the past five years. That went from 151 in 2009-2010 to 254 last year. As I said earlier to Mr Middleton, when you take a breakdown of the 907 jobs that were promoted during those five years, you see that, staggeringly, locally owned companies had 904 of those and externally owned companies only had three.

Over the past five years, the regional start initiative has offered support to 826 people in the East Londonderry constituency area to help them develop their plan to

develop their new business. In addition to the RSI, Invest Northern Ireland has offered £0.8 million of assistance to start-up businesses in East Londonderry over the last five years. So, the door is open. Let us encourage to build upon what we know are very highly skilled and highly motivated people working in that constituency area.

Hotel: Downpatrick

4. **Mr Wells** asked the Minister of Enterprise, Trade and Investment what assistance his Department can provide to encourage the building of a new hotel in Downpatrick. (AQO 8310/11-15)

Mr Bell: New hotel developments may benefit from capital support from Invest Northern Ireland if the promoter can demonstrate that the project is market-driven with the capability of attracting visitors from outside Northern Ireland and not displacing business from similar projects. New hotel projects offering at least 30 rooms may be considered for support. Invest Northern Ireland is happy to engage with any promoter who may meet the criteria for support.

Mr Wells: I join others in welcoming Mr Bell to his position, and I am sure that he will join me in congratulating the previous holder of the position. He is building on a very firm foundation laid by Mrs Foster, who achieved so much in that role. Will he accept that it really is very regrettable that a town the size of Downpatrick does not have a new, large, modern hotel at the moment, and that the issue of displacement does not arise because there is really no provision over a very wide part of east Down?

Will his Department continue to work with those who already have planning approval for a hotel in the town to ensure that this facility, which has been missing for so long, is brought back to the area?

Mr Bell: The Member makes two very good points. First, I thank you for your congratulations to me and my predecessor, Arlene Foster, who did an amazing job. Her record speaks for itself. More jobs were created in that four-year period than in any previous four-year period. We have more foreign direct investment per head of the population than anywhere else in the United Kingdom. The targets that I outlined earlier were passed significantly, which shows the level of competence and professionalism that Mrs Foster gave to the job.

If the Member has a promoter or developer who wants to see me about a hotel, I will certainly work alongside them. We have to keep to the rules that I laid out. It is the same for everybody right across the place. Over the past weekend, south Down in particular showed the very best of what Northern Ireland could be. Not only was it stunningly beautiful but it brought in some of the world's best golfers. Not only did the sell-out crowd of 107,000 behave marvellously but 1,100 volunteers, many from the south Down area and many others from golf clubs across Northern Ireland and further afield, gave of themselves to make that such a success.

On Saturday night, I had a difficult conversation about hotel accommodation with Gerry, Alison and their team, who did a marvellous job with Visit Belfast. We were at the Pro 12 rugby final, and, on the back of that and the hugely successful Dubai Duty Free Irish Open, you simply could not get a hotel space in the Belfast area. That, I think, that

will add to the pressure to increase the number of hotels elsewhere.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I, too, congratulate the Minister on his new role. He referred, of course, to the success of the Irish Open. On the back of the recent Irish Open in Portrush, we have seen that whatever north Antrim can do south Down can certainly do better. Unfortunately, in recent years, be it through Invest NI or the tourism bodies, south Down has played second fiddle to areas such as Belfast and north Antrim. Will the Minister now pledge not just to wait for hotel developers to come to his Department and Invest NI but to proactively engage with people and business interests in south Down to build what can be a primary tourist resort not just in the North but in all of Ireland?

Mr Bell: I am more than happy to speak to anybody. The door will be open, and we will make time available. South Down is definitely riding high. Not only do you have one of the world's best golf courses, you have a population and volunteers willing to serve and develop the tourism industry there. I want to build on that. I want to encourage that. That is what this is all about.

I also put on record my congratulations to Minister Ford and Minister Kennedy. In all my life, I do not think that I have ever travelled as easily into Newcastle as I did on Friday, Saturday and Sunday. The transport arrangements were fantastic. The security was low-key but brilliant.

A number of us were with South Down MLAs in Montalto House, and we spoke privately to key investors. I would love to tell you just who those people were because you would get an indication of the depth of their ability to promote jobs and boost the economy, but, due to commercial sensitivity, I cannot. Without exception, every person who visited south Down came away overwhelmed by the generosity of its people, its beauty and the fact that not only could you put on a world-class event but you could do so to a world-class standard. Anything that I can do to build on the legacy that the Dubai Duty Free Irish Open has left us — with 107,000 spectators, it must surely rank as the best ever, as far as I am aware — and develop the tourism offering, consider it done.

Mr Principal Deputy Speaker: That ends the periods for listed questions. We now move on to topical questions.

3.15 pm

Mr Lyttle: I add my congratulations to the Minister on his recent appointment. I thoroughly enjoyed scrutinising and supporting his work in his former Department and look forward to working with him in his new post. I also add my congratulations to him and everyone involved with the successful Irish Open at the weekend, perhaps in particular to Rory McIlroy for being the ambassador that he has become for this region.

Mr Principal Deputy Speaker: I ask the Member to come to a question.

PricewaterhouseCoopers: 'UK Economic Outlook'

T1. **Mr Lyttle** asked the Minister of Enterprise, Trade and Investment how he will respond to the key challenges listed in a recent edition of PricewaterhouseCoopers' (PwC) 'UK Economic Outlook', which, although it confirmed

that Northern Ireland has, thankfully, enjoyed falling unemployment, an expanding workforce, modest recovery in exports and property and a vibrant hospitality and tourism sector, found that there are ongoing challenges to increase the average wages earned by people in Northern Ireland and productivity. (AQT 2591/11-15)

Mr Bell: I thank the Member for his congratulations. They are much appreciated. He did a tremendous job scrutinising me in my previous role, and I look forward to working with him in future, particularly for East Belfast, which is an area that I love. The one thing that Chris and I share with Rory McIlroy is that we are old school friends. I think that I am the oldest among the three of us, sad to say.

I will address your other point, but I want to address your point about Rory McIlroy first so that it does not get lost. The importance of Rory McIlroy cannot be overestimated. He came in as the world's number one golfer and used all his influence. I talked to many of the other golfers, and I know for a fact that he could have been doing a thousand other things, many of which would have been financially more lucrative, yet he set aside all of those, not only for the Rory Foundation but to bring a top-class list of golfers here. We are indebted to him for what he did.

As to where we need to go in the future, we need to create high-value jobs. I think that that is what the Member was referring to. We have to do that by investing in our research and development and our skills base and by looking to where the key areas for growth are. The Member mentioned tourism, and we are looking towards growing that to a billion-pound industry by 2020. A theme of the question was golf, and we are specifically looking to golf tourism. We are currently bringing in somewhere around £33 million from that, and we want to grow that to £50 million. With the successful Irish Open, a future Irish Open in 2017 and hopefully, if everything works out, the Open in 2019, we are on a trajectory to achieve that.

Mr Lyttle: I thank the Minister for his answer. What impact is the current impasse on welfare reform and the uncertainty over budgets having on the economy and the potential investment that he will be working to achieve in Northern Ireland?

Mr Bell: With talks under way, I hesitate to say anything that could be considered undiplomatic. However, let me say this: I am told that business relies on security and stability. Northern Ireland has been given a unique opportunity to govern itself through these devolved institutions. We have significantly surpassed many of the targets for jobs, investment, research and development and growth loan funds, as I outlined earlier. We have surpassed all of those. We have done that because we have a highly skilled and motivated group of people. We now attract more foreign direct investment per head than any other part of the United Kingdom. One of the key factors behind that is that a significant majority of all the businesses that have invested in Northern Ireland have subsequently reinvested. I can give a sales pitch, but, more and more, I point investors to people who have invested in Northern Ireland and have subsequently reinvested, because that is the ultimate vote of confidence in Northern Ireland, its people and their skills.

We have no option but to come to an agreement. When we sit with the prize, what will people say if we lose that prize of up to 40,000 jobs and a 10% growth in our economy,

something that is in our hands if we can reduce corporation tax? There are some significant businesses that I cannot name that work on a three-year cycle and are ready to start immediately increasing investment in Northern Ireland when we get a date and a rate for corporation tax. Friends, that is very much the way forward.

Invest NI: Programme for Government Targets

T2. **Mr Hilditch** asked the Minister of Enterprise, Trade and Investment for an assessment of Invest NI's delivery of its Programme for Government targets, while also congratulating him on his appointment. (AQT 2592/11-15)

Mr Bell: Invest Northern Ireland cannot be congratulated highly enough. My predecessor took so much of that work forward. The facts bear repetition because they speak for themselves. When we sat down to create the Programme for Government, we asked Invest Northern Ireland to be strategic and to look for a realistic target that it could achieve. It told us that its target at that stage was 20,000 jobs. I remember that in those discussions with the Executive, and particularly with the First Minister, we said that we wanted a target of 25,000 jobs. We pushed that because we wanted to sweat every asset that we had.

Here we are, in Northern Ireland, with 37,277 jobs — almost a 50% increase on what was meant to have been a very difficult target to achieve. We need to continue with our levels of investment in jobs, and we have done that. We set the target of £1 billion, and I can say today that we have put £2.7 billion in place. That is a 167% increase on investment on where we were before.

One of the key drivers is research and development, for which we set a very competitive target of £300 million; we achieved £520 million. We have been talking to companies; I have been talking to them from early this morning, and they are particularly interested in R&D. We are looking at a 73% increase in R&D on what was meant to have been one of the most difficult targets. There have been difficulties with exports; I do not shy away from that. I will continue to push at that, but we all have to realise that, in exports, if the euro falls 15 points against sterling it will automatically create challenges for our market.

Mr Hilditch: I thank the Minister for his answer so far. Will he update the House specifically on the most recent figures for 2014-15?

Mr Bell: I will give some of them out again. I am happy to reiterate them because they represent the strongest performance that we have ever had. The headline results for 2014-15 show that 13,829 jobs were secured and 9,410 jobs were created — the highest number that we have ever achieved. It is fuelled by investment, and the investment that we made in 2014-15 amounted to £1.4 billion — the highest rate of investment that we have ever achieved.

We are constantly trying to source new investors. Success often follows success, and in 2014-15, 25 new investors, more than we have ever had before, came to Northern Ireland. The important thing is to ensure that the customers and the people whom Invest Northern Ireland serves are satisfied. The latest figures that I have for 2014-15 show that 85% of investors have recorded a customer satisfaction rate for the work that is ongoing. That shows that Northern Ireland is in a very healthy position, and the onus is on all of us to build on it.

Belfast International Airport: Additional Routes

T3. **Mr Clarke** asked the Minister of Enterprise, Trade and Investment, after congratulating him on his appointment, whether he has had any discussions with Belfast International Airport or the airlines about the possibility of increasing the number of routes operating from South Antrim. (AQT 2593/11-15)

Mr Bell: I thank the Member for his congratulations. I visited Belfast International Airport (BIA) as part of a tenth anniversary celebration of the United Airlines route, and it was very productive. When I looked at the number of people from not just the airline industry but the travel industry who were there for that celebration, I thought that it shows just what a critical role Belfast International Airport plays. I met Graham Keddie, and I have met him on a number of occasions subsequently at different events. We will continue to do what we can to support the airport's route development endeavours. We support the international airport through the provision of tourism cooperative marketing assistance for airlines that serve BIA. We also organise Northern Ireland-specific stands at the annual World Routes conference. The next World Routes conference takes place in September in Durban in South Africa.

I was delighted to announce last month that Belfast has been successful in its bid to host Routes Europe 2017. That is a huge opportunity for Northern Ireland, because that is a major conference that brings together decision makers from the airlines, airports and tourism authorities and that gives them an opportunity to negotiate and build relationships that will go on to shape the world's future air routes network. To have that in Belfast is a huge vote of confidence for Belfast. The number of people involved from all around the world will provide a significant boost for our economy. We will work with BIA to develop new routes where feasible.

Mr Clarke: I thank the Minister for that very fulsome answer. I am sure that, given that he is a Minister representing Northern Ireland, the Minister will, like me, be concerned at the flow of traffic leaving this area to go to Dublin Airport. I am sure that you agree with me that more needs to be done to promote Belfast International Airport and to prevent so many of our residents on this side of the border heading south. What more can be done to try to prevent that flow of traffic to Dublin and to keep people here in Belfast?

Mr Bell: My Department is in ongoing dialogue with our airports. We want to attract the routes to destinations that are currently served by Dublin Airport and that could be served directly from Northern Ireland. I think that all of us in the House would want to see direct access to destinations such as Germany, Scandinavia and Canada. That would provide increased choice for Northern Ireland residents, but it would also improve our linkages to important business and inbound tourism.

Support that we, as a Department, provide to Northern Ireland's airports is provided in a range of ways, including the tourism cooperative marketing assistance and organising the Northern Ireland-specific stands at the World Routes conference. We are also scoping the potential for a specific air route development fund for Northern Ireland.

The Member talked about the international airport. I was also delighted, in my first weekend in office, to fly back on the new KLM service from Schiphol. That is hugely successful for what it can offer. I was delighted to talk to many of the representatives of KLM, who gave me an indication that orders into the future were extremely healthy. The level of connectivity is key to growing our economy; having a direct flight into, in that case, George Best Belfast City Airport is huge for business. It gives us direct access to America and the Middle East through Schiphol, as well as return. I regard the continuing development of those air routes vital for our economy, and I intend to keep it fairly top of the in tray.

Question for Urgent Oral Answer

Regional Development

Coleraine to Londonderry Track Renewal Project — Phase 2

Mr Principal Deputy Speaker: Mr Trevor Clarke has given notice of a question for urgent oral answer to the Minister for Regional Development. I remind Members that, if they wish to ask a supplementary question, they should continually rise in their seat. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Clarke asked the Minister for Regional Development, given the well-publicised pressures on other essential aspects of his Department's budget, what plans he has in place to fund phase 2 of the contracted Coleraine to Londonderry track renewal project.

3.30 pm

Mr Kennedy (The Minister for Regional Development): I believe that the important, and very good, announcement I made earlier today on the commencement of phase 2 of the Coleraine to Londonderry rail project is very good news for the north-west and for railways and public transport. The path to today's announcement has not been straightforward, and it has not been without criticism, but I have remained committed to the north-west and to this project. Today is very tangible evidence of that commitment. We successfully delivered phase 1 on time and on budget. The second phase announced today will safeguard the future of the line and enable an hourly service to be run on it.

Translink's profile of capital spend for this project is one third in 2015-16 and two thirds in 2016-17. Translink's corporate plan includes this project in its plans for this year and next. I can reassure the Member that budgets are in place for this year. This project is a key Programme for Government commitment and, accordingly, it will be prioritised next year. I will make the funding available from my departmental capital budget. The Member will know that budgets have not yet been set for next year. As you are aware, the overall cost of £46 million is higher than originally envisaged, but it reflects the real market we are competing in. The project should be substantially completed by December 2016.

Mr Clarke (The Chairperson of the Committee for Regional Development): I thank the Minister for that answer. I also want to put on record my thanks to the Minister for briefing me and the Deputy Chair yesterday on this and other aspects of what is good news for the north-west.

The only bit I am trying to draw attention to today is in relation to the budget. The Minister has outlined the pressures he faces in relation to the £70 million of his capital budget. We went into this project with an estimated £40 million, so there is an extra £6 million in terms of the capital cost. Where is the Minister going to find that additional £6 million? The other alarming part is that his chief accounting officer and the chief executive of Translink

have suggested that it does not represent value for money, but you have given them direction to go ahead with it. It is those areas that are concerning me today, Minister.

Mr Kennedy: I am grateful to the Chair of the Committee for his question. This has been a challenging project to deliver, and there have been issues that we have had to deal with. On the overall budget, as I said in my original answer, next year's budget is not fixed. However, the fact is that capital moneys will be allocated to the Department for Regional Development. I made it clear to both the Department and Translink that I see this as a priority scheme. It is a Programme for Government scheme and, therefore, has the priority of not only my Department and Translink but the Executive. I will make preparations for it on that basis.

I remind the Member that the caution of the chief executive of Translink and the permanent secretary of my Department was simply a consequence of their own financial responsibilities. They both agreed that to proceed with this project was the best thing to do, given its importance to the north-west and to transport generally. There is no dispute between me and my permanent secretary or the chief executive of Translink.

Mr Spratt: What has the Minister done in relation to the senior officials in the Department and the senior management in Translink who created the shambles in the first procurement process?

Mr Kennedy: I am grateful to the Member for his question. The Member will know that I instigated a PAR (performance assessment review) report, which is being made available to the members of the Committee for Regional Development. I am also indicating today that a copy of that report will be placed in the Assembly Library for all Members to consider. That deals with the issues.

The original problems were caused by a guesstimate, effectively, which was woefully underestimated at something in the region of £20 million. It is worth saying that this work could never have been completed — the work involved could never have been done — for that sum of money of £20 million. A more realistic assessment was carried out at my behest. We have moved to that situation, and we are now able to progress this important scheme. I think that it is positive as we go forward.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his statement, and I welcome it absolutely. It would be churlish not to do so, but, as you rightly said, Minister, this has not been without its hitches. In fact, phase 2 of the project should have been finished at the end of this month, but it has been allowed to go on. I am worried about the fact that it will not be completed, substantially, by the end of December next year. I also welcome the publication of the project assessment review. I cannot see anything in it that the Committee should not have been supplied with at an earlier date. The one line in the statement that bothers me, in reference to the budget of £46.4 million, is that it has created a difficulty. Will the Minister expand on that?

Mr Kennedy: I am grateful to the Member for his question, and I acknowledge that he has welcomed today's announcement. This is a scheme that there have been challenges in. I believe that the timescale that we are operating at at this point is not that different from

the timescale that had been previously hoped for and indicated. That is welcome.

In terms of the capital investment, when I arrived in this Department, the Coleraine/Londonderry line was on a life support machine. There had been insufficient investment, and it was ready, ultimately, for closure. I take pride in the fact that we were able to resurrect it. Lazarus is going to be alive and well here. I hope that that fact can be recognised. I take considerable pride in the fact that it was the Ulster Unionist Party that breathed life into the project and has made it viable. Into the future, people will enjoy the benefit and the additional connectivity that it brings between Belfast and Londonderry.

Mr Dallat: Mr Principal Deputy Speaker, we are talking about the railway, which Michael Palin described as one of the wonders of the world. This is a day for celebration; it is a day when we can all get together and say, "Success." Yes, the Minister is an Ulster Unionist, but I do not mind that, because, since he took over the portfolio, he has invested almost £70 million in this railway. He took it over when, as he said himself, it was on life support. Let us look to the future. Can the Minister assure us that his ambition to create a fit-for-purpose station at Derry which is able to accommodate the increasing number of people from the north-west who are choosing rail as a means of travel is still on target?

Finally, this is not just about the north-west; this is about the railway network of Ireland as a whole. It is a fabulous day for everybody.

Mr Kennedy: I am grateful to the Member for his complimentary remarks. I know that he, personally, has been a long-standing supporter of the retention and upgrading of the line and, in difficult days, has given support to the overall project. I thank him for that. The Member will know that the old Waterside station is a popular option for the potential new transport hub.

Translink is in the process of negotiating about sites and it will take forward a feasibility study. We will also be actively pursuing EU funding sources. There are not sufficient funds available to us to indicate whether it is possible at this stage, but we will pursue options whereby we can make that dream a reality too.

Mr Hussey: I, too, thank the Minister for his announcement. I know that it will be welcomed by my colleagues in the Foyle constituency and the citizens of Londonderry. I have two questions for the Minister. The first relates to phase 1. Has there been an upsurge in the numbers of the public using the line since phase 1 was completed? Secondly, can you give us an indication of when this project will actually start?

Mr Kennedy: I am grateful to the Member and thank him for his encouraging comments. In line with the success of rail in Northern Ireland and the major investment that my Department has put into it, I am pleased that this line has shown considerable increase in usage, even in the current circumstances. The number of journeys last year on the line amounted to something like 2.2 million, which is very considerable indeed and represents a 12% increase on the previous year. To those who doubt the wisdom of investing in this rail project, or indeed of investing in public transport, I think that that answers that. The public wants to use this system but we need to improve and upgrade it. Hopefully, in the future, we will achieve an hourly service because

that is what the public needs and demands. The work will begin almost immediately, hopefully later this month, and it will continue through to successful completion by the end of 2016.

Mr Allister: Will the Minister clarify whether this commitment of £46 million encompasses everything that was to be done under phase 2, including the loop connection? If not, how and when is that to be provided?

Mr Kennedy: I am grateful to the Member for his question, and I am happy to confirm that the project includes the provision of the loop service in the Bellarena area. It is a comprehensive project that will meet in full the requirements of phase 2 of this important development.

Mr McNarry: Previously, I have asked the Minister to resign over his lamentable ministerial performances. In the light of him blatantly overriding, in cavalier fashion, advice from his permanent secretary and the Translink CEO by this intention to sink an overspend of £6 million into this project — some might say £26 million in real terms — which is not value for money as they have advised him, will he not resign forthwith?

Mr Kennedy: I am sorry that Mr McNarry has become the Victor Meldrew of this Chamber and can see nothing of a positive nature, particularly, it seems, from his erstwhile colleagues, but we will leave that aside. It might be easy to make hits like that from the luxury of Strangford, but when you need transport connectivity to be improved between Belfast and Londonderry, this is essential work. That is why it was a Programme for Government commitment by the Executive, why it is supported by the vast majority of Members and parties in the Chamber and why, though it has been challenging, we have been able to bring it to a successful conclusion. I have to say that I am disappointed in the ongoing tone adopted by Mr McNarry, which leaves him little more than a Poundworld version of Nigel Farage. *[Laughter.]*

Mr Easton: I welcome the Minister's statement. It is a good news story for Northern Ireland. In his statement, he mentioned that phase 2 will be substantially completed by 2016. Has it got the potential to go into the 2017-18 financial year? Have there been any other capital schemes that you have had to put back to find the extra £6 million for the project?

3.45 pm

Mr Kennedy: I thank the Member for his welcome of the announcement and of the project itself. I very much hope that we can meet the target. Translink and, no doubt, the contractors will be working to achieve the completion date, which we outlined today, of the end of 2016. We have made provision in this financial year, and I have indicated that I am prepared to treat it as a priority in the next financial year. Hopefully that will resolve the issue of finance.

As for other commitments and capital projects, those are brought forward by Translink on an ongoing basis and will be considered in their own right, subject to the availability of funding.

(Mr Speaker in the Chair)

Mr Speaker: Members will take their ease while we get organised at the top Table.

Executive Committee Business

Justice Bill: Consideration Stage

Clause 7 (Abolition of preliminary investigations)

Debate resumed on Question, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List: Nos 1, 2, 3, 4, 5, 20, 40, 43, 44, 45 and 46.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. Much of what I had to say was touched on earlier in the debate.

Mr Speaker: Order.

Mr Lynch: Regarding the PIs, the Member who moved the amendments made some very compelling points around the concept of “in the interests of justice”. We all want a system that removes avoidable delays, however doing away with PIs completely may not be in the best interests of doing that. There was some debate around the possible exemptions if the amendment is passed, and that is something that the Committee can tease out in further consideration.

Regarding amendment No 20, put forward by the Minister, we support extending the range of matters that can be dealt with by way of video link. However, we must not undermine the effectiveness of the participation of the accused. Single jurisdiction is to allow better coordination of courts, judges and witnesses, thus speeding up the process. The switching of cases can also be in the interests of victims and witnesses, and we also welcome that.

Regarding clause 77, we raise concerns over the process of early pleas and would not want a situation where people unnecessarily plead guilty or vulnerable people are pushed into pleading early without full knowledge of the case and the implications.

Regarding clause 78 and early guilty pleas, I have some sympathy with what Alban Maginness raised earlier for solicitors via client relationship. We are not convinced that it is the statutory duty of a solicitor, and I look forward to the Minister’s response and seeing whether he has some compromise position that can be agreed.

Mr Ford (The Minister of Justice): Before I respond to the points made in the debate, I trust I will have the same indulgence as other Members to make a few general points and to start off —

Mr Speaker: You are not even guaranteed that.

Mr Ford: The Deputy Speakers are so much kinder than you, Mr Speaker.

I would like to start off, initially, by thanking the Justice Committee for the very detailed work that it has done in the consideration of the Bill and progressing it to Consideration Stage today. In particular, I thank the previous and current Chairs — Mr Givan, who, unusually, is not here to hear me praise him, and Mr Ross, who is — and the Deputy Chair, Mr McCartney, who has been around throughout. I thank them for their support and commitment in ensuring that such a long and complex Bill with such a large number of amendments was properly scrutinised by the Committee.

It is worth noting that the policy content of the Bill at introduction and my proposed amendments to introduce new policy additions to the Bill have survived the Committee’s scrutiny without any significant change, and I am grateful for its support for the vast majority of amendments. I take it as a measure of the success of the hard work that has been done by my officials and their dedication in ensuring that properly developed policy proposals were put to the Committee. Whether or not it is appropriate, I add my thanks to the Committee staff for their reciprocation of that work. There was just one aspect of the Bill that the Committee felt unable to support: the clause that deals with supplementary, incidental, consequential and transitional provisions. We look forward to dealing with that later.

Let me turn to the proposals by Mr Allister and his opposition to three clauses standing part, opposition to schedule 2 and his alternative measures as amendments. This measure was put forward by the Department with the support of the Committee in direct response to the views that had been expressed by victims’ organisations about the impact on victims and vulnerable witnesses of often having to give traumatic evidence twice: once at the preliminary investigation or a mixed committal and again at the full trial itself.

Committal is the process that is used to determine whether there is sufficient evidence against a defendant to justify sending them to the Crown Court for trial. It does not determine innocence or guilt; that is the job of the trial in the Crown Court. Mr Maginness referred to the committal process as an important filtering process. When we see that 99.7% or 99.8% of cases progress through the filtering process, it does not seem to me, as it did not seem to the Committee Chair earlier, that there is much of a significant filter.

At present, as Members have said, committal can occur in two ways: either the preliminary investigation (PI), in which witnesses give evidence and are cross-examined, or a preliminary enquiry (PE), where the judge in the Magistrates’ Court decides if there is sufficient evidence to commit the defendant solely on the basis of the examination of the papers. We also have mixed committals, which essentially are a combination of both approaches, with some people being subjected to questioning.

Mr Allister suggested that there would be a potential saving of resources in a number of cases — it appears to be a very small number of cases — that might not proceed to full trial if we continue to maintain PIs and mixed committals, but the reality is that they are, in themselves, resource-intensive. Frequently and generally, counsel are instructed, sittings have to be arranged and slotted into court timetables, witnesses have to be called and there is an estimate that it adds significant time to the process.

Clauses 7 and 8 would abolish PIs and mixed committals, meaning that all committal proceedings would take place by way of PE. It is worth noting, however, that, although it would be no longer possible to require witnesses to give oral evidence, there are safeguards built into the process that would protect the interests of the defendant. Mr Allister acknowledged that the vast majority of cases proceed by PE. In fact, what needs to be taken account of is that many of them will have started off as PIs and become PEs only during the process, with witnesses

having been summoned and potentially vulnerable victims and witnesses subjected to a degree of concern. Then, on the day itself, they may not have to give evidence but will have had all the concerns about potentially having to do that. In the PE process, the defendant would still be able to make representations on their own behalf that could include making a submission to the court that there is insufficient evidence to return him for trial. The decision on the sufficiency of evidence is a judicial one, and, where the judge believes that the evidence is inadequate, the defendant can be discharged at that stage. Furthermore, as has been highlighted, if the defendant is committed for trial, he would still be entitled to make an application for a “no bill” to the Crown Court to be discharged before arraignment. Of course, as I said earlier, importantly, the Crown Court determines the sufficiency of all the evidence against the defendant in determining innocence or guilt beyond all reasonable doubt. Mr Allister’s amendments would essentially retain preliminary investigations and mixed committals where they were required in what he has termed the “interests of justice”, but I believe that the amendments are unnecessary because the safeguards that I have just outlined already uphold the defendant’s rights to a high standard.

I listened carefully during this section of the debate to the comments from Mr Allister and Mr Maginness. At particular times, we need to take account of those in the House who have legal experience, but we do not have to go with them entirely. Mr Maginness described Mr Allister as representing the “Traditional Legal Voice”, although from his words it is clear that there are two members of the “Traditional Legal Voice” in the House. For me, the fundamental question is this: do we go with the work that the Committee has done over the last five years on protecting victims and witnesses, or do we go with the “Traditional Legal Voice”? Mr Speaker, I know whose side I am on in that debate.

Mr McCartney: Will the Minister give way?

Mr Ford: I will give way.

Mr McCartney: I was part of the process in the Committee over those five years and do not consider myself as having any legal voice, but I think that there are merits in the amendments.

Mr Ford: I hear Mr McCartney say that he sees merits, but I see demerits. I see the danger that vulnerable witnesses and victims will be put into court twice and subjected to questioning. That does nothing to enhance the interests of justice. If it puts people off giving evidence at a Crown Court trial, it is damaging to justice, and that was the clear evidence from bodies such as Victim Support, an organisation with experience of supporting people in court.

All too often, as I said, the experience in the courts is that cases scheduled for PI or mixed committal proceed on the day as a PE without calling oral evidence because the evidence in the papers is not disputed. However, the distress to victims and witnesses who have been preparing to give oral evidence in difficult circumstances has occurred. I do not believe that the hardship faced by victims and witnesses in circumstances where they may be required twice, at committal and again at trial, to give evidence that is often — frequently — traumatic is in the interests of justice. The evidence has to be presented at trial; it does not need to be tested.

Mr Ross clearly highlighted the fact that the key issue for the Committee, from its first independent inquiry, has been to ensure that victims and witnesses are treated properly and fairly in the court system. Mr Maginness said that we might need to find some other way of protecting victims and witnesses, but none of those who have spoken against my proposals and in support of Mr Allister’s amendments have explained to the House today what further protections there could be if we were to require vulnerable victims and witnesses to appear in court twice. We have no indication of how we will protect them, and nothing has been put forward today to suggest how that could be done.

The reality is that PIs were abolished in the Republic of Ireland in 2001. Abolition started in England and Wales that same year and was completed a decade later, and there is no suggestion that there has been a serious impact on the interests of justice in those two jurisdictions. We are not going as far as England and Wales. We are continuing to protect PEs, and we are continuing to give the circumstance that a judge will have to consider matters on the papers, and the defendant will have the right to put his case at a PE. That is significantly greater protection than is the case in the two most equal neighbouring jurisdictions.

I believe that clauses 7, 8 and 9 as proposed strike the appropriate balance between upholding the rights of the defendant and protecting the needs of vulnerable victims. Surely, that is the interest of justice that really matters to the people whom we represent. That is what we want to see, not people being subjected to the kind of cross-questioning that leads to some withdrawing their evidence before it gets to the Crown Court because of the way in which they have been treated.

We can talk all we like about district judges in the Magistrates’ Court having to determine what is the interest of justice when it comes up, but I think it very unlikely that any district judge presented with a barrister standing up and saying, “In the interests of justice, I want a PI”, will find it easy to resist such a pressure. There is little evidence to suggest that that kind of pressure is easily resisted. Therefore, what is being talked about today as an exception is likely to become the rule. In fact, it could even exist in a greater number than is currently the case.

I also noted one comment made by Mr Allister. I wrote it down, and I hope that it is accurate. No doubt, Hansard will tell.

He referred to the concept of a PI not questioning everybody and said that “One wanted to ... go for the key witnesses”.

4.00 pm

“Going for people” could have a couple of different meanings, and, sadly, the wrong meaning is what many who are victims consider to be the way in which they are treated by opposing barristers. If they have to do that once, they should not have to do it twice. On that basis, I ask the House to support clauses 7, 8 and 9 as they exist and schedule 2. I certainly will not be supporting amendment Nos 1 and 2, and I request the House to reject them.

Let me turn to some of the other amendments that are in the group.

Mr Elliott: Will the Minister give way?

Mr Ford: I will give way.

Mr Elliott: The Minister said that he will not be supporting Mr Allister's amendments. Does he or does he not believe that Mr Allister's amendments are a halfway house between what is currently in legislation and what is being proposed in the Bill?

Mr Ford: Mr Elliott asks an entirely reasonable question. It seems to me that what is being proposed by Mr Allister is, in effect, maintaining exactly the current position. The halfway house is what I am proposing: to keep PEs and not go the whole hog and abolish any committal hearing, as has happened in England and Wales, but instead remove the opportunity for PIs. That is the halfway house. That allows the defendant to make the case. The case has to be put on paper, but there is not the opportunity for witnesses to be put in a very difficult position twice in court, and that is the fundamental issue that I am concerned about: to protect vulnerable people from the effects of having to go into court twice, when they are the people who are dealing with traumatic situations.

Mr A Maginness: Will the Minister give way?

Mr Ford: I will.

Mr A Maginness: I am not suggesting in any way that the Minister is misleading anybody in the House, but to say that it is a halfway house is wrong, insofar as there is the total abolition of any exercise for testing, cross-examining or examining-in-chief a witness. That goes completely. Therefore, in that sense, what you are proposing cannot be considered to be a halfway house. Effectively, from now on in, if the clause were to pass, what you are proposing would be totally a paper exercise. Mr Allister is suggesting that that does not meet the justice of the case, as it were, so that, in fact, there is an opportunity — admittedly, a very limited opportunity — for a witness or some witnesses to be examined.

Mr Ford: I am afraid that I have to continue to disagree with "Traditional Legal Voice". As far as I am concerned, the papers are still examined and the defendant still has the opportunity to make representations to the district judge, and all that is removed is the opportunity to cross-question witnesses. That seems to me to be a halfway house when compared with total abolition. Mr Maginness said that we are abolishing the right to call witnesses, and he is absolutely correct in that. However, that is all that we are taking away from the normal committal procedures that have existed in this jurisdiction, as opposed to the complete abolition of committal procedures that exist in the two adjacent closest jurisdictions — the Republic and England and Wales. I am afraid that, whilst we might debate whether it is partial — 50%, 53%, or whatever — I believe that the procedures that I am putting forward are, in Mr Elliott's terms, near enough to the halfway house.

Mr Ross (The Chairperson of the Committee for Justice): I thank the Minister for giving way. The Minister, as I have, will have heard many Members talk about the absolute importance of putting victims at the heart of the criminal justice system. Is it not the case that what the Minister is proposing today came out of a piece of work that the Committee did after it had listened to what victims and witnesses told the Committee to do, which was to try to bring about a system of justice that protects victims from being traumatised — potentially twice — and going through a mini trial before the trial? Actually, Members pay lip

service to putting victims at the centre of the criminal justice system. When it comes to having the opportunity to do that and to make changes that will stick up for victims, Members, if they support the amendments today, are not going to be doing that and are in fact not listening to any of the evidence that the Committee took during the past number of months.

Mr Ford: I could not put it better than the Committee Chair has put it. I noticed, whilst he was speaking, that the first Committee Chair, Lord Morrow, sat behind him. He will remember the work that was done in the first Committee, shortly after devolution, when the prioritisation of work by the Committee was on how we dealt with victims and witnesses. Work being done in the Department was taken over by the Committee, which produced a comprehensive report that the Department accepted and sought to put in place.

Unfortunately, if Mr Allister and Mr Maginness are listened to today, we will undo that work entirely and send out a very dangerous message. Since nobody else seems to wish to intervene at that point, let me seek to make progress and look at my amendments on the committal for trial provisions in Part 2.

Amendment No 3 inserts new clause 12A to supplement the existing provisions for direct committal in chapter 2 to provide for the direct committal for trial of any associated co-defendants. In evidence to the Justice Committee, the Public Prosecution Service indicated that, where a person is to be directly committed under clause 12, it would be necessary, in the interests of justice, to allow for the direct committal of any co-defendants who are charged with offences related to a specified offence so that all defendants may be tried together. As a consequence of new clause 12A, there are some minor textual amendments to clause 14, which are delivered by amendment Nos 4 and 5.

Similar amendments that include references to new clause 12A are also required to schedule 3 in a number of places. Those are amendment Nos 61 to 67, and I take it that they are acceptable to the House since they do not seem to have been mentioned.

A number of Members spoke about live links, and many spoke in support of amendment No 20, which relates to the Bill's provisions to enhance live links in courts. That amendment places a requirement on courts to adjourn proceedings for failure to comply with certain orders or licence conditions, where the offender attending by live link cannot see or hear the court or be seen or heard by it and that cannot be corrected immediately.

The Bill provides for that safeguard in relation to committal proceedings in clause 44 and live links from another courtroom at weekends and on public holidays in clause 45. That is part of enhancing the operating of the court system, particularly taking account of the single jurisdiction. The amendment does not involve any change of policy: it corrects an oversight and ensures consistency with other live-link provisions in the Bill.

Amendment No 40 adjusts clause 78 regarding the duty on a solicitor to advise a client about an early guilty plea at the suggestion of the Attorney General. It certainly appears that in this case the Attorney General does not belong to "Traditional Legal Voice", because his advice was to go with clause 78 and this amendment and not oppose it, as was advised by our two in-house barristers. The Attorney General helpfully commented on the clause to suggest

that, as it already sets out the nature of the duty on the solicitor together with the penalty for non-compliance, clause 78(3), which provides that the Law Society must make regulations with respect to the giving of advice, could be omitted.

Mr Maginness spoke at some length against clause 78(4), and there may be issues there that we could reconsider at Further Consideration Stage, but he did not seem to make a case against the entire clause. There is no doubt that if we wish to encourage people to make early guilty pleas when they are guilty and to avail of the benefits that will result from doing so, it is important that we make it absolutely clear to their legal representatives that they have a duty to inform those who are charged with offences of the position that they are in. Indeed, too often we see cases where pleas of guilty are entered at the door of the court, with all the cost that that has for the justice system. In such cases, there are no benefits for the defendant if matters have been postponed to that date.

So, the clause is part of the Bill as a result of a suggestion that was made by the Justice Committee when this policy was examined and my officials briefed it in 2012. In addition, Criminal Justice Inspection Northern Ireland previously commented that such a provision would be helpful in encouraging early guilty pleas. It is a matter that is well worth consideration, and if there are details, particularly about clause 78(4), that Mr Maginness wishes to discuss with me between now and Further Consideration Stage, I am happy for that to happen.

The final amendments in the group are amendment Nos 43 to 46, which make adjustments to the regulation-making powers in clauses 79 and 80 to reflect comments and advice from the Examiner of Statutory Rules, following his scrutiny of the Bill's delegated powers memorandum.

Clause 79 and clause 80 provide that the Department may make regulations to impose a general duty on persons exercising functions in relation to criminal proceedings to reach a just outcome as swiftly as possible and to make regulations in relation to the management and conduct of criminal proceedings. The Examiner questioned whether two sets of regulations were, in fact, necessary and suggested that the regulation-making powers be combined. The Examiner also suggested that the case-management regulations might be made following consultation with the Lord Chief Justice, the Public Prosecution Service, the Law Society and the Bar Council.

Mr Allister expressed concerns about the possible effect on juries and asked whether this was something that would put pressure on the way that juries considered verdicts. Like Mr Ross, I do not believe that that would be the effect of this regulation. It is most certainly not the intention, but I am happy to give the House an assurance that I will examine the matter further with my officials. If there is a need for an amendment to deal at Further Consideration Stage with the specific issues of juries, I will bring that forward, subject, of course, to Executive approval, unless the Committee does it for me. The fundamental point that Mr Allister or certainly one Member made about ensuring that professionals should be subject to that requirement is absolutely right, because it is part of the process of speeding up justice.

The amendments that are proposed to clauses 79 and 80 are intended to give effect to the Examiner's comments,

and I am grateful to him for his suggestions. I believe that they move us into a better place, subject to the proviso of that subsection 4, which I will happily look at, if it is subsequently required.

In the context of this group, I am happy to commend the amendments in my name to the House, but I ask Members to reject the proposals that are put forward by Mr Allister, as I do not believe that his amendments are actually required in the interests of justice, and I fundamentally believe that there is a very real danger that, by putting pressure on victims and witnesses, they could damage the interests of justice.

Mr Allister: This has been a good and informative debate. I am grateful, as a single Member of the House, that the amendments that I tabled have been discussed in the manner in which they have and that they appear to have gained some traction during the discussion. I regret that the Minister does not seem to have caught the mood of the House in that regard and still clings to propositions that I think many in the House are now questioning.

I think that one's confidence in the Minister's grasp of the issue was considerably undermined when he told the House in answer to Mr Elliott that, in fact, the effect of my amendments was to maintain the current position. Nothing could be further from the truth. I am staggered by the Minister's lack of knowledge of the import of section 31 of the Magistrates' Courts Act. Under the Magistrates' Courts Act, the starting point is a PI, and section 31 says that, if the prosecution requests a PE and the accused does not object, a PE takes place. So, the current position is that the accused has a veto on a PE, and the norm is a PI unless everyone agrees otherwise.

Mr Ford: I appreciate Mr Allister giving way. My point was that, in circumstances where a district judge is presented with a barrister saying that, in the interests of justice, they are looking for a PI, my belief is that that is very strongly likely to result in a PI being held, because it will be extremely difficult for any judge to resist something that is claimed in the interests of justice. Whilst I acknowledge that the starting point, which is Mr Allister's point, may be different, the practical effect will mean that there will be virtually no difference from the present stage.

Mr Allister: I think that the Minister is now raising a different point. That is not the point that I am dealing with. The Minister said that the effect of my amendments was to maintain the current position. I am making it plain that the current position starts on the presumption of a PI, and only if the accused does not object can it proceed to a PE. That is light years away from both the Bill and my amendments, because the amendments are premised on the presumption that you will have a PE and nothing else. Only in circumstances where the defence could make a case for something else and persuade the presiding judge of the need for that in the interests of justice would you have something other than a PE, a committal, on the papers. That is light years away from the current position under the Magistrates' Courts (Northern Ireland) Order 1981. Therefore, it is wrong for the Minister to suggest that these amendments want to only continue the present position.

4.15 pm

As to having a barrister or solicitor say to a judge that, in the interests of justice, they want a PI or a mixed committal, and that the judge will simply roll over; well, I have probably been in more courts than the Minister has, and I have yet to meet judges who would just roll over like that. They will be searching, they will be wanting to be persuaded on those issues, and they will not be easily persuaded. To simply put in the legislation that something is required in the interests of justice does not mean that, if a solicitor or a barrister were to stand up and say that to the magistrate, it would be accepted. The professional legal representative would have to lay out a case, argue why it is against the norm, in the interests of justice, and convince the court. That is not an easy process, because the presumption is against: that the norm is a PI committal on the papers. What I am proposing is radically different from what the Minister sought to represent it as.

I want to pick up a few other points made in the debate. The Chairman of the Committee indicated that this was very much the desire of the PPS. I am sure that it is. I am sure that the prosecuting authorities would like to cut out this vital part of the criminal justice system, but justice is not just about the prosecution. Justice is also about the defence. I think that some Members in the debate have lost sight of the fact that, when the state is involved in the process of bringing someone to court, which could result in that citizen losing their liberty, then there are big issues at stake. It is not just a matter of saying that we are interested only in the prosecution and that, if the prosecution says that this is the way to go, that is good enough for us.

Equally, it is not the case that we are interested only in the perceived victim of a crime. Yes, victims of crimes are very important, but the whole thrust and purpose of the criminal justice process is to see whether they are victims, whether there is a crime, and whether someone who is accused is guilty. To steamroll over that and say that we must abandon any protections for the defence, or that we must ignore all of that in the interests of victims, might be understandable at one level, but it is disproportionate in its application.

This House, this Justice Bill and this Justice Minister need to have regard to all within the justice field. That includes the citizens of this community who stand on the wrong side of the prosecution and who are being prosecuted. You cannot simply say that you are only interested in devising a system that protects and promotes the interests of the prosecution. If you do so, then you arrive at a criminal justice system that will bring itself into disrepute. People who are then convicted will have cause to ask, "What sort of a system was it that convicted me?"

The system has to be foolproof and protective of the interests of all in order to be a worthy system. I totally understand the need to protect victims, but you also need a criminal justice system that protects the interests of all, including those who are innocent until proven guilty. That is something that some people are very quick to forget. We all — whoever we are, whatever we are accused of — are innocent until proven guilty, and there can be no shortcuts. There should be no shortcuts in the process that eventually delivers a due verdict of guilty. Once you start making shortcuts, you undermine our criminal justice system, which lies at the heart of society, ensuring that the innocent are protected and the guilty do not go free. It seems to me that there has been such a rush to abandon

some of these tried and trusted processes that we are in danger of losing sight of that.

Mr Dickson told us, "You still have your PE." At the risk of repeating myself, what is a PE? A PE is a presentation of the prosecution case, unfiltered and unchallenged, including witness statements written at their height by police officers to present the case in the strongest possible light, with no one ever having sifted or tested any of it. That is what you get served up in a PE: the papers in that form. Provided it shows a prima facie case — just a prima facie case — you are returned automatically for trial. Someone else said, "You can make a no bill application." Well, a no bill application rests on precisely the same premise, namely that there is not a prima facie case, the only difference being that it is a Crown Court judge rather than a magistrate who decides. He decides it on the papers, not on the hearing of evidence.

The Minister gave figures on cases to Lord Morrow in a recent written answer. I heard him quote other figures in interventions, but they do not seem to square with the figures he gave in that reply to AQW 44580/11-15, where he said that of 78 PI mixed committals in 2014-15, 18 resulted in no return. A quarter of the cases did not result in return. That is a quarter of that minuscule number of cases, and some would say to this House, "Never mind the fact that there was not sufficient evidence to return them for trial. Just return them anyway." I do not think that is a right and proper approach to justice in any society. If you have built into a system the preliminary hurdle of a PE/ mixed committal/PI, such as we have had, then you should be slow to wash it all away.

The House has the opportunity in these amendments to take a measured, modest middle road and say that, yes, the norm is a committal on the papers — a PE — but if the interests of justice cry out for a testing of evidence, because there is a prima facie case that a witness may well be a liar, with convictions for perjury or whatever, then rather than brush that under the carpet, the magistrate should be able to be persuaded that he needs to hear that witness if he is to know whether he would do the right thing in returning the defendant for trial on the say-so — the untested, unsworn say-so — the mere written statement of such a person, when he has before him evidence that challenges that person's fundamental bona fides. Surely the magistrate should be in a position to say, "Right, we need to hear that witness, and I will decide, as the magistrate, whether that witness is believable." That happened recently in a case in Craigavon. A prosecution was brought and a witness known to the defence to be riddled with inconsistencies was prevailed upon through the mixed committal process to be cross-examined. The evidence fell apart, and three people who were going to be returned for trial were, rightly, instantly discharged. Yet, the Minister would say to us, "Never mind all that; just commit them for trial." That is wrong, and I believe that it is wrong for the House to hand away that basic but very modest shield, which protects against situations such as that. That is why I say to the House that it is right to go for the retention of that modest aspect of mixed committals and PIs.

Mr Elliott: I thank the Member for giving way. There has been some discussion throughout the debate on this group around vulnerable witnesses, and I wonder whether the Member has given any thought to that. He replied to Mr McCartney at an earlier stage, but I wonder whether he

has given any thought to vulnerable witnesses and how that could be built into his proposals.

Mr Allister: Yes, I have been giving some thought to that. I am not sure that I have got the answer, but I reiterate a point that I made to Mr McCartney, which is that you only get to that point if you approve the amendments and then try to improve on them at Further Consideration Stage. If you reject the amendments, of course, there is no protection whatsoever for recourse to mixed committals for anyone.

On the question of how you would protect vulnerable witnesses from the ordeal, and yes, it can be an ordeal, of possibly being cross-examined twice, it might be possible at Further Consideration Stage — I am sure that the Department would be more than capable of coming up with language that would capture the spirit of this — to add to the amendment as it presently stands, which states that it:

“shall apply only when the court is satisfied that a preliminary investigation is required in the interests of justice”.

It may be possible to add a rider to that to the effect that, in the case of a vulnerable witness, that could happen only in exceptional circumstances, so that you would have two hurdles for the defence to cross if they were seeking to have a mixed committal. You would have the hurdle of demonstrating that it was in the interests of justice. I make the point that I made to Mr McCartney: the condition of that witness would itself be a matter informing the balancing exercise on what is in the interests of justice. It might be possible to supplement that further by making it plain on the face of the Bill that only in very exceptional circumstances would there be an expectation that a vulnerable witness, defined in whatever manner, would be subjected to this process, if that is a genuine concern. For some, it might be. I think that it is not beyond the ingenuity of the Department, if these amendments pass and if there is a feeling in the House that a little more needs to be done in that regard, to find wording to that effect. I certainly think that there are possibilities there.

Mr Douglas: Will the Member give way?

Mr Allister: Yes.

Mr Douglas: Earlier, the Member mentioned that the prosecution would keep its powder dry. Will you just explain to the House what that means?

4.30 pm

Mr Allister: In fact, I said that the defence would keep their powder dry. It might be surprising to some that, since the presumption in the Magistrates' Courts Order is of a preliminary investigation, namely the calling of evidence, there is such acquiescence in there just being a committal on the papers in 98% or 99% of the cases.

There could be a couple of reasons for that. One might be that since the threshold to be returned for trial is not that you can demonstrate proof beyond all reasonable doubt, but just that you can demonstrate a prima facie case, that is not very hard to do. The defence might well take the view that they can ultimately win the case by showing that there is not proof beyond reasonable doubt, but, on these papers, there is a prima facie case, so there is no point. Or they might take the view that if they have the witness called and cross-examined now, and do not succeed in stopping the

case at this time, they will have forewarned the prosecution witnesses as to their line of attack and therefore it might be more prudent for the defence to keep their powder dry. That is what I meant. That is one of the reasons why, though the premise of the Magistrates' Courts Order is that PI is the starting point, in reality, there are very few PIs; because of those considerations. I think that the Minister said that 99.8% of cases progress to trial. If that is so, what is he afraid of? If these amendments are so minuscule in their impact, what is he resisting? I really do find it hard to believe that anyone would think that it was a retrograde step to write into legislation that something can be done “in the interests of justice”. Is it not the interests of justice that we want to serve in our criminal justice system?

Mr Ford: I thank the Member for giving way again. A few minutes ago, he mentioned vulnerable witnesses, however defined. I wonder whether he could give us some thoughts as to how they might be defined in the context of a Magistrates' Court hearing.

I will digress by way of an example. Some four and a half years ago, while I was Minister of Justice and had faced a certain amount of questioning in this place, I was a witness in a civil case in the High Court. I must say that even in that context, as Minister of Justice, I felt just a little vulnerable when I was being subjected to questioning by an opposing QC. I am not sure, however, that I would have qualified as “vulnerable” in any sense of the term. I acknowledge that we are talking here about preliminary hearings in criminal cases, not civil cases. I wonder what thoughts Mr Allister, who says that a vulnerable witness could be however defined, might have about the definition.

Mr Allister: I would have thought that the definition might be rooted in one or two alternative possibilities. You might root it in the nature of the charge, be it incest, a serious sex charge or whatever. You might root it in facts which could be put before the court about the actual vulnerability of the witness. That might include medical evidence etc. There are possibilities on which, if Members of the House had concerns about that, the Department could assist in how you would frame that. Those seem to me to be the two avenues that you would look at; the type of case it is, because there seems to be most concern about the serious sex cases, or the nature of the personal circumstances of the witness themselves.

My own view, for what it is worth, is that all of that can be adequately catered for in the test “in the interests of justice”, but if the House thinks otherwise, at a future stage, namely the Further Consideration Stage, it can refine that further. Personally, I think that “in the interests of justice” is wide enough to enable arguments to be made by the prosecution. It is not just the defence who have a say in these applications: the prosecution equally has a say to go for a mixed committal, for example. The prosecution equally would be able to bring forward reasons why it would not be in the interests of justice. That might include the matters that are taxing some people's minds in this debate.

If we are talking about something being hedged around by the prerequisite of everything being done in the interests of justice, what we are fearful of? That is the essence of the amendments: that you could only depart from the norm of your committal on paper by the PE process in the interests of justice. Surely our criminal justice system should, above all else, be serving the interests of justice. On that basis, I recommend the amendments to the House.

Mr Speaker: Members should note that, as amendment No 1 is mutually exclusive with clause 7 standing part, should clause 7 stand part, I will not call amendment No 1. Before I put the Question, I remind Members that we have debated Mr Allister's opposition to clause 7, but that the Question will be put in the positive as usual.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 39; Noes 42.

AYES

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Dickson and Mr Lunn.

NOES

Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Cree, Mr Durkan, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Noes: Mr Allister and Mr Eastwood.

Question accordingly negatived.

Clause 7 disagreed to.

4.45 pm

New Clause

Amendment No 1 made:

After clause 7 insert

"Preliminary investigations"

7A. Article 30 of the Magistrates' Courts (Northern Ireland) Order 1981 (which enables a magistrates' court to conduct a preliminary investigation of an indictable offence) shall apply only when the court is satisfied that a preliminary investigation is required in the interests of justice; and accordingly in all other cases committal proceedings in a magistrates' court shall be by way of preliminary inquiry under that Order."— [Mr Allister.]

New clause ordered to stand part of the Bill.

Mr Speaker: Members should note that, as the Questions on clause 8 stand part and amendment No 2 are mutually exclusive, should clause 8 stand part, I will not call amendment No 2.

Clause 8 disagreed to.

New Clause

Amendment No 2 made:

After clause 8 insert

"Mixed committals: evidence on oath at preliminary inquiry"

8A. Article 34(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (which enables witnesses to give evidence on oath at a preliminary inquiry) shall apply only when the court is satisfied that such is required in the interests of justice."— [Mr Allister.]

New clause ordered to stand part of the Bill.

Clause 9 disagreed to.

Clauses 10 to 12 ordered to stand part of the Bill.

New Clause

Amendment No 3 made:

After clause 12 insert

"Direct committal for trial: offences related to specified offences"

Direct committal: offences related to specified offences

12A. —(1) Where—

(a) this Chapter applies in relation to an accused ("A") who—

(i) is charged with an offence ("offence A") which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) A appears or is brought before the court on the same occasion as another person ("B") charged with a specified offence,

(c) the court commits B for trial for the specified offence under section 12, and

(d) offence A appears to the court to be related to the specified offence for which the court commits B for trial,

the court shall forthwith commit A to the Crown Court for trial for offence A.

(2) Where—

(a) this Chapter applies in relation to an accused ("A") who—

(i) is charged with an offence ("offence A") which is not a specified offence, and

(ii) is not also charged with a specified offence,

(b) on a previous occasion another person ("B") has appeared or been brought before the court charged with a specified offence,

(c) the court has on that occasion committed B for trial for the specified offence under section 12, and

(d) offence A appears to the court to be related to the specified offence for which the court committed B for trial,

the court may forthwith commit A to the Crown Court for trial for offence A if the court considers that it is

necessary or appropriate in the interests of justice to do so.

(3) Where the court commits the accused for trial for an offence under this section—

(a) it shall accordingly not conduct committal proceedings in relation to that offence; and

(b) the functions of the court then cease in relation to that offence, except as provided by—

(i) section 13; or

(ii) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

(4) For the purposes of this section an offence is related to a specified offence if a count charging the offence could be included in the same indictment as a count charging the specified offence.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Amendment No 4 made:

In page 8, line 31, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

Amendment No 5 made:

In page 9, line 14, leave out “(e) or (f)” and insert “or (e)”.— [Mr Ford (The Minister of Justice).]

Clause 14, as amended, ordered to stand part of the Bill.

Clauses 15 and 16 ordered to stand part of the Bill.

Mr Speaker: We now come to the second group of amendments for debate. This group comprises amendments proposing administrative measures to protect and make disclosures or share information in respect of vulnerable groups. Schemes proposed would allow the police to disclose previous patterns of offending to members of the public about domestic violence and child sexual offences and allow interagency sharing of information to better victim support and safeguarding.

With amendment No 6, it will be convenient to debate amendment Nos 7 to 11, 17, 19, 21 to 29 and 68.

Amendment No 10 is consequential to amendment Nos 7, 8 and 9, amendments Nos 22 to 29 are consequential to amendment No 21, and amendment No 68 is consequential to amendment No 11.

Mrs D Kelly: I beg to move amendment No 6: In clause 17, page 11, line 39, after “conviction,” insert

“excepting violent or controlling or coercive offences by a current or previous intimate partner.”.

The following amendments stood on the Marshalled List:

No 7: In clause 33, page 23, line 14, leave out from “and” to end of line 16.— [Mr Ford (The Minister of Justice).]

No 8: In clause 33, page 23, line 40, at end insert “and members of the victim’s family”.— [Mr Ford (The Minister of Justice).]

No 9: In clause 33, page 23, line 43, at end insert “and members of the victim’s family”.— [Mr Ford (The Minister of Justice).]

No 10: In clause 33, page 23, line 43, at end insert

“(8A) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words “and members of the victim’s family”.

(8B) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29.”.— [Mr Ford (The Minister of Justice).]

No 11: After clause 35 insert

“Information sharing

Disclosure for purposes of victim and witness support services and victim information schemes

35A. Schedule 3A (which makes provision for the disclosure of information for the purposes of victim and witness support services and victim information schemes) has effect.”.— [Mr Ford (The Minister of Justice).]

No 17: After clause 42 insert

“Disclosures by Department of Justice to Disclosure and Barring Service

42A. In section 119 of the Police Act 1997 (sources of information) after subsection (4) insert—

“(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.”.— [Mr Ford (The Minister of Justice).]

No 19: After clause 43 insert

“PART 5A

CHILD PROTECTION DISCLOSURES

Child protection disclosures

43A. —(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 50 (Guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain arrangements for the consideration of disclosure, to any particular member of the public, of information in the possession of the agencies about the relevant previous convictions of any specified sexual or violent offender, where it is necessary to protect a particular child or children from serious harm caused by the offender. Such arrangements may include conditions for preventing the member of the public concerned from disclosing the information to any other person.”

(3) In paragraph (3), for “Paragraph 2 does” substitute “Paragraphs (2) and (2A) do”.

(4) In Article 49, (interpretation), at end of paragraph (1) insert—

“*relevant previous convictions*” means convictions, findings or cautions which relate to the offender’s specification in guidance under Article 50”.— [Mr Frew.]

No 21: After clause 49 insert

“PART 6A

DOMESTIC VIOLENCE PROTECTION NOTICES, ORDERS AND DISCLOSURES

Power to issue a domestic violence protection notice

49A. —(1) A member of a police force not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this section.

(2) A DVPN may be issued to a person (“P”) aged 16 years or over if the authorising officer has reasonable grounds for believing that—

(a) P has been violent towards, or has threatened violence towards or controlled or coerced, a former or current intimate partner or an associated person, and

(b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person);

(b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN;

(c) any representations made by P as to the issuing of the DVPN, and

(d) in the case of provision included by virtue of subsection (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in subsection (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued;

(b) to prohibit P from entering the premises;

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

(9) An “associated person” means a person who is associated with P within the meaning of section 62 of the Family Law Act 1996;

(10) Subsection (11) applies where a DVPN includes provision in relation to premises by virtue of subsection (8)(b) or (8)(c) and the authorising officer believes that—

(a) P is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006, and

(b) the premises fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act.

(11) The authorising officer must make reasonable efforts to inform P’s commanding officer (within the meaning of section 360 of the Armed Forces Act 2006) of the issuing of the notice.

(12) A former or current intimate partner means a person who is personally connected with P within the meaning of section 76 of the Serious Crime Act 2015.

(13) Controlling or coercive behaviour includes behaviour by P that is within the meaning of section 76 of the Serious Crime Act 2015 and financial coercion.

(14) Financial coercion means a series of acts of manipulation by P to the financial detriment of A as provided in regulations by Department.”.— [Mrs D Kelly.]

No 22: After clause 49 insert

“Contents and service of a domestic violence protection notice

49B. —(1) A DVPN must state—

(a) the grounds on which it has been issued;

(b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN;

(c) that an application for a domestic violence protection order under section 49D will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P;

(d) that the DVPN continues in effect until that application has been determined, and

(e) the provision that a magistrates’ court may include in a domestic violence protection order.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the domestic violence protection order.”.— [Mrs D Kelly.]

No 23: After clause 49 insert

“Breach of a domestic violence protection notice

49C. —(1) A person arrested by virtue of section 49B(1) (b) for a breach of a DVPN must be held in custody and brought before the magistrates’ court which will hear the application for the DVPO under section 49D—

(a) before the end of the period of 24 hours beginning with the time of the arrest, or

- (b) if earlier, at the hearing of that application.
- (2) If the person is brought before the court by virtue of subsection (1)(a), the court may remand the person.
- (3) If the court adjourns the hearing of the application by virtue of section 49D(8), the court may remand the person.”— [Mrs D Kelly.]

No 24: After clause 49 insert

“Application for a domestic violence protection order

- 49D.** —(1) If a DVPN has been issued, a constable must apply for a domestic violence protection order (“a DVPO”).
- (2) The application must be made by complaint to a magistrates’ court.
- (3) The application must be heard by the magistrates’ court not later than 48 hours after the DVPN was served pursuant to section 49B(2).
- (4) A notice of the hearing of the application must be given to P.
- (5) The notice is deemed given if it has been left at the address given by P under section 49B(3).
- (6) But if the notice has not been given because no address was given by P under section 49B(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.
- (7) The magistrates’ court may adjourn the hearing of the application.
- (8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.
- (9) On the hearing of an application for a DVPO, section 20 of the Magistrates’ Courts (Northern Ireland) Order 1981 does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.”— [Mrs D Kelly.]

No 25: After clause 49 insert

“Conditions for and contents of a domestic violence protection order

- 49E.** —(1) The court may make a DVPO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards or coerced, a former or current intimate partner or, an associated person.
- (3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.
- (4) Before making a DVPO, the court must, in particular, consider—
- (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is a former or current intimate partner or an associated person), and

- (b) any opinion of which the court is made aware—
- (i) of the person for whose protection the DVPO would be made, and
- (ii) in the case of provision included by virtue of subsection (8), of any other associated person who lives in the premises to which the provision would relate.

(5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.

(6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

(7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made;

(b) to prohibit P from entering the premises;

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

(a) no fewer than 14 days beginning with the day on which it is made, and

(b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.”— [Mrs D Kelly.]

No 26: After clause 49 insert

“Breach of a domestic violence protection order

49F.—(1) A person arrested by virtue of section 49E(9) for a breach of a DVPO must be held in custody and brought before a magistrates’ court within the period of 24 hours beginning with the time of the arrest.

(2) If the matter is not disposed of when the person is brought before the court, the court may remand the person.”— [Mrs D Kelly.]

No 27: After clause 49 insert

“Further provision about remand

49G. —(1) This section applies for the purposes of the remand of a person by a magistrates’ court under section 49C(2) or (3) or 49F(2).

(2) In the instance of a magistrates’ court remanding a person on bail for a period exceeding 8 clear days under section 47(4) of the Magistrates’ Courts (Northern Ireland) Order 1981, for those purposes the reference to the “other party” is to be read—

(a) in the case of a remand prior to the hearing of an application for a DVPO, as a reference to the authorising officer;

(b) in any other case, as a reference to the constable who applied for the DVPO.

(3) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made.

(4) If the person is remanded in custody for that purpose, the adjournment may not be for more than 3 weeks at a time.

(5) If the person is remanded on bail for that purpose, the adjournment may not be for more than 4 weeks at a time.

(6) If the court has reason to suspect that the person is suffering from a mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to make an order under section 42 of that Act (remand to hospital for medical report) as it has under that section in the case of an accused person (within the meaning of that section).

(7) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.— [Mrs D Kelly.]

No 28: After clause 49 insert

“Domestic Violence Disclosures Guidance

49H. —(1) The Department must provide guidance relating to the exercise by a constable of functions under sections 49A to 49H to enable him or her to—

(a) undertake full checks to inform a risk assessment and disclosure of P’s previous history of domestic violence or violent acts at the request of the current or former intimate partner of P;

(b) proactively disclose information in prescribed circumstances to a current or former intimate partner of P relating to P’s previous history of domestic violence or violent acts.

(2) A constable must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.

(3) Before issuing guidance under this section, the Department must consult—

(a) the Association of Chief Police Officers;

(b) the Police Service of Northern Ireland, and

(c) such other persons as the Department should think fit.— [Mrs D Kelly.]

No 29: After clause 49 insert

“Pilot schemes

49I. —(1) The Department may by order made by statutory instrument provide for any provision of sections 49A to 49H to come into force for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this section.

(4) Provision included in an order under this section does not affect the provision that may be included in relation to sections 49A to 49G in an order under section 91.— [Mrs D Kelly.]

No 68: After schedule 3 insert

“SCHEDULE 3A

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

DISCLOSURE BY POLICE TO BODY PROVIDING SUPPORT SERVICES FOR VICTIMS

1.—(1) A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.

(2) For the purposes of this paragraph—

“relevant information relating to a victim” means—

(a) the name and address of the victim;

(b) any telephone number or e-mail address at which the victim may be contacted; and

(c) such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);

“support services” means services involving the provision of information, advice, support or any other form of assistance to victims.

DISCLOSURE BY PUBLIC PROSECUTION SERVICE TO BODY PROVIDING SUPPORT SERVICES FOR WITNESSES

2.—(1) Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.

(2) For the purposes of this paragraph—

(a) “relevant information relating to a witness” means—

(i) the name and address of the witness;

(ii) the age of the witness;

(iii) any telephone number or e-mail address at which the witness may be contacted; and

(iv) such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

(3) In this paragraph—

“support services” means services involving the provision of information, advice, support or any other

form of assistance to prosecution witnesses in criminal proceedings;

“prosecution witness”, in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

DISCLOSURE BY PUBLIC PROSECUTION SERVICE FOR PURPOSES OF VICTIM INFORMATION SCHEMES

3.—(1) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—

(a) a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or

(b) a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).

(2) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).

(3) For the purposes of this paragraph “relevant information relating to a victim” means—

(a) the name and address of the victim;

(b) any telephone number or e-mail address at which the victim may be contacted;

(c) details of the criminal conduct concerned; and

(d) such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

UNAUTHORISED DISCLOSURE OF INFORMATION

4.—(1) If a person to whom this paragraph applies discloses without lawful authority any information—

(a) acquired in the course of that person’s employment,

(b) which is, or is derived from, information provided under this Schedule, and

(c) which relates to a particular person,

that person is guilty of an offence.

(2) This paragraph applies to any person who is—

(a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;

(b) employed in the Department or in the provision of services to the Department; or

(c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

(a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or

(b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this paragraph is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—

(a) in the course of and for the purposes of that person’s employment in a prescribed body;

(b) in accordance with that person’s official duty as a civil servant or as an employee of the Board;

(c) in accordance with an authorisation given by the Department, the Board or the prescribed body;

(d) in accordance with any statutory provision or order of a court;

(e) for the purposes of any criminal proceedings; or

(f) with the consent of the person to whom the information relates.

(7) In this paragraph “employment”—

(a) includes employment as a volunteer; and

(b) in relation to a particular person, shall be construed in accordance with sub-paragraph (2).

SAVING FOR OTHER POWERS OF DISCLOSURE

5. Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule.

INTERPRETATION

6.—(1) In this Schedule—

“the Board” means the Probation Board for Northern Ireland;

“prescribed” means prescribed by regulations made by the Department.

(2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies for the purposes of section 28.”— [Mr Ford (The Minister of Justice).]

Mrs D Kelly: I am pleased to move the second group of amendments and to welcome this opportunity to outline the SDLP amendments regarding domestic violence. I would like to begin by putting on record my thanks to Women’s Aid Northern Ireland for its advice on and insight into the tremendous work that it does to help victims of domestic abuse and for their help in tabling these amendments. I would also like to express sincere gratitude in particular to Aoibhinn in the Bill Office for her hard work

and support in helping to draft these amendments and also, of course, to our own party policy staff.

Domestic abuse can affect anyone regardless of socioeconomic status, gender, religion, age, race or sexuality. However, whilst there are increasing reported incidents of males suffering domestic violence and people in same-sex relationships also suffering domestic violence, the vast majority of victims of domestic abuse are women and the perpetrators men.

Domestic abuse thrives on happening in private, but it is a matter of public concern. On average, here, in Northern Ireland, five women lose their life to domestic violence each year. PSNI statistics indicate that 27,628 domestic violence incidents and 12,720 abuse crimes were reported in 2013-14. In fact, Mr Speaker, an incidence of domestic violence is reported to the police every 19 minutes. That works out, on average, at over 400 incidents per week. It is estimated that one in four women will experience domestic abuse in their lifetime, and it accounts for approximately one fifth of all recorded violent crime in Northern Ireland. I repeat: one fifth of all recorded violent crime is committed by someone the victim should be able to trust, and often in the place in which the victim should feel safest of all — their home.

Victims and survivors of domestic violence may endure the most horrific sexual and physical violence. According to police statistics, there are, on average, 35 previous experiences of domestic violence by one victim before they actually make that call for help.

In England and Wales, it is estimated that two women die at the hands of a former or current partner. They are women like Clare Wood, for example, whose murder triggered the introduction of Clare's law in England and Wales. It is a domestic violence disclosure scheme that we want to see established in Northern Ireland. I think we have to ask ourselves why women here should not have the same protections afforded to them as women in other regions in these islands do.

I think it is fair to say that the majority of people now recognise that domestic abuse is not exclusively sexual or violent. It can be psychological, involving controlling and coercive behaviour, and it can involve financial manipulation through denying someone economic independence. That is intended to make someone feel utterly hopeless and worthless. Mental and emotional torture that reduces a person to a shadow of themselves is abuse in itself, but, as well as that, it often precedes violent and physical abuse. Indeed, one would say it is characteristic of the grooming that many women experience before that first physical attack.

Whilst attitudes around domestic violence have progressed, they have not progressed far enough. When faced with incidents of domestic abuse, many people ask, "Why doesn't she leave?" rather than, "Why does he do it?", or even, "How does he get away with it?". Only last week, I dealt with a case, in my constituency office, of domestic violence. I am sure each of you, in your constituency offices, have had to help victims get rehousing, psychological counselling or help with their financial circumstances.

We in the SDLP saw the Bill as an opportunity to introduce the provisions that would provide greater protections for those suffering domestic violence and those at risk

of domestic abuse. Our amendments would see the introduction of domestic violence protection orders and notices and, indeed, Clare's law in Northern Ireland.

Our first amendment, amendment No 21, was drafted to ensure that prosecutorial fines could not be issued in lieu of appearing in court for a domestic abuse offence. Such fines would not only belittle the seriousness of domestic abuse, but, possibly, harm someone who is a victim of financial abuse and who, ultimately, would face this cost, and it would make the implementation of a disclosure scheme more difficult. If the Minister can assure us that domestic violence offences will not be subject to prosecutorial fines, we are satisfied that this does not need to be included in the Bill.

Mr A Maginness: That is amendment No 6.

Mrs D Kelly: Sorry, that refers to amendment No 6, the first amendment in the group.

I will elaborate on our other amendments. A domestic violence protection notice enables police to ban a perpetrator from returning to their home and from having contact with a victim of domestic abuse for up to 48 hours after —

5.00 pm

Mr Ross: I thank the Member for giving way. I come at this from a sympathetic point of view, and I just want to tease out an issue which I think is relevant, particularly when we talk about domestic violence protection orders. I know that the wording in the amendment is on "reasonable grounds" but this is quite a big power that allows the police to potentially remove somebody from their home before they have been convicted of any offence. The Member has rightly pointed out that not all domestic violence is sexual or violent abuse, so I wonder where she sees the threshold or the need for any evidential base for the police to issue such an order, and how we ensure that these sorts of things are not abused by people who, potentially, could be in a difficult relationship which is not actually suffering from domestic abuse. It could, potentially, be abused as a way to remove a man from a house.

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

Mrs D Kelly: Thank you for that intervention. The introduction of these schemes in England and Wales has been piloted, in particular, in three areas in England. There is a very helpful Home Office report available, which looked at the schemes and evaluated them. Almost 6,000 such orders were applied for, and only two were turned down. The constable who is called out to the scene has to get the domestic violence protection order approved by a senior officer — that is, a superintendent. The order is only used where there are no other enforceable restrictions available to the police, so I believe that there are safeguards, and it ought not to be willy-nilly.

In addition to the evaluation report following the pilot schemes in England, it was recommended that training should be provided for police officers and magistrates in applying such schemes. It is my hope and, I am sure, the intention of the PSNI and the Department of Justice to ensure that such training is provided. I have spoken to police officers in preparation for today's debate and in tabling the amendments, and the police would welcome having these resources available to them to better protect

women in society, so I am satisfied that there are adequate safeguards.

The domestic violence protection notice lasts for 48 hours, and then application has to be made to the Magistrates' Court for a notice lasting up to 28 days. The whole intent behind the notices and orders is to support victims who might otherwise have had to flee their homes and to give them a breathing space to access support and consider the options available to them.

If it helps Members to set it in some form of context, in the year 2013-14, over 700 families had to be rehoused as a consequence of domestic violence. The introduction of these orders would mean that the perpetrator is the person who has to leave the home, and not the family. In addition, that time allows the victim to access Women's Aid or other support services to help them make the decision that is right for them for their future well-being and that of their family.

In 2010, Criminal Justice Inspection undertook a review of the way that domestic violence and abuse cases are handled by the criminal justice system in Northern Ireland, and it made a number of recommendations, including the introduction of domestic violence protection orders and notices, so it already has the support of the criminal justice inspectorate in Northern Ireland.

In March 2014, a domestic violence disclosure scheme, more commonly known as Clare's law, was rolled out across England and Wales. In February 2009, Clare Wood was violently murdered by a former boyfriend, George Appleton, who had previous convictions for the harassment and assault of former partners. Ms Wood had contacted the Greater Manchester Police in the months leading up to her death, to report that Appleton had caused criminal damage, harassed her, threatened to kill her and sexually assaulted her. Clare's law enables the police to disclose information to an individual who has asked police to check whether a new or existing partner has a history of domestic violence or, indeed, a violent past. Police will subsequently consider disclosing information if their checks find that this individual may be at risk of domestic violence from their partner.

It was reported in January 2015 that 3,760 applications for disclosure had been made in England and Wales, and at least 1,335 warnings issued, only 10 months after the scheme was launched.

We want to see a similar scheme launched in Northern Ireland to make it harder for perpetrators to reoffend.

I am very pleased to report, following consultation with all the parties, that a number of Members have expressed their support for the intentions behind the amendments. Implementing domestic violence protection orders (DVPOs) and domestic violence protection notices (DVPNs) would make a real difference to the lives of people affected by domestic violence, including, I should remind the House, children living in those homes. Local research has found that there are some 11,000 children living with the reality of domestic violence every day in Northern Ireland. Having this scheme available to us would help to move the social perception of domestic violence on.

I met the Justice Minister on 21 May and had a very productive discussion. I was pleased to find that he is supportive of the amendments but was advised that the wording of the drafts requires further tweaking. Likewise,

his officials advised that the introduction of Clare's law will require a public consultation, and that he fully intends to do that. To give the Department time to come back and meet these principles, I have agreed not to formally move the amendments at this stage if we receive a ministerial assurance that amendments regarding domestic violence protection orders and domestic violence protection notices will be introduced at Further Consideration Stage, which I expect should be forthcoming. Likewise, I will not move the amendment regarding Clare's law if we receive a ministerial assurance that a public consultation is being brought forward.

I will move on to the other amendments in the group, which are about prevention, protections and disclosure relating to vulnerable groups. I will speak very briefly on the amendments because I am sure they will be spoken about in detail by the proposers, the Minister and members of the DUP. The SDLP is largely supportive of the amendments. Amendment Nos 7 to 10 relate to clause 33 on victim statements. The proposed amendments will extend the scope of a victim statement in certain circumstances to include how a victim's family has been affected. The SDLP is supportive of those amendments. The SDLP is also supportive of amendment Nos 11 and 17 in relation to disclosures. Amendment No 11 inserts a new clause on disclosure for purposes of victim and witness support services and victim information schemes. Amendment No 17 also inserts a new clause in relation to Department of Justice disclosures to the Disclosure and Barring Service.

Both I and my colleagues in the SDLP are supportive of the DUP amendment that would be similar to Sarah's law. The amendment would provide guidance for agencies to consider disclosure of information in relation to relevant previous convictions of any specified sexual or violent offender where it is necessary to protect a particular child or children from serious harm. I am sure that the proposers of the amendment will speak on it in much more detail, but it is an amendment that we in the SDLP support. Amendment No 68 proposes to insert a new schedule in relation to witness support services and victim information schemes. My SDLP colleagues and I support that amendment.

I would like to close by returning to the SDLP amendments in relation to domestic abuse. I have been extremely heartened by the support that the Department and other parties have expressed for the amendments and look forward to working with other Members in the future to tackle domestic violence and abuse in our society. I truly believe that DVPOs, DVPNs and Clare's law will help to bridge a gap in how we tackle domestic abuse. Thank you.

Mr Ross: First, I want to cover Part 4 of the Bill, which improves services and facilities for victims and witnesses by providing for the establishment of statutory victim and witness charters and providing a statutory entitlement to be afforded the opportunity to make a victim personal statement, through amendment Nos 7, 8, 9, 10 and 11.

As I highlighted earlier, these clauses and amendment No 11, which introduces a new clause and schedule to the Bill to create information-sharing powers for the purposes of victim and witness support services and victim information schemes, are as a direct result of the findings and recommendations of the Justice Committee's inquiry into the criminal justice services available to victims and witnesses. The evidence that the Committee received

during the inquiry clearly demonstrated that engaging with the criminal justice system as a victim and/or a witness or as a bereaved family is a daunting experience that can entail encounters with a number of criminal justice agencies and voluntary sector organisations from the time that the crime is reported, through the police investigation, the prosecution decision-making process, the court process, sentencing and beyond. The evidence also illustrated the significant difficulties that victims and witnesses face with the criminal justice system and the criminal justice agencies, and their experience of the process was, and still is, often frustrating, demoralising and, on occasions, even devastating.

The cooperation of victims and witnesses in the criminal justice process is vital to achieving convictions and ensuring that justice is done, and it was the Committee's strong belief that much more could and needed to be done to redress the balance and ensure that an effective and appropriate service is provided for them. The Committee therefore made a number of recommendations to the Minister, including that a victim and witness charter providing statutory entitlements for victims and witnesses in terms of information provision and treatment should be introduced; that a formal system for the completion and use of victim impact statements should be introduced; and that a more effective mechanism through which victims can automatically be provided with timely information based on an opt-out system rather than the current opt-in system should be developed.

The statutory charters created by the Bill will set out the services to be provided by criminal justice organisations, the standards that should apply and how victims and witnesses can expect to be treated. They are intended to make the criminal justice process less daunting and more responsive to the needs of victims and witnesses of crime. They will apply regardless of a victim's relationship to the accused or offender, and family members of the victim are also entitled to access support services. There is also a right of complaint to an independent body, and the Committee has sought assurances from the Department regarding the mechanisms in place to monitor compliance with the charters. There was widespread support for victim and witness charters in the evidence received on the Bill, with Victim Support indicating that, in its view, the victim charter will have a demonstrable impact on the experiences of victims and witnesses of crime in the criminal justice system in Northern Ireland.

The creation of information-sharing powers by way of amendment No 11 to provide for a more effective mechanism through which victims can automatically be provided with timely information about the services available to them in the form of victim support services, witness services at court and access to post-conviction information release schemes was also broadly welcomed, as was placing victim personal statements on a statutory footing and thus providing an opportunity for a victim to explain the impact of an offence or alleged offence. Amendment Nos 7, 8, 9 and 10 will allow a victim or a bereaved family member to include, in a victim statement, the impact a crime has had on other family members, and the Committee views that as a useful and welcome addition.

The Committee fully supports clauses 28 to 35 and amendment Nos 7, 8, 9, 10 and 11, and I commend the Minister for listening to the Committee, accepting its

recommendations and implementing them through this legislation.

I will touch briefly on amendment No 17, which inserts a new clause to facilitate the exchange of information between Access NI and the Disclosure and Barring Service for barring purposes. The Committee noted that a wide range of stakeholders, including voluntary organisations that work with children and the Department of Education and Department of Health, welcomed the proposal. Given that it provides an additional safeguard for vulnerable persons and ensures that legislation on vetting and barring is operated consistently across the United Kingdom, which is important, the Committee supports that amendment.

I now want to move on to clause 17, which relates to prosecutorial fines, and amendment No 6, which Mrs Kelly and the SDLP have brought forward today. The evidence received by the Committee on that part of the Bill acknowledged that providing options such as prosecutorial fines to deal with low-level offences outside the courtroom frees up police and prosecutor resources, as well as court time, that can be better used to deal with more serious offending. Wider issues regarding fine collection and enforcement were raised. The Committee will have an opportunity to consider those in more detail in the next justice Bill, which is due shortly, and that will hopefully address at least some of the concerns.

Specifically, in relation to prosecutorial fines, the main focus was on how they will operate in practice. The Committee considered a range of issues relating to the operation of prosecutorial fines, including whether additional safeguards were required in the Bill to prevent the fines being used for repeat offenders or for serial or serious offenders. The Committee felt that it was entirely appropriate, to get public confidence, that those were used for minor offenders. Women's Aid advised the Committee that it was firmly of the view that the fines are not appropriate for domestic violence offences and, if used, could deter victims from coming forward.

In response to the concerns raised, the Department outlined that prosecutorial fines will operate within detailed Public Prosecution Service guidance that will form part of the code for prosecutors and will stipulate the circumstances in which a prosecutorial fine may or may not be offered. The guidance will be subject to consultation. The Department was of the view that this provides a more flexible approach than including further provisions in the Bill and is consistent with the principle of prosecutorial independence. The Department also confirmed that it did not envisage that prosecutorial fines would be a suitable disposal for offences of domestic violence or other serious offences, and any instances of such a fine having been issued previously to an alleged offender would be taken into account when making future decisions. In its view, repeat fines should not be offered, except in the most exceptional and meritorious circumstances.

5.15 pm

Having considered the information provided, the Committee agreed that it was content with the provisions in the Bill for prosecutorial fines, but we want to see the draft guidance that the PPS will develop to ensure that it adequately addresses the circumstances and frequency with which prosecutorial fines can be considered and offered to an offender. Members may, however, feel that,

rather than relying on the PPS guidance to prevent the fines being used for domestic violence offences, Mrs Kelly's amendment would provide a safeguard in the Bill. Although I noted the comments that she made and, as long as everyone is supportive of ensuring that it would not be appropriate to offer prosecutorial fines in those circumstances and that it is part of the guidance, that is probably assurance enough for most Members.

I now want to touch briefly on the amendments that Mrs Kelly has tabled to the Bill to bring in domestic violence protection orders to replicate the position in England and Wales. Whilst the Committee has not considered the amendments, the issue of domestic violence protection orders arose when we were looking at the clauses relating to violent offences prevention orders (VOPOs). I directly questioned the Department on whether violent offences prevention orders are designed to deal with domestic violence offences and whether there was an argument for the introduction of domestic violence prevention orders as well. The Department explained that the legislative proposals for the VOPO had been developed with the needs of victims of domestic violence in mind. It had been made offence-based and not sentence-based, and the threshold of qualifying offences was lowered intentionally to include the offence of assault occasioning actual bodily harm where the offence takes place in domestic or family circumstances, because of concerns raised during and post public consultation around the issue of tackling domestic violence.

The Department, however, acknowledged that, while VOPOs will provide some additional protections for victims of serious domestic violence, there remains a gap for the immediate protection of victims in the short term. The Department indicated that further consideration of how best to ensure that type of protection would form part of a broader consultation on a range of domestic violence initiatives to take place in 2015-16 as part of the implementation of the new domestic and sexual violence and abuse strategy and subsequently confirmed that it was considering consulting on domestic violence protection orders. I look forward to hearing the Minister's response to the proposed amendments, which could provide greater protection against domestic violence offences.

I will now turn to amendment No 28, tabled by Mrs Kelly, Mrs McKeivitt, Mr Maginness and Mr Eastwood, and amendment No 19, tabled by my colleagues Mr Frew and Lord Morrow. Both amendments would introduce similar disclosure schemes, mirroring or improving on existing legislation already here in Northern Ireland or across in Great Britain, often referred to as "Sarah's law", in the case of my colleague's amendment, or "Clare's law", in the case of the SDLP amendment. Neither of the amendments was discussed by the Committee, so I make my observations on this in a purely personal capacity. I wanted to first of all congratulate SDLP and DUP colleagues for tabling the amendments. Whilst I would caution against anyone thinking that these measures alone will keep women and children safe, I support the principle behind both amendments and appreciate the motivations of those who tabled them.

I will look at amendment No 19 first. We know that, whilst they are popular with the public, some people dismiss such laws and are highly critical of them. Indeed, there are examples of how legislation aimed at protecting vulnerable

people can go terribly wrong. We do not have to look too hard to find Megan's law, which was one of the initial types of disclosure schemes that operated in the United States, when a series of laws was introduced in the early 1990s after the horrific rape and murder of a seven-year-old girl, Megan Kanka. These required law enforcement authorities to make information available to the public in relation to registered sex offenders. In some US states, it means that offenders' crimes, names, photos and even addresses are published online for the public to view. The information is often published in local newspapers or in pamphlets delivered door to door by some neighbourhood associations. That type of unfettered disclosure led to vigilante-type attacks on individuals and properties. Individuals or gangs tracked down offenders or alleged offenders, which, in some cases, even resulted in murder. I am sure that many people would have little sympathy for those who have violated young children, but this law becomes particularly dangerous when people take the law into their own hands and hunt down those who have the misfortune of having the same name as or looking similar to a registered sex offender or who live in an address previously occupied by a paedophile. Sometimes, when emotions run high and people are highly charged, they act before they think.

In the aftermath of the murder of Sarah Payne, when tabloid newspapers in the UK named and shamed those whom they suspected of being child sex offenders, there were, of course, vigilante gangs hunting down paedophiles in the UK. At that time, one of the worst cases of mistaken identity, which would be amusing if it were not so tragic, was the case of the young doctor in Wales who had her home attacked and spray-painted with the word "paedo" after being named in her local newspaper, which described her as a paediatrician. We need to be responsible, and we need to strike the right balance when it comes to disclosure legislation. Largely, in the United Kingdom, I think, we have done just that. We have learnt from the early experiences of the disclosure of information and made recent legislation that much better.

In the UK, the sex offender disclosure scheme, known almost universally as "Sarah's law", following the tragic murder of Sarah Payne in 2000 — it is referred to as "Mark's law" in Scotland, following the murder of Mark Cummings in 2004 — is greatly improved legislation, certainly compared with its US equivalent. It certainly provides the blueprint for today's amendment. The main difference is the way in which the information is disclosed. Unlike the US, where information is published online for everyone to access, parents in the UK have to go to the police to enquire about someone who is close to their child and ask whether they have been convicted of a child sexual offence. The police then determine whether to release information to the concerned parent. Whilst that is a valuable tool and something that I hope the Assembly supports today, we need to examine safeguards to ensure that the information disclosed is appropriate and the individual in receipt of the information uses it responsibly — otherwise, we could end up in the same position as the US. I know that Mr Frew has given particular consideration to the issue and intends to outline that when he speaks on his amendment shortly.

I also welcome the fact that the Department has indicated that it supports the amendment and is willing to work with Mr Frew to ensure that the legislation is implemented in

a way that improves public safety and does not lead to unintended consequences. That is good, in that it ensures that we will have good law. I further welcome the fact that the Northern Ireland law would go further than the law in Great Britain by including a wider range of offences that could be disclosed. Of course, that measure alone will not prevent children being at risk. It will offer parents and guardians some comfort, but we also need to ensure that potentially dangerous sex offenders living in the community are effectively monitored by the Probation Board and legal authorities. Therefore, I hope that, when we discuss budgetary issues in the House in the future, Members will be keen to encourage the Minister to ensure that the Probation Board is adequately funded to carry out that vital work.

Similarly, the SDLP amendment that seeks to introduce Clare's law — as the Member said, it was introduced after the murder of Clare Wood in 2009 — could and should have a positive impact. However, it must be crafted correctly, as the Member who tabled the amendment acknowledged, and, in order to receive broad support, it must be introduced in conjunction with other measures that keep women safe from potentially abusive partners. I understand that the domestic abuse charity Refuge opposed Clare's law. I also noted remarks made by Karen Smith, who is the CEO of another domestic abuse charity, Nia. She warned that Clare's law carried a serious risk of giving women a false sense of security and pointed out that most instances of domestic violence are never reported to the police. If a woman is told that her partner has no history of domestic violence, she may be lulled into trusting her partner when previous abuse had not been recorded by the authorities. I say that not in any way to rubbish the amendment but simply to alert Members to the fact that legislation alone does not solve some of the most distasteful examples of abuse in our society. Without appropriate accompanying support, they may not be as useful a tool as they should be. I suspect that the Members who tabled the amendments would not be at odds with those comments either.

In both cases, I urge the Members to work in collaboration with the Department and charities to ensure that any legislation passed makes a positive difference. I trust that the Assembly will support measures believed to help to deliver greater protection to vulnerable people.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I support all of the amendments tabled by the SDLP. I welcome the fact that the Member who tabled the amendments has met the Justice Minister to explore some of the measures that she has proposed.

I agree that this is an opportunity to legislate to tackle the very severe crimes of domestic and sexual violence in this part of Ireland. We will be doing a disservice to vulnerable groups if we allow the Bill to pass without closing gaps and tackling violent offenders.

I recently met Women's Aid in Enniskillen, and the Member opposite from my constituency, Tom Elliott, was with me. Regarding the degree of domestic violence that exists, it was a learning experience. Dolores Kelly outlined some stark statistics, and, across the island of Ireland, about 100 women have died at the hands of partners or ex-partners over the last 10 or 15 years. If it was happening in any other way, there would be an outcry.

The degree of domestic violence that takes place in this day and age is unbelievable. Women's Aid was at capacity and needed more resources to cope with the people whom it was meeting on a daily basis and arriving at its door. Dolores Kelly is right: we as politicians have had people arrive at our offices at all times of the morning and afternoon. I am happy to say that we have a good working relationship with Women's Aid in Enniskillen.

As legislators, we should be doing all that is possible to tackle the perpetrators of this grave crime. It is in that context that I welcome the series of amendments that the SDLP tabled. They will offer a new tool — namely, domestic violence protection orders and domestic violence protection notices — to police officers who are responding to domestic violence. Those have been rolled out through a number of pilot schemes in England and Wales. Initial examination of the schemes was positive. However, there are challenges, and I will read some of them out. I am not knocking the new tools completely, and they will be valuable to us as we move through further legislative stages.

The challenges include the absence of sentencing guidelines for breaches, the lack of a clear outline of the court process, difficulty in defining success, and complexities and bureaucracy. Those are things that we can learn from. Bureaucracy and time pressures were major barriers to the widespread use of DVPOs. A reluctance to use them was heightened by a lack of understanding. Dolores Kelly mentioned that there is a need for police officers to be trained in that area. I was reading in a document, which I got only in the past 24 hours — thanks to Mrs Kelly — that some police officers were not taking training up as it was a nuisance. That is something that all police officers need to be aware of.

I want to mention the good work that was done in the Committee on victims of and witnesses to crime, and I commend the Minister for moving forward some of the key recommendations, as the Chair mentioned, such as the victims' charter, which gives victims the opportunity to make personal statements. Hopefully, those things should improve victims' experience of the criminal justice system.

Amendment No 68, which was tabled by the Minister, is to be welcomed. It provides for disclosure of information by both the police and the PPS to bodies that are providing support services for victims and witnesses. Regarding the introduction of violent offences prevention orders (VOPOs), the Committee acknowledged that there is a gap when it comes to violent offenders who are a risk to the public. Similar to sexual offences prevention orders (SOPOs), the proposed measures can be a tool for managing those who pose a risk to society at large. Sex offenders and violent offenders will have to notify specific personal details to the police for the duration of an order determined by the court, and these measures should be welcomed.

5.30 pm

Although to the Member who moved the amendments I may have seemed very critical, I think that there are lessons for us to learn. I look forward to the later consideration in the Committee. It is a serious problem not only in the North of Ireland but throughout Ireland.

Mr Elliott: I welcome the opportunity to debate these amendments, or rather, to discuss them. There is not a huge amount of debate involved in this grouping.

Nevertheless, it is very important, and I welcome Mrs Kelly's proposals on domestic violence issues. One thing that has concerned me for many years is that there is no offence around domestic violence, although I suppose that these proposals go some way to putting one in place. There may not be a specific offence, but at least domestic violence protection orders are being put in place. I accept the Member's issue around not moving the amendments and trying to regulate them or put them in a better perspective, but I do welcome them in the round and welcome and support the principle behind them. I see no difficulty with them from the Ulster Unionist perspective.

By and large, a lot of these amendments are very good and positive and have the potential to make matters a great deal better for people who are involved in domestic violence relationships. I hope that they make society better because anything that we can do in that respect is welcome. I listened to Mr Lynch talking about visiting Fermanagh Women's Aid. I suppose that Women's Aid throughout Northern Ireland is no different. You probably hear the same stories and the same difficulties that arise in those areas. I put on record my thanks and appreciation to Women's Aid for the work that it carries out because it is an excellent service, and it provides that service irrespective of what background you come from. I know that it is always a difficult issue when I raise the matter with Fermanagh Women's Aid of how some other organisations help and support it. The one group of organisations that it always highlights that could do a little more is the Churches. It has said that there is potential for Churches and religious organisations to support and assist it in many ways. I hope that the amendments from the SDLP will assist all of that.

Amendment No 19 is around Sarah's law. I welcome the principle and the proposals around that, and I look forward to it being taken forward as well. I want to touch quickly on amendment No 68, which is on the sharing of information. Again, it focuses on victims' information schemes. That can only be positive and good. There is quite a lot of detail in that amendment, which proposes a new schedule. I welcome the opportunity for victims to avail themselves of that better information because that is the one aspect in the legal and court systems that victims are quite often critical of. They say that they do not get a reasonable level of information.

Mr Deputy Speaker, if you do not mind my saying it, it is a bit like going to another place that I am now elected to. Sometimes, the information that you get is not always helpful and may be limited in the areas that you require it for. Maybe going there, it is easier to ask than it is for victims to come forward to the Court Service to try to find out what they need to know. I welcome that amendment, and, by and large, I think that the amendments in this group are less controversial than some of the others.

Mr Dickson: I agree with Tom Elliott that the amendments in this group are less likely to be controversial but are, nevertheless, highly important when it comes to dealing with these matters. They relate primarily to prevention, detection and disclosure in relation to vulnerable groups. I support these amendments. I commend Mrs Kelly and the SDLP for the work they have done and I know that work with the Minister will be ongoing to conclude this matter in a satisfactory way.

As others have done, I pay tribute to the work of Women's Aid, and indeed to the other women's support organisations that exist in every constituency across Northern Ireland, for their work in the east Antrim area.

I welcome the amendments to clause 33, which allow for victims of crime to convey the impact of the crime on themselves and their families through victim statements. The rationale for considering that crime does not impact only on the person most directly involved is that we have social connections with others around us, which mean that we can be profoundly affected by a family member becoming a victim of crime. I support the principle of incorporating the experience of the victim of crime but, ultimately, it is up to the judge, having heard all the evidence, to pass sentence as he or she sees fit. I am content that the Department has left it to the judge to decide whether to take such a contribution into account. This helps to ensure continued confidence in judicial independence in these matters.

I also welcome the addition of clause 35A and schedule 4A, which are common-sense additions to the Bill and will make a fine difference to many victims of crime by ensuring that they are better informed, as Mr Elliott said, about the services available to them and will provide support as they progress through the judicial system.

I particularly welcome Mr Frew's amendment. I confess that, originally, we had some concerns, not with the policy aim, but that the range of information that could be disclosed might be too broad and might extend beyond that for which, for the best of intentions, it was designed. I am delighted that Mr Frew and the Department have been able to work together in this area to ensure that the amendment is effectively incorporated into the Bill, ultimately enabling the police and parents to protect children from individuals who could cause them harm. I therefore support that amendment and further departmental amendments that will come forward to refine this, not forgetting the work that Mrs Kelly has been doing in these matters. I support these amendments in group 2.

Mr Frew: I will propose and speak to amendment No 19, which deals with new clause 43A. Before I move on to that, I would like to say that I broadly welcome the work done by the SDLP on their amendments regarding the domestic violence protection order. I feel that there may be work to be done, and I sincerely hope that it can be done in the interim to allow successful amendments to be made and come into effect in the Bill. I wish Members all the best in that, working closely with the Minister, of course. I certainly support that in principle.

I move on then to the DUP amendment sponsored by my colleague Lord Morrow and me on what will be the Northern Ireland equivalent to Sarah's law. Sarah's law was passed in England after the tragic murder of Sarah Payne. It became known as the child sex offender disclosure scheme, launched in England and in Wales in 2010. Since then, there have been just under 5,000 requests made for information and disclosures, and over 700 disclosures have been made. That certainly tells me that there are 700 people who have been given information that could go some length to protect children under their care. There is an equivalent scheme in Scotland — Mark's law — which, of course, the Chairman of the Justice Committee mentioned earlier. That scheme is called

Keeping Children Safe and is also a very important piece of work.

Whilst we all support the principle of Sarah's law and Mark's law in GB, we have to be mindful of the facts and how it would fit into Northern Ireland. That is why I pay tribute to the Minister and his officials, who have worked with me and Lord Morrow to ensure that we have an amendment that is fit for purpose and that fits Northern Ireland and the rigours and regulations that are in place here. Of course, the Minister will reserve the right to amend it, as he sees fit, in the Further Consideration Stage. I give him a commitment that I will work with him over the coming days and weeks to ensure that we can get something that is fit for purpose and best to meet the needs of and protect the children in Northern Ireland.

Mr B McCrea: I am grateful to the Member for giving way, and I commend him for bringing the amendment. I just wonder whether he can provide a little bit of clarity. I will read it out here:

"Guidance under this Article must contain arrangements for the consideration of disclosure".

I just wonder about the thinking behind the inclusion of the word "consideration", if the Member would be so kind as to elucidate.

Mr Frew: I thank the Member for his intervention. I will get to the detail of the wording of the Bill later in my contribution, but, of course, he will know that, in some cases, information should not and will not be disclosed. That consideration should be with the people who are the experts on that, namely the PPANI agencies. It is very important that they retain the management of it and the right to disclose, or not to disclose, if that may be the case.

Of course, the scheme proposed in the amendment goes further than in GB, because, unlike the child sex offenders disclosure scheme in England, it includes not only child sex offences but sex offences, domestic violence offences, violence and hate crime offences — all of the PPANI-specified offences. That is vital, because then it becomes much more holistic and widespread in the proper sense because it will afford even greater protection for children and it will allow as many people as possible to apply if they see fit. If they are concerned or suspicious about a person, or the activities of a person, they will be able to apply. Of course those are all serious crimes. It is a wide spectrum of crimes. They range from the highest seriousness to the lowest risk, so it is important that people retain the right and the power to disclose and not to disclose.

I also pay tribute at this stage to the NSPCC, which has worked alongside me and Lord Morrow, advising us on best practice and measures, informing us of the current arrangements already in place and assuring us of the work that it and other agencies within PPANI do that helps to protect and safeguard our families and children. I also pay tribute to Lord Morrow of Clogher Valley for his assistance in supporting the amendment and helping me. The House will know that Lord Morrow has been asking questions of the Minister on this very issue for a long time, and I am glad that he is able to come on board with me as we propose this amendment.

I would also like to thank the Bill Office for its work and assistance throughout the last number of weeks, and for helping and assisting me where and when it needed to. It

is a very good office that does tremendous work, usually all behind the scenes, and silently works away.

5.45 pm

The crux of why we need this, Northern Ireland's equivalent to Sarah's law, is that there is no doubt that this is a really serious issue that many in society and society itself grapple with. Certainly, sometimes, it falls short of the requirements that are needed to deal with these serious issues. There is absolutely no doubt that we and the agencies within PPANI cannot stop crime. It is as simple as that. We have to ensure that we can manage, resolve and deal with crime to the best of our ability. Measures have to be in place to ensure that that is the case.

Of course, we know that there are some 1,200 convicted sex offenders being managed in our communities and region. In my policing district — the old H district — there are 118. That information came from questions that my colleague Lord Morrow asked the Minister. People are living in our communities who have maybe served time in prison for very serious offences. They need to be managed and monitored to ensure that they do not pose a risk to children and vulnerable people. We also know that just under 500 sexual offences cases are going through the courts at this time. That information was, again, gleaned through a question from Lord Morrow. Of course, cases will range from the most serious to very low-risk, which nonetheless is crime. That is something that, at first, alarms me but also assures me that there is detection out there. I am sure that some of those cases, as they go through the court process, will be resolved in one way or another with people being put behind bars for a long time.

Mr B McCrea: I am grateful to the Member for giving way. He might help me. He mentioned PPANI. Given that he quoted the figure of 1,200 cases going through the courts, does he have any information on the different categories: 1, 2 and 3? It would be useful to put in perspective the quantum of people whom we are trying to manage. If he has that information to hand, it would be really good to hear it.

Mr Frew: I thank the Member for the intervention. I do not have that information to hand. He goes some way to proving the point that it is not just sex offenders whom we need to worry about; it is actually the risk that they pose. There will be many sex offenders who have served their time and their punishment and will be a very low risk or no risk to members of the public, particularly children. He raises a valid point, and I will come to it at a later stage.

We also know — this is important — that many cases of sexual or physical abuse, particularly of children, go unreported and undetected. Often, the abuse is carried out by family members and others who are known to the victims. That should not be lost on the House. This amendment will not solve that. We have to make sure that we do everything that we can to assist those victims and the people who are involved in PPANI to deal with the issue and get as many of those people as possible brought to justice and, more importantly, protect the victims in those families. They are so vulnerable. They may well even be listening to the debate today. I plead with those people to come forward because help is available and they should avail themselves of it.

The amendment would amend previous legislation, the Criminal Justice (Northern Ireland) Order 2008. It would insert into that Order further items. Basically, it would state:

“Guidance under this Article must contain arrangements for the consideration of disclosure, to any particular member of the public, of information in the possession of the agencies about the relevant previous convictions of any ... sexual or violent offender, where it is necessary to protect a particular child or children from serious harm caused by the offender.”

As I said, that would be added to the Criminal Justice (Northern Ireland) Order 2008. That Order provides:

“Guidance under this Article may contain provisions for the purpose of facilitating co-operation between agencies, including ... provisions requiring agencies to maintain arrangements for that purpose and to draw up a memorandum of co-operation; and ... provisions regarding the exchange of information among them.”

It is vital that agencies have decent lines of communication so that they can share information that may be relevant to the cases and individuals they are working with. That is basically what PPANI does. That is why the Criminal Justice (Northern Ireland) Order 2008 is very important and is relevant to the amendment that we are discussing.

The document ‘Guidance to Agencies on Public Protection Arrangements’ is issued by the Minister of Justice under article 50 of the Criminal Justice (Northern Ireland) Order 2008. The guidance states:

“All ‘agencies’ listed in Article 49 of the Criminal Justice (Northern Ireland) Order 2008 have a duty to give effect to this guidance in exercising their functions which contribute to the more effective assessment and management of the risks posed by certain sexual and violent offenders. The guidance is issued to the following agencies: Police Service of Northern Ireland; Probation Board for Northern Ireland; Northern Ireland Prison Service; Youth Justice Agency; Department of Education; Department for Employment and Learning; Department of Health, Social Services and Public Safety; Department for Social Development; HSC Boards and HSC trusts; Education and Library Boards; Northern Ireland Housing Executive; and National Society for the Prevention of Cruelty to Children”.

All those bodies are now linked and communicate with each other. It is more than that; they have to relate to and go with that guidance. It is important that they give effect to that as it leads to greater protection for our people and most definitely for our children. Of course, with that document, there is already a vehicle through which disclosure can be made. It is vital to get that across.

Before I touch on that, I will talk some more about the arrangements within PPANI, because it is important that the House understands what PPANI is and what it does. The agencies involved in PPANI have worked very closely to protect the public in Northern Ireland and take their responsibilities very seriously. It is chaired by the Probation Board NI. The arrangements came into force in 2008 and have been subject to positive inspections by the Criminal Justice Inspection Northern Ireland. The strategic management board of PPANI comprises senior

representatives from the police, the Probation Board, Northern Ireland prisons, Health and Social Care, the NSPCC and the Government, and it meets four times a year. Through local area public protection panels, it provides the framework for local operational cooperation.

All convicted sex offenders are subjected to a static risk assessment on conviction that uses a scoring matrix to give an initial indication of risk. Where an individual is assessed as medium- to high-risk, they are subject to multi-agency assessment and risk management. All offenders have a designated risk manager who is normally someone from the police or the Probation Board Northern Ireland. Ongoing or existing disclosures are overseen by local area public protection panels in a multi-agency way, and risk is increased according to ongoing assessments using a range of domains. Through the use of an internationally recognised dynamic risk assessment tool, part of the assessment will always look at the issue of disclosure. The PPANI agencies support the use of controlled disclosure as part of a risk management plan and, in doing so, follow the principles set out in the Minister of Justice’s statutory guidance. This takes account of legal and procedural requirements in relation to the principles overseeing lawful disclosure. Controlled disclosures are made in Northern Ireland — I stress that they have been made in Northern Ireland — as part of risk assessment and management. They may be made to third parties — for example, people in positions in churches or community groups, relatives or carers — where it is necessary to protect the general public. The decision to do this must be based on compelling risk and will be taken by a senior police officer of Assistant Chief Constable (ACC) rank in consultation with other PPANI agencies.

It is vital to stress, once again, that we have had disclosure in this region. However, I propose that it becomes a two-way mechanism, a vehicle through which members of the public can get information that will help family members, guardians and carers to manage the risk to their family. We all know that, at times, people ring our constituency offices to say that they have heard a rumour, which then spreads like wildfire. I have had experience of cases in which that has led to instances of mistaken identity. People have been assaulted or had their property damaged because of rumours and innuendoes and all sorts of information going out in all directions. People are genuinely worried, concerned and fearful for their children and the children in their care.

We propose that that mechanism goes two ways, so that members of the public who hear concerns and rumours can apply for that information, which must be child-centred. They must be responsible for children. This is not a nosy neighbour charter, nor is it some vehicle that the press can use and exploit. I would not propose it here if it was. Some of our media outlets have been reckless and sensationalist with some of the information around this serious issue, and that has led to people being attacked. Any attack on any person or property is wrong: if you break the law you should expect to be subject to the law. That applies to anyone in this society.

I believe that this will go some way to relieving the pressure and removing the vacuum that leads to misinformation and wrong information. It will also mean that, if there is a disclosure, those receiving that information have a responsibility to use it for the sake of

their children and the people whom they care about. It is not for them to disclose that information in a reckless way to other members of the community who then may take the law into their own hands. That is not what this is about. That in itself will be an offence. It is right and proper that, when people are armed with information that will help them manage the risk to their family, they do not divulge it. There is absolutely nothing to stop other members of the community applying for information about the same person or similar people in an area. It is important that that two-way system works.

This will also help PPANI because it could work as an early detection system.

There is no doubt about it: PPANI and the strict guidelines that I talked about earlier, which were issued by the Minister in 2008, work well. I would go as far as saying that ours is probably the best system in the United Kingdom and better than systems in other places in the world, but it is not failsafe. Sometimes, people slip through the net and issues go awry. That is why this could also lead to an early detection system.

6.00 pm

Why would people apply for information on someone else to be disclosed? I believe that people would use the mechanism when they had suspicions about someone — maybe someone is acting suspiciously or people are talking about them. Is it not better that PPANI hears of their concerns? Is it not better that people can apply for disclosure on those individuals? Is it not better that they are able to risk-manage their children as best they can? If it comes back that there is no issue with a person, is that not better than people wondering, people being concerned and frightened, and unreasonable people taking the law into their own hands? It would then become a bigger issue than the rumour mill in the local pub, shop or youth club. That is why this law is essential for Northern Ireland.

I will go through some of the issues. We will not ignore the arguments against; we will go through them. Some say that this may lead to more vigilante-type attacks, but we know that such attacks happen now on the streets of our towns, villages and cities. It happened in my constituency only last month. A lot of attacks have been cases of mistaken identity. This law, under which disclosure would be made only when necessary to protect a child or children, would, I believe, remove that risk. If people knew exactly what the truth was and were armed with that information, they could make informed choices about what they did in the future — where their children went and what they did. To me, that is very important.

It is important that responsible people get to hear that information. Why is it that parents are the last to know? If we can share information between agencies, whether it be the NSPCC, the police, the Probation Board, the Prison Service or the education board, why can we not disclose that information to responsible parents? They are the ones whom we task with bringing on society and bringing up their children in a responsible manner.

We know that there are social networking sites that name and shame sex offenders and child sex offenders. Our newspapers have also been irresponsible, and that has led to attacks. People's names have been issued in papers, as have their addresses or areas. It is very important that

the media, even tonight, as they report on this amendment, take a responsible approach. I plead with the media to ensure that they understand this thoroughly.

There is already frustration and fear among the public, and I believe that the disclosure scheme will go some way to alleviating that pressure. Of course, many who have been punished and sanctioned for committing sexual offences may well have reformed and been rehabilitated. In that case, they will pose little or no risk to the public. It is all about risk; it is not about cautions or prosecutions on a list. That is very important when you look at that amendment. If PPANI is involved in the administration of this, which it will be, and, if the PSNI has a very major say, if not the final say, on it, they will be able to consider each and every individual case, which is right and proper. However, it will not only be convictions. The words "relevant previous convictions" may also mean findings and cautions that relate to the offender's specification in guidance under article 50. The amendment could therefore go some way to assuaging the fears of our people.

This may be a negative argument, but we also hear that it could lead to a flood of requests coming in. It might do. People could point to the flood of requests in England, Scotland and Wales, and that might well be the case here. However, the aim of the scheme is to give parents, carers, guardians and all other interested bodies, parties and people a more formal mechanism for requesting information about a person who has or may have contact with their child or be close to them, if they are concerned that that individual is a child sex offender, a sex offender or a violent offender. As I say, this should not be used as a nosy-neighbour charter, as a revenge weapon for someone who has a grudge or by the media. However, I believe that it cannot be used for that because PPANI will be the one administering it with the PSNI.

Mr B McCrea: Will the Member give way?

Mr Frew: Yes, I will.

Mr B McCrea: I am sorry for interrupting all the time, but you bring up some interesting points. This has just occurred to me: is there any notification? If a person has requested information about person x, does person x get to know that someone has made that request?

Mr Frew: I thank the Member for his contribution, because that is a very important point. In many cases, that is the procedure. Even now, in many cases, if PPANI proposes that people should have information disclosed to them and is managing and monitoring the sex offender, it will have approached that sex offender to say, "Why are you here? Why are you doing this? Why are you in this relationship? You should not be in a relationship. We need to tell your new partner — the single mum — that her and her children may be at risk". That is what happens at present in many cases. In many cases, that is the right thing to do, because, although we have to manage and monitor these people, we have to make sure that they do not reoffend. That is key here. That is the reason that we need to make sure that this is managed properly and appropriately. That is why, at times, it is good and proper to disclose to the sex offender or the person who may pose a risk to family members.

People have also argued about striking a balance between the need to protect the public and enabling people who have served their sentence and rehabilitated themselves

to move on positively with their life. This is not putting a mark on anyone for the rest of their life if they are totally rehabilitated, have reformed and have moved on positively. This is all about risk, and the level of risk that they pose to a child under someone's supervision.

People have also argued in the past about an onus or responsibility shifting away from the state and on to ordinary members of the public. I do not believe that that would be the case, as responsibility will still lie with the PPANI agencies. That argument misses the point somewhat, in that this is all about information-sharing. It is all about arming parents and members of our society who care for children with that information. Of course, as was said earlier, not all sex offenders pose the same risk. Again, it will be determined on a case-by-case basis and by a number of factors. It is already in use in PPANI. Many individuals are not known about, nor do they have criminal convictions. Those individuals will pose the highest risk in our community. That is why I am mindful of the fact that, even with this law, there needs to be education and awareness. Members of our public need to be able to assess, judge and monitor for themselves the people in their communities. If they are fearful, they can apply for this scheme.

In closing, Mr Deputy Speaker, the child protection disclosures will not solve crime; they will not end child abuse or sexual crime. Giving the public information about individuals' previous crimes and risk levels is just one part of this very complicated jigsaw. It is vital that sex offenders serve long and sufficient prison sentences.

Like all parents, we, of course, believe that prison is the best place for those who harm children and commit serious sexual crime. However, all prisoners are released eventually, so they have to be thoroughly risk-assessed and rehabilitated before they are released to understand that what they have done is wrong. Then, they need to be managed and monitored for a long time, with constant reassessment. I am dedicated in the pursuit of keeping children, and all our citizens, safe; that is my motivation for this amendment. How can it help? It can help by making sure that parents are among the first, not the last, to know, and they can use that information to assist them in keeping their children safe.

I am delighted that the majority of Members who spoke did so in favour of the amendment. I hope that the amendment goes before the House tonight and is passed. I give a commitment, as will my colleague Lord Morrow, that we will work with the Minister in the days and weeks ahead to make sure that this amendment becomes law and provides safety and assurance for the parents, teachers and carers of our society and community, and that the youngsters, young people and children whom we want to protect will be given a greater degree of protection.

Mr Deputy Speaker (Mr Beggs): Members, this section has been running for approaching three hours, and it seems to me an appropriate time to have a break. So, I propose, by leave of the Assembly, to suspend the sitting for about 20 minutes. Actually, we will come back at 6.30 pm sharp, when the next Member to speak will be Raymond McCartney.

The sitting was suspended at 6.12 pm and resumed at 6.34 pm.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I will concentrate most of my remarks on amendment No 19, tabled by Paul Frew and Lord Morrow. I have just a couple of wider remarks in relation to the group of amendments that we are debating. My party is broadly in support of the Minister's amendments. We will support his amendments on victims, witnesses and other aspects of disclosure.

I remarked earlier today that the Committee's inquiry into victims and witnesses informed many of these amendments and, indeed, a big thrust of the Bill. From an earlier part of the discussion, I hope that, as we come to define what we class as a vulnerable witness or a witness who should be exempt at a particular stage of trial proceedings, the inquiry and some of the work that we have done will inform that as well.

My colleague Seán Lynch dealt with the amendments tabled by the SDLP, and I note that when Dolores Kelly was speaking she mentioned that she may not be moving some of the amendments, in light of a commitment from the Minister to a process of consultation. That is to be welcomed because the wider we consult and the more scrutiny there is, the tighter the legislation will become. That point applies to amendment No 19, tabled by Paul Frew and Lord Morrow. Even when Paul Frew was speaking today, you could see how the information was becoming wider. Perhaps we missed out because it was not tabled earlier so that it could have gone through the Committee Stage. All of us would then have been in a better place to know the issues. You made the point about how sometimes this is presented in the media, and I noticed in the commentary over the last 24 hours that you can see how there can be a tendency, although not in any malicious way. It nevertheless narrows down what the amendment is trying to achieve. Last week, Mr Frew spent some time with Seán Lynch and me explaining the content of it. We appreciated that. He was very precise when he said that he wants this classed as "child protection disclosures" rather than, as he said, some sort of wide hunt to find where certain people live and how they live out their lives.

Mr Frew: I thank the Member for giving way. He is right, and I thank the Member for the support of his party for the amendment. It specifies sexual or violent offenders. "Specified" means that it is within the remit of PPANI. That is why it is wider-reaching than just child sex offenders, because of course children can be harmed by more than just child sex offenders. It is a broader remit. I am quite content with that because they are all within the PPANI arrangements, and all those types of offenders will be monitored and managed by PPANI.

Mr McCartney: I thank the Member for that intervention and the information. At its core, most of us are reasonably content that something is put in place to provide additional protection for children, never mind whether they are vulnerable or not. Most of us support that, and the broad thrust of this is around that, so that is why we agree in principle. Certainly, and perhaps in the commentary and other contributions this afternoon, there may be some place at Further Consideration Stage to tighten up what we believe may be gaps, but that is something we can come back to. I say that in light of some of the commentary over the last 24 hours, but what has been said here today has helped to close that particular gap.

One of the big parts of this for us is that people are asking what should be disclosed, when it should be disclosed, how it should be disclosed and who it should be disclosed to. That is important, because the Member talked about PPANI and what they already have in place. They have a good system in place. I think that most people are happy with what they do. As the Chair said, no matter what protections you have in place, it will not, in every situation, prevent further crimes from being committed. You are trying all the time to try to close that down.

When he was introducing his and Lord Morrow's amendment, the Member talked about working alongside the NSPCC. That is the appropriate way to go about this. It has it at its core, even in its briefing document for Sarah's law. The idea of safeguarding a child is at the centre of all that it does, so that was the right approach. It even talked in the document about the idea of a regular independent evaluation of the work that is being carried out. That is something that we can maybe put to it as we go forward. The Member talked about situations where it could be abused or overused. Maybe that is not the right phraseology, but you want this to be taking place in a situation where it is about protecting children. People have real fears, and, when they have real fears or real doubts, they have a process that they enter into.

Mr Frew: Will the Member give way?

Mr McCartney: I will indeed, yes.

Mr Frew: The Member makes a very salient and good point. I would be all in favour of a review of this because, in the PPANI guidance and the actual legislation, it asks to be constantly reviewed. I think that not only the child protection order but the PPANI arrangements should be reviewed to make sure that they are fit for purpose and that the standard operating procedures are used. That is best practice all round the world.

Mr McCartney: The Member's amendment refers to article 50 of the Criminal Justice Order. Specific within that is the idea of consultation and using the agencies and the experts in the field to continually provide guidance so that it is refined. I welcome the fact that this will be strict and that, when a person receives the information, they will be bound by legislation and cannot disclose it. In other words, if someone gets information on an individual, damning as it may be, they then cannot share it, because, as you said, the potential for vigilantism or sensation in the media is increased as a result of that. The Member touched on the fact that this is already in place. People can go to PPANI and find out certain information. You do not want someone to be able to use this maliciously in the rumour mill. They could ask for information on the person and the person has no record at all, but the person might then say, "I tried to find out information about such and such." People might say, "Well, why would somebody ask about a person if there was no reason to do it?" The person might be totally and absolutely innocent of any offence. We have to make sure that that is done.

The Member touched on the idea of balance and risk being at the heart of it. When you have risk and balance at the heart of it and guidance from the experts, I think we have the basis to proceed. We are broadly supportive of the amendment. Saying that, as the Member said, between now and Further Consideration Stage, much like Mrs Kelly has offered to the Minister, if this could be tightened

up so that we do not end up bringing in legislation and there being unintended consequences, we will be broadly supportive of the amendment.

Lord Morrow: I rise to speak primarily on amendment No 19, standing in my and Mr Frew's names. We have no hostility towards the other amendments in the group. I think that I overheard the Minister say that a little bit of fine-tuning may still need to be done around the clause and the amendment, and that is understandable. As one who has steered a Bill quite recently through the House, I am quite aware of what fine-tuning sometimes means. I have that experience, and I think that I am the better because of it. I understand that this one will have to go through that mill again and even come out better at the other side, but we do not have a problem with that at all.

6.45 pm

We do not have any problem with Mrs Kelly's amendment, and I hope that she, too, will reach a satisfactory conclusion with it and come back to the House with it. I think that she will find that we here on these Benches are ready to support it because we see great merit in it and we hope that it makes it into the Bill eventually and onto the statute book.

The amendment to the Justice Bill in my name and that of my colleague Mr Frew, I believe, is very important. I believe that it will enhance the Justice Bill and Northern Ireland will be a better place if it eventually reaches the stage where it becomes legislation.

I have an overarching concern for the protection of victims of crime and the prevention of further victims, and I make no apology for that. I am sure that anyone who follows questions for written answer will be aware that I often put down questions in relation to the fate and welfare of victims, and I make no apology for that; hence our efforts here today to try to bring in an amendment to the Justice Bill.

In an ideal world, there would be no victims of crime, but since no such world exists — quite the contrary — the very least that we as legislators must do is to protect and prevent. It is incumbent on us. We have a moral and legislative duty to look after victims of crime at whatever phase, whatever age group or whatever their position is in society. Children are, by default, vulnerable. They depend on adults to guide and nurture them and protect them from harm. They are utterly reliant on adults for safety and survival. They also rely on adult judgements. When the adults in question are not aware of danger, we have to ask the question, "What then?". How can an adult be expected to ensure the safety of a child if they themselves are oblivious to the risk? I believe that is where Sarah's law becomes a necessity.

The wave of revulsion following the horrendous case of eight-year-old Sarah Payne was universal, and I am sure that no one in this House is unaware of that particular situation. That a child could one minute be out playing with her siblings and then be snatched by a sexual deviant to act as his plaything before being brutally murdered caused widespread abhorrence. It later emerged that her murderer had a previous conviction for abducting and sexually abusing another eight-year-old girl five years earlier but was free to roam the countryside uninhibited, ultimately finding his next victim in that little girl, Sarah.

Something had to be done. That challenge was taken up by Sarah's mother, Dr Sara Payne, who fought a gruelling campaign for disclosure, thereby allowing those caring for children to make informed choices to ensure safety. I pay tribute today to Dr Payne and her work. Having suffered a tragedy too awful to comprehend, she sought to ensure safeguards for other children to prevent a similar fate to that of her daughter. I believe that demonstrated overwhelming strength in the face of such horrific circumstances, and, as was to come during her campaign, adversity. However, she prevailed, and she succeeded.

I have been lobbying for the introduction of Sarah's law in Northern Ireland for two years now. During that time, I have had setbacks, on most occasions chiefly because of a fear of information, which has been discussed again and understandably so, being passed erroneously, leading to vigilante-type attacks, but, in latter days, things have begun to change, and I welcome that, too. I lay the credit for that with my colleague Paul Frew, who discussed the issue with me and started to drive it forward.

I am proud, of course, to be the co-sponsor of the amendment. We both agreed that disclosure in the correct circumstances could allow parents and carers of children to risk-manage potential situations of danger or threat. The Minister, while not entirely unsympathetic in the early stages, reiterated his concerns on the potential of community reprisals. That was not lost on us, but the whole principle of Sarah's law centres on controlled disclosure, and that gives us confidence to know that information is released carefully by the PSNI and only to the people who are directly responsible for a child's safety. I think that it is important to say that.

A genuine application for disclosure will have the child in question at the centre of the equation. It is ironic that a person applying for a job that would bring them in contact with children or vulnerable adults is required to undergo a check with Access NI that discloses all previous convictions to prospective employers, who are duty bound to protect the information imparted. The process enables employers to ascertain whether the applicant is suitable for the position and thereby adhere to risk management and ensure that their own safety policies are secure; yet a parent or a primary carer, the first point of contact for a child, does not have that straightforward screening process to allow for risk management consideration.

Coupled with the restrictive regime currently in place and a lack of awareness on the right to ask for disclosure, Northern Ireland has been lagging behind. The existing scheme in England and Wales is known as the child sex offender disclosure. What we are proposing today will be known as the child protection disclosure, making the child and their welfare the nucleus of the scheme. I have conducted significant research on sexual and violent offenders residing in the community, and I am not exaggerating when I say that some of the case studies have been quite horrific and horrendous. I believe that several of those cases could have been prevented if parents and carers had been aware of previous issues. I remain unable to ascertain how many requests for disclosure under the current scheme in Northern Ireland were made since its introduction and, of those, how many were granted. I am still in the process of trying to obtain those figures.

There was much media consternation asking why we should introduce legislation that is apparently already there, but it would appear that they are not reading the amendment or do not understand the breadth that we are intending to cover. Let me make it clear, if I can: the current Northern Ireland equivalent of Sarah's law permits only the disclosure of a previous sex crime against a child. It is very limited in scope and differs in range. To underscore that, I quote a reply to a question for written answer that I submitted to the Minister. In March this year, I asked what challenges or difficulties would be faced by introducing or enforcing Sarah's law in Northern Ireland. I got this reply:

"The PSNI has made the Department aware that there could be potential difficulties in making changes to the current system of disclosure, including problems arising through loss of control of such information. As well as possible risk to the safety of individual offenders, there may be an increased risk of attacks on other individuals as a result of misinformation, and, of more general importance, a decrease in the overall effectiveness of the agencies' efforts to maximise public protection, as offenders go to ground and fail to comply with arrangements to manage the risk they pose."

That was not a satisfactory reply, as the issue of child safety did not even feature and focus was entirely on the offender or perceived offender. I believe that justice should be victim-centred, not offender-tailored, and it is not the first time that I have said that in the House — justice should be looking after the victim primarily.

However, positive engagement did follow, and shortly after, it became clear that the Minister acknowledged that the current process could be altered and enhanced. With the Minister's support, we seek to widen the parameters and, therefore, create a stronger defence against risk. We want to see all crimes of a sexual or violent nature flagged up and considered.

Our amendment seeks to reduce the risk to children from a number of angles, including the potential for domestic violence. I will give a very basic example: as the law stands, parent a can inquire about a person who they believe has shown concerning behaviour towards their child. If the person in question has no convictions for child sex offences, parent a, providing they have been granted disclosure, will be told that there is nothing on file. However, the person in question may have convictions for violence or aggressive behaviour, which could still be classed as a risk to the child. Therefore, our amendment permits the violence conviction to be taken into consideration within disclosure, with the safety of the child being the overall driver.

I also emphasise the issue of awareness. In my ongoing correspondence with the Lucy Faithfull Foundation, which championed Sarah's law in England and Wales, there was great concern about the awareness of the law and how it was incumbent on the agencies to ensure that people were fully aware that the scheme exists. I place on record my thanks to the Lucy Faithfull Foundation, and in particular to its director of research and policy, Donald Findlater, who has been of tremendous support in this matter.

Awareness is clearly the key, so I will do my bit by stating the following: everyone with responsibility for a child's welfare has the right to ask. Let me emphasise that: they have the right to ask. The lead agency in our case — the

PSNI — is the only body with the capacity to ask, “Who has the right to know?”. We do not seek to gainsay the decisions of the PSNI in relation to a refusal of disclosure, but it will have sound reasons for doing so, which will be explained to the applicant.

Initially, the Minister was reluctant to alter current legislation, but, following engagement with my colleague Paul Frew, common ground was found, and the Minister accepted that more could be done, and we very much welcome that. That engagement has produced an extremely worthy amendment that incorporates not only the principles of Sarah’s law but more. I thank the Minister and his officials for engaging in a very positive way. I have to be careful because I have found myself coming into the House on many occasions and congratulating the Minister. I look at him, and then I look at myself and ask, “Who has got it wrong here?”.

Mr Ford: Will the Member give way?

Lord Morrow: Right, I better do that.

Mr Ford: I thank the Member and would like to assure him that I find it equally embarrassing. *[Laughter.]*

Lord Morrow: At least we have something in common: we are both embarrassed.

Sincerely, I thank him for being constructive. His staff have also been very constructive on this issue, and we very much appreciate that. I thank the other parties in the Assembly Chamber that today indicated their support for this amendment. I realise that there is some tweaking to be done here and there, but that will be carried out, and we will come back to the House when that has happened.

I want to mention a particular case that came to my attention only today. It involves a child being sexually abused over a period by a sex offender with multiple convictions. It is not a historical matter — it is recent and happened in Northern Ireland. I cannot help but think that, if disclosure had been applied for and the information known, in this instance, and in others like it, the child involved would not have become another victim.

I had other stuff to say, but much of it has been said, and the hour is getting on. In conclusion, let me repeat what others have said, which is that legislation on its own will not be sufficient. There is not a Member in the House who does not accept that, and those of us who tabled the amendment come from that position, too. Legislation on its own is not the cure. We recognise that, but having effective legislation in place can be a real deterrent in times when it is needed.

Mr Douglas: Like the previous Member to speak, Lord Morrow, I will try to be as brief as I can. That said, Mr Deputy Speaker — where did he go?

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

As I was saying before you joined us, Mr Principal Deputy Speaker, I will try to keep this as brief as I possibly can. Hopefully, my speech will be as good as your handover.

I have about 22 pages here, but I will try to keep it down to 20 if I can. I am only joking.

7.00 pm

As a member of the Justice Committee, I welcome the debate. I want to focus on the amendments relating to

domestic violence. As I said, it is a timely debate. All that we have to do is look at our television screens. We hear it in our communities, and we read in the media about the horrors and the impact of domestic violence on too many families in our communities. First, I support in principle the work done by Mrs Kelly and her colleagues in the SDLP and, indeed, their amendments on domestic violence. I welcome them and will certainly support them in principle. Moreover, I pay tribute to two other colleagues, Mr Frew and Lord Morrow. I will support Sarah’s law and, indeed, Clare’s law, which Dolores Kelly mentioned.

Mrs Kelly clearly outlined the horrors for women who experience domestic violence. One of the things that we have recognised over the years is that it affects all aspects and every area of society. I suppose that, in the past, it was always about disadvantaged communities and people who were living in poverty or whatever, but domestic violence affects the whole community across Northern Ireland. Mrs Kelly reminded us that Women’s Aid is at full capacity. It is a wonderful organisation, and, when we talk about austerity measures and big cutbacks, it is the sort of organisation that we should support day in, day out for the work that it does on domestic abuse and domestic violence. Like many others, I pay tribute to Women’s Aid for the work that it does on a 24-hour basis, but there are other organisations as well. Mr Principal Deputy Speaker, you will know of two of many in east Belfast: the Cregagh women’s centre does excellent work with women, as does the recently formed Pitt Park Women’s Group on the lower Newtownards Road. I see the work that they are involved in with women and children and the positive impact that they can have on the lives of so many people. I think that the women who work with victims of domestic violence will support the Bill. They will say that this is a good news story for them and the work that they do. I have been involved in community work for 25 years, and I have seen at first hand the impact of domestic violence on families. It is not just about women but about their children, their friends and the break-up of families — the horrors that Mrs Kelly outlined.

I also want to highlight something else, and maybe the Minister will address it. I am not sure whether I am on the right track here, but does the Bill deal with domestic violence against men? Over the years, a number of men have come to me, even since I opened up my office on the Newtownards Road four years ago. Some of those men tend to come in when they have a few beers on them and have a sense of Dutch courage. It is horrendous. One man who came to me said that he was suffering serious domestic violence daily but his biggest fear was his partner’s three brothers, who were quite hard men in a sense. It was the fear of them rather than the fear of retaliating. He did not want to retaliate; he loved his partner. Maybe the Minister will look at that and confirm whether the Bill will address those issues. I am not sure what the scale of this is, and I think that it is much more difficult for men to admit that they suffer domestic violence.

As Mrs Kelly said, one in four women suffers domestic violence at some stage in her life. That is a terrible statistic, and it is indicative of the breakdown of society. Again, I ask the Minister to look at that. For me, the amendments will definitely improve the lives of victims of domestic violence, and I hope and am assured that the Bill will help in the fight against domestic violence. I believe that these proposals will make a difference.

I conclude by welcoming the protections that the Department has outlined in the amendments, and I look forward to the broader consultation that, as the Chairman of our Committee said, will take place between now and 2016. Hopefully, it will form a new domestic and sexual violence and abuse strategy, something that we can get our teeth into and can plan for into the future. I look forward to the Minister's response to the amendments.

Mr Givan: I welcome the opportunity to speak to this group of amendments. I will speak specifically to amendment No 19 in the name of my colleagues, Mr Frew and the Lord Morrow, and amendment No 68, tabled by the Minister. At the outset, I acknowledge the thanks of the Minister in the group 1 debate for the work that I did in some of the Committee's scrutiny of the Bill when I held the role of Chairman. I appreciate that very much. I too pay tribute to the officials and the Committee staff for the support that they provided when I was there to ensure that we were able to do our job and do it well. As always, that has continued under our new Chairman, Mr Ross. The Committee demonstrates how MLAs can hold Ministers to account, scrutinise legislation and come forward with proposals that help to shape good law. It is testimony to the good work that often goes unnoticed in the broader public debate. We are often shrouded in crises — certainly that is very real at the moment — but good work goes on behind the scenes in the Committees, where members of all parties work collectively to get the best legislation.

I now touch briefly on amendment No 19. First, I pay tribute to Mr Frew and the Lord Morrow for tabling it. Any Member who tables an amendment is to be commended — I know that Mrs Kelly has done the same — as it requires significant work. Obviously, they have been able to do that, and it would appear to me that they will be successful today in their efforts to bring forward something for the good of society. I commend them.

It is important that in any society the rights of the child are paramount; that is at the heart of this legislation. The concerns of parents and guardians are to the fore in this, as it empowers them with the information to make sure that their child or whoever they are responsible for looking after is protected. The legislation will empower those with responsibility for children to make decisions for the good of the child whom they are concerned with. It also addresses the concerns of the community, which is very much exercised by the issue, and wants our children to be safeguarded and protected. Those are the three most important pillars of the legislation: the children, those with responsibility for children and the broader community at large.

Secondary in all of this are the rights of the predators who have carried out the most heinous crimes against children. Their rights should always take second place to the rights and needs of children. Sexual offenders, in particular, are some of the most deviant and manipulative criminals in our midst.

Given that we have in the region of 1,200 sex offenders in Northern Ireland, every one of us in our constituencies has to deal with the reality that there are sex offenders in our midst. It is right that we take on the public concerns that exist and try to address the issue.

The Criminal Justice Inspection Northern Ireland (CJINI) did a report on the public protection arrangements for Northern Ireland and how sex offenders are monitored. It is true to say that that report gave an outstanding

analysis of how public protection arrangements are carried out in Northern Ireland. That is a tribute to the different criminal justice agencies that are responsible for it, and it is worth putting that on the record; but I believe that more is required, and the amendment will provide further information through the disclosure being made, because it moves the right to privacy that the paedophile is currently afforded into the hands of the parents and guardians. This is a step that is worth taking. It will protect children, because the information will now be provided to those to whom it is relevant so that they are empowered to act.

In closing on this amendment, in my own constituency I have dealt with a family — obviously, I am not going to name them — who came to me in great despair because of an individual who had sexually abused their young daughter. That individual had served time in prison, had been subsequently released and was living in my constituency. Their fear was that the perpetrator, the paedophile, could offend again and that there was nothing they could do to warn others. They spoke to me about their desire to hold up placards outside community facilities where they knew the individual was residing and was going to shop. They wanted to be able to do that. Now, we do not believe that that is the right thing to do in our society, but they felt very concerned for others that the individual may well commit another offence.

Obviously, in the vast majority of these cases, because children are involved, anonymity is granted to the perpetrator in order to protect the child. The perpetrator is often afforded protection from the public knowing who they are. Again, the family felt very much aggrieved that, for obvious reasons, they did not want their daughter's name to be known publicly, but they wanted the public to know who the perpetrator was. However, the only way that that could be done was if they were to waive their right to anonymity.

Today, I will be able to go back to my constituent and say that, if there are concerns about that individual, the parents of children who may well live beside that person and who may well have concerns will now be able to go to the relevant authorities to seek information, which will be given to them. They will then be able to take actions to protect their own children. I know that this will be of comfort to that particular family whom I have been seeking to help for a number of years. That is what this is all about; protecting children and empowering parents and guardians to be able to take measures so that they are protected. I think that that is the right thing to do and I commend my colleagues for bringing it forward.

Briefly, I welcome amendment No 68, which is around agencies being required to disclose information to victims and witnesses of crimes. That will add to what is contained in the Bill around a victim's charter, something that the Committee has been pushing for a number of years now, on the back of a Committee inquiry that was carried out. Victims, who are often also witnesses in criminal offences, often felt that they were secondary to the whole process and that the PPS, the Police Service and others were more concerned about how the system was operating. The victims and witnesses often felt that they were not central to the process but were subservient to it. This further amendment helps to make the victims and witnesses central to going through the criminal justice system. I think it is a welcome amendment that should have our support.

Principal Deputy Speaker, thank you for the opportunity to make that contribution.

7.15 pm

Mr B McCrea: For five years, I was the chair of the Policing Board's human rights committee. One of the best things that I ever got involved with — it is a funny thing to call “best” — was working with Women's Aid. We had a great seminar. Earlier, I heard Seán Lynch talk about the fact that the police occasionally need a bit of training for when they come across issues of domestic violence. That was one of the things that we were able to engage with and explain to people: that it was not just “a domestic”, but a serious issue. I will not rehash the statistics. We all know them. It usually takes a considerable number of events to happen before the woman — and it is usually a woman — will come forward and make a complaint.

We looked at all sorts of issues about how to ensure that somebody, having made a complaint, follows it through. In fact, domestic violence is one of the few areas where you can actually prosecute without having the witness. I got some more experience. I know that this is not to everybody's liking, but I did manage to take a case through to the European Court of Human Rights on behalf of a lady who had suffered domestic violence. It was quite an education on how positive it was for her to deal with those issues.

What is really interesting for me is the fact that Mrs Kelly has brought forward a fairly comprehensive range of amendments. I accept, because she has accepted, that it may be that we need to look at the drafting of those matters. Nevertheless, it is a pretty good framework for something to be done on, and I commend her for it in general terms about how we make sure that those who are under pressure actually get support when it is needed. I will put it on record that I am a little bit disappointed that we cannot get into the nitty-gritty and talk about it now, but since we are going to look at it again and come back, that will be the time to really look at it. Congratulations on that; I hope that it will see some positive outworkings at Further Consideration Stage.

I will move on to information. I listened to Mr Givan talk about amendment No 68 on sharing information. The reason why I was not in my place, Mr Principal Deputy Speaker, was that I was checking whether I had misunderstood what was in the amendment. If I have, obviously the Minister or the proposer will get the chance to clarify it. It seemed to me on reading the amendment that there was specified information that bodies were allowed to give to other people, such as the name, address and contact telephone number, so that they could be provided with services. I am not sure whether it goes quite as far as Mr Givan was suggesting, whereby you would get more information during the process. If that is what is required, maybe that, too, will need to be looked at at Further Consideration Stage.

Certainly, I think that the most frustrating issue for any victim of crime is that it seems to take a long time for anything to be resolved. You sit waiting for information, hoping that somebody is doing something, and you are not sure whether anything is actually happening at all. The odd word to the wise about what is going on is deeply comforting. The problem, of course, for any criminal investigation is that if you are giving out information and trying to keep people informed, good and all as that

is for the victim, you run the risk of compromising the investigation. Whilst I am supportive of agencies working together and getting support to victims, I would like to look a little bit further at the next stage at what exactly that amendment seeks to do.

Mr Givan: Will the Member give way?

Mr B McCrea: I will indeed.

Mr Givan: The Member is questioning whether amendment No 68 will actually help victims. I will just refer the Member to that amendment. Subsection 3(1) states:

“A member of ... the Public Prosecution Service may disclose relevant information ... to the Department for the purpose of enabling the Department to provide information ... to the victim”.

It gives the example of the “prisoner release victim information scheme”. That is what amendment No 68 relates to. It is about sharing information that could be used to enable the victim to get more information.

Mr B McCrea: I am grateful to the Member for providing clarification. As I said, I did not have the chance to pick it all up. I note that the amendment runs to quite a considerable number of items, three pages of detail, and that that is but one element of it. I am sure that he would join with me in saying that, whatever information can be given to victims, at whatever stage, is a bonus for them.

Some have said that the rights of the victim should take primacy and that they should not in any way be equated with the rights of the perpetrator, which should be secondary. To be honest, I am not sure if that is not being a little generous. The issue with our criminal justice system is that victims of crime need to be absolutely front and centre. That is what a criminal justice system is for.

I will move on to a number of points on Sarah's law and Clare's law. I asked Mr Frew some questions on that issue, and I am grateful for the information that he provided. I want to say something about the way that this started off in my thinking. Mr Ross will probably not like this, but I thought that he gave a very good and balanced position. I was concerned about issues of improper disclosure, vigilantism and all those issues. He dealt with all those issues, and I thought that that was what was really good about the debate.

I then listened to Mr Frew going on. I was right there with him 100% on 80% of what he said, but I was not just so sure towards the end when he started to deal with who would have access to the information. That is probably just one of the things that we will tease out as we move forward to Further Consideration Stage. I asked about a couple of issues. To whom do we should disclose the fact that an inquiry has been made? If a parent has a concern about x, they will go forward and ask whether x is a problem. The answer that Mr Frew gave me was that that is absolutely right, that happens already and that if x is a problem he should rightly be talked to and it would be taken forward. The question that I was not sure was addressed and that maybe ought to be addressed is what we do if there were 4,000 people making an enquiry but x was not a problem and the inquiry produced a negative result. Do we build up the fact that lots of people had asked about x? There was a suggestion that it would be good if PPANI noted that there were suspicions about that person or whatever, but

that would indicate to me that there would be some sort of a register of the number of times that an inquiry had been made. Is that what is envisaged under this rule? I am happy to take any clarification on that point. Maybe it is not the right time.

Mr Frew: I thank the Member for giving way. The Member seeks clarification and I am happy to give it to him. In the current system, there is risk management and the monitoring and management of sex offenders. If an application is made, some of things that are assessed are whether it is child centred, whether it is on a particular child or children and the concerns around that. If that is the case, there will also be an assessment of whether the person who is applying is the right person to obtain that information.

If it is deemed to be such a risk that someone else should have disclosure of that information, it is within the gift of PPANI to disclose that information to them. It may be the case that the offender should know that they are doing something that is wrong, or not right, and that they should mend their ways. That is all about the management of sex offender or violent offender in every situation. As I said earlier, it could be used as an early detection system by PPANI whereby it might just safeguard some of its actions and monitoring and policing of those offenders.

Mr B McCrea: I thank the Member for the information. We need to look at the idea of an early warning system and consider how that might work. I gave Mr Frew a mark of only 80% because he started out so well talking about why this amendment was not going to deal with vigilantism, getting things wrong or putting out inappropriate information. That is the thing that needs to come out from this debate.

I have in front of me a piece of paper that says, "Does Sarah's law work?". I am rehashing some things that have been said by different people, including Mr Ross. It cites the appalling case of a Mr Ebrahimi, a disabled Iranian national who was subjected to a sustained campaign of victimisation and attacks because he was wrongly branded as a paedophile. He ended up being murdered. We talked about some other issues, including the story of the poor doctor who was forced out of her home because people misunderstood the description of her. The whole issue of vigilantism is really important.

I am not being critical, but as I drove into Stormont this morning, I listened to Frank Mitchell's show on U105. He was taking people's views, and one particular person thought that we should round all the offenders up and send them off to an island somewhere to deal with the issue. Lord Morrow is not in his place, but this is the point that he raised when the police were talking about this. If you want to manage these situations, you must not drive things underground. I asked a question about the PPANI categorisation. When I was on the Policing Board, I went to Carrickfergus and saw how the network operated when a particular situation arose. I do not know if these numbers are correct now, but there were 10 category 3 offenders, the most serious offender category, in Northern Ireland at the time. There were 1,200 general offenders, let us say 60% of whom were category 1 and 35% of whom were category 2. The really serious ones were category 3. If a person whom we know to be dangerous goes missing, the question for the authorities is this: do we alert the public and tell them that that person is no longer under our control, because that will cause panic, or do we try

to manage the situation? I bring that up just to show that there is a pretty fine line in how we move forward on this.

Mr Frew: Will the Member give way?

Mr B McCrea: I will indeed.

Mr Frew: That brings me back to my point. The Member asked whether the sex offender or violent offender would be notified of a disclosure. That would be the subject of a PPANI assessment because there may be a case where there is a rumour and someone applies and the sex offender may have done nothing wrong at that point. It may, then, be wrong to disclose information that someone had applied for. That would all be in the PPANI risk assessment. To be honest, we could dabble in this all day and night and we still could not come up with a good enough conclusion or assessment. These are the experts and the PPANI agencies are the people who assess, monitor and police these matters on a daily basis. They are the ones who should assess every single case on its own merits.

Mr B McCrea: I am grateful to Mr Frew for clarifying that. I think that his instincts are correct, and I agree with him on many of the issues that he brings forward. I am not in any way trying to put down what he is attempting to do on this issue.

Of course, he is totally free to ignore me, but it is really good to get someone of his status in society trying to explain the more difficult things about how we manage sex offenders. The reason for bringing in amendments such as his is that we are able to manage in a wider framework.

7.30 pm

One of the more difficult things that I had to do was to ask for more money because there was a lack of funding for houses in Belfast where sex offenders were housed. People said, "What on earth are you giving money to that for?". The simple fact is that if you do not manage a situation, if you do not know where people are and if you do not have some way of dealing with the situation properly, you drive it underground and you cannot deal with it. My request is that, when those who care about these issues are on the media, they do not give the short-term phrase, "We're going to really stamp them out and kick them out" and whatever, but that they say, "This is a complicated issue that people manage pretty well", as the report said, and, "but we need you to understand that it's not just as simple as being really hard on people, even though I understand that anybody identified in that way would, naturally, attract public opprobrium".

You will gather that this is not always my way, but it is about looking at the tweaking that needs to be done on this particular amendment. In fact, it applies to the other amendment as well. The reason why the Minister of Justice and Lord Morrow are in agreement but are slightly embarrassed may be that the amendment is fairly modest in its ambition. There are some things to be considered about what the consideration means. There are issues about when it is necessary for a particular member of the public to protect a particular child. I am not sure that I have the same interpretation as Mr Givan, but I accept that I could be wrong, about whether you can say, as a generality, "Look, there is a problem with this person in this area". All that I am saying is that it requires further work.

I conclude —

Mr Givan: I appreciate the Member giving way. Obviously, the amendment speaks about the guidance. Some of us may have particular views as to how best you can do this. Of course, you could have brought forward an amendment to put in the Bill specifically the circumstances where the information should be released by whom and to whom. I believe that it is better to do that through guidance because that provides flexibility for changing circumstances. It allows these issues to be addressed in the future as well without requiring primary legislation. I appreciate the opportunity to say that the guidance needs to be robust. I hope and trust that it will reflect the spirit of what the principles motivating the amendment are based on.

Mr B McCrea: I am grateful to the Member for clarifying the position. We do not always see eye to eye on things, but that is not necessarily bad; it is just an exploring of different positions. He mentioned a pretty tragic situation in his constituency, which also happens to be my constituency. One of the issues that I had to deal with was a family breakup, where certain allegations were made. Eventually, the family got back together again, which is a good thing. You just hope that the allegations do not come out because they would have caused more of a problem. When people are highly emotional, things can be said.

The issue in all this is to try to handle it sensitively and appropriately.

Mr Frew: Will the Member give way?

Mr B McCrea: Yes.

Mr Frew: On the point about sensitivity and handling it right, there is absolutely no doubt — it is certainly at the forefront of my motivation for this — that, even with the existence of the scheme and its implementation, there needs to be with it awareness-raising for the public about what the scheme is and how they could use it. That is not to advertise a scheme to get everybody to apply, but there has to be education around this. What I mean by that is that members of the public will be informed about how they can detect telltale signs that may lead to suspicion. If that were done correctly and robustly, it might sift out a lot of applications for disclosure that were not needed. The more specific requests for disclosure would be of great value and use in the operation of PPANI. This would also bring a sense of relief, assuage fear and take away the frustration of members of the public. It is all about awareness. It is all about educating the public so that they know what this scheme will do and how it will go about doing it.

Mr B McCrea: I believe that the Member's instincts are correct in this. I certainly support it, but I encourage him to understand that this is part of the solution, not the whole solution. This is a tough message to get out. If you are going to do the positive things and say that this will give some protection, you also have to explain to the general public that they cannot go around accusing people willy-nilly because you do not like them. A responsible attitude needs to be taken. The reason why I labour this point is because, when we write generalities into an amendment, there is sometimes a temptation for other Members to interpret it as they think they see it, which may not be the way that the original proposer intended.

I will conclude my remarks by saying that I am not convinced of the effectiveness of public naming and

shaming, the 'News of the World' publishing photographs and saying whatever, or the pinning of names and addresses on noticeboards with the words, "You should be concerned about this person". It is not right, it is not effective and it leads to really bad outcomes. Having a controlled environment where —

Mr Frew: Will the Member give way?

Mr B McCrea: Yes.

Mr Frew: I am concerned by the Member's point about allegations. Let us be very clear that someone with that level of concern will make an allegation to the Police Service of Northern Ireland. In this scheme, they will apply for disclosure. There is a difference there. Let us be very clear that, if members of the public have an issue or a suspicion, they can go to the police straightaway. I worry about the terminology and language used in the House, because there will be media and, more importantly, victims watching.

Mr B McCrea: Maybe I got it wrong, but I thought that the proposer was saying that one of the key attributes of this amendment was that it would stop gossip in the pub — I think that that is what he said, but I am not sure so will have to check Hansard — or general chit-chat and that there was a more appropriate way of dealing with these matters. If I got that wrong —

Mr Frew: Will the Member give way?

Mr B McCrea: Yes.

Mr Frew: I do not think for one moment that this will stop chit-chat. I do not think for one moment that this will prevent people who like a good yarn from talking. They will talk, but the scheme will take away people's frustration and assuage their fear because they will be able to use it to apply for disclosure.

Mr B McCrea: We have probably had enough exchanges across the Chamber. My concern in all of this is efficacy. I was familiar with PPANI, I look at MASRAM and I have seen how people manage these situations. I have also seen negative outcomes when people made allegations that led to the wrong people being identified.

Mr Ross: Will the Member give way?

Mr B McCrea: Yes, Mr Ross.

Mr Ross: I appreciate that the Member has been trying to conclude for the last 15 minutes or so, but I think that this is an important point to make. He talks about people in the pub and communities, which almost creates the vision that we are talking about mobs or vigilante gangs seeking information. The focus of the amendment is on individuals who have guardianship of a child, whether they are a parent or a legal guardian, and fear that their child is in contact with someone who may be a sex offender. It is not so much about communities being able to find out this information. It is about individuals whose child is in close contact with that person. That is where the focus is.

As Mr Frew said, if information is disclosed to an individual, they must handle that information with confidentiality. I think that some focus will have to be put on how they deal with that information and the penalties should they disclose it inappropriately. It is more about individuals being able to access information than communities or mobs in pubs.

Mr B McCrea: I am desperately trying to conclude, but I am in agreement with Mr Ross on that. That is the way in which I would interpret it. I will have a look at it to see how it might work.

The issue that I am concerned about is this: if we make this into a huge situation and get people worried about a situation, how much harm are we doing to our society? The PPANI operation works really well. As Mr Frew said, it has been inspected and found to be exemplary. In fact, I think that he said that it is probably the best in the United Kingdom. This is a really good, working system, and I commend it. We have looked at what developments we might look at with the amendment at Further Consideration Stage. All that I have done is raise concerns that I have heard when listening to people. In particular, if there were 4,700 applications for notification, and 700 of those resulted in notification, what would happen with the other 4,000? We need to consider how we will manage this. I take it on board that what this is really saying is that, ultimately — I think that Lord Morrow said this — we have the right to request but only the PSNI has the right to inform. We need professional management of this, and we need to take the opportunity to send a message to the public that the situation with managing sex offenders or violent offenders, if you want to include them in this, is under control and is being managed properly and that people can rely on the system to work.

Mr Ford: We seem to have spent quite a time over the past while in discussion of matters on which there is almost total unanimity in the House on at least the broad principles of the points, although there has been general acknowledgement from a number of places that a certain amount of fine-tuning will be needed. I will therefore try not to take too much time, given that we are still on only the second group of five groups of amendments, and the night is moving on a bit.

I start by referring to amendment No 6 in the name of Mrs Kelly and her colleagues. I certainly understand the intention behind it, and I know that Women's Aid in particular raised a specific concern with the Justice Committee that a prosecutorial fine might be imposed in cases involving domestic violence. That concern is clearly shared by some Members. As has been acknowledged, the operation of prosecutorial fines will be underpinned by guidance that will be issued by the DPP and will set out the types of offence for which a prosecutorial fine is appropriate and suitable. It will be publicly consulted on, and it will form part of the code by which prosecutors will work. As has been made absolutely clear, prosecutorial fines are intended to be used for low-level offences committed by non-habitual offenders. I certainly do not consider that any offence of domestic violence could be suitable for the imposition of a prosecutorial fine. Indeed, the fact that it states in the Bill that the maximum prosecutorial fine will be at level 1 on the standard scale — the lowest level — is an indication of the kind of offence for which it is intended.

I am certainly supportive of Mrs Kelly's other amendments relating to domestic violence protection orders and domestic violence protection notices, which I will return to in a moment.

Given the detailed guidance and given that we might, if we were to start listing any offences in the Bill, list a large number of offences, it is more appropriate that we leave

this matter to the guidance. Although I certainly agree with the intentions behind the amendment, I feel that it is better that we do not make amendment No 6 to the Bill. I trust that we can look at exactly how we deal with the consultation around the guidance. I hope that that will satisfy Members that that is the best way to proceed.

Amendment Nos 7 to 11 and 68 relate to provisions for victims and witnesses. Amendment Nos 7, 8, 9 and 10 make adjustments to victim statement provisions, which are known as "victim personal statements", to take account of comments that were made during the consultation on the victim charter about widening the scope of the provisions. They enable a victim, a parent, a bereaved family member or a family member acting on behalf of the victim to set out the impact that the crime has had. They will not be limited to the direct impact on an individual. It is likely to be relevant when there is an impact on a wider family circle, for example, with increased caring responsibilities. It will mean that a bereaved family member can set out the impact that the death has had on more than one family member, and I consider that that adequately provides for the views of family members to be appropriately reflected ahead of consideration by the court.

7.45 pm

The amendments also provide that the use of the power may be reviewed, should there be a considerable increase in the number of statements, if it is deemed to negatively impact on the direct victim's statement, and they set out the provisions in the victim charter defining the close family member, which will apply for the purpose of the victim statement procedures.

Amendment Nos 11 and 68 create new clause 35A and new schedule 3A, which will allow us more effectively to advise victims about support services so that informed decisions can be taken. The provisions will enable the police and the prosecution service to pass victim and witness details to Victim Support, to the NSPCC Young Witness Service and to the victim information unit. Those service providers will be able to contact victims and witnesses directly to explain and offer their services. There are significant problems with the current system, and I believe that the changes will help to address some of them. For example, at the moment, two thirds of victims are not referred to Victim Support NI; around 20% of witnesses turn up at court on the day needing support but not having had any prior contact with the witness services provided by Victim Support or the NSPCC Young Witness Service; and only around a quarter of victims avail themselves of the victim information release schemes. That is an issue that comes to me fairly frequently when individuals or their representatives complain that they were not informed of the release of somebody who committed a crime against them. In many cases, it is because they did not register, perhaps in the confusion of the event. Allowing the direct referral will increase the chances that people will be made aware of that, and the changes are in line with the findings of the Justice Committee's inquiry that victims were not using support services and that the capacity of organisations to provide support was reduced because of issues about passing personal information. The information shared will generally be the contact details of the victim or witness and the crime type. Taken together, I trust that the measures will improve victims and

witnesses' experience of the criminal justice process and ensure that they can better access the support available.

In this group, I also propose amendment No 17 to insert new clause 42A to facilitate the exchange of information between Access NI and the Disclosure and Barring Service. Only one Member made any reference whatsoever to that. The powers are not new, but they replace existing powers that have a sunset clause at the end of this year and are therefore appropriate.

There was considerable discussion about new clause 43A, the amendment in the name of Mr Frew and Lord Morrow. I have already signalled to them — they have referred to it — my intention to support the clause, which will add to the existing disclosure procedures set out in the 'Guidance to agencies on public protection arrangements' that I issued in 2011.

It is important to say one or two things about the work of the agencies that seek to protect us all, particularly children. First, we need to acknowledge that the management of risk is not an exact science. It takes many forms, and the most important element is that cases are treated on an individual basis and risk is minimised through a combined approach, involving numerous risk management tools and, where necessary, utilising cooperation between relevant statutory agencies and voluntary bodies. We live with risk every day in many forms, only one of which is risk from offenders who have finished their prison sentence and returned to live in society. That is, of course, reality: we do not lock people away for ever. What we can do and what the agencies already work hard at is identify the possible risks that offenders in the community pose; assess the level of risk in particular cases; and take steps to protect each of us from harm. Much of that is done under the multi-agency PPANI arrangements: police, probation, social services, prisons and others, working together, where they can, to minimise the risk from offenders. In order to work as effectively as possible, the Department keeps under review, in cooperation with the agencies, a range of policy options that might be used in furtherance of risk management.

In broad terms, there is the legislative framework for multi-agency working, from which flows the departmental guidance on the PPANI arrangements, guidance that the agencies are required to give effect to.

In that guidance, we set out a range of ways in which the agencies should cooperate and carry out their functions in the most effective way to manage risk. One of those ways is through disclosure of conviction information about offenders in order to protect victims, potential victims and other people who may be at risk. That is part and parcel of the existing procedures under the comprehensive PPANI risk-management framework, and I recognise its contribution to the overall protection of individuals. Indeed, a number of Members have referred to the successful work done by PPANI: successful, but never 100%. Members have commented on the inspection reports by CJINI, which have highlighted the good work done by the PPANI agencies.

We looked at extending the disclosure provisions, but we have also had to look at the circumstances in which disclosure arrangements operate in Northern Ireland. The police have had concerns about widening the arrangements beyond the existing PPANI framework, and I have had to take note of their position.

We have also had some doubts about the overall contribution that legislative change, such as that made in England and Wales, might have to the objective of genuinely protecting children. Those concerns relate largely to how such a system might affect the balance of compliance with different risk-management strategies.

I am glad to be able to say that I fully support the clause, which was worked through with my officials and that the police believe will be a practicable operation. I understand that the NSPCC is also in favour of taking this step. It offers a reasonable way to build on existing disclosure arrangements and yet will still offer a way for individual members of the public, who have particular concerns about a person who has access to a particular child or children, to make those concerns known to the police and be assured that, if there is a need to disclose information to protect those children, it will be disclosed to a particular person. How the details will be operated will be provided for in the PPANI guidance. The police and other relevant agencies will be consulted.

I was also pleased to be able to agree that the disclosure of conviction information will be considered in relation to any offender who falls within the PPANI framework, which could potentially protect a child from violent harm as well as sexual harm: a point that has been made in comparison with other jurisdictions.

We also need one crucial, contextual point. Nobody should assume that this is a panacea to prevent all risks to children. It is clearly not that. The proposal addresses only one element of risk: that which comes from offenders with convictions for sexual crime or certain types of violent offending. It still needs to be said, very clearly, that most offending behaviour against children is much more likely to come from persons known to the child but unknown to the police. That is the sad reality of the society we live in.

Having said all that, I hope that this change will help to protect more children from harm. I have therefore indicated my support for the provision. However, with the advice of legislative counsel, I intend — and I understand that the Members who tabled the amendment will not object — to bring a number of minor technical amendments at Further Consideration Stage to ensure full legislative clarity. For the sake of Hansard, Mr Frew is nodding at that point.

On the issue of the further group of amendments —

Mr Ross: I thank the Minister for giving way. Given the debate we had on the proposals for Sarah's law and Clare's law, the interest there has been from Members — perhaps an interest in some of the more technical details — and that we cannot have a Committee discussion about this because we are past Committee Stage, would the Minister agree that, for both proposals, when he is working with Mrs Kelly and Mr Frew, it would be appropriate if DOJ officials came to the Committee to brief Committee members on the changes that are taking place so that we are better informed for the Further Consideration Stage?

Mr Ford: I am always happy to do my best to inform the Committee, and the Committee sometimes informs me back in a constructive way. The precise details of how this might be set up, given that we are on a tight timescale, will need to be worked out. In principle, I am very happy that the Committee has the opportunity for a meeting, even if those sitting in the Box at the moment are currently scratching their heads and wondering how it will happen.

I will turn, now, to amendment Nos 21 to 29, standing in the name of Mrs Kelly and her colleagues, on domestic violence protection orders and the associated area. I have considered the range of amendments they have tabled and, while I am certainly in broad agreement with those, and I fully accept the spirit of them, I consider that there are some elements of detail that need to be adjusted. I should perhaps add at this point, for the sake of Mr Douglas, that my understanding of domestic violence is that it is gender-neutral. It is sexual-orientation-neutral as well. While we need to acknowledge that the vast majority of domestic violence is inflicted by men upon women and children, we should not suggest that that is the entire picture.

I believe that the introduction of domestic violence protection notices and domestic violence protection orders will make an actual difference in the suite of public protection arrangements, and I have already raised them as part of the considerations in the consultation on the stopping domestic and sexual violence and abuse strategy, with a view to consulting in greater detail on those initiatives with key stakeholders during this financial year. However, I will not now do so as I firmly believe that DVPNs and DVPOs are required to help fill a gap in the provision of immediate protection of victims of domestic violence in the short term. I will, instead, bring forward alternative amendments at Further Consideration Stage with the support and, I understand, agreement of Mrs Kelly and her colleagues — for the sake of Hansard, she is also nodding — to allow for a more immediate introduction of DVPNs and DVPOs in Northern Ireland than would otherwise be the case.

On the specific amendment that deals with domestic violence disclosures — I think that it is amendment No 28 — I am also in broad agreement with the introduction of such a scheme. In this specific instance, and in common with the position in England and Wales, where such a scheme has been in existence since 2012, there is no legislative requirement to deliver such a scheme. Police already have the powers necessary to disclose such information. I propose to bring forward shortly a specific consultation on the shape of such a scheme in Northern Ireland, taking into consideration the outcome of the operation of the scheme in England and Wales.

In summary, I am quite happy to accept the principles of everything that has been put forward by Mrs Kelly and colleagues, and I hope that I have given an indication that guidance on the prosecutorial fines should cover the concerns that she had there. I am committed to action at Further Consideration Stage or in public consultation on the other matters that she has raised. I support the specific amendment that Mr Frew and Lord Morrow have put forward, subject to some minor tweaking — I believe that is the technical term — for Further Consideration Stage. I note that nobody said anything very much about my amendments, and I trust that the House will endorse them.

Mrs D Kelly: I thank all the Members who participated in the debate and gave their support to the principle and the import of all the amendments, notwithstanding any particular concerns around the disclosure schemes that all Members have referred to and the need to come back with some further information. For our part we have no difficulty with the Minister sharing whatever dialogue we have with him in bringing forward disclosure, which is more commonly known as Clare's law, with the Chair of the

Committee and Committee members. We would welcome such information sharing.

It is true to say that all the amendments in this group are very much victim-centred and, broader than that, support the family of victims of and witnesses to crime. That shows that it is a good day for the Assembly, and one when a devolved institution is meeting the needs and concerns of the people who we represent here. It is a good news story, and I welcome all the support from all the organisations, many of which have been mentioned right across the Chamber, in the statutory and community and voluntary sectors for their information in getting the Bill this far and, more generally, for the work that they do in protecting us, our families and our constituents on an almost daily basis.

I believe that all Members who made a contribution spoke largely in support of all the amendments from our party; certainly those of the Minister were broadly supported. Indeed, whilst there were some concerns about the amendment in the names of Mr Frew and Lord Morrow, I think that those concerns will be allayed at Further Consideration Stage. I look forward to the outworkings of that.

Mr Ross: I thank the Member for giving way again. She will recollect that, during my contribution, I mentioned two domestic violence charities that opposed the introduction of Clare's law.

I do not know whether the Member will agree or not, but it might be appropriate if she made contact with those charities to see if some of their concerns could be allayed, because, ultimately, we have the opportunity not only to introduce Clare's law, but a better version of it. If there are areas in which they feel there could be more support around some of the legislation that might be required, we could end up with a better piece of legislation than GB. I wonder if she would be keen to engage with both those charities in the interim before Further Consideration Stage.

8.00 pm

Mrs D Kelly: I would have absolutely no difficulty with that. I would be very pleased to liaise directly with those organisations but, in relation to that particular amendment, I am satisfied with the Minister's commitment this evening to have further consultation and, given the PPANI arrangements in relation to Clare's law here in Northern Ireland, it would have to come forward again to this House after public consultation. Therefore, I think that we will all have an opportunity to hear from those organisations. I had read some time ago — you prompted my memory — of their concerns but, in some of the papers that I researched, some of the concerns that they had rightly raised, I believed, had been allayed, maybe not with them, but, to my mind, they appeared to have been allayed.

I know that Members are anxious to get through the rest of the amendments, so I am sure that they will not mind if I do not mention them all by name, but just to say thank you all very much indeed for your contribution. I have said that the amendments broadly protect victims and witnesses of crime and should reassure the public that the concerns that they have raised with us as individual Assembly Members or collectively through campaigns and lobbying over the last number of years have been listened to and action has been taken. So, I am not going to repeat or rehash much of what people have said. It is a matter of

record, and others will be able to research Hansard if they want to have a look at a particular individual's contribution.

I conclude by saying that, having listened to the Minister in relation to amendment No 6 and the reassurances that he has given around the guidance on prosecutorial fines, with the leave of the Assembly, I will withdraw amendment No 6.

Amendment No 6, by leave, withdrawn.

Clause 17 ordered to stand part of the Bill.

Clauses 18 to 32 ordered to stand part of the Bill.

Amendment No 7 made:

In clause 33, page 23, line 14, leave out from "and" to end of line 16.— *[Mr Ford (The Minister of Justice).]*

Amendment No 8 made:

In clause 33, page 23, line 40, at end insert "and members of the victim's family".— *[Mr Ford (The Minister of Justice).]*

Amendment No 9 made:

In clause 33, page 23, line 43, at end insert "and members of the victim's family".— *[Mr Ford (The Minister of Justice).]*

Amendment No 10 made:

In clause 33, page 23, line 43, at end insert

"(8A) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words "and members of the victim's family".

(8B) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29."— [Mr Ford (The Minister of Justice).]

Clause 33, as amended, ordered to stand part of the Bill.

Clauses 34 and 35 ordered to stand part of the Bill.

Amendment No 11 made:

New Clause

After clause 35 insert

"Information sharing

Disclosure for purposes of victim and witness support services and victim information schemes

35A. Schedule 3A (which makes provision for the disclosure of information for the purposes of victim and witness support services and victim information schemes) has effect."— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 36 ordered to stand part of the Bill.

Clause 37 (Minimum age for applicants for certificates or to be registered)

Mr Principal Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 12, it will be convenient to debate amendment Nos 16, 49, 51 to 67, 75 to 78 and opposition to clause 86 stand part. This group contains technical, consequential and minor drafting

amendments and the Committee's amendments in respect of the regulation-making powers in the Bill. Amendment No 53 is consequential to amendment No 11.

I call the Minister of Justice to move amendment No 12 and to address the other amendments in the group.

Mr Ford (The Minister of Justice): I beg to move amendment No 12: In page 26, line 35, leave out "subsection (3)(b)" and insert "subsection (4)(b)".

The following amendments stood on the Marshalled List:

No 16: In clause 41, page 31, line 18, leave out "it is" and insert "be".— *[Mr Ford (The Minister of Justice).]*

No 49: After clause 85 insert

"Salary of Lands Tribunal members

Salary of Lands Tribunal members

85A.—(1) Section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 is amended as follows.

(2) For subsections (5) and (5A) substitute—

"(5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration as the Department of Justice may determine.".— [Mr Ford (The Minister of Justice).]

No 51: In clause 87, page 60, line 8, leave out paragraph (b).— *[Mr Ross (The Chairperson of the Committee for Justice).]*

No 52: In clause 87, page 60, line 12, leave out from "incidental" to "saving" and insert "consequential and transitional".— *[Mr Ross (The Chairperson of the Committee for Justice).]*

No 53: In clause 91, page 60, line 36, at end insert"() section 35A and Schedule 3A;".— *[Mr Ford (The Minister of Justice).]*

No 54: In clause 91, page 60, line 36, at end insert"() sections 78A and 78B;".— *[Mr Ford (The Minister of Justice).]*

No 55: Schedule 1, Page 62

Leave out lines 4 to 28 and insert

"THE GAMING ACT (IRELAND) 1739 (C. 8)

. In section 16 (bringing of actions) omit the words from "and shall be laid" to the end.

THE FORCIBLE ENTRY ACT (IRELAND) 1786 (C.24)

. In section 65 (indictments) for "some one or more of the justices of the peace of the county, county of the city or town where such indictment shall be made" substitute "a district judge (magistrates' courts)".

THE PARLIAMENTARY REPRESENTATION ACT (IRELAND) 1800 (C.29)

. In section 7 (writs) for "crown office in Ireland" and "crown office of Ireland" substitute "chief clerk".

THE TOLLS (IRELAND) ACT 1817 (C.108)

. In section 7 (schedule of tolls) for "chief clerk for the county court division where such custom, toll, or duty may be claimed," substitute "chief clerk".

THE TITHE RENTCHARGE (IRELAND) ACT 1838
(C. 109)

. In section 27 (recovery of rent-charge) omit “wherein the lands charged therewith may be situate”.

THE DEFENCE ACT 1842 (C. 94)

. In section 24 (compensation)—

(a) for “two justices of the peace of the county, riding, stewardry, city or place” substitute “a court of summary jurisdiction”;

(b) for “such justices” substitute “that court”.

THE FISHERIES (IRELAND) ACT 1842 (C. 106)

—(1) In section 92 (byelaws) for the words from “deposited with” to “in each such petty sessions district” substitute “deposited with the clerk of petty sessions who shall publish notice of the lodgement”;

(2) In section 103 omit “in the district where the same shall be seized”.

THE COMPANIES CLAUSES CONSOLIDATION ACT 1845 (C. 16)

—(1) In section 3 (interpretation) omit “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.

(2) In section 161 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

THE LANDS CLAUSES CONSOLIDATION ACT 1845
(C. 18)

. In section 150 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845 (C. 20)

—(1) In section 7 (correction of plans) for the words from “deposited with” to “shall be situate” substitute “deposited with the chief clerk”.

(2) In section 8 (deposit of plans) for the words from “deposited with” to “intended to pass” substitute “deposited with the chief clerk”.

(3) In section 11 (limitation of deviation)—

(a) for the words from “two or more justices” to “may be situated” substitute “a court of summary jurisdiction”;

(b) omit the words from “Provided also, that” to the end.

(4) In section 59 (consent to level crossing)—

(a) for the words from “any two or more justices” to “is situate, and assembled in petty sessions” substitute “a court of summary jurisdiction”;

(b) for “such justices” substitute “that court”.

THE EJECTMENT AND DISTRESS (IRELAND) ACT 1846 (C. 111)

. In section 16 for the words from “apply to any one” to “fixed in such summons” substitute “apply to a district judge (magistrates’ courts) for the redress of his grievance, whereupon the district judge shall summon the person complained of to appear before a court of

summary jurisdiction at a reasonable time to be fixed in the summons.”.

THE MARKETS AND FAIRS CLAUSES ACT 1847 (C. 14)

—(1) In section 7 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(2) In section 50 (annual account) for “the chief clerk for the county court division in which the market or fair is situate” substitute “the chief clerk”.

(3) In section 58 (deposit of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE COMMISSIONERS CLAUSES ACT 1847 (C. 16)

—(1) In section 95 for “the chief clerk for the county court division where the undertaking is situate” substitute “the chief clerk”.

(2) In section 110 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 (C. 27)

—(1) In section 7 (correction of plans) for the words from “be deposited in” to “are situate” substitute “be deposited with the chief clerk”.

(2) In section 8 (alterations to plans) for the words from “deposited with the said” to “is situate” substitute “deposited with the chief clerk”.

(3) In section 50 (annual account) for the words from “charge, to the” to “is situate” substitute “charge, to the chief clerk”.

(4) In section 97 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE TOWNS IMPROVEMENT CLAUSES ACT 1847
(C. 34)

—(1) In section 3 (interpretation)—

(a) in the definition of “justice” for the words from “shall mean” to “arises” substitute “shall mean a lay magistrate”;

(b) in the definition of “quarter sessions” for the words from “shall mean” to the end substitute “shall mean the county court”.

(2) In section 20 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(3) In section 214 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE CEMETERIES CLAUSES ACT 1847 (C. 65)

—(1) In section 7 (correction of errors) for the words from “deposited with” to “shall be situated” substitute “deposited with the chief clerk”.

(2) In section 60 (annual accounts) for the words from “charge, to the” to “is situated” substitute “charge, to the chief clerk”.

(3) In section 66 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE VAGRANCY (IRELAND) ACT 1847 (C. 84)

. In section 8 (interpretation) for the words from “any justice” to “town corporate” substitute “any lay magistrate or district judge (magistrates’ courts)”.

THE TOWN POLICE CLAUSES ACT 1847 (C. 89)

. In section 77 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE RAILWAY ACT (IRELAND) 1851 (C.70)

.—(1) In section 4 (deposit of maps) for the words from “or so much thereof as relates” to the end substitute “with the chief clerk”.

(2) In section 8 (notice of appointment of arbitrator) for the words “with the chief clerks for the county court division” substitute “with the chief clerk”.

(3) In section 11 (retention of documents) for the words from the beginning to “hereby” substitute “The chief clerk is hereby”.

THE FINES ACT (IRELAND) 1851 (C. 90)

.—(1) In section 6 (enforcement) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

(2) In section 8 (penalties) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

THE SUMMARY JURISDICTION (IRELAND) ACT 1851 (C. 92)

. In section 1 (jurisdiction of justices) omit—

(a) “within his or their respective jurisdictions”; and

(b) “(when the case shall be heard in any petty sessions district)”.

THE PETTY SESSIONS (IRELAND) ACT 1851 (C. 93)

.—(1) In section 26(3) (execution of warrants) for the words from “at any place” to “adjoining county” substitute “at any place”.

(2) In section 28 (backing of warrants) for the words from “are not to be found” to “in any of the places” substitute “are in any of the places”.

(3) In section 31 (execution of warrant) for the words from “or peace officers” to the end substitute “to execute the warrant by arrest, committal, or levy, as the case may be, and in the case of a warrant to arrest any person and convey him when arrested before any district judge (magistrates’ courts) to be dealt with according to law.”.

THE BOUNDARY SURVEY (IRELAND) ACT 1854 (C. 17)

. In section 12 (alteration of boundary) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

THE TOWNS IMPROVEMENT (IRELAND) ACT 1854 (C. 103)

. In section 1 (interpretation) omit the definition of “assistant barrister”.

THE BOUNDARY SURVEY (IRELAND) ACT 1859 (C. 8)

. In section 4 (publication of order) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

THE ECCLESIASTICAL COURTS JURISDICTION ACT 1860 (C. 32)

. In section 3 (offenders) for the words from “taken before” to the end substitute “taken before a district judge (magistrates’ courts) to be dealt with according to law.”.

THE TRAMWAYS (IRELAND) ACT 1860 (C. 152)

. In section 33 (entry to land)—

(a) for the words from “under the hand” to “not having” substitute “under the hand of a district judge (magistrates’ courts) who does not have”;

(b) for the words from “fixed by” to “same district” substitute “fixed by a district judge (magistrates’ courts)”.

THE LANDLORD AND TENANT LAW AMENDMENT ACT (IRELAND) 1860 (C. 154)

.—(1) In section 35 (restraint of waste)—

(a) for the words from “satisfy” to “of the county” substitute “satisfy a district judge (magistrates’ courts)”;

(b) for the words from “at the next” to “premises are situate” substitute “at the next petty sessions”.

(2) In sections 63 and 69 (deposit of sums due) for “chief clerk for the county court division” substitute “chief clerk”.

(3) In section 79 (view of lands) for the words from “lawful for” to “shall be situate and” substitute “lawful for a district judge (magistrates’ courts)”.

(4) In Schedule (A) (forms) omit “for the county of M,” (wherever occurring).

THE RAILWAYS ACT (IRELAND) 1864 (C. 71)

. In section 14 (value of crops) for the words from “determined by” to the end substitute “determined by a district judge (magistrates’ courts)”.

THE DOCKYARD PORTS REGULATION ACT 1865 (C. 125)

. Omit section 22 (jurisdiction of justices over vessels).

THE PROMISSORY OATHS ACT 1871 (C. 48)

. In section 2 (persons who may take oaths) for the words from “or at the” to the end substitute “or at the county court”.

THE MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND) AMENDMENT ACT 1871 (C. 49)

. In section 23 (register books) for the words from “information thereof to” to “solemnized” substitute “information thereof to a district judge (magistrates’ courts)”.

THE PUBLIC HEALTH (IRELAND) ACT 1878 (C. 52)

.—(1) In section 2 (interpretation) omit the definition of “court of quarter sessions”.

(2) In section 269 (appeals) for subsection (1) substitute—

“(1) The appeal shall be made to the county court.”

THE SETTLED LAND ACT 1882 (C. 38)

. In section 46(10) (payment into court) for the words from “be exercised by” to the end substitute “be exercised by the county court”.

THE MARRIED WOMEN’S PROPERTY ACT 1882 (C. 75)

. In section 17 (summary decision of questions) for the words from “in a summary way” to “and the court” substitute “in a summary way to the High Court or a county court and the court”.

THE EXPLOSIVE SUBSTANCES ACT 1883 (C. 3)

. In section 6(1) (inquiry into crimes) omit—

(a) “for the county, borough, or place in which the crime was committed or is suspected to have been committed”;

(b) “in the said county, borough, or place”.

THE BILLS OF SALE (IRELAND) ACT (1879) AMENDMENT ACT 1883 (C. 7)

. In section 11 (registration) for the words from “transmit” to the end of the first paragraph substitute “transmit an abstract in the prescribed form of the contents of such bill of sale to the chief clerk.”.

THE LOCAL GOVERNMENT (IRELAND) ACT 1898 (C. 37)

. In section 69 (boundaries)—

(a) in subsection (3) omit the words from “provided that” to the end;

(b) omit subsections (4) and (5).

THE OPEN SPACES ACT 1906 (C. 25)

. In section 4(2) (transfer of open space) omit the words from “of the district” to the end.

THE SUMMARY JURISDICTION (IRELAND) ACT 1908 (C. 24)

In sections 1(2) and 2(2) (habitual drunkards) for the words from “anyone holding” to the end substitute “any justice of the peace”.— [Mr Ford (The Minister of Justice).]

No 56: In schedule 1, page 66, line 38, at end insert

“(2A) In section 18(2) (rules) after “subsection (1) above” insert “(other than paragraph (a))”.— [Mr Ford (The Minister of Justice).]

No 57: In schedule 1, page 75, line 12, leave out sub-paragraph (1) and insert

“(1) Omit section 15(3) (interpretation).”— [Mr Ford (The Minister of Justice).]

No 58: In schedule 1, page 84, leave out lines 10 to 12.— [Mr Ford (The Minister of Justice).]

No 59: In schedule 1, page 86, line 16, at end insert

“(1A) In section 125 (variation, renewal and discharge of orders)—

(a) in subsection (1) for “the appropriate court” substitute “a court of summary jurisdiction”; and

(b) omit subsection (7).”— [Mr Ford (The Minister of Justice).]

No 60: In schedule 1, page 90, line 31, at end insert

“*THE SERIOUS CRIME ACT 2015 (C. 9)*

109. In Schedule 2 in paragraph 11(2)(c) omit “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.— [Mr Ford (The Minister of Justice).]

No 61: In schedule 3, page 94, line 29, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 62: In schedule 3, page 94, line 37, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 63: In schedule 3, page 95, line 4, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 64: In schedule 3, page 95, line 12, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 65: In schedule 3, page 95, line 19, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 66: In schedule 3, page 95, line 27, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 67: In schedule 3, page 96, line 13, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

No 75: In schedule 6, page 102, line 35, leave out from beginning to end of line 4 on page 103 and insert

“

The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
The Tithe Rentcharge (Ireland) Act 1838 (c. 109)	In section 27 the words “wherein the lands charged therewith may be situate”.
The Fisheries (Ireland) Act 1842 (c. 106)	In section 103 the words “in the district where the same shall be seized”.
The Companies Clauses Consolidation Act 1845 (c. 16)	In section 3 the words “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.
The Railway Clauses Consolidation Act 1845 (c. 20)	In section 11 the words from “Provided also, that” to the end.
The Summary Jurisdiction (Ireland) Act 1851 (c. 92)	In section 1 the words “within his or their respective jurisdictions” and “(when the case shall be heard in any petty sessions district)”.
The Towns Improvement (Ireland) Act 1854 (c. 103)	In section 1 the definition of “assistant barrister”.
The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)	In Schedule (A) the words “for the county of M,” (wherever occurring).

The Dockyard Ports Regulation Act 1865 (c.125)	Section 22.
The Public Health (Ireland) Act 1878 (c. 52)	In section 2 the definition of “court of quarter sessions”.
The Explosive Substances Act 1883 (c. 3)	In section 6(1) the words “for the county, borough, or place in which the crime was committed or is suspected to have been committed” and “in the said county, borough, or place”.
The Local Government (Ireland) Act 1898 (c. 37)	In section 69(3) the words from “provided that” to the end.
Section 69(4) and (5).	The Open Spaces Act 1906 (c. 25) In section 4(2) the words from “of the district” to the end.

“— [Mr Ford (The Minister of Justice).]

No 76: In schedule 6, page 111, column 2, leave out lines 23 and 24 and insert

“

Section 15(3).

“— [Mr Ford (The Minister of Justice).]

No 77: In schedule 6, page 117, line 41, column 2, at beginning insert

“

Section 125(7).

“— [Mr Ford (The Minister of Justice).]

No 78: In schedule 6, page 121, line 35, at end insert

“

The Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	In Schedule 11, paragraph 71(5).
The Serious Crime Act 2015 (c. 9)	In Schedule 2, in paragraph 11(2)(c) the words “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.

“— [Mr Ford (The Minister of Justice).]

Mr Ford: This group relates to technical, miscellaneous and regulation-making powers. The majority of the amendments in this group relate to the Bill’s single jurisdiction for County Courts and Magistrates’ Courts powers, but the group will also provide the opportunity to debate the Chair’s opposition to clause 86; the supplementary, incidental, consequential and transitional

provision clause. I will first speak to the amendments and then return to clause 86.

Part 1 of the Bill creates a single jurisdiction for the County Courts and Magistrates’ Courts in Northern Ireland by abolishing the current statutory County Court divisions and petty sessions districts. Schedule 1 supports the provisions by way of a large number of consequential amendments to primary legislation. Amendment Nos 55 to 60 make a number of amendments to schedule 1, which will supplement the list already contained within the schedule. These further consequential amendments will, primarily, remove references related to County Court divisions and petty sessions districts contained in legislation that has been made since the Bill was drafted, as well as some very old provisions. These further amendments are intended to complete the list of consequential amendments needed as a result of the creation of a single jurisdiction and, therefore, do not represent new policy. In addition, amendment Nos 75 to 78 make a number of supporting changes to the single jurisdiction elements of schedule 6, which deals with repeals.

Amendment No 49 is the only amendment in the group that takes the form of a new clause, clause 85A, which delivers a Justice Committee request to remove the need for an increase in the salary of the member of the Lands Tribunal to be made by an affirmative resolution order and to align the arrangements for determining salary with the non-Assembly procedure used to determine other judicial salaries. I doubt whether the Committee Chair, the Committee Clerk or the members will miss the opportunity to once a year debate a 1% salary increase.

Amendment Nos 12 and 16 are minor technical amendments to correct small drafting issues with clauses 37 and 41, while amendment Nos 53 and 54 facilitate the coming into operation on the day of Royal Assent of the victims information sharing and the sexual offences against children amendments debated as part of other groups here today.

Finally, amendments Nos 61 to 67 make a number of consequential amendments to schedule 3 in support of the direct committal amendments that were debated as part of group 1.

I want to spend some time speaking in support of clause 86 remaining part of the Bill. Let me first make some general observations about the Justice Bill, and I will then make two key points about clause 86 and provisions of that type. First, those provisions are not standard and must be seen in the context of the relevant Bill, and, secondly, I will comment on potential utility.

Clause 86 fulfils a particular purpose. Provisions of that type appear in other statutes when necessary, and I remain of the view that clause 86 is needed in this Bill. Indeed, I note that the debate on clause 86 has been grouped with amendment Nos 12 and 16. That enables me to note that those amendments, which are short, technical and important, are rightly being brought forward for consideration as matters necessary to give full effect to the policy intentions in the Bill. If we were to find the need for those after Royal Assent, and if clause 86 were not available to us, we would be in some difficulty: we would be seeking primary legislation for two minor amendments.

This Bill has over 80 substantive clauses — it will have more by the time this Consideration Stage is finished —

that deliver policy objectives on a range of issues. This is a complex set of measures, made even more complex by the need to amend and repeal a very large number of statutory provisions in furtherance of the policy objectives in the Bill. To illustrate that, I draw attention to schedule 1 of the Bill, which makes the amendments that are necessary to give effect to the single-jurisdiction provisions. Taken alone, schedule 1 runs to nearly 30 pages and makes necessary amendments to over 100 separate statutes, involving many hundreds of specific changes. The earliest statute so amended dates back to 1842. The remaining schedules of amendments and repeals run to an additional 30-plus pages.

It is the clear responsibility of my officials and those working on the Bill to make every human effort to pick up the necessary amendments and repeals needed to give effect to the policy objectives. That is fundamentally right, as we intend those measures to form part of our law, and it goes without saying that my officials have made every effort to ensure it is both accurate and comprehensive. It is only right that all the matters that we wish to form part of the Act should be before the Committee and the Assembly to be scrutinised as a whole.

Clause 86, despite what may have been suggested by some people, is absolutely not a substitute for the effort required to get this right, but is a proportionate and necessary safeguard against the possibility, however remote and undesirable, that something has been missed.

Having observed the complexities of this Bill, I will make two points on the necessity for clause 86. First, provisions like clause 86 need to be seen in context because they are not standard. I would certainly not argue that all Bills should have that as a safeguard; it would not be necessary, nor would it accord with practice. Of the Acts passed in this mandate, most do not include a provision like clause 86. Indeed, not all of my Acts have a provision of that type, but some Acts do contain a provision like clause 86, and that will have been dependent on the context. Where an Act is complex, wide-ranging and amends or repeals other statutes to a large degree, a provision of this sort is wise and proportionate. A small Act like the Education Act (Northern Ireland) 2014 has a provision of this sort, and the context for that was, no doubt, the degree to which it amended other statutes rather than the five substantive sections contained in the Bill. Indeed, the Education Minister spoke most eloquently about the need for a similar provision in that Bill.

My Justice Act (Northern Ireland) 2011, the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013, the Charities Act (Northern Ireland) 2013, the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014, the Education Act (Northern Ireland) 2014, which I just mentioned, and the Work and Families Act (Northern Ireland) 2015 all have a provision of that sort. Of the Bills introduced that have not progressed to Royal Assent in this mandate, four contain similar provisions: the Education Bill, the Reservoirs Bill, the Road Traffic (Amendment) Bill and the Pensions Bill. So, in context, more than 25 Acts and Bills in this mandate have not judged it necessary to include such a provision. That hardly supports the comment that I have heard being made, namely that such provisions are commonplace in devolved Administrations or that these provisions provide endless bites at the cherry.

To return to my point about amendment Nos 12 and 16, it is right that we remain vigilant during the course of a Bill

and that we do not allow ourselves to rest on clause 86 as a desirable second-chance provision. It is not that at all, but it is a safety net, and a very important one. I have set out this detail to make the point that we do not and should not take an attitude that clause 86-type arrangements are standard. Clearly, they are not. They must be seen in the context of the specific Bill and judged in that way by the respective Committees and the Assembly as a whole. Given my opening observations on the complexities of the drafting needed to give effect to the policy objectives in the Bill, I remain firmly of the view that clause 86 is appropriate on this occasion.

8.15 pm

My second point concerns utility, and there are two angles to that. The first concerns the way in which the clause is drafted; the second its potential utility in the future. I accept that clause 86 may look wide-reaching, and I fully understand why the Committee has given time to it. It is absolutely right that the Committee and the Assembly guard against sweeping powers and that the primacy of full scrutiny by the Committee and the Assembly is protected. However, clause 86 needs to be read very carefully. It is not a power for me as Justice Minister to do anything I like. I cannot use it to alter policy, and I cannot use it to dilute or disturb policy that I do not support. I cannot use it to frustrate democratic debate during the passage of the Bill. It could be used only in the limited circumstances set out in clause 86.

The building blocks in clause 86 are as follows: the first is that the power is permissive and limited to supplementary, incidental, consequential, transitory, transitional or saving provisions — these terms have meanings; and the second is that the clause is limited to the general or particular purposes of the Act, or in consequence of, or for giving full effect to, any provision made by the Act. These two building blocks must be read together and as a whole. I would have the ability to offer to the Assembly only an order that was strictly limited to giving effect to the intentions in the Act, and the order can relate only to the matters described in clause 86(1)(a) and 86(1)(b). This gateway is, in reality, significantly narrower than some of the interpretations that have been placed on it. The important third building block appears in clause 87(6): any such order would be subject to the affirmative procedure.

Clause 86(2) enables an order to amend, repeal, revoke or modify any statutory provision, and I understand why this may seem broad, but this is limited by the subject matter of the Act: the power can be used to deal only with that subject matter. If that test is passed, clause 86(2) enables the order to do what the Act would have done — amend, repeal, revoke or modify — had the issue been picked up at an earlier stage. The affirmative procedure means that it must be subject to the full, active scrutiny of the Assembly. I invite careful consideration of the totality of clause 86. I do not believe that it presents a wide-ranging power for me or that it goes beyond what is necessary to manage a small and particular risk that arises from the complexities of the Bill.

My second point concerns the utility of clause 86. In short, I have no plans to use it. I will be delighted if there is no reason for it to be used, but that does not render it unnecessary. It simply reinforces the fact that this is a safeguard provision. I have not used similar provisions in

the past, and I have no plans to do so in relation to this Bill, but were it to become apparent that the Bill had missed an amendment or repeal and that this rendered the policy objective impossible to implement, or created a gap in the law in some particular circumstance, clause 86 allows me to offer to the Assembly — I stress the word “offer” — a fix. Without this, it would be necessary to await the next primary vehicle, which may be a year or more away.

I readily acknowledge that, if I were to offer such a fix via an order under clause 86, it would be for the Assembly to decide whether to accept it. The Assembly would, no doubt, weigh this most carefully and consider matters such as whether the order was properly made under the narrow gateways that exist in clause 86; whether the fix was in fact needed; and whether it might be preferable to await a primary vehicle. The Assembly would also have the opportunity to consider whether the policy objective was so important, or the circumstances created by the unforeseen gap in the law so concerning, vital and urgent, that it may be persuaded to pass the order.

I cannot therefore agree with the proposition that clause 86 should not stand part of the Bill.

Nor can I support the amendment proposed to clause 87(8). It would limit the scope of regulation- and order-making powers in the Bill by removing the words “incidental, supplementary, transitional and saving” provisions and replacing them with the words “consequential and transitional”. The intention may in fact be to limit or alter the powers in clause 86, but it is not clear that it has that effect. Instead, it impacts on the other regulation- and order-making powers in the Bill. The Bill contains regulation- and order-making powers in Parts 1, 2, 3, 4, 6, 7, 8 and 9, and there are 14 such powers. Clause 87(8) as currently drafted enables those regulations and orders to do certain things in furtherance of the policy objectives to which the regulations and orders under the Bill attach. As with clause 86, a Bill as complex as this, which is rightly leaving detailed schemes to regulations, requires some flexibility. That is because, of necessity, the regulations will come forward after Royal Assent. We will have schemes and ideas in mind, but, until the Bill is finalised and becomes an Act, it is not possible to describe entirely the detail that we need in regulations.

Regulations are often the subject of further and separate thought and analysis, but they are always true to policy intention, to the regulation-making powers in the Bill and to the limitations laid down in the Bill. If they were otherwise, they would be ultra vires and would face being struck down. Our legislative arrangements enable regulations. They give effect to policy in a very real way and are an important part of how we deliver law into operation. Regulation-making powers therefore need to be right, but they need a degree of flexibility, perhaps even more than clause 86. If we need to make minor and technical adjustments via the regulations to deliver policy objectives, we have traditionally decided as a legislature that we should be able to do so.

The amendment to clause 87(8) is, for me, troubling. It disturbs the scope of regulations in general under the Bill. It removes key words that act as safeguards to the policy objectives, and I would now like to focus on the words that would be lost, as the impact of the amendment needs to be understood. The amendment would remove the word “incidental” and seeks, I believe, to replace it with the term

“consequential”. I do not see the benefit and would note that either term provides just a narrow opportunity for regulations and orders to give effect to policy objectives. The Supreme Court has noted the following:

“The limited role of the words ‘incidental to, or consequential on’ is clear from Martin v Most 2010 SC (UKSC) 40. In that case, Lord Rodger at para 128 spoke of ‘the kinds of modifications which are obviously necessary to give effect to a piece of devolved legislation, but which raise no separate issue of principle’, contrasting these with other provisions which were ‘independent and deal with distinct aspects of the situation’.”

The term “supplementary” would also be lost under the amendment. That is also problematic. Supplementary provisions are those that are required to supplement the provisions in order to make them work. Again, those are conditioned by the policy intent. It would not be possible for regulations to begin to introduce new policy or to take us away from the policy objectives in the Bill. In the case of *Daymond v South West Water Authority*, Viscount Dilhorne said:

“in that section, ‘supplementary’ means, in my opinion, something added to what is in the Act to fill in details or machinery for which the Act itself does not provide — supplementary in the sense that it is required to implement what was in the Act.”

The word “transitional” would be retained, and that at least would be welcome. For instance, the word is important to ensure an orderly transition between the law as it was before implementation of the new provisions and the law going forward. However, the word “saving” would also be lost through the amendment. A saving provision preserves the effect of an action or process ongoing at the time of the repeal of the existing legislation.

I therefore believe that we should tread most carefully indeed in matters such as this. Without great care and thought, the implications of the amendment cannot be fully understood and appreciated. I fully respect the Committee’s intention to make sure that Ministers do not take powers unto themselves that are not needed or appropriate. I again appreciate the care with which the Justice Committee has scrutinised the Bill — care that, I believe, has been reciprocated in the work that my officials have done with the Committee — but I caution against running into a problem in this area. For that reason, I cannot support either the removal of clause 86 or the amendment.

Mr Ross: Given that the majority of the amendments in the group are technical in nature or consequential — to use that language — to other amendments being made, I intend to restrict my remarks in the debate to amendment No 49, which, as the Minister has just outlined, changes the procedure for the annual determination of Lands Tribunal members’ salaries, and to the Committee’s opposition to clause 86 and our proposed amendments. As we have learned in recent months, technical amendments can be interesting. They deserve quite a bit of scrutiny and examination, and that is certainly what the Committee has done over the last number of months.

(Mr Speaker in the Chair)

Amendment No 49, which introduces new clause 85A to remove the need for an affirmative resolution statutory rule to determine the salary of the members of the Lands Tribunal, originated from comments made by the previous Chairman of the Justice Committee during a debate in the Assembly in September 2013 on the Lands Tribunal (Salaries) Order (Northern Ireland) 2013. As the Minister outlined, the Department is required to bring forward an order that is subject to the affirmative resolution procedure for the annual determination of Lands Tribunal members' salaries. No other judicial salary is subject to Assembly approval. It affects the salary of only one individual, as the post of president of the tribunal is held by a Lord Justice of Appeal, who does not receive a salary for the post under the 1964 Lands Tribunal and Compensation Act. The rate of pay is set by the Review Body on Senior Salaries, which recommended a 1% pay increase in both 2013 and 2014. It is clearly not a good use of Assembly time to require a debate on the statutory rule, particularly when legal aid statutory rules making millions of pounds' worth of changes and affecting the entire legal profession are largely subject to the negative resolution procedure. For the reasons that I have outlined, it makes sense to align the procedure for determining Lands Tribunal members' salaries with the procedure used to determine other judicial salaries. The Committee therefore supports amendment No 49.

I now want to set out for the Assembly the background and rationale to the Justice Committee's opposition to clause 86 and the two amendments that we have tabled to clause 87. Members will know that good legislative scrutiny requires consideration of all parts of a Bill, including the provisions often described as technical in nature, which determine the effect of the legislation once enacted. They are usually found at the back of the Bill, and in the Justice Bill are contained in the supplementary provisions at Part 9.

When Department of Justice officials appeared at the Committee on 18 February 2015 to give evidence on the Bill, members took the opportunity to explore the exact purpose and effect of clause 86 and the extent of the powers that it provides to the Minister of Justice, much, I think, to the surprise of the officials at the time. The officials advised the Committee that the clause is a general construction that is used in lots of legislation to cover various eventualities, particularly in a large Bill such as this, where there is the potential for an issue to arise in a number of areas that might need some rectification, and indicated, as the Minister has today, that it is intended to address any minor points that might arise, rather than any substantive policy. On the face of it, that seemed reasonable, but, when the Committee pressed further regarding what limitations there were to the powers provided by the clause, the officials indicated that they would need to look at it in more detail and provide clarification in writing.

The Department subsequently wrote, indicating that a power to make supplementary, incidental, consequential and transitional provision, such as is provided by clause 86, is frequently included in a Bill that deals with complex changes in law in case difficulties that had not been identified in the legislative process arise. The Department described clause 86 as something of a safety blanket in case the operation of the legislative changes throws

up some unexpected difficulty or to address necessary consequential changes that have inadvertently been overlooked during the drafting of the Bill.

Whilst the Department accepted that the power provided is widely drawn to take account of the fact that the precise circumstances in which it may be called upon cannot be determined, it outlined that, in its view, the purposes for which the power can be used are reasonably exact, given that clause 86(1) provides that the relevant orders must be used for the purposes of the Act or to make provision in consequence of or for giving full effect to the Act. It also highlighted that clause 87(6)(b) provides that any order made under section 86(1) that contains a provision that amends or repeals a provision of an Act of Parliament or Northern Ireland legislation will be subject to the draft affirmative procedure and cannot be made without Assembly approval, with other orders subject to the negative resolution procedure.

When the Committee considered clause 86, members continued to have concerns about the breadth of the powers provided to amend, repeal or modify primary legislation agreed and passed by the Assembly by way of secondary legislation.

Although some orders would be subject to the affirmative resolution procedure, the Assembly would have to either accept or reject the order with no opportunity to amend it. Despite the best intentions, secondary legislation is not always scrutinised and debated to the level of detail that primary legislation is subjected to. The Committee did not agree with the Department's assessment that the purposes for which the power could be used are reasonably precise.

8.30 pm

The Committee noted that this type of clause can be a common occurrence, particularly in Bills of the size of the Justice Bill, but was not content with the wide-ranging powers it provided to make ancillary provision by subordinate legislation. The Committee is of the view that powers should be provided for an exact purpose rather than being so broad in nature and that, even though the affirmative resolution procedure would apply to some orders, as a consequence of clause 86, parts of the Bill passed by the Assembly could be changed or potentially reversed by the Department of Justice without the scrutiny the Bill itself has received. The Committee therefore decided to oppose the inclusion of clause 86, believing that its intention to remove this type of clause would send a message to all Departments to ensure that future legislation is well thought out beforehand rather than relying on extensive powers to fix things at a later stage.

Following the completion of the Committee Stage of the Bill, the Department of Justice wrote to the Committee on 20 May outlining that the Executive had discussed clause 86 on 14 May and that the Minister of Justice had undertaken to try to address the Committee's concerns. The letter advised that the Minister intended to include clause 86 in the Bill as a safety blanket in case the operation of the legislation threw up any unexpected difficulties. He noted the inclusion of similar provisions in other Bills. The Minister also indicated that he had no intention at present to make use of clause 86 but continued to believe that its inclusion in the Bill was essential.

The Minister suggested to the Committee that, rather than opposing clause 86, we might consider amending it so that the requirement for the affirmative resolution procedure was more clearly associated with the clause. This could be achieved by removing the requirement for the affirmative resolution procedure from clause 87 and placing it in clause 86. The Minister provided the wording of the necessary amendments to make the change. The Committee considered the proposal but noted that it did not address the excessive breadth and discretion that clause 86 afforded him, which is the basis of the Committee's concerns in relation to the clause. While his proposal was more presentational than addressing the key areas of concern, the Committee agreed to hear further evidence prior to the closing date for amendments for Consideration Stage to enable it to consider the matter further.

The Committee met on 26 May and heard further evidence from the Department on the rationale for keeping clause 86 in the Bill, much of which the Minister has outlined to the Assembly this evening. In essence, the Department advised the Committee that the provision is proportionate and necessary to manage the risk of something having been missed when preparing the Bill, as it covers a very wide range of old and complex legislative procedures. Apparently, one of the statutes amended by the Bill dates back to 1842. The Department indicated that not all of the justice Bills advanced during this mandate have included such a provision and believes that it is necessary in this one. The Department also provided examples of Bills from other Departments in which a similar clause had been included and was still of the view that, while, on the face of it, the provision looks very wide-ranging, it is very narrow when looked at in the context of the totality of the clause. The Department stated that it would not rely on clause 86 to cover any deficiency in the policy-making process and that the clause was not there to enable it to change its mind on the policy.

Members sought examples of when this type of clause had been used in the past and the likely circumstances that it would be used in with regard to this Bill. The Committee also sought clarification of the meaning of "supplementary, incidental, consequential and transitional" in the context of clause 86 and of why the clause could not be made more specific to ensure that any changes made under it are kept to a minimum, given that they would not be subject to the scrutiny that primary legislation receives. The Department responded by indicating that it understood that all the words had particular meanings, although it did not provide any further explanation of the meanings, and, if some or all were to be removed, it would need to seek further advice on the impact that that would have. The Department also confirmed that the provision enabled the Minister to amend any legislation, not just legislation relating to justice, but sought to assure the Committee that this would take place only if it were necessary to give effect to the policy.

The Committee found the further information provided by the Department in relation to clauses 86 and 87 helpful in assisting us to gain a better understanding of why the Department requires some sort of power to amend the legislation if it has missed something, particularly when it is looking at law dating as far back as 1842. However, the Committee still believes that primary legislation should be well thought through beforehand and that the Department should have identified unforeseen consequences and legislated for them in the Bill rather than relying on wide-

ranging powers to amend things later through subordinate legislation. The Committee appreciates that there is a need to have some capacity to amend the primary legislation in the event of something minor being missed, such as described by the Department in relation to schedule 1 and legislation stretching back as far as 170 years ago. However, we are still not convinced that the breadth and scope of power provided by clause 86 is required.

By opposing the inclusion of clause 86 and amending clause 87 as set out in amendment Nos 51 and 52, the Committee aims to provide the Minister with some flexibility and scope to make minor amendments by way of secondary legislation, such as those described by the Department, that may be required if something small has been overlooked. However, it will ensure that any wider changes or amendments will require further primary legislation that will be subject to the rigorous scrutiny that has been applied to the Bill.

I listened carefully to the case that the Minister made for retaining clause 86 and rejecting the Committee's amendments to clause 87. Whilst he has tried to provide assurances to the Committee and the Assembly regarding the use of clause 86 — or the lack of use of it, as he keeps pointing out that he does not intend to use it — I am still not convinced, and I suspect that other Committee members are still not convinced of the necessity for the broad powers that the Bill confers on him. Having similar clauses in other Bills is not in itself an argument to have it in this Bill. He also referred to the Education Minister speaking — I think that he said "most eloquently" — about the need for a similar provision in the Education Act (Northern Ireland) 2014. Clauses 86 and 87 are much more extensive in the powers that they provide. Indeed, if my memory serves me right, an amendment was tabled to the clause in the Education Bill, as there were concerns about the powers provided in that clause as well.

Having heard from the Department on a number of occasions, the Committee is still of the view that the power to amend primary legislation provided by the clauses is too broad and needs to be narrower. While the Department has recently engaged with the Committee on the issue, it is fair to say that, initially, the explanations and rationale provided to the Committee about the need for the clauses and the breadth of the power contained in them did not fully address the concerns raised.

While this may seem a dry debate about technical clauses, it is about much more than that. It relates to public accountability and the checks and balances on the Executive by this legislative Assembly. The primary legislation-making process gives time and resources to close consideration and proper and detailed scrutiny. Regulations, if made by affirmative procedure, only provide an opportunity for approval or refusal and cannot be amended, and negative resolution rules require a prayer of annulment before a debate takes place. I do not think that anybody would argue that secondary legislation receives the same scrutiny as primary legislation.

The issue of what are termed Henry VIII clauses — in other words, a clause in an Act that enables the Act to be expressly or implicitly amended by subordinate legislation — has exercised and is exercising other jurisdictions around

the world. A paper delivered to the 2011 Australia-New Zealand Scrutiny of Legislation Conference pointed out:

“Henry VIII powers provide the executive with a power to override primary legislation by way of delegated legislation. The practical significance ... lies in the loss of the public scrutiny and accountability for policy decisions that would usually occur when primary legislation is made”.

Their use appears to be particularly prevalent at Westminster, and I note that, in his farewell speech to the House of Commons, Sir John Stanley, of course a former Northern Ireland Minister during the Thatcher years and a Member of Parliament for Tonbridge and Malling from 1974 to 2015, said:

“I want to address my top concerns as I leave the House. The most important responsibility we have in this House is the proper and effective scrutiny of the Government’s proposals for the future law of the land. I have to be blunt: on the scrutiny of both primary and secondary legislation, this House has had its position in relation to the Executive weakened very substantially in the time I have been here ... The position on secondary legislation—almost entirely unreported and unrecorded—is every bit as serious in my view. The reason why we have virtually no debates at all on negative resolution statutory instruments and that those on affirmative resolution statutory instruments are for 90 minutes only and non-amendable is of course that secondary legislation is supposed to be relatively non-substantial and non-controversial. That was only a convention, and I believe that the House made an enormous mistake by not giving it a firmer buttress.

The convention was absolutely adhered to, as I vividly recollect.”

He went on to say:

“As the housing Minister responsible for the right to buy Housing Bill in 1979, I asked for a particular order-making power and the first parliamentary counsel, who was responsible for the drafting, came back to me—very politely, but very firmly—and refused to enshrine the power in the Bill because it was too widely drafted. I call on the House to revert to the position in which the then convention that secondary legislation should essentially be confined to non-substantive and non-controversial matters is restored and made firm either in Standing Orders or by legislation ... To give an illustration of the existing width of the powers ... under the so-called Henry VIII powers, Ministers now have an order-making power, which is defined as

‘a delegated power which enables a Minister, by delegated legislation, to amend, modify or repeal an Act of Parliament’.

I suggest to the House that that is a very disturbing example of the far too wide use of secondary legislation.”

That is where the quote ended. He is no longer a Member of Parliament and is an individual citizen.

Another example is provided by Lord Judge, the Lord Chief Justice of England and Wales, who, at the Lord Mayor’s dinner for the judiciary in 2010, indicated that his deepest concern was directed to the increased use of Henry VIII clauses. He stated:

“Henry VIII was a dangerous tyrant.”

Just for clarity, I am not comparing the Minister to Henry VIII, but I will continue with the quote. He said:

“And there is a public belief that the Statute of Proclamations of 1539”

— which allowed the King’s proclamations to have the same force as Acts of Parliament — “was the ultimate in supineness.” Supineness is a fabulous word. Lord Judge referred to a number of Acts that contained powers to make such supplementary, incidental or consequential provision, or such transitory, transitional or saving provisions:

“as they consider appropriate for the general purposes, or any particular purposes, of this Act.”

To illustrate his concerns, he stated that, when these clauses are introduced:

“they will always be said to be necessary.”

The Committee has very properly and not unreasonably, in my view, scrutinised the purpose of clauses 86 and 87, and I pose this question: why should we get into the habit of allowing such clauses? The Committee has adopted a position that seeks to ensure that amendments to primary legislation by way of secondary legislation are minimised to what it considers those categories most closely connected to the Bill, consequential and transitional, to ensure effective scrutiny and accountability. The Committee believes that it has still provided sufficient powers to the Minister and the Department to address any minor oversights.

While clauses 86 and 87 are technical in nature, the argument around whether such clauses are appropriate in Bills is relevant to all Committees of the House and all Members of the Assembly as it is fundamentally about how much power Ministers should have to amend primary legislation by way of secondary legislation. I ask the Assembly, therefore, to support the Committee’s opposition to clause 86 and its two amendments to clause 87 on the basis that I have outlined.

I believe that the Justice Committee has carried out its legislative scrutiny function rigorously and has sent out a message to all Departments that every clause in a Bill, whether to give effect to policy or technical in nature, will be questioned, and they must be able to justify its inclusion in a Bill and the breadth of powers that it provides.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. You will be glad to hear that I will keep things short and not mention Henry VIII. The Minister made a robust argument that clause 86 should remain and was needed for a purpose as a safeguard. He said that it was a wise provision, that it was a safety net and must be seen in the context of the Bill. However, there were no plans to use the provision. I agree with the Chair, who has expanded much wider on the issue than any of us on the Committee would have known; he has covered it very well. I agree with his

explanation and rationale, and the process through which the Committee dealt with the clause. Like him, I am not convinced either. I concur with him that it is a case of accountability.

The Committee sought clarification from departmental officials as to why they needed such wide-ranging powers, particularly after the Bill underwent detailed scrutiny, and in what circumstances it could be used. The explanation was that it was to fix a problem but there was no plan to use it. The Committee wanted to understand the need for a wide-ranging clause, given that the details should have been thrashed out in the first place. The Department should have accounted for unforeseen circumstances. After considering advice from the officials — the Chair has gone into much more detail than I have — we are agreeable to allowing flexibility to the Department to correct things that it may have missed but not to give it a power that is so wide that it can pretty much include anything that it liked. I support the Chair's position.

Mr A Maginness: I have very little to add to the learned treatise given by the very learned Chair of the Justice Committee. The only thing I would add is that Henry VIII is not the most popular person in history, particularly in Ireland, but he did introduce the harp as an official symbol for Ireland. He was king of not only England and France but Ireland. That is just a little historical footnote. We have been dealing with tradition and history all day today. I endorse everything that the Chair said in relation to this matter.

8.45 pm

Mr Elliott: In the interests of harmony, I will continue with Henry VIII. I was really pleased to hear Alban Maginness giving such a summary. He almost said that maybe Ireland should be back under the United Kingdom's control. I think that that is what he was referring to, anyway.

I do not have a great lot to add, but I point out that, on clause 86, I have some empathy with the Minister. When the Bill Office came back to us, there was quite close scrutiny of the issue. We looked at a separate option that was brought back by the Department as well; it was a slightly changed wording. It opens a pretty wide hornets' nest for not only the Department of Justice or Bills that the Minister of Justice brings forward but other Departments. The Minister indicated that it is in other legislation, so there is a difficulty, because what is good for the goose is good for the gander. If it is kept out of this legislation, there are other pieces of legislation that need to be looked at.

Mr Ross: Will the Member give way?

Mr Elliott: I am happy to.

Mr Ross: In fairness to the Committee, the nuclear option would have been to oppose clause 86 and give the Minister no flexibility at all. In fairness to Committee members, we decided to give the Department flexibility. We feel that we gave it enough flexibility to make the changes that may be necessary to change minor amendments, but we were not willing to give it the broad sweep of powers that perhaps it was asking for in the first place.

Mr Elliott: I accept that point. I was merely indicating that, while it is not an issue for today, I am sure that other Committees will be looking at the scrutiny of their Department when it brings forward legislation.

The Minister indicated in his opening remarks that he does not believe that there is enough flexibility in what the Committee has brought forward. After hearing from Mr Ross and others, I wonder whether the Minister has changed his mind to any degree or whether there will be a coming together in the interests of harmony on this group. I deliberated on this long and hard at Committee. I thought that the amendment from the Department may have gone some way to resolving the issue, but the Committee felt that it was still too wide and that it needed to be narrowed to some degree. On balance, there is probably enough remit in what the Committee has done to allow the Minister and Department to bring the amendments as and when they need to. I will wait for the Minister's remarks to hear whether he has changed his mind to any degree.

Mr Dickson: I also welcome the opportunity to speak on group 3, although perhaps "welcome" at this time of night is not entirely appropriate.

The amendments are mostly of a technical nature. A few elements caused considerable disquiet among some during Committee Stage, but I do not consider that to be warranted. Needless to say, I will support the Minister on this. I do not wish to strike a discordant note in the Chamber, and I doubt that I will be able to persuade others, but, nevertheless, we need to reflect on exactly what we are doing.

Clause 86, as has been indicated, is not unique in lawmaking. It provides the means for a Department to refine the law, ensure that it is efficient and purposeful, remove contradictions and make sure that it is fit for 21st-century use. The Bill, as many of us on the Justice Committee will be aware, is rather complex and wide-ranging. As has been referred to, it will deal with the repeal of some statutes that go back as far as the 1840s.

During Committee Stage, the Department admitted that the power could appear to be widely drawn, but, because of the precise circumstances that it may be called to, it cannot be determined. The Department further noted that the purposes of the power can be used as reasonably exact, and it drew attention to the fact that clause 86(1) provides that the relevant orders must be used for the purposes of the Act or to make provision:

"in consequence of, or for giving full effect to"

the Act, and that, subsequently, clause 86(2) must be read in that light.

It is also indicated that clause 87(6)(b) provides that any order made:

"under section 86(1) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation"

will be subject to draft affirmative procedure and cannot be made without Assembly approval. That seems to me to be reasonable. All orders made under clause 86(1) will also be subject to the usual subordinate legislative procedures. This is a safeguard to ensure good law and is not unique in legislation. I, therefore, believe that it is vital that we ensure that the Department is provided with this safety net when implementing such a complex and important reform to our judicial system. It is for these reasons that I will oppose amendment Nos 51 and 52 and the removal of the clause from the Bill.

Mr Frew: This is probably a quirk of history, but, whilst it can be described in that way, we, as legislators, have to take it very seriously. I fully support my colleague Alban Maginness on his reading of history. I am not that intrigued by Henry VIII — I do not find him that popular a guy — but I certainly support the symbol of the harp in Ireland. That is something that I find immense pride in, especially as I wore it on my caubeen in the Royal Irish. It is indeed a symbol of valour and dedication to the bravery of the British Army throughout Ireland through the ages, so I can certainly support the harp if not Henry VIII.

Moving on before I am told off, Mr Speaker, this seems to me to be just too wide-ranging and to have too much scope. It allows the Minister, even with the best intentions, to do things with legislation that has been scrutinised in both the Chamber and the Committee. There is a principle here in that it may go some way to demeaning the role of scrutiny in this legislature. That worries me. As we move on with legislation, this may well become an issue time and time again. There is an onus on Ministers and Departments when they bring forth legislation to ask themselves this question: is this clause essential, and, if it is, why is it essential? If they ask that question of themselves, there may be an opportunity whereby a Bill of this nature — even a Bill as wide-ranging as the Justice Bill, and this is probably a good example — may be for only a specific or small part. You might find that there would be more support for and less worry and concern about a clause like this if it were restricted in that way so as to catch only part of a Bill. Even then, of course, there would be concerns around what the Minister might want or intend to do in the future.

To me, the whole point of being here as a legislator is being able to scrutinise. The first thing that we should look at when we are scrutinising Bills is the indirect consequences of those Bills. We should be mindful of that every day that we are in the House and every day that we scrutinise legislation in Committee. I have worries and concerns about this clause. As a principle, we need to look at it more carefully. When I asked questions on this matter in the Committee, the understanding of the officials who addressed my question was that this provision enables the Department to amend any legislation, even that not related to Justice. If that is the case, that is very wide-ranging. I believe that, if it is there to affect legislation that does not even relate to justice, it must be scrutinised carefully because that, in itself, may lead to indirect consequences that will affect our people daily. So, whilst this certainly is a quirk of history, it is a very serious point, and we are having a very serious and principled debate.

As the Chairman of the Committee said, question marks are being raised all around the world on the content of this clause, and now, of course, it has come to the Floor of the Assembly. It concerns me greatly. The scope and the breadth of the clause are immense. If it can affect legislation brought forward by other Ministers and Departments, which has been thoroughly scrutinised in the House, there is something badly wrong.

I will leave it at that because I know that the Chair has covered all bases on this clause.

Mr Ford: I am more than a little surprised at the lack of confidence amongst members of the Committee. The number of references made by all participants in this bit of the debate, except my good colleague Stewart Dickson, to

scrutiny not being carried out properly if it was secondary legislation, is a little disappointing. Over the last five years as Minister, I have seen a Committee that has given full, detailed scrutiny to everything put before it by the Department of Justice.

I find more than a little bizarre the suggestion that, somehow, the Committee would be lacking and incapable in the unlikely event that we needed to invoke the provisions of clause 86 or clause 87, meaning that something would be sent to the Committee for scrutiny on the basis that it was subject to affirmative resolution and so would also need to come to the Assembly.

After all, in the last few years, the Committee scrutinised the salary paid to a member of the Lands Tribunal. It carried out that function prior to the matter coming to the Assembly and when it was debated here. So I am a little disappointed that the Committee that I thought capable of advising and assisting me appears to regard itself as incapable of scrutinising what comes before it.

We also need to be realistic about the kind of things that are here. The point was made that this would cover any legislation, not just justice legislation. No. This covers the potential for making orders dealing with amendments to any Act for the particular purpose of, in consequence of, or for giving full effect to, any provision made by this Act.

Of course, there is lots in the Bill that has nothing to do with justice legislation. The Married Woman's Property Act 1882, which is an amendment that falls in the addition to schedule 1, might just be classified as justice legislation, but I doubt that the Public Health (Ireland) Act 1878, the Local Government (Ireland) Act 1898 or the Open Spaces Act 1906 could be so described. None is justice legislation, but they are all mentioned because they make references to petty sessions districts or courts of quarter sessions. Despite the good work done in the Department before the Bill was published, and since, with further amendments coming through, because of the massive number of potential consequential amendments, all these issues could require primary legislation if we did not allow such provisions to go through.

It is slightly bizarre that the Committee has got itself so worked up by an academic who arrived from London knowing little about what happens in this place and who produced that kind of point. References to John Stanley and his experience here as a NIO Minister in the 1980s are completely outwith the way in which this place operates. There is absolutely no doubt that, for about the last 50 or 60 years, power in Westminster has moved from the House of Commons to the Executive. That is the reality. That is why, in 1998, our arrangements were set up in a completely different way. We have Committees that perform all the scrutiny functions that are carried out by different Committees in the House of Commons.

Standing Committees on Bills, as well as Select Committees on particular topics, have their functions combined in our Statutory Committees, where a level of expertise builds up, although I am not sure that it is necessarily the expertise that would have allowed Committee members to spot whether the Married Women's Property Act mentioned petty sessions districts.

9.00 pm

Mr Douglas: Will the Minister give way?

Mr Ford: We have that expertise built up. We are not anything like Westminster, yet people are dragging in a frankly irrelevant reference from somebody who has been an MP there. I give way.

Mr Douglas: I heard the Minister say a couple of times that he was very disappointed, and we understand that. Perhaps he is taking this a bit personally. My colleague, the Chairman of the Committee, mentioned Henry VIII at one stage. I do not honestly believe that the Chairman was alluding to you; in fact, he said that he was not. However, might it not be the case that some Members are concerned that not you but the next Justice Minister may be a Henry VIII-type figure? Might we not be afraid of that?

Mr Ford: I am grateful for that consolatory remark. Frankly, about the only decent thing that was said by any member of the Committee, apart from Stewart Dickson, is that I am apparently not a tyrant like Henry VIII. When you get to the point where English kings are being praised by the SDLP and disowned by the DUP, heaven knows where we are getting to.

It is quite a serious point. Our structures are not those of Westminster. The Executive are not absorbing power from this place in the way that that has been clearly the case at Westminster. Our Committees have significant power and do their job in this place. On the basis that this is the same form of words as appears in other legislation, which deals with the necessity of catching matters that would otherwise create problems and require primary legislation, this is really not the right Bill to do this with. This Bill is so complex. It is one that, as I highlighted, has already about 30 pages of schedule 1, with another four being added by amendments before the House now, and there may even be one or two other points discovered before Further Consideration Stage. However, if they are not discovered before Further Consideration Stage, they have the potential to derail the Bill, if we do not allow things to be carried through as they should be.

When Members ask, "Is this clause essential?" or actually "Are these two clauses essential?", the answer is yes — not because I propose to use them but because they might be required. If an issue arose, waiting for primary legislation, given the time that it takes to get primary legislation through this place, is not the best example of how we would deal effectively with ensuring that the justice system gets reformed in the way in which it ought to be reformed.

Mr Ross: Will the Minister give way?

Mr Ford: We must ensure that we can move things on in a much better way to achieve the faster, fairer justice that we all want to see. I will give way.

Mr Ross: The Minister hits on one of the key points about primary legislation, but at least in primary legislation there is a facility for the Committee to take evidence from stakeholders and to investigate thoroughly an issue and, if necessary, amend the legislation. If decisions are taken by statutory rule, there is no time or capacity in the Committee to take evidence from stakeholders and no ability for it to amend legislation. That is why the Committee felt that it wanted to tighten the power. We have not taken the nuclear option of removing any flexibility at all from the Minister or the Department; rather, we have sought to tighten up the provision to ensure that we have as much control over decision-making as possible.

Mr Ford: I appreciate the Chair's point, which I was going to come to, about flexibility. The reality is that there is flexibility when Committees consider matters, if Departments put proposals before Committees and are willing to engage and discuss. Certainly, I accept that, at the point at which an order comes to the Chamber under the affirmative resolution procedure, there is no flexibility, but there is flexibility in the engagement that, I believe, has characterised the relationship between the Department of Justice and the Committee for Justice over the past five years. There is flexibility in the willingness to discuss different ways of doing things. There is flexibility, for example, in the way in which the victims and witnesses strategy was produced. That is an example of a Department that has engaged and has sought to be constructive in how it works and that, frankly, does not need to be hidebound in the event of possible difficulties coming up as we look at the extraordinarily complex issue of the number of existing Acts of Parliament that require amendment, modification or repeal.

That is where I think the Committee has got itself worked up into a lather about something that is entirely inappropriate for this Bill. It is entirely inappropriate for the structures that we have in this Assembly and the way in which we relate to legislation in this place. I wonder why. Tales of Henry VIII, of malpractice in Westminster and of conferences held in Australia and New Zealand do not suggest to me that people have actually confronted the reality of what happens in this place and the necessity to have clauses 86 and 87 in the legislation not because we want to use them but because we might need them. The idea that we would put a complex Bill like this through the House that could be derailed and require primary legislation in a year and a half's time because people are unwilling to allow the provisions that are specified in clauses 86 and 87 causes me considerable concerns. I certainly hope that the Committee will not press its proposal at this stage. I am happy that we continue to discuss the matter for the two weeks before Further Consideration Stage to see whether we can reach a better accommodation, but what is currently before the House from the Committee — removing clause 86 entirely and amending clause 87 — would not be good law, and I will resist it as it stands.

Amendment No 12 agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38 ordered to stand part of the Bill.

Clause 39 (Enhanced criminal record certificates: additional safeguards)

Mr Speaker: We now come to the fourth group of amendments for debate. The group deals with criminal records and the gathering and handling of evidence such as DNA, fingerprints and photographs. An amendment is also proposed in the group to allow the Attorney General power to summon evidence from health workers to support his power to direct inquests. With amendment No 13 it will be convenient to debate amendment Nos 14, 15, 18, 30 to 33, 35 to 39, 47, 50, 69, 70 and 72. Amendment No 69 is consequential to amendment No 14, and amendment No 72 is consequential to amendment No 38. Members will also note that a valid petition of concern has been received in relation to amendment No 50, so that amendment will

require cross-community support. I call the Minister of Justice to move the amendment and to address the other amendments in the group.

Mr Ford: I beg to move amendment No 13: In page 27, leave out lines 20 to 22 and insert

“(4A) The Department may from time to time publish guidance to chief officers as to the exercise of functions under subsection (4); and in exercising functions under that subsection a relevant chief officer must have regard to any guidance for the time being published under this subsection.”.

The following amendments stood on the Marshalled List:

No 14: After clause 39 insert

“Review of criminal record certificates

39A.—(1) *The Police Act 1997 is amended as follows.*

(2) *After section 117A (inserted by section 39(5)) insert—*

“Review of criminal record certificates

117B. *Schedule 8A (which provides for an independent review of certain criminal record certificates) has effect.”*

(3) *After Schedule 8 insert as Schedule 8A the Schedule set out in Schedule 3B to this Act.”.—*
[Mr Ford (The Minister of Justice).]

No 15: In clause 40, page 29, line 44, at end insert

“(7A) The Department must not grant an application as mentioned in subsection (4)(c) or (5)(c) if—

(a) the certificate in question is an enhanced criminal record certificate; and

(b) the certificate contains (or would contain) information which relates to an individual other than the individual whose certificate it is.”.— [Mr Ford (The Minister of Justice).]

No 18: After clause 42 insert

“Inclusion of cautions and other diversionary disposals in criminal records

42B. *In Article 29 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for paragraph (4) substitute—*

“(4) The Department of Justice may by regulations make provision for recording—

(a) convictions for such offences as are specified in the regulations (“recordable offences”);

(b) cautions given in respect of recordable offences;

(c) informed warnings given in respect of recordable offences;

(d) diversionary youth conferences in respect of recordable offences.

(5) For the purposes of paragraph (4)—

(a) “caution” means a caution given to a person in respect of an offence which, at the time when the caution is given, the person has admitted;

(b) “diversionary youth conference” has the meaning given by Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.— [Mr Ford (The Minister of Justice).]

No 30: In clause 65, page 49, leave out lines 2 to 4 and insert

“(4) Fingerprints and photographs taken from an offender under this section—

(a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and

(b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).

(6) Subsection (7) applies where—

(a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;

(b) fingerprints have also subsequently been taken from that person under this section; and

(c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person’s fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(7) Where this subsection applies—

(a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and

(b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.

(8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).

(9) The Chief Constable may apply to a District Judge (Magistrates’ Courts) for an order extending the period for which photographs taken under this section may be retained.

(10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—

(a) the Chief Constable;

(b) the person in relation to whom the order was sought.

(13) In this section—

- (a) “photograph” includes any process by means of which an image may be produced; and
- (b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.”— [Mr Ford (The Minister of Justice).]

No 31: In clause 68, page 51, line 8, after “may” insert

“, subject to subsections (3A) to (3E).”— [Mr Ford (The Minister of Justice).]

No 32: In clause 68, page 51, line 13, at end insert

“(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless it is retained by virtue of an order under subsection (3B).

(3B) The Chief Constable may apply to a District Judge (Magistrates’ Court) for an order extending the period for which the information may be retained.

(3C) An application for an order under subsection (3B) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(3D) An order under subsection (3B) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(3E) The following persons may appeal to the county court against an order under subsection (3B), or a refusal to make such an order—

- (a) the Chief Constable;
- (b) the person in relation to whom the order was sought.”— [Mr Ford (The Minister of Justice).]

No 33: In clause 70, page 52, line 3, leave out “and” and insert

“(ca) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and”.— [Mr Ford (The Minister of Justice).]

No 35: After clause 76 insert

“Personal samples, DNA profiles and fingerprints

Power to take further fingerprints or non-intimate samples

76A.—(1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—

(a) in paragraphs (5A) and (5B) for the words after “investigation” in sub-paragraph (b) substitute “but—

- (i) paragraph (4A)(a) or (b) applies, or
- (ii) paragraph (5C) applies.”;

(b) after paragraph (5B) insert—

“(5C) This paragraph applies where—

- (a) the investigation was discontinued but subsequently resumed, and
- (b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).”

(2) In Article 63 of that Order (non-intimate samples)—

(a) at the end of paragraph (3ZA)(b) insert “, or

(iii) paragraph (3AA) applies.”;

(b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or

(iii) paragraph (3AA) applies; or”;

(c) after paragraph (3A) insert—

“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

(a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and

(b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.

(3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—

(a) in paragraph 1 (fingerprinting: persons arrested and released)—

(i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “Article 61(5A)(b)(i)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(b) in paragraph 2 (fingerprinting: persons charged, etc.)—

(i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “Article 61(5B)(b)(i)”;

(ii) at the end of sub-paragraph (2) insert “, or

“(c) in a case falling within Article 61(5B)(b) (ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;

(c) in paragraph 9 (non-intimate samples: persons arrested and released)—

(i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “within Article 63(3ZA)(b)(i) or (ii)”;

(ii) after sub-paragraph (3) insert—

“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3ZA)(b) (iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(d) in paragraph 10 (non-intimate samples: person charged etc.)—

(i) in sub-paragraph (3) for “within Article 63(3A)(b)” substitute “within Article 63(3A)(b)(i) or (ii)”;

(ii) after sub-paragraph (4) insert—

“(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b) (iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the

investigation was resumed.”.— [Mr Ford (The Minister of Justice).]

No 36: After clause 76 insert

“Retention of material: persons convicted of an offence in England and Wales or Scotland

76B. After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of material: effect of convictions in England and Wales or Scotland

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

(2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE (“an EW recordable offence”) Articles 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of “convicted”) applies for that purpose);

(b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.

(3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment (“a relevant Scottish offence”) Article 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1) (a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;

(b) references in Article 63D(14) to a qualifying offence included references to—

(i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and

(ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.

(4) In this Article “PACE” means the Police and Criminal Evidence Act 1984.”.— [Mr Ford (The Minister of Justice).]

No 37: After clause 76 insert

“Retention of DNA profiles or fingerprints: persons given a prosecutorial fine

76C. After Article 63K of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of Article 63B material: persons given a prosecutorial fine notice

63KA.—(1) This Article applies to Article 63B material which—

(a) relates to a person who is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015, and

(b) was taken (or, in the case of a DNA profile, derived from a sample taken) from the person in connection with the investigation of the offence (or one of the offences) to which the notice relates.

(2) The material may be retained—

(a) in the case of fingerprints, for a period of 2 years beginning with the date on which the fingerprints were taken,

(b) in the case of a DNA profile, for a period of 2 years beginning with—

(i) the date on which the DNA sample from which the profile was derived was taken, or

(ii) if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken.”.— [Mr Ford (The Minister of Justice).]

No 38: After clause 76 insert

“Power to retain DNA profile or fingerprints in connection with different offence

76D. For Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 63B material obtained for one purpose and used for another) substitute—

“Retention of Article 63B material in connection with different offence

63N.—(1) Paragraph (2) applies if—

(a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and

(b) the person subsequently—

(i) is arrested for or charged with a different offence,

(ii) is convicted of a different offence,

(iii) is given a penalty notice or a prosecutorial fine notice in respect of a different offence;

(iv) is given a caution in respect of a different offence committed when the person is under the age of 18; or

(v) completes a diversionary youth conference process with respect to a different offence.

(2) Articles 63C to 63M and Articles 63O and 63Q have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—

(a) in connection with the investigation of the offence mentioned in paragraph (1)(b),

(b) on the date on which the person was arrested for that offence or, if the person was not arrested, on the date on which the person—

(i) was charged with the offence or given a penalty notice or prosecutorial fine in respect of the offence, or

(ii) was cautioned in respect of the offence; or

(iii) completed the diversionary youth conference process with respect to the offence.

(3) Paragraph (3) of Article 63J applies for the purposes of this Article as it applies for the purposes of Article 63J.”.— [Mr Ford (The Minister of Justice).]

No 39: After clause 76 insert

“Retention of personal samples that are or may be disclosable

76E. In Article 63R of the Police and Criminal Evidence (Northern Ireland) Order 1989 (exclusions for other regimes)—

(a) in paragraph (5) (material that is or may become disclosable to the defence) for “Articles 63B to 63O and 63Q” substitute “Articles 63B to 63Q”;

(b) after that paragraph insert—

“(5A) A sample that—

(a) falls within paragraph (5), and

(b) but for that paragraph would be required to be destroyed under Article 63P,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(5B) A sample that once fell within paragraph (5) but no longer does, and so becomes a sample to which Article 63P applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.”.— [Mr Ford (The Minister of Justice).]

No 47: In clause 82, page 57, line 37, leave out from “in connection” to “D’s appeal” on line 38 and insert

“to ensure compliance with Article 6 of the European Convention on Human Rights”.— [Mr Ford (The Minister of Justice).]

No 50: After clause 85 insert

“Provision of health and social care information to Attorney General about direction of inquests

85A. In the Coroners Act (NI) 1959 after section 14 insert—

“Provision of information to Attorney General for purposes of section 14

14A.—(1) The Attorney General may, by notice in writing to any person who has provided health care or social care to a deceased person, require that person to produce any document or give any other information which in the opinion of the Attorney General may be relevant to the question of whether a direction should be given by the Attorney General under section 14.

(2) A person may not be required to produce any document or give any other information under this section if that person could not be compelled to produce that document or give that information in civil proceedings in the High Court.

(3) In this section—

“document” includes information recorded in any form, and references to producing a document include, in relation to information recorded otherwise than in a legible form, references to providing a copy of the information in a legible form.

(4) A person who fails without reasonable excuse to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Review and duration of section 14A

14B.—(1) Section 14A ceases to have effect on (3 years after Royal Assent) unless, before that date, having considered the report under subsection (2), the Assembly resolves that it is to continue to have effect.

(2) The Department must, at the end of the period of 3 years beginning with the coming into operation of section 14A, review its operation and lay before the Assembly a report on that review; that report must in particular include—

(a) the number of cases in which the Attorney General compelled the provision of documents and other information;

(b) the number of inquests the Attorney General subsequently directed;

(c) an assessment, by an independent person appointed by the Department, of the impact of the operation of section 14A on the use of the power in section 14.”.— [Mr McCartney.]

No 69: After schedule 3 insert

“SCHEDULE 3B

SCHEDULE INSERTED AS SCHEDULE 8A TO THE POLICE ACT 1997

“SCHEDULE 8A

REVIEW OF CRIMINAL RECORD CERTIFICATES INTERPRETATION

1. In this Schedule—

“conviction” and “spent conviction” have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

“the independent reviewer” means the person appointed under paragraph 2;

“other disposal”, in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution, diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

THE INDEPENDENT REVIEWER

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

(a) for such period, not exceeding 3 years, as the Department decides; and

(b) on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

(a) pay such remuneration or allowances to the independent reviewer as it may determine;

(b) make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

(a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;

(b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

GUIDANCE

3. The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

APPLICATION FOR REVIEW AFTER ISSUE OF CERTIFICATE

4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—

(a) the details of any spent conviction; or

(b) the details of any other disposal.

(2) An application under this paragraph must—

(a) be accompanied by such fee (if any) as may be prescribed; and

(b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.

(3) The Department must refer any application under this paragraph to the independent reviewer together with—

(a) any information supplied by the applicant in connection with the application; and

(b) any other information which appears to the Department to be relevant to the application.

REVIEW BY INDEPENDENT REVIEWER AFTER ISSUE OF CERTIFICATE

5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must issue a new certificate.

(3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must inform the applicant that the application is refused.

(5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

AUTOMATIC REVIEW BEFORE ISSUE OF CERTIFICATE CONTAINING ONLY DETAILS OF SPENT CONVICTIONS OR OTHER DISPOSALS OF PERSON UNDER 18

6.—(1) This paragraph applies where—

(a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and

(b) the certificate would—

(i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but

(ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.

(2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.

(3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must amend the certificate and issue the amended certificate.

(5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must issue the certificate in the form referred to the independent reviewer.

(7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

(8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

DISCLOSURE OF INFORMATION TO THE INDEPENDENT REVIEWER

7. The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.".— [Mr Ford (The Minister of Justice).]

No 70: In schedule 4, page 96, line 33, leave out "a criminal" and insert "an enhanced criminal".— [Mr Ford (The Minister of Justice).]

No 72: In schedule 5, page 102, line 23, at end insert

"PART 8: DNA PROFILES OR FINGERPRINTS

6A. The amendment made by section 76D applies even where the event referred to in paragraph (1)(b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.".— [Mr Ford (The Minister of Justice).]

Mr Ford: The group relates to criminal records, evidence gathering and evidence handling. The criminal records provisions of the Bill and the proposed amendments make changes to the Police Act 1997 to modernise and improve the arrangements for the disclosure of the criminal record checks carried out by Northern Ireland's disclosure service, Access NI. I would like to take a moment to thank Access NI for the work that it does in processing some 125,000 applications each year. It has had a particularly challenging period recently with the introduction of a new IT system, including online applications from 1 April.

Amendment No 13 makes a technical adjustment to the existing clause 39 to make it clear that the code of practice to which chief officers must have regard when determining whether information should be included in an enhanced

criminal record certificate must be published. Amendment Nos 14 and 69 introduce new clause 39A and schedule 3B to make provision for the introduction of a review mechanism for the filtering scheme operated by Access NI since April of last year. This is on the basis of legal advice that provision should be made to allow an individual to seek, in certain circumstances, a review of their case where a conviction or other disposal has not been filtered from their certificate. Following careful consideration to the views of stakeholders, the amendment includes an automatic referral for cases only involving offences committed by someone under the age of 18.

Amendment No 15 makes an enhancement to clause 40, in the light of experience, to exclude a small number of applicants for enhanced checks in relation to home-based positions from the update service so as to avoid the potential for the unintentional disclosure of third-party information.

The final amendments in the group concerning criminal records are amendment No 18, which provides statutory cover for the storage of cautions and other diversionary disposals, and amendment No 70, which offers a small correction to amend a minor drafting issue in the criminal records schedule to the Bill.

Amendment Nos 30 to 34 relate to the violent offences prevention order (VOPO) provisions in Part 7 of the Bill and reflect specific comments made by the Attorney General around notification requirements of the offender and their compliance with the ECHR. The proposed amendments have been agreed with the Attorney General. Amendment No 30 makes changes to clause 65, which provides police with the power to take fingerprints and photographs of an offender at notification to verify their identity. The proposed amendment ensures that fingerprints are retained by police only if they are to be used to replace an existing set of poorer quality prints. In such a circumstance, the former set would be destroyed. It also provides that photographs taken at notification are destroyed once the offender ceases to be subject to notification requirements but allows the Chief Constable to apply to the court for an extension of photograph retention for a further two-year period from when notification has ended. A power of appeal has also been included to allow the Chief Constable or the offender to appeal against a court order given to police to extend the period of retention or a refusal by the court to grant an order.

Amendment Nos 31 and 32 make changes to clause 68, which relates to the retention of information from other Departments and the Secretary of State, such as passport information relating to the offender. The amendments ensure that the information is destroyed by the police once the offender is no longer subject to notification requirements but enables the Chief Constable to apply for an order to extend the period of information retention for a further two years from when notification has ended. It also allows the Chief Constable and the offender to appeal against a court order given to police to extend the period of retention or a refusal by the court to grant an order.

The final VOPO amendment, amendment No 33, is made to clause 70. That clause concerns power of entry and search of an offender's home by police that is needed for the purpose of assessing risk. The amendment ensures proportionality of any interference with third-party rights. The court, when considering the need for a search

warrant, must be satisfied that it is proportionate in all circumstances for police to enter and search the premises in the case when the premises is resided in by a third party; that is, where the offender is staying at the premises but when it is owned by another person.

Amendment Nos 35 to 39 and amendment No 72 are a package of amendments associated with the new DNA and fingerprints retention framework as set out in schedule 2 to the Criminal Justice Act (Northern Ireland) 2013. Implementation of the equivalent legislation in England and Wales has identified a number of gaps in our provisions that require correction to ensure that the overall regime achieves the desired outcome. The first of the amendments, amendment No 35, inserts new clause 76A into the Bill to amend the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). That is to allow police to retake fingerprints and a DNA sample in cases where an investigation has been discontinued and where the material originally taken has been destroyed in accordance with the new biometric retention regime but where the same investigation later recommences, perhaps because new evidence has emerged in the case.

Amendment No 36 inserts new clause 76B to correct a gap identified in article 63G of PACE, which makes provision for the retention of DNA and fingerprints taken from persons convicted of an offence outside Northern Ireland. As currently enacted, article 63G would not permit the retention of the DNA profile and fingerprints taken from a person in Northern Ireland on the basis of a conviction recorded against them for a recordable, non-qualifying offence in England, Wales or Scotland. Amendment 37 inserts new clause 76C to make provision for the retention of DNA profiles and fingerprints, taken by police in cases where an individual accepts a prosecutorial fine in relation to the offence, for a period of two years.

Amendment No 38 inserts new clause 76D, which will substitute existing article 63N of PACE, which has been found not to have achieved the intended effect. Article 63N will now make it clear that DNA and fingerprints taken from an individual in connection with the investigation of an offence may be retained on the basis of the outcome of a subsequent offence, irrespective of whether that offence is linked to the one for which the material was first obtained.

Amendment No 72 makes an associated amendment to schedule 5 to the Bill, which deals with transitional provisions and savings

Finally, in respect of the DNA aspects of the group, amendment No 39 inserts new clause 76E, which will amend the relevant PACE provision to disapply the general destruction requirements for DNA samples in cases where the material falls under the Criminal Procedure and Investigations Act 1996 and is relevant in evidence in court.

9.15 pm

The last departmental amendment in the group is amendment No 47, which relates to clause 82 of the Bill. Clause 82 creates a new right for defendants to apply to the court for an order allowing access to premises for the purpose of preparing their defence or appeal. The premises will typically be the crime scene and, in the vast majority of cases at present, access is agreed between the parties. The Attorney General has suggested that the power should only be exercised to ensure compliance with article 6 of

the ECHR. This adjustment to the threshold for obtaining an order allowing access to property is intended to ensure proportionality and greater clarity in the use of the power.

Let me turn to the final amendment in the group, which is amendment No 50, in the name of Mr McCartney and colleagues. It seeks to amend the Coroners Act (Northern Ireland) 1959 to grant the Attorney General extra powers to gain access to health and social care information about the direction of inquests. I understand that the provision was discussed at length by the Justice Committee during Committee Stage, with written and oral evidence taken from the Attorney General, DHSSPS and the Health and Social Care Board. Despite lengthy deliberations, the Committee could not reach an agreement to bring forward the proposition as a Committee amendment. Given the lack of consensus on the matter, I do not consider it appropriate for the Assembly to agree to the proposal without further consideration and policy development. The current statutory provisions that allow the Attorney General to direct an inquest are set quite wide, but how the medical information to which the Attorney General would seek access would be interpreted is unclear. For those reasons, and in light of the Committee's inability to reach a consensus on the proposal, I do not support the amendment.

Mr Ross: Hopefully, the Minister and I will return to harmony on this section of clauses and amendments. First of all, I will speak briefly on the clauses and amendments that aim to improve and modernise arrangements for the disclosure of criminal records by providing for electronic applications, portable disclosures, the issuing of single disclosures and an independent appeals mechanism, amongst other things.

At the start of the Committee Stage of the Bill, the Department advised the Committee of a number of amendments that it intended to bring forward, including one to create a review mechanism for the disclosure scheme to filter certain old and minor convictions and other disposals, such as cautions, from standard and enhanced criminal record certificates. That enabled the Committee to seek evidence on those as part of the Committee Stage of the Bill.

In the evidence provided to the Committee, there was broad support amongst stakeholders for the measures being taken to modernise and streamline the disclosure of information; the proposal for a review mechanism; and issues raised largely related to the disclosure scheme itself, the retention and disclosure of criminal record information regarding children and young people and the wider arguments in relation to whether under-18s should be able to apply to wipe the slate clean of old and minor convictions. Women's Aid was, however, concerned that the review mechanism to filter old and minor convictions might lead to serial perpetrators of domestic violence slipping through the cracks and facilitate their abuse of future victims, and indicated that it is vital that records remain in such cases.

The Committee noted that the measures covered by clauses 36 to 43 and related amendments reflect many of the recommendations made by Sunita Mason in her review of the criminal records regime in Northern Ireland, and took the opportunity during the oral evidence session with departmental officials to explore a number of issues, including the delay in implementing portable checks due to a delay in the commencement of the update service

operated by the Disclosure and Barring Service; whether, once available, they will speed up the process, particularly given the current delays in obtaining criminal record checks; how automatic referral to the independent reviewer will operate in practice; and the type of convictions that are likely to be removed by that process. Having considered the evidence received and the further information provided by the Department, the Committee agreed that it is content with the criminal records clauses and related amendments.

I turn now to amendment Nos 30, 31, 32 and 33. The Department advised the Committee during the Committee Stage of the Bill that it intended to bring forward a number of amendments relating to the verification of identity, retention of fingerprints and photographs, and power of search of third-party premises to the violent offences prevention order clauses to reflect improvements suggested by the Attorney General and concerns that he raised about European Court of Human Rights compliance. The main issues raised in the evidence received by the Committee on this part of the Bill covered the use of VOPOs in relation to domestic violence offences; whether there was a need for separate domestic violence protection orders, which the Assembly debated earlier; and whether VOPOs should apply to offenders under the age of 18. Noting that VOPOs are a risk management tool and a means of protecting the public, rather than a sentencing or punitive disposal, the Committee is content to support the clauses and the amendments.

I now want to very briefly address amendment Nos 35, 36, 37, 38 and 39, which introduce a number of new clauses to the Bill to make policy amendments to the biometric provisions in the Police and Criminal Evidence (Northern Ireland) Order 1989, which provides for the new DNA and fingerprint retention framework.

Having received information from the Department on the proposed amendments, the Committee noted that four of them aim to address shortcomings identified through early experience of operating the corresponding provisions in England and Wales and the other amendment will add a new article to PACE to reflect the introduction of prosecutorial fines in Northern Ireland. Therefore, the Committee agreed to their inclusion in the Bill.

I turn to amendment No 50, tabled by Sinn Féin. This would confer a power on the Attorney General for Northern Ireland to obtain papers and provide a clear statutory basis for disclosure in relation to the exercise of his power to direct an inquest where he considers it advisable to do so under section 14(1) of the Coroners Act (Northern Ireland) 1959. The Committee has given this detailed consideration, initially in the context of the Legal Aid and Coroners' Courts Bill and, more recently, as part of the Committee Stage of this Bill. The Attorney General asked the Committee to consider the amendment, albeit without the review mechanism and sunset clause, when it was carrying out the Committee Stage of the Legal Aid and Coroners' Courts Bill last year. The Attorney General outlined that the principal focus of his concern was deaths that occur in hospitals or where there is otherwise a suggestion that medical error may have occurred and indicated that he had experienced some difficulty in recent years in securing access to documents that, he believed, he needed.

At that time, the Committee indicated that it was generally supportive of the principle of the proposed amendment; however, it raised issues that required further consideration and scrutiny that could not be undertaken within the timescale for completion of the Committee Stage of the Legal Aid and Coroners' Courts Bill. The Committee agreed that, if an alternative Bill could be found in which the amendment could be considered properly, it would support such an approach. The Committee subsequently agreed that the Justice Bill provided such an opportunity and, when seeking evidence on the Bill, requested written evidence on the Attorney's proposal. The Committee also invited the Department of Health, Social Services and Public Safety and the Health and Social Care Board to give oral evidence, as they would be directly affected by the proposal, and the Attorney General also attended to discuss the matter.

Both the Health and Social Care Board and the Department of Health had concerns regarding the proposed amendment. The Health and Social Care Board highlighted the fact that there was no equivalent provision in England and Wales. In its view, the duty is already on trust staff to report unexplained deaths, there are sufficient safeguards in the current process and the present system is suitably robust to ensure that the interests of justice are properly served. The board also had concerns that the serious adverse incident reporting system is expressly intended not to be an investigation to determine fault or blame but rather to facilitate learning in order to prevent recurrence and that the granting of this statutory power to the Attorney General, where he has stated he would intend to exercise it to gain access to serious adverse incident documentation, could well have the detrimental effect of discouraging openness and transparency.

The board stated that, in order to exercise his power under section 14(1) of the Coroners Act (Northern Ireland) 1959, all that is required is for the Attorney General to have a reason to believe that the circumstances of the death make the holding of an inquest advisable. In the board's view, it is unnecessary for him to effectively carry out the same role as the coroner, who is the statutory authority to properly investigate unexplained deaths. The role of the Attorney General, according to the board, is to supervise the coroner and to intervene if he suspects or believes that there is some deficiency.

When the Department of Health officials attended, they indicated that the Health Minister had no objection in principle to the Attorney General having the power to access the information necessary to enable him to discharge his functions under section 14(1) of the Coroners Act (Northern Ireland) 1959 but believed that more policy clarity on the precise intent of the proposed provision and how it would be used in practice was required. The officials outlined a range of concerns regarding the rationale for the proposed amendment, the broad scope of the power and the implications, including additional administrative burdens on staff. The Department of Health also shared the board's concerns regarding the possible impact on openness and transparency in relation to the serious adverse incident process and emphasised that it is a non-statutory-based system to identify learning, not an investigative system.

The officials outlined a number of initiatives already being pursued to provide greater scrutiny around the process

for certifying deaths in Northern Ireland and to strengthen and improve the current process and indicated that a full review of coronial legislation was likely, which would provide a more appropriate opportunity to consider the proposal. The Minister of Health subsequently wrote to the Committee providing further information regarding the look-back exercise of serious adverse incidents and the initiatives being taken forward to strengthen and enhance public assurance and scrutiny of the death certification process, which includes the roll-out of a regional mortality and morbidity review system and consideration of the introduction of an independent medical reviewer, similar to that being introduced in Scotland.

The Attorney General, both in correspondence and when he attended the Committee, set out the reasons why he believed he needed the statutory power that the amendment would provide to obtain papers and outlined a high-profile incident involving a health and social care trust that served to strengthen his view that a power to obtain relevant material was crucial to the public interest in ensuring a high standard of health care and investigation of incidents that result in the death of a patient. In his view, there appeared to be a gap in the potential investigation for accountability purposes, and the amendment is designed to close that gap. He also provided an example of a case in which he had requested details of a death and the relevant HSC trust had responded by questioning the legal basis for him obtaining the information.

The Attorney General did not believe that providing him with the statutory power requested would create a burden on the health service and stated that the amendment would ensure that one of the safeguards in place in the system, namely his power to direct an inquest, can be improved. The Attorney General also indicated that, contrary to the misapprehension of the Health and Social Care Board, the statutory power to direct an inquest is not limited to cases in which a coroner has already been informed of the death or has made a decision about whether or not to hold an inquest. He is able to direct an inquest where there has been a decision not to notify the coroner, and it would not therefore be sufficient for him to simply request that the coroner shares the documents he has received, as suggested by the board, to inform his decision. The Attorney General also noted the suggestion by the board that he may be able to direct an inquest without obtaining information and stated that, while the threshold of advisability is low, it would not be right to burden the coronial system with unnecessary requests.

The Committee considered this amendment, which includes a review mechanism/sunset clause, on a number of occasions, with some Members indicating that they were inclined to support it and others indicating that they had concerns about it. Key issues discussed by the Committee included the need to ensure information is provided when it should be, whether the amendment would assist or support that and provide what the Attorney General described as “a second pair of eyes”; the need for openness and transparency and whether the amendment would assist that or create a climate of fear or reluctance, thus diminishing it; whether it would assist people in difficult circumstances to establish the truth about the death of a loved one; the fact that SAIs were introduced as a learning exercise rather than an investigative system and that staff are encouraged to participate in them on that

basis; and the process of change and new initiatives the health service is implementing.

At the meeting on 11 March, a proposal was put to take forward the amendment proposed by the Attorney General, with the addition of provision for a sunset clause/ review mechanism as a Committee amendment. The proposal fell as it did not have the support of a majority of the members present.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. We will support the amendments tabled by the Minister. As the Chair outlined, they help the process of streamlining, particularly around convictions and other processes of disclosure.

I turn to the amendment tabled in our names in relation to what became known during Committee Stage as “the Attorney General’s amendment”. We tabled the amendment for two reasons. We honestly believe that the provision provides an appropriate and necessary level of public protection in relation to the power of the Attorney General, particularly in relation to inquests that arise out of deaths in hospitals.

The second reason was that, at the Committee, as the Chair has outlined, there was a discussion in which there was a fair degree of push and pull. When it came down to the vote on the last day — the result was five each — there were people who voted yes and no and throughout the process had reservations, doubts and fears. We felt that bringing the amendment here tonight would allow a wider discussion and let other Members be part of the process. In many ways, the petition of concern makes some of the arguments that we will make tonight a bit academic, but putting on the record our position serves a purpose.

Throughout Committee Stage, none of us, whatever way we came to the proposal by the Attorney General, was casting any doubt or making any observations on the professionalism of the people who work in the National Health Service, those providers. We all said, particularly when the people from the health and social care trusts were in front of us, that none of us was questioning that. Indeed, I think that most of us congratulated them on their professionalism.

9.30 pm

The health board said that, in many ways, the amendment was unnecessary and that all of the relevant documentation was already being provided to the coroner. Similarly, with reference to an earlier part of this discussion, I think that when people say that something is unnecessary and that there is already provision to do this, you ask why they do not want to it happen. The Attorney General made a number of observations. He referred to it in evidence as “a second pair of eyes”. He was not in any way casting any shadows or any doubts on the process as to when a coroner would deem an inquest necessary. He made the point very poignantly at the Committee where he said that there were people out there who perhaps do not have people to advocate on their behalf, and he said that he would provide that in that way.

The health professionals put forward the issue of staff reluctance to engage in adverse incident reports. Indeed, during Committee Stage, Edwin Poots, speaking as a Committee member, made the good point that sometimes health professionals are involved in operations that are

very sensitive and that sometimes, in a sense, they take calculated risks that something can perhaps go wrong. He was mindful and fearful that too much scrutiny would perhaps leave health professionals where they would take a step back and perhaps not make decisions in light of that. On a number of occasions, he made the point that he could see why this was, if not necessary, something that he would not argue against.

On the issue of the risks that health professionals take, given that people were saying that the coroner had access to all of the documentation, I do not think that anybody was making the case that, because the coroner has the ability to have the documents, it was in any way preventing health professionals from doing the dedicated work that they do. However, unfortunately, there were, perhaps, in the past, circumstances where documents that should have been provided to the coroner were not. Perhaps we are in a better place now. When the health trusts were at the Committee, I raised a particular case. Again, I agree with what the health trusts were saying because, in the legislation as it is framed, there is a grey area. It says that it is only documents that are compellable for a High Court action, but it was found out, particularly during the O'Hara inquiry, that the trust had a report that, it said, was for internal use and was not compellable to the High Court. However, it revealed that there were issues with a particular child who, tragically, ended up dying that should have pointed up and should have been seen and, therefore, should have been acted on. However, because that document was not compellable, it was only found out through the inquiry. When that came out in the inquiry, the trust accepted that it was a document that the coroner perhaps should have had, but there was no legal imperative for it to provide it. I think that the point was made at the Committee and, indeed, at the inquiry, and the trust went on to admit negligence in that case.

It is in that type of scenario where you could have the second pair of eyes. If the Attorney General was asked on behalf of a family, this type of document could be brought forward more quickly, openly and transparently. I am not saying that death could have been prevented in this case, but certainly the family would not have been put in a place of further trauma. Secondly, it would ensure that documents that should be disclosed are disclosed in a meaningful way, rather than being hidden behind — maybe “hidden” is the wrong word — the fact that there is no legal imperative to do something. The point was made in Committee that, if a document in the hands of a trust could illuminate things and bring relief to a family, there is a moral obligation to release it in that spirit.

There is a suggestion that if this power was given to an Attorney General — not to the individual but to the office — they could perhaps overstretch themselves and use it in too many circumstances, which would itself put additional and unnecessary pressure on health care professionals. Now, the Attorney General was very clear that in recent times he has not used the powers that he has. If he has used them, he has done so infrequently. But if people felt it would be abused, putting undue pressure on health care professionals, a sunset clause would allow for a review after three years and then for it to be continued with the approval of the Assembly. That in itself would make it fail-safe. First of all, overuse would be detected through the number of cases, because it could be compared with the number that the coroner referred to inquest or, indeed,

that the Health and Social Care Board itself surrendered for inquest. Secondly, if there was a need to either lower or adjust the powers, the sunset clause would allow for that. The policy — the Minister has said it — needs teasing out. You have the Attorney General asking for what is a second pair of eyes. Tonight, people will look on and ask, “Why would you not want a second pair of eyes?”. We have a process that in the main is very open and transparent, but if we block this people might feel that we are hiding something. I do not think that is a good place for anyone involved in the process to go.

Mr A Maginness: I do not intend to speak for long on these matters. First of all, in general terms, my party supports the amendments tabled by the Minister of Justice. They are helpful and worthy of support.

Amendment No 50, which has been tabled by Mr McCartney and his colleagues in Sinn Féin, relates to a proposition by the Attorney General that the Committee had considerable difficulty in agreeing to. Eventually, no agreement was reached, and the proposition put forward by the Attorney General was not endorsed by the Committee. The arguments on both sides were well balanced, and the Chair of the Committee has outlined the arguments against, in the main, and Mr McCartney the arguments for. Both outlined them very accurately and very well, but I think that anybody listening to both contributions would come to the conclusion that there are issues on both sides and it is difficult to make one's mind up on whether to support the proposition of the Attorney General or not.

It was further complicated for me when my brother gave evidence to the Committee against the proposition that the Attorney General had put forward. Nonetheless, I put that aside and made up my own mind. My colleague Mr McGlone also made up his mind in relation to it, and we were still divided. Eventually, we considered that it was useful to propose a sunset clause, because one of the principal arguments against the proposition that the Attorney General put forward was that, if you changed the law and allowed this to happen, there could be an accretion in power and an interference in the system that would be adverse.

It was thought — I think Mr McCartney was right — to bring some sort of time limitation into it, that there could be a proper review and that a sunset clause would serve that purpose so as to analyse exactly how the amendment would work in practice and see that it would not, for example, overburden health officials, have an adverse impact on their performance or inhibit them in carrying out their proper affairs in relation to their professional duties. The determining factor in the SDLP supporting the amendment was, in fact, the sunset clause. However, it has all been rendered nugatory by the fact that there is a petition of concern. I am mystified as to why there is a petition of concern. Nobody has told me, and perhaps I will never learn in any event. It is an academic exercise, but, for the record, we would support it, given the fact that a sunset clause was quite properly added to the proposition. I conclude there.

Mr Elliott: Once again, I will limit my contribution to amendment No 50, which was originally proposed by the Attorney General and was defeated in Committee — there were equal votes, so the matter fell — but Mr McCartney has brought it forward again as his amendment. I can

understand why. I want to make it clear that I do not always support the Attorney General's view on issues, but on this occasion he brought it back on a number of occasions and narrowed the aspects of the proposal in the amendment. I accept the argument from the health professionals and officials, including Mr Maginness's brother. They supported it in principle but did not like the detail and were not convinced, simply because they did not see the overall rationale for it. I believe that it genuinely would have been used in very limited cases.

I saw some cases through the Western Trust, particularly where young children had died because of certain things, and the families and their legal representatives had huge problems accessing information from the trust that should have been made available. I suppose that was the one aspect that convinced me: I thought that it would be a good opportunity to have that second opinion or third opinion that would have been able to access that information and, hopefully, help to progress that case for those families, irrespective of what the outcome was going to be. The outcome might not have been in favour of the families or what they were looking for, but at least they would have had the opportunity to access that information. That is why I felt it appropriate to support that proposal. Obviously, the sunset clause in it makes it even more attractive now as well.

9.45 pm

I just wanted to put on record my thoughts and views behind it and why it is primarily a health issue. The Health Department and trusts would have to deal with the outworkings of it if it were to go through, although I assume that, with the petition of concern, it will not progress. I would like to have seen it go through. I would like to have seen it given those three years to see how it could have progressed and developed and whether it would have been of help to a number of families who are looking for that additional information.

Mr Speaker: I suggest that, with Members' agreement, after Mr Dickson finishes, it will be an opportune time to take a comfort break. I will then call the Minister to make his winding-up speech at about 10.00 pm.

Mr Dickson: I will certainly not hold Members back very long from their comfort break. I welcome the opportunity to speak on the fourth group of amendments, which relate primarily to criminal record evidence gathering and handling. The amendments are mostly for the purpose of tidying up this part of the Bill.

I would just like to speak for a short time specifically on the changes to Access NI disclosures. I am pleased to see further refinement of the filtering process that is now in place for Access NI applicants. This is a common-sense approach, making it more straightforward for rehabilitation and reintegration in the community and the workforce of people previously convicted of a crime. Amendment Nos 14 and 69 will allow for a review mechanism for the new filtering process, allowing an individual to seek a review of the filtering process if certain convictions or other disposals are included in their Access NI certificates. Furthermore, people who have offences included that were committed under the age of 18 will automatically be referred to the review mechanism. You must remember that many of these offenders have not been able to obtain a decent level of education and so would otherwise be

unsure how to seek a review or deal with a complex application.

This is about making the justice system work for victims, but it is also about criminals with regard to reforming their behaviour, acting to rehabilitate people and giving them a true stake in society. Therefore, I support the amendments tabled by the Minister.

In respect of amendment No 50, I will not detain the House long. The arguments for and against have been made, and we have the petition of concern. I support the Minister in his view on this.

Mr Speaker: Members may now take their ease, a comfort break or whatever. We will suspend until 10.00 pm.

The sitting was suspended at 9.48 pm and resumed at 10.02 pm.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

Mr Ford: In reality, there is very little on which to wind in this particular group. It is clear that the bulk of the amendments put forward by me, with the support of the Committee, are accepted. The only issue really is that of the provision of information to the Attorney General, on which concerns were expressed by some Members. I was amused to learn that there was a debate within the Maginness family circle. We should not all admit to problems in the family when we cannot agree a line, but it is clear that there was a finely balanced decision on that and that there are issues that perhaps need to be examined in a different way at a different stage.

It is clear that there are significant concerns amongst health professionals that what was being proposed was imprecise and did not entirely sit easily with their duties. It is also the case that we are looking to a reform of coronial law in general. I suspect that it might well be best for the House to consider whether a review of coronial law might be a better way of handling the issue of the powers of the Attorney General to request information from medical authorities than simply putting it into a Bill at this stage.

There are also clearly significant issues about how far back things might go. If we were talking about somebody who died at the age of 90, there are serious questions as to how far back into people's careers they could be expected to answer questions. There are real issues in terms of resources. We know from the limited number of inquests at this point, where the attorney requests medical information, that people are diverted in the health and social care system from the provision of services to their patients and clients to the provision of information to the attorney.

Given all the concerns that have been expressed on something that has not been consulted on substantively, it is difficult to see that we should move in that particular direction. I welcome the fact, however, that the other amendments in this group, most of which fall to the simple tidying-up process that the Department has been doing with the Committee, have shown, as the Chair said when he introduced his comments, a set of harmony. I trust that that is where we will be.

Amendment No 13 agreed to.

Clause 39, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 14 made:

After clause 39 insert

“Review of criminal record certificates

39A.—(1) *The Police Act 1997 is amended as follows.*

(2) *After section 117A (inserted by section 39(5)) insert—*

“Review of criminal record certificates

117B. *Schedule 8A (which provides for an independent review of certain criminal record certificates) has effect.”*

(3) *After Schedule 8 insert as Schedule 8A the Schedule set out in Schedule 3B to this Act.”.— [Mr Ford (The Minister of Justice).]*

New clause ordered to stand part of the Bill.

Clause 40 (Up-dating certificates)

Amendment No 15 made:

In page 29, line 44, at end insert

“(7A) The Department must not grant an application as mentioned in subsection (4)(c) or (5)

(c) if—

(a) the certificate in question is an enhanced criminal record certificate; and

(b) the certificate contains (or would contain) information which relates to an individual other than the individual whose certificate it is.”.— [Mr Ford (The Minister of Justice).]

Clause 40, as amended, ordered to stand part of the Bill.

Clause 41 (Applications for enhanced criminal record certificates)

Amendment No 16 made:

In page 31, line 18, leave out “it is” and insert “be”.— [Mr Ford (The Minister of Justice).]

Clause 41, as amended, ordered to stand part of the Bill.

Clause 42 ordered to stand part of the Bill.

New Clause

Amendment No 17 made:

After clause 42 insert

“Disclosures by Department of Justice to Disclosure and Barring Service

42A.*In section 119 of the Police Act 1997 (sources of information) after subsection (4) insert—*

“(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 18 made:

After clause 42 insert

“Inclusion of cautions and other diversionary disposals in criminal records

42B.*In Article 29 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for paragraph (4) substitute—*

“(4) The Department of Justice may by regulations make provision for recording—

(a) convictions for such offences as are specified in the regulations (“recordable offences”);

(b) cautions given in respect of recordable offences;

(c) informed warnings given in respect of recordable offences;

(d) diversionary youth conferences in respect of recordable offences.

(5) For the purposes of paragraph (4)—

(a) “caution” means a caution given to a person in respect of an offence which, at the time when the caution is given, the person has admitted;

(b) “diversionary youth conference” has the meaning given by Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 43 ordered to stand part of the Bill.

New Clause

Amendment No 19 made:

After clause 43 insert

“PART 5A

CHILD PROTECTION DISCLOSURES

Child protection disclosures

43A.—(1) *The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.*

(2) In Article 50 (Guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain arrangements for the consideration of disclosure, to any particular member of the public, of information in the possession of the agencies about the relevant previous convictions of any specified sexual or violent offender, where it is necessary to protect a particular child or children from serious harm caused by the offender. Such arrangements may include conditions for preventing the member of the public concerned from disclosing the information to any other person.”

(3) In paragraph (3), for “Paragraph 2 does” substitute “Paragraphs (2) and (2A) do”.

(4) In Article 49, (interpretation), at end of paragraph (1) insert—

“*“relevant previous convictions” means convictions, findings or cautions which relate to the offender’s specification in guidance under Article 50.*”— [Mr Frew.]

New clause ordered to stand part of the Bill.

Clauses 44 and 45 ordered to stand part of the Bill.

Clause 46 (Live links: proceedings for failure to comply with certain orders or licence)

Amendment No 20 made:

In page 36, line 7, at end insert

“(9A) If where the offender is attending proceedings through a live link it appears to the court—

(a) that the offender is not able to see and hear the court and to be seen and heard by it, and

(b) that this cannot be immediately corrected,

the court must adjourn the proceedings.”— [Mr Ford (The Minister of Justice).]

Clause 46, as amended, ordered to stand part of the Bill.

Clauses 47 to 49 ordered to stand part of the Bill.

Mr Principal Deputy Speaker: Amendment No 21 has already been debated. Members will wish to be aware that amendments Nos 22 to 29 are consequential to amendment No 21.

Amendment No 21 not moved.

Mr Principal Deputy Speaker: I will not call amendment Nos 22 to 29 as they are consequential to amendment No 21, which has not been moved.

Clauses 50 to 64 ordered to stand part of the Bill.

Clause 65 (Method of notification and related matters)

Amendment No 30 made:

In page 49, leave out lines 2 to 4 and insert

“(4) Fingerprints and photographs taken from an offender under this section—

(a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and

(b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).

(6) Subsection (7) applies where—

(a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;

(b) fingerprints have also subsequently been taken from that person under this section; and

(c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person’s fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(7) Where this subsection applies—

(a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and

(b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.

(8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).

(9) The Chief Constable may apply to a District Judge (Magistrates’ Courts) for an order extending the period for which photographs taken under this section may be retained.

(10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—

(a) the Chief Constable;

(b) the person in relation to whom the order was sought.

(13) In this section—

(a) “photograph” includes any process by means of which an image may be produced; and

(b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.”— [Mr Ford (The Minister of Justice).]

Clause 65, as amended, ordered to stand part of the Bill.

Clauses 66 and 67 ordered to stand part of the Bill.

10.15 pm

Clause 68 (Supply of information by relevant Northern Ireland departments or Secretary of State)

Amendment No 31 made:

In page 51, line 8, after “may” insert

“, subject to subsections (3A) to (3E).”— [Mr Ford (The Minister of Justice).]

Amendment No 32 made:

In page 51, line 13, at end insert

“(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to

notification requirements unless it is retained by virtue of an order under subsection (3B).

(3B) The Chief Constable may apply to a District Judge (Magistrates' Court) for an order extending the period for which the information may be retained.

(3C) An application for an order under subsection (3B) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.

(3D) An order under subsection (3B) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.

(3E) The following persons may appeal to the county court against an order under subsection (3B), or a refusal to make such an order—

(a) the Chief Constable;

(b) the person in relation to whom the order was sought.— [Mr Ford (The Minister of Justice).]

Clause 68, as amended, ordered to stand part of the Bill.

Clause 69 ordered to stand part of the Bill.

Clause 70 (Power of entry and search of offender's home address)

Amendment No 33 made:

In page 52, line 3, leave out "and" and insert

"(ca) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and".— [Mr Ford (The Minister of Justice).]

Clause 70, as amended, ordered to stand part of the Bill.

Clause 71 ordered to stand part of the Bill.

Mr Principal Deputy Speaker: We now come to the fifth group of amendments for debate. This group comprises amendments that amend existing offences or create new offences. The Committee for Justice proposes an amendment named "Ending the life of an unborn child", while the Department proposes amendments in respect of offences of meeting a child following sexual grooming, sexual communication with a child and causing or allowing a child or vulnerable adult to suffer serious physical harm.

With amendment No 34, it will be convenient to debate amendment Nos 41, 42, 48, 71, 73 and 74. Amendment No 71 is consequential on amendment No 48; amendment No 73 is consequential on amendment No 41; and amendment No 74 is consequential on amendment No 48.

Members will also note that a valid petition of concern has been received in relation to amendment No 34, so this amendment will require cross-community support.

Mr Ross (The Chairperson of the Committee for Justice): I beg to move amendment No 34: After clause 71 insert

"PART 7A

ENDING THE LIFE OF AN UNBORN CHILD

Ending the life of an unborn child

71A.—(1) Without prejudice to section 58 and section 59 of the Offences Against the Person Act 1861 and section 25 of the Criminal Justice Act (Northern Ireland) 1945 and subject to subsection (2) any person who ends the life of an unborn child at any stage of that child's development shall be guilty of an offence and liable on conviction on indictment to a period of not more than ten years' imprisonment and a fine.

(2) It shall be a defence for any person charged with an offence under this section to show—

(a) that the act or acts ending the life of an unborn child were lawfully performed at premises operated by a Health and Social Care Trust, or

(b) that the act or acts ending the life of the unborn child were lawfully performed without fee or reward in circumstances of urgency when access to premises operated by a Health and Social Care Trust was not possible.

(3) For the purposes of this section a person ends the life of an unborn child if that person does any act, or causes or permits any act, with the intention of bringing about the end of the life of an unborn child, and, by reason of any such act, the life of that unborn child is ended.

(4) For the purposes of this section 'lawfully' in subsection (2) means in accordance with any defence or exception under section 58 and section 59 of the Offences Against the Person Act 1861 and section 25 of the Criminal Justice Act (Northern Ireland) 1945."

The following amendments stood on the Marshalled List:

No 41: After clause 78 insert

"Sexual offences against children

Meeting a child following sexual grooming etc.

78A. In Article 22(1)(a) of the Sexual Offences (Northern Ireland) Order 2008 (meeting a child following sexual grooming etc.) for "on at least two occasions" substitute "on one or more occasions".— [Mr Ford (The Minister of Justice).]

No 42: After clause 78 insert

"**Sexual communication with a child**

78B.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

"**Sexual communication with a child**

22A.—(1) A person aged 18 or over (A) commits an offence if—

(a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),

(b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and

(c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

(a) any part of it relates to sexual activity, or

(b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual.

(3) A person guilty of an offence under this Article is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”.

(2) In Article 4 of that Order (meaning of “sexual”) after “except” insert “Article 22A (sexual communication with a child) or”.

(3) In Article 76(10)(a) of that Order (offences outside the United Kingdom) after “children” insert “except Article 22A”.

(4) In the Sexual Offences Act 2003 in Schedule 3 (sexual offences for purposes of Part 2 of that Act) after paragraph 92H insert—

“92HA. An offence under Article 22A of that Order (sexual communication with a child).”.

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert—

“Article 22A (sexual communication with a child),”.—
[Mr Ford (The Minister of Justice).]

No 48: After clause 83 insert

“Causing or allowing child or vulnerable adult to suffer serious physical harm

Causing or allowing child or vulnerable adult to suffer serious physical harm

83A.—(1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) after “dies” insert “or suffers serious physical harm”;

(b) in paragraph (d) for “V’s death” substitute “the death or serious physical harm”.

(3) In subsection (3)(a) for “V’s death” substitute “the death or serious physical harm”.

(4) In subsection (4)(b) for “V’s death” substitute “the death or serious physical harm”.

(5) In subsection (7) after “this section” insert “of causing or allowing a person’s death”.

(6) After that subsection insert—

“(8) A person guilty of an offence under this section of causing or allowing a person to suffer serious physical harm is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or to both.”.

(7) For the cross-heading before section 5 substitute “Causing or allowing a child or vulnerable adult to die or suffer serious physical harm”.

(8) Schedule 4A (which contains amendments consequential on this section) has effect.”.— [Mr Ford (The Minister of Justice).]

No 71: After schedule 4 insert

“SCHEDULE 4A

AMENDMENTS: SERIOUS PHYSICAL HARM TO CHILD OR VULNERABLE ADULT

THE LAW REFORM (YEAR AND A DAY RULE) ACT 1996 (C. 19)

1. In section 2 (restriction on institution of proceedings for fatal offence) in subsection (3)(c) for “(causing or allowing the death of a child or vulnerable adult)” substitute “of causing or allowing the death of a child or vulnerable adult”.

THE SEXUAL OFFENCES ACT 2003 (C. 42)

2. In Schedule 5 (offences for purposes of making sexual offences prevention orders) in paragraph 171A for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.

THE DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004 (C. 28)

3.—(1) For the heading of section 7 substitute

“**Evidence and procedure in cases of death: Northern Ireland**”.

(2) In section 7(5) after “section 5” insert “of causing or allowing a person’s death”.

(3) After section 7 insert—

“**Evidence and procedure in cases of serious physical harm: Northern Ireland**

7A.—(1) Subsections (3) to (5) apply where a person (“the defendant”) is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm (“the section 5 offence”).

(2) In this section “relevant offence” means—

(a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc.);

(b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

(3) Where by virtue of Article 4(4) of the Criminal Evidence (Northern Ireland) Order 1988 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant’s failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.

(4) Where a magistrates’ court is considering under Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981 whether to commit the defendant for trial for the relevant offence, if there is sufficient evidence to put the defendant on trial for the section 5 offence there is deemed to be sufficient evidence to put the defendant on trial for the relevant offence.

(5) *The power of a judge of the Crown Court under section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (entry of "No Bill") is not to be exercised in relation to a relevant offence unless it is also exercised in relation to the section 5 offence.*

(6) *At the defendant's trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).*"

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4. In Part 1 of Schedule 2 (specified violent offences) in paragraph 30 for "the death of a child or vulnerable adult" substitute "a child or vulnerable adult to die or suffer serious physical harm".— [Mr Ford (The Minister of Justice).]

No 73: In schedule 5, page 102, line 26, at end insert

"PART 8: MEETING A CHILD FOLLOWING SEXUAL GROOMING ETC.

7A. Section 78A does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.'— [Mr Ford (The Minister of Justice).]

No 74: In schedule 5, page 102, line 29, at end insert

"PART 8: SERIOUS PHYSICAL HARM TO A CHILD OR VULNERABLE ADULT

9. An amendment made by section 83A or Schedule 4A does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.'— [Mr Ford (The Minister of Justice).]

Mr Ross: Before I address amendment No 34, which the Committee tabled, I want to briefly cover amendment Nos 41, 42, 48, and 71, which the Minister tabled.

I turn first to amendment Nos 41 and 42. In January, the Minister sought the views of the Committee on his intention to provide for a new offence of communicating with a child for sexual purposes, and to make a change to the existing offence of meeting a child following sexual grooming. The Committee noted that the new offence of communicating with a child for sexual purposes arose from an NSPCC lobby campaign to close what was considered a gap in the law in Northern Ireland relating to sexting. There is already a law covering this behaviour in Scotland, and the Serious Crime Act 2015 introduced it in England and Wales.

The Committee believes that it is very important to provide the same level of protection to children in Northern Ireland and therefore supports the amendment.

The amendment to the existing offence in the Sexual Offences (Northern Ireland) Order 2008 of meeting a child following sexual grooming will make a small but significant change to the evidence threshold for the offence by reducing the requirement for an adult to have communicated with a child on two occasions before meeting them or travelling to meet them before the offence

is committed, to one occasion. The Committee noted that a report by Barnardo's showed how quickly contact offending can occur following just one communication or meeting, and it agreed to support the amendment on the basis that the grooming offence could play a much more important role in preventing such contact offending ever taking place and thus improving protection for children.

Moving on to amendment Nos 48 and 71, the Department provided the Committee with the results of a consultation it had undertaken on extending existing legislation to enable the joint conviction of members of a household who cause or allow a child or vulnerable adult to suffer serious physical harm. In England and Wales, the Domestic Violence, Crime and Victims (Amendment) Act 2012 introduced the offence, which relates to circumstances whereby the injuries to the child or vulnerable adult must have been sustained at the hands of one of a limited number of members of a household but there is insufficient evidence to point to the particular person responsible. Clearly extending the scope of the current offence of causing or allowing the death of a child or vulnerable adult to also include cases of causing or allowing a child or vulnerable adult to suffer serious physical harm will provide additional protection to children and vulnerable adults. The Committee therefore supports the amendments.

I will turn now to amendment 34, the intention of which is to restrict lawful abortions to NHS premises except in cases of urgency when access to National Health Service premises is not possible and where no fee is paid, and to include an additional option to the existing legislation to provide for a period of 10 years imprisonment and a fine on conviction. Most, if not all, Members will be aware of the background to amendment 34, which was brought forward during Further Consideration Stage of the Criminal Justice Bill in March 2013. A petition of concern was tabled then, as is the case today, and following extensive debate, the amendment fell as it did not receive the necessary cross-community support.

By way of background, in July 2014, at the start of the Committee Stage of the Justice Bill, Mr Jim Wells, who was at that time a member of the Justice Committee, advised the Committee that he intended to bring forward this amendment at Consideration Stage and asked the Committee to seek views on it when it was seeking evidence on the Bill because, when the amendment had previously been brought forward, one of the criticisms was that there had not been any consultation on it. The Committee discussed whether it was appropriate to seek views on an individual member's proposed amendment, and, while a range of views were expressed, the Committee agreed to do so.

Following the Committee's call for evidence on the Bill and a range of amendments, including the one proposed by Mr Wells, a total of 28 written responses were received from organisations in relation to that amendment. Of those, a total of 20 were in favour of the amendment, seven were not in favour and one made no comment on whether it supported the amendment or not. In addition, the Committee received a significant number of responses, letters and emails from individuals, a number of written and online petitions and almost 22,500 postcards in support of the amendment.

Having considered the written responses, the Committee subsequently took oral evidence from a number of

organisations who supported the amendment and a number who opposed it. The organisations who gave oral evidence included Amnesty International, Care NI, Christian Medical Fellowship, Evangelical Alliance, the Northern Ireland Human Rights Commission, Precious Life, the Regulation and Quality Improvement Authority (RQIA), the Society for the Protection of Unborn Children and Women's Network.

The amendment clearly divides opinion, which was reflected in both the written and oral evidence received by the Committee, with organisations and individuals either strongly supporting it or indicating strong opposition to it. In the interests of brevity, I do not intend to rehearse the arguments put forward in the previous debate on this amendment. Nor do I intend to outline all the details of the written and oral evidence received by the Committee, but I do want to provide a brief synopsis of the main arguments that were put forward both in support of the amendment and opposing it.

Organisations that indicated opposition to the amendment included Amnesty International, the NI Human Rights Commission, Alliance for Choice, Women's Aid and the National Union of Students-Union of Students in Ireland (NUS-USI). The RQIA also raised a number of issues relating to it. The main points they made included that the amendment would constitute a further significant restriction on the right to privacy in Northern Ireland, and adoption of it would be contrary, they argued, to article 8 of the European Convention on Human Rights and article 17 of the International Covenant on Civil and Political Rights. They also argued that the amendment would further hinder the state's ability to fulfil its positive obligation to create a procedural framework enabling a pregnant woman to effectively exercise her right of access to a lawful abortion; that people should be allowed to decide whether they use a private provider or not and that there are no other circumstances in which people are forced to use only a public health facility; that it is not clear how the word "urgent" is interpreted and the circumstances by which someone will be able to terminate a pregnancy outside of NHS premises in an "urgent" situation; that the amendment may be so broad as to include certain forms of contraception, including the morning-after pill and that further clarification was required — I believe that that came forward; and that there are issues relating to enforcement of criminal law regulations and any potential role for the RQIA, as it does not sit within the present regulatory framework.

The organisations that strongly supported the amendment included CARE, the Christian Medical Fellowship, Evangelical Alliance, Precious Life, the Society for the Protection of Unborn Children, Women's Network, the Northern Catholic Bishops, the Presbyterian Church in Ireland, the Free Presbyterian Church and the Reformed Presbyterian Church of Ireland. The main points in support of the amendment included the argument that life begins at the moment of conception; that there is a responsibility to protect the life of the mother and unborn child, and that that responsibility is best held with the Health and Social Care trusts and not those actively campaigning to change the law for financial gain; that there are no credible or compelling needs for private companies to provide abortion services in Northern Ireland; that there are issues of transparency where private clinics are concerned, including a failure to provide information on the number of

abortions undertaken on their premises; that there is no evidence that private companies or charities are needed to meet existing levels of demand; that promotion of a more liberal approach on abortion is at odds with the law, culture and values of the people of Northern Ireland; that there are concerns regarding whether the law as it stands is being upheld and adhered to, as it is difficult to monitor lawful terminations outside of NHS premises owing to a lack of information; and, finally, that the European Court of Human Rights gives a broad margin of appreciation to states, as there is no consensus on abortion across Europe.

At its meeting on 4 March this year, the Justice Committee agreed to include the evidence that it received on this amendment in its report on the Justice Bill. The Committee also discussed the proposed amendment at several meetings, and opinion was divided, with some members indicating that they support the amendment and others indicating that they oppose it. At the meeting on 11 March, a proposal was put to take the amendment forward as a Committee amendment, as Mr Wells was unable to do so himself at that time, given that he was the Minister of Health. Although the proposal was agreed by a majority of members present at that meeting, some indicated their opposition to it.

I and the Committee recognise that this amendment deals with a very emotive issue, and, although I suspect that its fate is already known, I hope that Members will participate in the debate in a sensitive and moderate way and deal with the specifics of the amendment rather than the broader issue.

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Níl Sinn Féin i bhfabhar le gínmhilleadh; vótáil Sinn Féin i gcoinne Acht 1967 a leathnú go dtí an Tuaisceart nuair a moladh sin sa Tionól. Creideann Sinn Féin gur chóir don ghínmhilleadh bheith ar fáil i gcás éignithe, drochúsáide gnéasaí nó i gcol, agus i gcásanna ina bhfuil beatha na mná torraí i mbaol.

Sinn Féin is not in favour of abortion. We opposed and voted against the extension of the 1967 Act to the North when it was proposed in the Assembly. That remains our position. Sinn Féin believes that, in the case of rape, sexual abuse or incest and fatal foetal abnormality, or when a pregnant woman's life is in danger, the option of termination should be available. Sinn Féin believes that the issue should be dealt with in a comprehensive manner, involving a multi-agency response that develops effective services for sexual health and sex education, fuller access to child support provision and specific support for single parents.

I join the Chairperson of the Justice Committee in urging everyone who participates in the debate tonight to deal with this sensitive issue in a polite and respectful way and to respect that we have many different positions on it. I also respect and am conscious of the fact that there are strong and sincerely held views on all sides of the House.

This is the same amendment that was defeated on 12 March 2013. The Chair said that the Committee did not fully support it. For the record, the members of our party on that Committee voted against the amendment at that point.

Sinn Féin's view of the amendment is that it is clearly an attempt to restrict the right of a woman to obtain a termination in life-threatening circumstances. It is an attempt to further compound trauma by marginalising women at a time in our life when we are most vulnerable.

The criminal justice arena is not a place to deal with a sensitive health care issue such as this.

10.30 pm

The health professionals have called for guidance, the court has ordered Ministers of Health to bring forward that guidance, and, unfortunately, we still do not have it. Three successive DUP Ministers of Health to date have failed to bring forward the guidelines as ordered by the courts. The absence of legislative implementation of these judgements has created very dangerous grey areas in which women can die. The failure of DUP Ministers to have in place guidance to give clinicians the legal assurance required to allow them to intervene in life-threatening circumstances at the request of the mother represents gross negligence. We call on the new Minister of Health to bring the guidance forward. Clinicians and medical practitioners in the health service need the assurance and support of the law to allow them to carry out their work and, when required, to act to save lives.

Let us examine some of the arguments against, and, in the interests of us all getting home at a reasonable hour, I will be brief. Private healthcare versus public healthcare: the DUP and its allies in this have suddenly become cheerleaders for public rather than private healthcare. In Sinn Féin's view, in an ideal world, all aspects of health would be public. However, the current reality is that the National Health Service is heavily dependent on private health referrals. Is the DUP saying that it now wants to cancel all private operations funded by the taxpayer — children's heart surgery, heart operations, specialist operations? At least I could have some respect for their position if they had a consistent approach.

In the absence of guidance, there can be no other conclusion than that the amendment is aimed at ensuring that no other avenue will be open to women in a life-threatening situation to opt for a termination. Where a termination may or may not take place is not the issue: the important thing is that it happens within the law. Any institution that provides for a termination, whether it is in the National Health Service or the private healthcare domain, must of course be regulated. However, the amendment is not about medical emergencies or ensuring that women get the best treatment in those difficult circumstances; it is about limiting a woman's right to have that treatment.

I listened carefully to what representatives from the Marie Stopes clinic said about regulation and the law, and, at all times, they said that they wanted to work within the law. Thankfully, the amendment will be defeated because of a common-sense approach across a range of parties. Given the lateness of the hour, I have said enough, but I would like to end by thanking my colleagues in Alliance and the Green Party and Basil McCrea for helping to ensure that the amendment fails.

Mr A Maginness: At the outset, I will say that the amendment should not be about whether you support or do not support abortion. Even if you support abortion or a wider range of abortion in Northern Ireland, you could quite easily support the amendment. The amendment is about regulation, supervision and control over a private commercial abortion clinic in Northern Ireland. The fact that the Marie Stopes clinic is, in fact, a private commercial concern should give rise to concern for all of us in the Chamber. When the RQIA gave its evidence to the Committee, it made it plain that it would have no control,

supervision or regulation in relation to a private clinic. It was as simple as that, and the RQIA was very honest and frank in its evidence to the Committee. That is the reality of the situation, and the amendment deals with that reality.

Another interesting fact is this: if one looks at the original 1967 Abortion Act for Britain, one sees that, at section 1(3), it says as follows:

“Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy must be carried out in a hospital vested in the Minister of Health or the Secretary of State under the National Health Service Acts, or in a place for the time being approved for the purposes of this section by the said Minister or the Secretary of State.”

The people who drafted that legislation envisaged that abortions would take place on national health premises, as indeed, this amendment does. I concede the point that, further to this legislation, there have been amendments in relation to the performance of abortions. However, subsection (4) goes on to say:

“Subsection (3) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave, permanent injury to the physical or mental health of the pregnant woman.”

In this amendment, you have that reflected, because it deals with an urgent situation. In some ways, the amendment, which has been criticised by people in the House and outside it, reflects that aspect of the 1967 Act.

Let me say this: there has been considerable opposition to the amendment, not just in this form today but in 2013, and the opposition to it was on the basis that there was not sufficient consultation in relation to the amendment. The amendment has been consulted on exhaustively in the Committee, there have been numerous articles in the press and on television and so forth and all sorts of organisations have given evidence to the Assembly through the Justice Committee. There has been an enormous public reaction to it, both for and against. The reason why a petition of concern —

Mr Wells: Will the Member give way?

Mr A Maginness: Yes, indeed.

Mr Wells: As the Member knows, when I was on the Committee, I proposed the amendment, and I understand that there were 25,000 responses to the amendment. I stand to be corrected, but that is probably the largest response received to any amendment to any Bill in the House since 1998. That gives an indication of the huge level of understanding, both in favour of and against the amendment. The last time that the issue was discussed, in 2013, the pro-abortionists who wanted to defeat this legislation used the argument that we had not properly consulted. Having done that, they now seem to be moving the argument on to a new platform. It strikes me that they simply want to allow Marie Stopes to continue giving advice and perhaps taking things a bit further as far as abortion is concerned. I wish that they would be honest

with the people of Northern Ireland and stand up and say, "We are for abortion on demand", and tell the people that, rather than trying to hide behind spurious arguments.

Mr A Maginness: I accept in the main the point that the Member makes. I am not certain whether everyone is saying that they want abortion on demand: some do not, some want a limited reform. I do not understand the proposition that you are pro-life but want abortion in certain circumstances. It is like saying that you are against capital punishment but you could have capital punishment for treason or something like that or the murder of a child. It just does not make sense. You are either —

Mr Agnew: Will the Member give way?

Mr A Maginness: I want to get on, and I know that my time is limited. If I can come back to you, I will.

The Northern Ireland Human Rights Commission has given evidence to the Committee. It is their duty to give evidence to the Committee, and I do not in any way query that. However, the advice that they have given is ill founded. Fundamental to the advice that they gave was the point that the amendment was incompatible with the European Convention on Human Rights and with the Assembly's competence: I reject that entirely.

There is a fundamental misunderstanding in legal terms by the commission of the relevant convention jurisprudence. That is compounded in its assessment that the amendment would hinder the Northern Ireland Executive's:

"ability to fulfil its positive obligation to 'create a procedural framework enabling a pregnant woman to effectively exercise her right of access to lawful abortion.'"

That comes from a Polish case — P and S v Poland, 2013 — which does not apply to our law in Northern Ireland. In Poland, there is a positive legislative provision in relation to abortion. Where there is a positive legislative provision that is made for lawful abortion and is applicable, those decisions do not apply to our law here, because our law is based on a different premise. Therefore, the Polish cases are not applicable. That is why the commission has got it wrong: it has got it wrong legally in the applicability of the law to our situation in Northern Ireland.

Further to that, if you look at A, B and C v Ireland case of 2010, the Grand Chamber, applying the margin of appreciation, rejected the argument — based on article 8 of the European Convention, which concerns the right to privacy — that Irish law needed to be revised so as not to criminalise those seeking an abortion on health or well-being grounds. The court found:

"the impugned prohibition in Ireland struck a fair balance between the right of the first and second applicants to respect for their private lives and the rights invoked on behalf of the unborn."

That is the basic position established by the European Court in our nearest neighbour and the nearest situation analogous to the law that exists here on abortion.

The court also considered the European-wide consensus in favour of greater access to abortion. The court did not consider:

"that this consensus decisively narrows the broad margin of appreciation of the State."

That is the jurisprudence of the European Court. The Northern Ireland Human Rights Commission should go back and look at that and respect what the European Court is actually saying in relation to the issue. It is therefore right and proper for the Assembly to make its decision on abortion and the criminal law. I respect the Human Rights Commission, and it has a duty to advise the Assembly, but it is in error in relation to the law on abortion. Article 8 rights are not engaged in relation to our law, and you cannot apply the Polish decisions, which are based on article 8, to our situation.

Finally, the Northern Ireland Human Rights Commission says that article 2 rights are also engaged. In fact, in the A, B and C v Ireland case, the Court dismissed the article 2 complaint that was brought by complainants in that case and said that those rights did not apply. If article 2 rights did not apply in the A, B and C v Ireland case, they surely do not apply in our case either.

Mr Givan: I thank the Member for giving way on this particular point. In the last debate, the Minister put forward spurious reasons and said that this Assembly could not legislate on these grounds because it was not within the competence of the Assembly to do so, as well as raising other issues to undermine what was being proposed. Maybe the Member was going to allude to the evidence given by the Attorney General. The Minister was challenged on why he did not seek advice from the Attorney General. The Attorney General gave evidence to the Committee on 4 February this year saying:

"there is no convention right to an abortion, so there is no way in which it could be plausibly said that the amendment would be outside competence on a convention ground."

He said the Human Rights Commission had got it wrong and that he disagreed with its legal assessment, which the Member has very ably articulated as well. Is it not the case that the most senior law officer for Northern Ireland is saying that it is within the competence of the Assembly to do it? Maybe that explains why the Minister, when this was first raised, did not go to the Attorney General to get advice.

10.45 pm

Mr A Maginness: All I would say in conclusion is that, first, there is no human right to abortion. There is absolutely none in international law and certainly not any in European law. Anybody who says that there is is inaccurate and is simply wrong. The Attorney General gave the Justice Committee advice and said that the amendment was compatible with the convention. He said that the amendment was within the competence of the Assembly. The Human Rights Commission has chosen a different view. I respect that, but I believe that it is wrong. I think that it is better to prefer the advice in these circumstances of the independent law officer in relation to the governance of Northern Ireland.

I will conclude on that point, and I think that this amendment is worthy of support. I think that it is sad that a petition of concern has been applied here because the Assembly is the right body to determine this issue

untrammelled. I think that we have been deprived of the right to determine that issue. I say once again that this is not an issue for or against abortion; this is an issue about control, regulation and supervision.

Mr Elliott: I am pleased to start off by saying that the debate so far has taken place in a good and reasonable manner. I recall that a couple of years ago, when this debate came forward with the amendment, it slightly ran out of control. I ask that the remainder of the debate continues in the way that it has started, because I think that, as an issue, it is extremely difficult for people to comprehend the differing views on it. I do think that we have to respect the people who feel themselves forced to go to a clinic, whether that is within the National Health Service or, indeed, outwith it, to seek advice and, at times, to seek treatment. I think that we need to respect the views of those people as well.

When this amendment came forward two years ago, we all knew that it was going to fall because of the petition of concern. I did ask that there be a consultation process to garner the wider views of the public, and, to be fair, that is exactly what has happened in this case. We have had the consultation, and I know that Mr Wells has said that there was a huge number of responses, probably more than there was to any other piece of legislation or policy in the Assembly since it was formed in 1998. There were strongly differing views as well. The Ulster Unionist Party has a free vote on this, and I have come down on the side of support for this amendment, because I do believe that the regulation that we have is failing simply because the RQIA and others cannot inspect the premises that are already in place.

Mr B McCrea: Will the Member give way?

Mr Elliott: I am happy to give way.

Mr B McCrea: I am interested to hear your argument about failing regulation. I wonder whether you will express an opinion on failing guidance because that could help the situation as well.

Mr Elliott: I thank the Member for the intervention, and he is quite right. I do agree with him on that. Yes, there is a need for further guidance, although I do have to say that that guidance is on the abortion issue. What we are talking about here is the regulation of the premises that carry out the procedures and processes, but that is a different argument, Mr McCrea. I do accept your point on that.

This amendment is doomed to fail because of the petition of concern. I therefore ask for an intensive look at the regulation process that can be put in place. We need to progress this matter and ensure that people who seek advice and treatment at such premises or facilities are content and can go there safe in the knowledge that the premises and what is carried on there undergo the closest scrutiny, inspection and regulation that can be put in place. I implore the Assembly, and the Departments that look after such regulation, to put measures in place to do that.

I again impress upon people that we need to be mindful of those who are in difficult situations. I do not want to cause any more hardship or difficulty for them or for those who take differing views here. Having spoken to people who have had to go to mainland UK for abortions, I know that it is not the easiest position or the easiest route to take. People need to be mindful of all that in the debate; let us give some respect to those who find themselves in difficult positions.

Mr Lunn: I rise to oppose amendment No 34, but otherwise support the amendments in this group. This will be the first time that I have been able to contribute to an ongoing abortion debate. I accept entirely Mr Maginness's premise that this is more of a regulation debate, but the two things are inextricably linked. Most certainly, we should not be discussing the issue on the basis of an amendment to a Justice Bill involving an alteration to the criminal law. Notwithstanding the fact that the amendment, as it was two years ago, is poorly drafted and defined and has no place in this legislation. That is why I, for the first time, have put my name to a petition of concern to block the amendment.

The Members who sit with me in the Assembly and Executive Review Committee will be entitled to a quiet smile at that development, given my often expressed distaste for this mechanism; and I see some of them smiling. It was necessary in this case to prevent bad law from being passed. For the record, it is only the second time since 2007 that Alliance has taken this action. I could compare that to the 91 times that unionists, or the 33 times that nationalists, have employed it since 2007.

Alliance allows us a free vote on matters to do with abortion. The last time this came before the House, we opposed the amendment unanimously, and I expect the same result this time, as the proposal causes equal concern to those of us who are pro-choice and pro-life. I will say at this point that my personal stance is pro-choice. I cannot justify insisting that women should be forced to carry babies to full term in the various unfortunate scenarios that are sometimes brought about by pregnancy. The mother's right to choose should be sacrosanct, and I am uncomfortable with the notion that an Assembly dominated by men should dictate in these matters.

On the specifics of the amendment, it does seem incredible that our abortion law relies on legislation passed in 1861 and 1945 — 150 years ago and 70 years ago respectively — and has not changed materially since. The amendment upholds the principles of those Acts in its first line and brings in the threat of up to 10 years' imprisonment or an unspecified fine.

Are the proposers really serious in threatening expert and experienced medical professionals with a jail term for exercising their professional judgement in a life-threatening situation? Is it a realistic proposition to insist that if a termination is vital to the physical or mental well-being of a mother, it must be carried out in health and social care trust premises unless access is not possible? Even if I had the slightest sympathy for the proposition, the wording should refer to what is reasonably practical and not to what is possible. What does this say about the quality of service and the professional ability of the qualified physicians in our private clinics, where, incidentally, as has been pointed out, the law applies equally and always has done?

The amendment goes on to make the same threat of imprisonment and fines to any person who:

"does any act, or causes or permits any act, with the intention of bringing about the end of the life of an unborn child,".

Where does such an act begin and end? Never mind causing or permitting, does the mother of a young pregnant girl, who cooperates with her daughter in

arranging a termination, fall foul of the law by permitting the termination if the daughter is under the age of consent? Does a clinic that dispenses the morning-after pill or performs a medical termination in the early weeks of a pregnancy on the grounds of possible mental or physical damage to the mother run the risk of pers — I nearly said persecution — prosecution for causing an act to be carried out beyond the confines of a health trust venue? Will a doctor be challenged for proceeding to end a pregnancy, as a matter of extreme urgency, in a private facility on the grounds that a slot may have been available in a health service hospital?

Amendment No 34 also allows as a defence from prosecution that the act was:

“performed without fee or reward in circumstances of urgency”.

Many mothers in this country and beyond prefer private practice. There is payment involved. Where does that lead?

Mr Speaker, I could go on, but the hour is late, so I will not outline any more potential flaws that I see in the amendment. Frankly, I see the amendment as another barely disguised attempt to curtail and, ultimately, to end the operation of the Marie Stopes clinic in Northern Ireland. Marie Stopes operates within the law. If any of its critics have evidence to the contrary, they should use the procedures in place to bring it forward. Marie Stopes has asked to be brought under the regulation of RQIA, an offer that has not been taken up by the authorities. I have not followed the issue closely enough to understand why that should be but, you know, if Marie Stopes is prepared to be regulated —

Mr Wells: Will the Member give way?

Mr Lunn: Sure.

Mr Wells: First, may I congratulate the Member on being the first MLA, as far as I am aware, apart from Mr Agnew, to stand up and honestly say that he is pro-abortion, pro-choice and pro-abortion on demand? I think that that is a degree of honesty that is missing from so many other Members of the House. However, if he knew anything about RQIA, he would know that RQIA would be concerned with the cleanliness of the facilities, the parking, the emergency access and whether there is enough staff etc. It would have no interest whatsoever in what was actually going on in the clinic in terms of the ending of the lives of unborn children. Therefore, it does not matter one iota whether the clinic is under the control and authority of RQIA because RQIA does not regard it as its business to make any judgement on whether the law is being adhered to. So it is semantics to say that it should or should not be brought under RQIA control.

Secondly, does he accept that Marie Stopes has continuously refused to tell anyone — RQIA, the Department or the board — what it is doing: how many people it is seeing, how many terminations it has organised, how many people it has referred to England? It will tell absolutely nothing. It is state secrecy. Therefore, how can he be confident that what is going on in the Marie Stopes clinic is in line with the law?

Mr Lunn: I thank Mr Wells for that. He seems to be making the point that RQIA has no real role to play, which I find

astonishing. It is supposed to be the regulatory authority for these types of premises in Northern Ireland. If it —

Mr A Maginness: Will the Member give way?

Mr Lunn: Yes, sure.

Mr A Maginness: RQIA said that to the Committee.

Mr Lunn: Sorry. Said what?

Mr A Maginness: It said that it had no regulation or control over the clinic.

Mr Lunn: The fact remains that Marie Stopes is quite prepared to be regulated by whatever means the authorities choose to impose.

Mr Wells: Will the Member give way?

Mr Lunn: Hold on a minute.

As regards what goes on behind their closed doors, regulation and a proper regime of inspection would take care of that quite easily. If it is not in place at the moment, perhaps it should be.

Mr Wells: Will the Member give way?

Mr Lunn: OK.

Mr Wells: The reality is that the legislation does not require Marie Stopes to give any of that information. I was on the Health Committee when we asked them to tell us what was going on, and they refused point blank to tell us anything that goes on with terminations in that building. Therefore, RQIA cannot do anything to address that problem, and Marie Stopes is not prepared to give us the information about what it is doing.

11.00 pm

Mr Lunn: We need a regime to be in place that compels it do exactly that, and the same goes for any other private facility in Northern Ireland. There is such a thing as the Ulster Clinic as well. Are you telling me that it does not reveal what goes on behind its front doors either? That is a nonsense argument. Marie Stopes is prepared to be regulated. It is up to the authorities, given that invitation and the strength of feeling around this Chamber and beyond, to put something in place to regulate it. That is an example of legislation that would be useful.

(Mr Speaker in the Chair)

Marie Stopes provides a vital and useful service in an area where Northern Ireland lags behind the rest of the UK and beyond. We operate here under antiquated legislation in an atmosphere of uncertainty and fear amongst the medical profession. The result is an endless stream of distressed pregnant women going out of the jurisdiction, beyond the reach of our outdated laws to avail themselves of what is readily available to all other citizens of the United Kingdom. It really is time for us to move into the 21st century, recognise reality and begin to legislate properly in this area. It is now over two years since a previous Health Minister promised guidelines for the medical profession. We still wait for them, as others have mentioned.

The amendment, thankfully, has no future. The proposers could do worse than not move it. That really is up to them. It does nothing to clarify a confused situation. Its intention is to increase the difficulties that are already experienced by a vulnerable section of society. I am in no doubt about

my decision to oppose it, and, in a one-off situation, which I hope never to repeat, sign a petition of concern to ensure that it is stopped. I will leave it there, Mr Speaker.

Mr Poots: I welcome the opportunity to participate in the debate on this group of amendments. I particularly welcome the amendments that relate to the issue of texting and people who follow that up to ensure that they engage in potential sexual liaison with minors. I think that is very powerful and hugely useful. It would be a shame if that were lost in this particular group because it is a very important step forward. I trust that it will receive widespread support in the Chamber.

On the controversial issue — I am not sure that it should be controversial — of amendment No 34, I think that it is very clear that there is not, at this stage, any credible or compelling evidence that private clinics are needed. I listened carefully to Ms Ruane's arguments. It is interesting that, under the guise of a lack of consultation, which was the only reason put forward last time by Sinn Féin —

Mr McCartney: Will the Member give way?

Mr Poots: I will in just a moment. Under the guise of a lack of consultation, Sinn Féin tabled a petition of concern to block it the last time. They cannot make that excuse or give that reason on this occasion, but maybe Mr McCartney wishes to try.

Mr McCartney: I am holding a copy of the Hansard report of that debate. There were four Sinn Féin contributors. I have read through the four contributions. The lack of consultation was at the tail end of each one of those contributions. It is either disingenuous or misleading to say that the only opposition to that particular amendment was around the lack of consultation. You are being unfair to the debate and unfair to us.

Mr Poots: The Member has just admitted that each one of the Sinn Féin contributors referred to lack of consultation, so it is very clearly not a tail-end Charlie but something that they believed was a strong and cogent argument against the issue on that occasion. That argument does not exist on this occasion because consultation has been extensively carried out, and many members of the public have participated in that.

We do not have compelling evidence that private clinics are needed. I listened again to Ms Ruane, who talked about people who are in life-threatening situations. There is no issue within the health service that, if someone's life were under threat as a consequence of carrying on a pregnancy, they would not get a termination of that pregnancy within the National Health Service. That is not an issue. We should not seek to besmirch or slur the health service in any way, shape or form by saying that that is an issue. That is a red herring, introduced by Ms Ruane, which has no evidence base whatsoever. Let us be very clear in dealing with that —

Mr Lunn: I thank the Member for giving way. I am sorry to ask him to backtrack, but he said that there is no compelling evidence that private clinics are necessary in Northern Ireland. Does that apply to the whole range of medical services or is he just talking about abortion services?

Mr Poots: The Member may be comfortable comparing a hip replacement with the termination of a life. I am not. The purpose of the Ulster Clinic, for example, is to provide a

wide range of medical services to people who wish to pay for them privately. The purpose of the Marie Stopes clinic is to provide sexual reproductive advice and terminations of pregnancies. Those are completely and totally different issues. We need to be very clear about that.

Sinn Féin claims to be a pro-life party. It uses the mantra that it is opposed to the 1967 Abortion Act, so it must be pro-life. That is just not true; it is just not factual. Sinn Féin is standing shoulder to shoulder tonight with the Alliance and the Green Party. Mr Lunn had the honesty to say that he is pro-choice. I do not agree with his position, but he had the honesty to say that he is pro-choice. Sinn Féin says that it is pro-life.

Mr Lunn: Will the Member give way?

Mr Poots: In a moment. Sinn Féin says that it is pro-life, yet it is standing shoulder to shoulder with the other two parties and, indeed, Mr McCrea, to support an organisation that is involved in the termination of three to four million pregnancies each and every year. How can you honestly stand up anywhere and say that you are pro-life but support an organisation that is taking the lives of three to four million unborn children each year, and allow it to operate here in Northern Ireland without regulation and without us knowing what it is doing?

Mr Lunn said that it is not breaking the law, but how can he know that? None of us knows what is going on behind those closed doors. We can only assume that it is not breaking the law, but we cannot say that that is the case.

Mr Lunn: I thank Mr Poots for giving way. Whose fault is it that we cannot see what is going on behind those doors? That is the point.

I do not want to waste the Assembly's time after 11.00 pm by giving a personal testimony about being pro-choice, but it is possible to be pro-choice in a limited way. Without going into it in huge detail, I can only say that I do not advocate the introduction of the English legislation in Northern Ireland, certainly not in its present form, but there are circumstances, such as fatal foetal abnormality, which we will probably come to shortly, and other types of pregnancies where, frankly, it just seems the humane thing to do. I respect the views opposite. I ask you to respect mine as well.

Mr Poots: I thought that I had done that. You indicated that you can be pro-choice in a limited way. I think that is what Lord Steel thought he was doing in 1967, yet eight million abortions have taken place in the United Kingdom since then. One needs to be very careful about what they think that they are supporting and what will actually be the case.

The interruptions have taken away the focus of where I was driving my argument. Let us be very clear: you cannot claim to be pro-life and ensure by your actions — going the second mile in your actions — that Marie Stopes International operates in Northern Ireland. It is an organisation that takes three to four million lives each year. You cannot claim to be pro-life and go hand in hand with such an organisation.

By the way, I never believed that Sinn Féin was a pro-life organisation. It is the flip side of the IRA, which took over 2,000 lives in this country. I see the Member shaking her head. She does not like it, but it is a fact. If you do not have any respect for the life of people who are born, not having

respect for the life of the unborn does not strike me as wildly ridiculous.

Ms Ruane also referred to the issue of terminations when there is a threat to life. Currently, Marie Stopes is operating on the basis of performing abortions before nine weeks — nine weeks or earlier.

Is she honestly saying that there is a threat to life at that stage? Again, that argument just does not stack up. Let us be very clear: none of the arguments that have been put forward this evening by Ms Ruane on behalf of her party stacks up. Consequently, one must look at the underlying reasons for the position that Sinn Féin is taking, which would indicate that it is not a party that is pro-life or supports the pro-life concept.

Interestingly enough, in the election just gone by, their candidate in North Belfast — Mr Kelly — produced a breakdown of the population from the census figures, equating Roman Catholics with nationalists or people who would vote for Sinn Féin, yet they are going so much against the Roman Catholic tradition in their actions today. That is hugely regrettable, and it should be noted by people from that background that the parties that are more closely aligned with that tradition's view do not include Sinn Féin, which was crying out for their votes just a few weeks ago, but parties that might be viewed as being from the other side of the fence.

I will leave it at that. The amendment is well constructed and is of good purpose. It will ensure that we have the regulation that is absolutely necessary and that that will be carried out by the health service. The RQIA is not in a position to carry out an assessment of what is going on in those clinics because it does not have the legal competence to do so. That is a matter of criminal law.

A couple of Members have, in interventions, mentioned guidance: the guidance has been drawn up and has been out for consultation. It is being worked on, and I believe that it will be returned to very soon. I trust that we will find a way forward on that, and I suspect that, although it has already been challenged twice, it will be challenged legally again. Nonetheless, it is important that it is brought forward for acceptance, and I trust that that will be the case in the not too distant future.

Ms Lo: The Alliance Party's stance on abortion is that it should be left to the conscience of its members. My personal view has always been that, when a woman is faced with an unplanned pregnancy, she should have the freedom to decide what to do with her own body within the legally permitted time limit. My party has always been reluctant to sign a petition of concern, but, on this occasion, it is essential to take that option, and I am proud to lend my name to blocking amendment No 34. It is a badly drafted amendment that has never been subjected to a full public consultation, not in 2013 and not now.

Mr Wells: Will the Member give way?

Ms Lo: No, I will not. I am sorry; my speech is short. The amendment would criminalise any person who ended the life of an unborn child at any stage of development. There is no definition in Northern Ireland law, UK law or Irish law of an unborn child. Ambiguous law is bad law, because it leaves itself open to interpretation. The morning-after pill could be seen as a medical intervention that prevents the development of a child, so who should spend 10 years in

prison? Is it the person who bought the pill, the pharmacist who dispensed it or both?

11.15 pm

Right now, there is no clear guidance on abortion for women in Northern Ireland. After 10 years of delay, the courts ordered the Health Department to publish guidance on termination of pregnancy. That was in 2013, and we are still waiting. That is a serious failing of previous Health Ministers, and I hope that the new Health Minister will bring forward the guidance without further delay. As our law on abortion stands, healthcare professionals operate in a legal vacuum. That has been compounded by previous draft versions of the guidelines that instilled a climate of fear in our medical profession. Amendment No 34 serves only to further restrict clinicians in doing their job.

Many complaints were made during the Criminal Justice Bill debate in 2013 about the lack of regulation of private sexual health clinics that provided legal terminations. Given the fact that the Minister of Health said in November 2012 that he would introduce regulations and that Marie Stopes is on record as welcoming regulation, I do not accept the arguments of any Members who continue to use lack of regulation as a reason to support the amendment. The Health Minister could have done something about that, but he did not.

Among its many flaws, the amendment would prevent women receiving care and treatment in a private clinic. We know that women obtain abortion pills online and take them at risk to themselves without medical assistance. Regardless of your opinion on the morals of abortion, surely we should ensure that women receive appropriate healthcare. Private clinics like Marie Stopes allow women access to legal abortions with medical support.

The hypocrisy behind all of this is most frustrating. Thousands of women who can afford it travel every year to other jurisdictions to access terminations —

Mr Wells: Will the Member give way?

Ms Lo: No, I am sorry.

Those who cannot afford it, resort to other means. Therefore, this is also a class issue.

As a legislature, we cannot even have a sensible discussion about sex education in schools, let alone a discussion on how we ensure that women have access to the help and information they require when faced with a crisis pregnancy. Perhaps it is not surprising that some Members choose to ignore the fact that we export the problem. They prefer to focus their time and energy on closing down Marie Stopes, which operates within Northern Ireland law.

I stress that women's healthcare should not be a matter regulated by criminal law. Women who seek to have legal abortions in private healthcare are patients, not criminals. It is the Health Minister's responsibility to produce guidance and to regulate clinics like Marie Stopes to safeguard women accessing legal terminations. Why have previous and current DUP Ministers not done that? The answer, to me, is simple: their sole aim is to make access to abortions harder for women, without any compassion or attempt to understand what the women are going through. Continuing to push for the amendment is not constructive,

and the Justice Bill is certainly not the place to deal with it. I oppose the amendment.

Mr Allister: I support amendment No 34 and commend the Committee on bringing forward the proposition. Indeed, I commend Mr Wells who, some time ago, initiated the process. It is good to see it continuing to be pursued. It is unfortunate and sad that the attempt itself is to be aborted by the misuse of a petition of concern.

In the debate, we have heard the standard, predictable doublespeak from Sinn Féin on the issue and the pretence that, in some way, they are, in fact, pro-life.

I have been in the European Parliament, and I have watched them vote for pro-abortion reports: abortion-on-demand reports. That is their record on the matter and, as Mr Poots pointed out, it is further their record to support an organisation that is one of the most brazen operators in terms of advancing and implementing abortion on demand: the Marie Stopes organisation.

The doublespeak is predictable, but nonetheless quite shocking. Of course, such is the mystery of its stand on the matter, that this great pro-Marxist organisation raises the flag in support of private enterprise — profit-making, commercial enterprise — in support of abortion. It says that you should have organisations that can, with no regulation — within this country or elsewhere — operate on the basis of charging their customers for the perfection of abortion. That is the level of doublespeak that we now hear from Sinn Féin on the issue, underscoring that, at its heart, it is a pro-abortion party.

It seems tonight that there is another pro-abortion party in the House, because the two speakers from the Alliance Party very firmly nailed their colours to the mast, showing that they are overtly and unapologetically pro-abortion. As Mr Maginness very cogently set forth, whether you are pro-abortion or anti-abortion; pro-choice or pro-life, this issue is whether you think it is appropriate that, in this jurisdiction, you should have unregulated operations dealing with the subject. That is the truth and the reality of the Marie Stopes clinic: it acts, de facto, in an unregulated fashion. Oh yes, it would pretend to us that it self-regulates and that it self-certifies its compliance with the law. That is not worth anything. There is no transparency or capacity to interrogate whether or not Marie Stopes is breaking the law, because they are very cautious and very particular to keep secret all that they do. They will not answer fundamental questions like: “How many people have you referred for abortions?”; “How many medical abortions have been performed on your premises?”; “How many people have you referred to others for abortion services?”. They will not answer those basic questions, and yet we have the Alliance Party apparently content with that and joining with Sinn Féin to make sure that none of that changes.

Back to Mr Maginness’s point. Even if you are pro-abortion, why would you not want the matter to be properly controlled and regulated? Yes, I will give way.

Mr Lunn: The Member is constantly making the point — and I thank him for giving way — that Marie Stopes is unregulated, but does not make the point that it is possible for them to be regulated. Why is he not querying the fact that there is no regulation of that sort of establishment?

Mr Allister: Did Mr Maginness not tell us that the evidence of the RQIA to the Committee was that they do not have the capacity to regulate them.

Mr Lunn: They should have.

Mr Allister: Well, maybe they should. I do not see or hear, from the honourable Member or his party, any proposition in that regard. The reality is that they are unregulated. That is the way they want it and that is what they are clinging to. The issue in the House, and the question for every Member, is this: are they prepared to facilitate that? Are they prepared to acquiesce and to advance that situation?

Those who reject this amendment are embracing unregulated clinics such as this, supporting their operation in an unregulated environment and shrugging their shoulders and saying, “We have no concerns about that”. That is what facilitates the ambition of pro-abortion parties like Sinn Féin to facilitate, under the radar, abortion on the wholesale manner in which Marie Stopes is perhaps operating it. That issue is central to this whole matter, and this is therefore a justified amendment to ask, “Why would we not therefore only permit terminations in regulated premises?”. What is wrong with the essence of the proposal to only permit terminations in regulated premises? What offence is taken to that proposition? What offends Sinn Féin and the Alliance Party in the proposition that, if there are to be terminations, they should only be in regulated premises? It is, obviously, something; and the conclusion is that they are quite content to acquiesce in terminations in wholly unregulated environments.

That is the shame of the stance of those who oppose this amendment. They are giving a green light to terminations behind closed doors and to the secrecy and the non-transparency of the organisations in the private sector to do what they like, when they like, with perhaps no regard to law or regulation. No one wants to know. That is the essence of what Sinn Féin and Alliance are saying in the House tonight.

Mr Agnew: I thank the Member for giving way. We have heard the evidence time and again, and it has been through the courts. I would absolutely like to see all health provision carried under the NHS, but we have seen time and time again in the evidence presented that there is uncertainty around the law. We have heard evidence from doctors and midwives who have said that the law is uncertain and that they cannot act with confidence and know that they are acting within the law.

Mr Allister: The one thing that could be certain is that terminations could take place only in regulated premises, and I would have thought that pro-choice and pro-life protagonists could meet on that common ground. If that were the common ground, who would be losing? It would be only those who want to make money out of not being regulated. They are the losers, and they, sadly, are the people whom some parties in the House are more than happy to support tonight.

Mr Lyttle: I am grateful for the opportunity to contribute to this debate and to oppose amendment No 34 and support the other amendments. I had not intended to speak this evening, but the ongoing DUP infatuation with misrepresenting the Alliance Party, ably assisted by its electoral pact sidekick Jim Allister, continues to reach the level of hysteria, and the inaccuracy and tone of some of the contributions serve no argument or cause whatsoever.

It is false for anyone to say that opposition to this amendment equates to support for all things Marie Stopes, and it is false for anyone to say that opposition to this amendment is support for abortion. Opposition to this amendment is opposition to a potentially dangerous prohibition of access to private healthcare provision that is delivered within the law.

The amendment includes the rather vague term of prohibition:

“circumstances of urgency when access to premises operated by a Health and Social Care Trust was not possible.”

I think that is a dangerously vague provision, and my colleague Trevor Lunn has already gone into why that is the case in some detail.

I want to clarify for the public record again, given the DUP's infatuation with misrepresentation, that the Alliance Party position on abortion is, indeed, a matter of conscience for its Members. For the record, my position is that I am against any significant extension of the current law on abortion in Northern Ireland. I hope this satisfies Mr Wells's insistence on misrepresenting most of us on this side of the House.

Mr Wells: Will the Member give way?

11.30 pm

Mr Lyttle: No, I will not.

Mr Wells: [Interruption.]

Mr Lyttle: No. I have just heard enough from you to last me a lifetime.

I am in favour of quality, multi-agency and comprehensive, appropriate, relationship and sex education crisis advice and support and healthcare within the law. I am also in favour of clear guidance and robust regulation to ensure that any abortion services are provided within the law. I am not in favour of ill-conceived prohibition of private service provision that this amendment would introduce. The real issue here is that consecutive DUP Health Ministers have wholly failed to deliver clear guidelines and robust regulation of abortion services, and, ironically, it is two of those former Health Ministers that we have heard most from tonight, despite a complete failure to show any leadership on the issue.

MLAs say that much time has now been spent on this amendment. Perhaps if DUP Ministers of Health had spent the same time on guidelines and regulation, we would not today be debating this ill-conceived proposal for the second time. Let us be clear: if regulation needs to be enhanced, it is for the Minister of Health to show leadership and enhance it. I imagine that we will hear more about that further in the debate.

The real issue here is the failure of consecutive DUP Health Ministers to deliver the guidelines and regulation needed on these matters. Surely, it is self-evident that, in any democratic society, an individual should have the liberty to elect to choose the type of service they avail themselves of, provided that it operates within guidelines, within regulation and, most importantly, within the law. There is no one disagreeing with that proposition today, despite what Mr Allister falsely said to the contrary. The

real challenge is to deliver the guidance and regulation necessary to ensure that access to the highest standard of service possible is provided within the law.

I and my colleagues are fully committed to working to protect all life in Northern Ireland, but I do not believe that the amendment moves us any further towards meeting the challenge that I have outlined, and I will not be supporting amendment No 34 today.

Mr A Maginness: On a point of order, Mr Speaker. My understanding is that there was to be one speaker from each party in this House in relation to this debate. We in the SDLP confined ourselves to one speaker, Sinn Féin confined itself to one speaker, the DUP confined itself to one speaker and the Chair of the Committee, yet the Alliance Party has broken that and put forward three speakers. I do not understand how such agreement was reached in order to minimise debate in the House and it has now been breached on two separate occasions.

Mr Speaker: I am sure that the Member expects me to respond, but it is not a point of order. I know that there was a discussion and an understanding between Whips, but that is a matter for the Whips. As far as Members who have spoken are concerned, parties and Members here have an absolute entitlement to speak if they wish, notwithstanding the circumstances you have outlined. I have names on my list of Members who wish to speak and I am obliged to call them by rote.

Mr Agnew: The Justice Bill has included provisions for such heinous crimes as the sexual abuse of children and physical and mental violence against women. With those heinous crimes, parties in this House have conspired to include seeking or providing an abortion to protect a woman's life if it is provided in a private facility. I would be overjoyed if I believed that there was such vehement opposition in the House to the privatisation of our health service but, sadly, that is not the motivation behind the amendment. Indeed, when challenged on that point, Mr Poots made it very clear, in another provision, that he has no problem with privatisation, but, in this, he supports an amendment that seeks to limit health provision.

There is very limited scope for abortion in Northern Ireland, and we have had much discussion about it and about the restricted circumstances in which it can be provided. Indeed, those who support amendment No 34 take great pride in the very limited circumstances in which it can be provided in Northern Ireland. What circumstances are those? They are in order to protect a woman's life. Those are the limited circumstances. The First Minister has made it clear that any attempt even to take one step beyond that and extend it to fatal foetal abnormality cases would be blocked at the Executive and would not make it to the Floor of the House.

As we are well aware, there is a lack of guidelines for health practitioners as to when they can carry out an abortion within the current law without fear of criminal conviction — criminal conviction for seeking to protect a woman whose life may be at risk — if they are found to have acted outside the very limited circumstances prescribed by Northern Ireland's law.

Mr Givan: Will the Member give way?

Mr Agnew: I will give way.

Mr Givan: The Member alludes to the issue about the criminal law. If the Member is so concerned that it is the criminal law that regulates on this issue, why did he not put down an amendment to repeal all the provisions that exist around criminal law? Why did the Alliance Party, Ms Lo, who does not think it is a matter for criminal law, and Members who want to have that debate, not put forward an amendment to repeal all the criminal sanctions that relate to abortion? At least then they could have that debate, rather than trying to have a different debate that some Members want to have.

Mr Agnew: I thank the Member for his intervention. Perhaps he has given me a suggestion for Further Consideration Stage. Let us look at that if there is time.

The lack of guidelines further restricts our already restrictive law. Just as Mr Allister was finishing, I sought for him to give way. To be fair, he was finishing his speech. If a woman can receive the treatment she needs on our NHS and can go with confidence and certainty that she will receive that treatment, why would she choose a private clinic? Why would she choose to pay if she could receive that service in confidence and free at the point of use?

Mr Wells: Will the Member give way?

Mr Agnew: I will give way.

Mr Wells: It is noticeable that Marie Stopes situated its new clinic immediately opposite the Great Victoria Street train station. It was quite obvious why that was done. It wanted to attract trade from the Irish Republic. Therefore, some of those who could be accessing abortions at Marie Stopes do not even come from Northern Ireland. Is he happy with a clinic that is not only unregulated but refuses to reveal one statistic about what is going on behind its closed doors? The fundamental difference between state provision and private provision is that the state has to provide all the statistics of who it is treating and what it is doing; yet he knows that every time that we asked Marie Stopes to give one scintilla of information about what was going on in Great Victoria Street, it consistently refused. Is he happy with that going on?

Mr Agnew: I thank the Member for his intervention. I have always sought transparency, including on other issues — and I will not get off the subject of the debate — but in areas where his party has opposed it. I have no problem with transparency; I have no problem with regulation. I proffer the suggestion that the reason why regulation has not come from successive DUP Health Ministers, and the reason why regulation for Marie Stopes has not come forward, is because the DUP wants a ban in order to restrict abortion, even in the cases where a woman's life is at risk, by not providing sufficient guidance through the NHS professionals and by banning Marie Stopes.

Mr Maginness used the word “control”: they want to control this issue and to control the choices that a woman has when she finds herself in a difficult situation. Bring forward regulation, and I will support it: propose a ban, and I will oppose it and sign a petition of concern. I will do all in my power to make sure that you do not get your way on this.

Mr Wells: Will the Member give way?

Mr Agnew: I will give way.

Mr Wells: Will he support any change in legislation that will force Marie Stopes, like every trust facility in Northern

Ireland, to reveal every statistic about what is going on behind its closed doors? Will he support that?

Mr Agnew: I will support regulation of Marie Stopes that is equal to regulation of the NHS, if that comes forward to the House.

In Northern Ireland, because there is not confidence that provision will be provided on the NHS, even within the very limited circumstances that our law will allow, the only recourse for some women is, unfortunately, to go to a private clinic. Mr Wells referred to those who come up from the Republic of Ireland, but he knows only too well of the 1,000-plus women every year who have to go across to Great Britain. We may be importing the problems of others, but we are exporting our own problems. We, as an Assembly, should provide the health service that women need and seek in the country or state of their birth.

I can only conclude that those who support the amendment, particularly those who have also frustrated the process of bringing forward clear guidelines, are seeking to restrict access, even in the current situations. I asked Mr Maginness to give way, and he refused: I was disappointed by that. He made the point that you cannot be pro-life —

Mr A Maginness: Will the Member give way?

Mr Agnew: I give way to the Member.

Mr A Maginness: I did not refuse. I was under time pressure, and I said that I would come back to you if I could get the opportunity.

Mr Agnew: I thank the Member for his intervention. I am not sure about time pressure.

Mr A Maginness: I never refuse interventions.

Mr Agnew: I respect that, in other cases, he did not refuse, but he allowed two interventions from Members who supported his case and allowed none from me. Hansard will show that, subsequent to my request for an intervention, he gave way to another Member. I accept that the Member usually gives way — it is not a slight — but I was disappointed.

Mr A Maginness: It is a slight.

Mr Agnew: Check Hansard, Mr Maginness.

The point that I wish to make is that he said that you could not be “pro-life, but”. I ask every one of you here who says that you are anti-abortion, are you “anti-abortion, but”? Do you support the current law? If you support the current law, you are anti-abortion, but in the case where a woman's life is at risk. If you do not support the current law and do not support the protection of a woman's life, shame on you. I am interested to know which it is because, in some cases, I believe that there are Members of the House who would rather see a woman die than an abortion be carried out, so ideological are their views.

I am most disappointed in the position of the SDLP. It is a party that was born out of the civil rights movement. I work with it and support it on many issues to do with rights and equality. On this issue, it is saying to women, “You must fight harder for this right. You must fight longer for this right”. On this issue, the SDLP is blocking their path. The SDLP, the party that claims to be a party of equality and a party that says that there should be no hierarchy of victims,

today said to women who are victims of violence that the SDLP would give them protection. However, it says to women who are victims of rape, “Do not seek the SDLP’s support”. Some victims are more equal than others. Some women are more equal than others.

Mr Rogers: Will the Member give way?

Mr Agnew: I give way.

11.45 pm

Mr Rogers: Does the Member accept that everyone, born or unborn, has a right to life?

Mr Agnew: I do not understand this definition of “unborn child”. It has no definition in law, and I do not recognise it. I do not accept that there is a human life from the moment of conception. I believe that our lawmaking should be informed by the science. I believe that the position of protection from the moment of conception is, for many in the House, informed by religion; I do not share those views and beliefs. My views on the issue are informed by the science.

Mr Allister: Will the Member give way?

Mr Agnew: Where there is consciousness and will — I give way to the Member.

Mr Allister: If the Member does not believe in life from in or about conception, is he saying that he does not believe in life until birth? Is that the Member’s position? If he is going down that road, he needs to bring some clarity to what he says, because it informs an attitude to abortion.

Mr Agnew: I thank the Member for his intervention. I was coming to that. I use the term “sentience”: when is there sentience in a being? There is life in many things in our world that we do not give value to, and I have to say that, in those early stages of pregnancy, I give more value to the woman’s life, health, well-being and choice. We should be informed by the science on where we make the threshold. My party — I make no apologies for it, and we are not ashamed of it — supports the extension of the 1967 Abortion Act.

Mr Wells: That is honest.

Mr Agnew: It is honest. Thank you, Mr Wells.

A woman contacted me today. Many outside will have lost interest in the debate at this late hour, but I suspect that she will still be paying attention. She was pregnant, and it was very much a wanted child, but there was a fatal foetal abnormality. She went elsewhere for treatment because she could not receive it here in Northern Ireland, and there were complications. The decisions that we have made in the House have meant that her situation was more difficult than it had to be. Had she been able to receive treatment in Northern Ireland, the place where she was born, and had she got the help and support of her politicians, we could have mitigated, in some way, a very difficult circumstance for her.

This is a health issue; it has no place in a debate on criminal justice. Criminalising a woman who seeks healthcare or a doctor who provides it is horrendous. Allowing a sentence of up to 10 years for someone who provides healthcare or who seeks it is obscene. I am opposed to the amendment.

Mr B McCrea: A number of people have said to me, “Don’t take too long about this. We want to get home”. It is just approaching midnight, and I have to say that we should have had the debate not at this time but earlier in proper, full plenary. These are life issues that we have to deal with, and, when it comes to making arguments, I do not need people to make snide remarks from a sedentary position: I will take it straight on. I will happily debate the issue.

Let me make it clear where I stand on fatal foetal abnormalities. I have spoken to families that have faced that predicament.

I have seen the trauma that they have gone through; good people who were denied help in this jurisdiction. People opposite have made claims that you would get whatever help you need and there would never be a question in the NHS or whatever. That was not their experience. Those of you who know that story will know how appalling it is. I have to say on this issue that I support those families in their decision, but I absolutely regret that they had to go to England to get anything sorted out. It is absolutely appalling that people who are in a traumatised state and already suffering a bereavement due to a fatal foetal abnormality have to go to England; they know not where; they know not how. No one will give them any support or help. It is inhumane. We need to find a way to address this issue.

An argument was made by Alban Maginness earlier in the debate. By the way, I regret the fact that the SDLP has not spoken more on this issue. I would like to have heard what those Members had to say. I did not want to hear just one contributor; I wanted to hear what people had to say. The point that Mr Maginness made was that it is inconsistent if you support termination in cases of fatal foetal abnormality because you cannot then change your mind and say that you do not accept it in the case of rape, incest or any other issues. There are circumstances — terrible, horrible circumstances — where abortion is the correct choice for people.

Mr Wells: Will the Member give way?

Mr B McCrea: Yes.

Mr Wells: Those are exactly the same arguments that were used in 1966 when Lord Steel was putting his private Member’s Bill through the House of Commons. His Bill was designed for exactly the difficult cases that the Member has raised: foetal abnormality, rape and incest. He produced the 1967 Act with that intent. What has happened? De facto, what we have in the rest of the UK is abortion on demand and eight million human beings have had their lives terminated since 1967. That is the argument that he is making this evening — in fact, it is almost morning.

Mr B McCrea: I thank the Member for clarifying what my argument actually is. Maybe if he listens, I will tell him what my argument is. When people try to make abortion illegal, it does not stop abortion. It does not make it go away. It does not fix anything. What you get is backstreet abortion or, if you want the modern equivalent, people buy drugs on the Internet that will induce labour at any stage; in other words, a miscarriage. Already, in our hospitals, we see women presenting with just those symptoms.

You can talk all you like here about the whys and wherefores. Meanwhile, people who are presented with unplanned pregnancies make their own decisions. If you truly want to regulate and reduce the number of

unplanned, unwelcome pregnancies, the way in which to do it is with better education, better sex education, talking to people at earlier ages and the better provision of contraceptives.

The arguments that are coming from the opposite Benches would be much more cogent if you were prepared to accept that there are things to do other than give us some form of moral lecture. I do not support abortion on demand. I understand how difficult it is for every single person who goes through that trauma, but I do understand that there is something fundamentally wrong when people from this part of the world, many of them on very low incomes, find themselves in a really traumatic situation and who, sometimes with no help from their partner, have to cross the water to get something done. You talk about openness and transparency: people do it in privacy because they are afraid of the assault on their person that will come from those who disagree with their choice. That is not the right thing to do. That is not the right way to go forward.

People have tried to put forward arguments that it is about regulation, but that is balderdash. It is an attempt to close down Marie Stopes by the back door. It is not some highfalutin talk about human rights. It is about people who are fundamentally opposed to Marie Stopes saying, "This is how we will get them". All your weasel words will not change that fact.

Mr Wells: That is not true.

Mr B McCrea: It is true.

Mr Wells: Will the Member give way?

Mr B McCrea: I will.

Mr Wells: I have huge problems with a commercial organisation that terminates the lives of three to four million people each year throughout the world. I have enormous problems with that being in this part of the United Kingdom. What I have even more problems with is that everything that it does is done entirely under a cloud of secrecy. We have no idea what is going on in that clinic because Marie Stopes has continually refused to give us a scintilla of information about it. Therefore, I do have problems with it. I do not want Marie Stopes operating in those circumstances in this part of the United Kingdom. That is one of the reasons for my amendment.

Mr B McCrea: So, now, since we have had it said from a couple of people on this side of the House, at least he is being honest and truthful and putting it out. My argument, Mr Wells, through you, Mr Speaker, was that there are those who tried to say, "This is all about regulation: it does not matter whether you are pro-abortion, pro-life or pro-choice; it does not matter; what we need is regulation." That is my argument. That is not sensible. That is not an accurate representation of what is going on here.

By all means, people can put their arguments forward, as Mr Wells has just done. I will debate them. I am happy to do that, but do not pretend that it is somehow some legalese and a case of, "If only we had better regulation". Mr Lunn was taken to task on all those things. Do not pretend that that is what it is about. You want regulation: bring it in. You want some form of guidance: do not take 10 years over it. Do not sit here —

Mr Lunn: I thank the Member for giving way at this late hour. Would he agree with me that it actually suits the

DUP's argument far better not to have Marie Stopes regulated? It gives them, from their perception, a better chance of getting rid of the operation.

Mr B McCrea: I agree with Mr Lunn. Actually, it turns the debate on its head. The truth is that this is an excuse. It is about people who do not want to take on a proper discussion on the matter. That is what is wrong with the debate.

Mr Allister: Will the Member give way?

Mr B McCrea: Mr Allister.

Mr Allister: The Member said that it is an excuse. It is the reality that there is no regulation of Marie Stopes. The Member's contentment with that is an indication that is compatible with the pro-abortion line that he is peddling. Surely anyone — pro-life or pro-choice — should not dissent from the idea that where there are terminations there should be regulations.

By his stance, the Member is indicating a satisfaction with the fact that we have a clinic that is operating beyond control and beyond regulation. He wants to keep it operating that way and is quite content for it to do so.

Mr B McCrea: Before I address the substance of what Mr Allister said, I will acknowledge that he is a learned man, a barrister skilled in the arts of taking words, putting them in a slightly different way and saying that that is what you really meant. Is that not right? This is his profession. It is not a proper debate. It is legalese.

The issue is that the proposition has been brought forward as an amendment to a Justice Bill. This should not be a criminal justice issue. The idea that you will criminalise women and medical professionals who try to act in their best interests is frankly not correct — it is obscene. We should be trying to mitigate the worst excesses of the debate. We need regulations, guidance and some form of certainty so that our medical professionals can know how they can operate safely within the law. That really is what is missing. That is what I find really disappointing about people who have been Ministers of Health and have failed to bring things forward.

This is your job: this is what the courts tell you that you have to do.

12.00 midnight

When it comes to the issue tonight, and it is late, Mr Lunn was not the only person to sign a petition of concern for the first time. I also put pen to paper for the first time tonight, and I did so not because I had to. By the time I signed the petition of concern, it already had its 30 signatures. I could have sat here and decided not to debate the issue. I could have decided to sit in the shadows and watch it all go by in a quiet way so that it does not happen, but that is not the right way — that is not the way in which we should be debating this issue.

I respect that people have different points of view. I am happy to hear their points of view and engage. However, I come back to the fact that at the heart of this philosophical, legalese debate that we are having are human beings. These people are in distress, and they need help and guidance. With the right help and guidance, they may make a decision that people here may be happier with. I will tell you what does not help: leaving them alone,

abandoning them and forcing them on to a boat to England. That is appalling. We need to address this issue absolutely properly. We need a proper debate in the House. Only then will we get to the bottom of it.

I will conclude by paying tribute to Mr Agnew. It is a bit of a toss-up between him and me as to which of us is mentioned as having signed a petition of concern. For the record, we both did, and I am pretty sure that every single time this comes forward, unless we have a proper debate with a proper set of proposals that can be discussed in a rational way, we will continue to sign a petition of concern. That means that this amendment is dead in the water.

Mr Givan: I find it pretty nauseating to follow Mr McCrea, who pontificates about women's rights and protecting women. When it comes to valuing women, I will take no lectures from the Member for Lagan Valley. Maybe he — *[Interruption.]*

Mr Speaker: I warn the Member that I do not like the tone of that particular comment, and I will stop you if you go there again.

Mr Givan: I will take your guidance, Mr Speaker. I think that I have said enough to make the point.

When this was last debated, those who opposed the amendment said that we should also do so because there had been no consultation. Colleagues have highlighted the fact that there has been extensive consultation on this issue. It was put out to consultation through the Committee. Today, Ms Lo repeated that there has been no consultation. At least Sinn Féin has not said today that this amendment was not publicly consulted on. I cannot recall Ms Ruane saying today that there was no public consultation, yet Ms Lo from the Alliance Party continues to say that there was no public consultation.

The Committee took out public advertisements, consulted and received written responses. It received well over 20,000 responses from individuals wanting the amendment to be supported. The Committee then went through extensive evidence sessions, and I can recall chairing the meeting at which we agreed which organisations we should call. We had those who had written in favour of the amendment and others who were against. Whoever the Committee members wanted to call, no organisation was precluded from coming forward. There was not a single organisation of those opposed to this amendment that we sought to thwart coming to the Committee. Anyone who asked to come was allowed to come.

Mr Agnew: I thank the Member for giving way. In all the evidence that the Committee received, did it receive any evidence that the Marie Stopes clinic was operating outside the law? Did it receive any evidence that the care that the Marie Stopes clinic provided was in any way inadequate or unsafe? Was there any evidence to that effect?

Mr Givan: I will touch on that later, but you are asking for people to come forward with information that there is no framework to solicit. Therein lies the problem. I appreciate that Members do not seem to get it about the non-regulation of Marie Stopes, but that is exactly what has been happening.

When organisations that were opposed came, they were facilitated and allowed to come forward and provide all their information. So, on the point about consultation, I believe that the Assembly and the Committee extensively

consulted on this amendment in a way that, I think, went above and beyond what was necessary.

I will make this point: amendment No 19, which has just been voted on, provides for a paedophile disclosure scheme. I wholeheartedly support that, but it was not subject to public consultation; it was not subject to the scrutiny of the Justice Committee. Members cannot get up and procrastinate about a lack of consultation and scrutiny and say that that is one of the reasons why they are going to vote against this, but then vote for amendment No 19 because they agree with it. So, the arguments that have been put forward about the lack of consultation are flawed. Flawed seriously indeed.

In an intervention earlier, I dealt with the other argument that was put forward. The last time this was debated, the Minister articulated at length about the lack of competence. Mr Maginness, I think, very expertly put forward the European examples that show that this is within competence, and I brought to the Assembly's attention what John Larkin indicated, on the record, in public. He indicated that it is within the competence of the Assembly to do it, because there are no European Convention rights to an abortion. There certainly are convention rights to protect the right to life, which some Members want to forget about, but there are no convention rights to an abortion, and it is within the competence of the Assembly to do that.

I will not repeat the examples that I brought to the Assembly's attention last time, but I will briefly mention the instances in which countries were able to take these decisions. Germany, for example, was allowed state control over gambling. That was challenged by Ladbrokes, but the European Court of Justice said that it was within Germany's margin of appreciation to restrict it to the state, because it could see a greater public need for that to be done. Some may say that we should do that in Northern Ireland, but we have not done it. So, Germany was able to do it, and Europe allowed them to do that.

Italy prohibited the use of towing trailers by motorcycles. That was deemed to be proportionate by the European Court of Justice, because Italy said that there was no way in which it could guarantee road safety in respect of trailers. So, it was deemed proportionate that they could make provision to protect in those circumstances, because of concerns around road safety. We have concerns about human life. I think that it is even more justifiable that we would want to have restrictions put in place.

The House of Lords made a decision on fox hunting. Maybe the Green Party and others who do not want to protect the unborn would, I suspect, want to protect the life of a fox, interestingly enough. Some of us are consistent on both of those issues, but some are more keen to advocate animal rights than human rights. A case was brought to the House of Lords, and the House of Lords ruled that the fox hunting ban was compatible with European law because there was a fundamental public interest in the prevention of animal cruelty, and it was deemed within the margin of a sovereign Parliament to be able to restrict the freedom of those services. So, if we are able to make provision for banning fox hunting, I do not think it is unreasonable to be able to make provisions to have restrictions in place to protect human life. Those arguments were made in the last debate. They are on the record for anyone who wants to refer to them.

Mr McCrea seemed to indicate that we were wanting to somehow close down Marie Stopes through the back door. I am coming through the front door to try to close down Marie Stopes. I make no secret of that, and I make no apology for it, because it is an organisation for which we have no statistics on what it is doing and carrying out. We have no information, nor can we get the information about the clinical assessments.

Mr B McCrea: Will the Member give way?

Mr Givan: Unlike the Member who berated me yesterday and would not give way, I will show tolerance to the Member for Lagan Valley and give way.

Mr B McCrea: Since we are talking about tolerance, you did not give way the first time. So, if we are going to play pat-a-cake, that is where that goes, Mr Speaker. Is he saying that, if he could get regulation and openness and transparency, and if he knew the numbers that were going on behind Marie Stopes, that it would be OK? Or, is he making it clear to the Assembly that, no matter what information was provided to him, he would still be opposed to that organisation?

Mr Givan: Yes, I would. I would absolutely be opposed to Marie Stopes and private clinics carrying out abortions, and I will explain why in a moment. We have no statistics or information on the clinical assessments that are used because RQIA does not have the power to do that. I give way to Mr Dickson.

Mr Dickson: The Member just referenced Marie Stopes, and, in fact, that is the only clinic that we have heard reference to this evening. Does the Member accept or acknowledge that other private facilities in Northern Ireland can and do deliver similar services to Marie Stopes? Indeed, they have the potential to go far beyond the services delivered by Marie Stopes, because they actually provide surgical facilities meeting the requirements of the law in Northern Ireland.

Let us remember that what is being debated here this evening is the extremely narrow legal right to have an abortion in extremely narrow circumstances in Northern Ireland. That is all that is being debated this evening. We are not debating the wider issues of abortion, although many would like the public to think that that is the debate we are having this evening. The debate we are having this evening is about the extremely narrow provisions, which are now so clouded and so smoke-and-mirrored by the party opposite me, that it makes it virtually impossible. Medical staff have been traumatised by the fear of going to jail as a result of what is being said.

Does the Member accept that the reality is that the type of surgical intervention that is permitted under the law in Northern Ireland in the most extreme of circumstances could not be carried out in Marie Stopes but could be carried out in other private health facilities that provide surgical facilities?

Mr Givan: That may be the case, but who knows?

Mr Dickson: Well, again, if Mr Givan will allow me to intervene —

Mr Givan: Yes.

Mr Dickson: He raises the very important question “Who knows?”. We would all know if the two Members sitting opposite me, as former Health Ministers, had done

something about it. They had an absolute right to bring appropriate legislation before the House to regulate and legislate to allow us to know what goes on inside those facilities.

Mr Givan: I was going to deal with that point later, but it has now been put forward that, had there been guidance, it would somehow deal with private clinics. It would not, because they remain unregulated. Guidance —

Mr Dickson: Regulate them.

Mr Givan: That is a different point: that is about the regulation of private clinics and how you would do that. There is no regulation, and there still would be no regulation, even if revised guidance was put out there. To subject —

Mr Dickson: Will the Member give way?

Mr Givan: I am not going to give way again for the third time. Maybe at a later point in the speech I will be happy to do it.

The modus operandi of Marie Stopes is, first and foremost, carrying out abortions. That is the modus operandi of that organisation. Yes, there are issues with other private clinics, if we knew they were doing it. That would need to be addressed, and the amendment would cover that. We do not know whether they are. We know that Marie Stopes is carrying them out, and we know Marie Stopes's reputation. I will touch on that shortly. In this instance, what we have —

Mr Dickson: Will the Member give way? The Member has made a serious accusation against Marie Stopes, because he is saying that Marie Stopes is carrying out — or is the Member saying that Marie Stopes clinic in Northern Ireland is carrying out abortions outside the law in Northern Ireland? That is a very serious allegation, if that is the allegation that he is making.

Mr Givan: I am pretty sure you can check Hansard, and I did not say that they were carrying out terminations outside the law.

Mr Dickson: You said that they were carrying out terminations.

Mr Givan: Yes, I did, but, again, I might be wrong about that. Marie Stopes will not actually tell us if they have carried them out. Therein lies the problem.

Members seem to want to defend the indefensible when it comes to an unregulated, unaccountable private clinic that is potentially involved in carrying out the termination of unborn children. Let us get the language beyond the medical phrase of “termination of an unborn child”: this is about killing. It is about taking the life of an unborn child. That is what we are talking about. We are not talking about a hip or knee replacement in a private clinic, which is a wholly different issue; we are talking about life, which is, rightly, protected through the criminal law, which is where the regulations lie.

12.15 am

My question — maybe the Minister can answer — is this: how will the Police Service of Northern Ireland, which is responsible for regulating abortion because it is a criminal offence to take the life of the unborn in every circumstance, know what is happening? Let me make it clear that the law prohibits abortion in any circumstance

in Northern Ireland; however, there is a defence in certain circumstances, which is very different. There is no legal pathway for an abortion, but there is a defence in limited circumstances. How does the PSNI know that the law is being upheld if terminations are being carried out in Marie Stopes? We do not have a framework. What is the PSNI doing to make sure that the law is being complied with in the absence of any form of health regulation? That is very serious.

Through the National Health Service, where you have an accountable form of governance, we are able to call Ministers to the Assembly. The Health Committee is there to scrutinise what goes on. You have health trusts and people appointed to the health board. Layers of accountability exist for health services provided in the National Health Service. That is why it is best placed to be responsible for an abortion when it is carried out in Northern Ireland. Even if you had regulation of health clinics — herein I will answer one of the points that was raised by other Members — a conflict exists. Even if there is the highest degree of regulation, there is still a conflict because there is a financial transaction involved in a private health clinic. Surely Members can say that there is a conflict. Even if it is only a perceived conflict, it is there.

Mr Wells: Will the Member give way?

Mr Givan: I will.

Mr Wells: Does the Member note with interest that a member of staff in a clinic in southern England who used to work for Marie Stopes described it as a production line for abortion and, indeed, said that staff were put under pressure to ensure the maximum number of abortions per week in the clinic to generate income for Marie Stopes? That is a totally different regime to what goes on in our five health trusts, where there is no pressure whatever to maximise abortions. They are there to give first-rate care and treatment.

Mr Givan: The Member makes the point for me. Marie Stopes operates bonus systems dependent on how many abortions are carried out. Is that the type of organisation that Members, even if they are pro-abortion, want to support? Members need to think seriously about that.

Where there is a clear conflict — I believe that there is, because there is a monetary transaction between the buyer and the seller — that is a real issue, because the victim in all of this is the unborn child. If you are assaulted in the street, you will be able to contact the authorities and make a complaint. Could someone tell me how the victim in this circumstance, whose life is taken, is afforded an opportunity to alert the authorities in the absence of any form of regulation or oversight? There is none. At least through the regulation of the National Health Service, there is a responsibility, because the criminal law exists to protect that unborn child and to restrain any activity that may put that life in jeopardy. I think that there is a conflict when money is involved in the issue of life or death.

As an organisation, Marie Stopes's stated position is "Children by choice not chance". That is what it said to the Justice Committee. Take that in: "Children by choice not chance". I believe in protecting the unborn child, whether it is planned or not. It is a real issue that the stated objective of Marie Stopes is the introduction of the 1967 Act to Northern Ireland and is "Children by choice not chance". Interestingly enough, it is supported in that by Amnesty

International, which said to the Committee when it was hearing evidence:

"Amnesty International is very clear that...rights to life do not extend prenatally."

Let us decode the language: Amnesty International's stated position is that no rights are afforded to the unborn child in any circumstance at any stage when it is in the womb. It is only at the point of birth that rights are afforded to the child.

Amnesty does not even support the 24-week limit. Its stated position is that only at the point of birth is the right to life afforded to the child. Those are the types of organisations that are involved in supporting Marie Stopes. That is why, even if there are Members here who are well meaning, they are sincerely wrong and they need to look at who they are lining up beside.

Some very well made points were made by Mr Ramsey when he spoke in the debate the last time. He pointed out the type of organisation that Marie Stopes is, and he gave examples. He gave the example where, in 2011, a doctor perforated the uterus of a woman and left parts of the baby inside her after an abortion at a Marie Stopes centre in London. That doctor was later struck off the register. That is the type of organisation around which some Members here have said we should have compassion and that, somehow, we who support this amendment are not compassionate. Those who are opposed to the amendment claim to be compassionate in allowing such an organisation with that type of record to operate.

In 2007, one of its senior directors, Paul Cornellis, who was in South Africa, stated that Marie Stopes does illegal abortions all over the world and that its objective was to get into a country, open the door and push the boundaries. That is the modus operandi of Marie Stopes, which is an organisation that made £172 million in 2012.

Martin McGuinness derided Dawn Purvis when the clinic first opened in 2012 because, given her socialist credentials, he was surprised that she was involved in a private clinic that was setting up as a rival to the health service. Martin McGuinness was right. If you are a socialist and a Marxist, you should believe solely in the NHS and in public provision. However, Sinn Féin is now coming shoulder to shoulder and taking the hand of a private organisation that generates £100 million and more on the taking of life of the unborn child. That is the organisation that people are going to allow to continue to operate in Northern Ireland.

Mr Agnew made a number of contributions, and, in fairness to him, he was honest in his position. I think that some of his arguments were quite remarkable: he does not believe that life begins at conception. The life of every single Member in here began at conception. You could not have had life without conception. Every single Member here was an embryo or the other scientific terms that Mr Agnew prefers to use. So, on the issue about when life commences, if you move away from life commencing at conception, where do you draw the line? It is a subjective position. Life begins at conception. That is why life should be protected.

What concerns me about the Green Party is that it seems to be more interested in protecting trees than human life. It was Mr Agnew who made the absolutely

outrageous statement in this debate that there are MLAs who would rather allow a woman to die in life-threatening circumstances than have an abortion. That was an absolutely scurrilous and despicable thing to say.

Mr Agnew: Will the Member give way?

Mr Givan: I will give way.

Mr Agnew: A black-and-white position was being painted that you are either anti-abortion or pro-abortion. I was pointing out that there are grey areas. There are people who would say that they are anti-abortion but would support abortion in the case where a woman's life is at risk. I have not heard a Member who is supposedly in the pro-life camp say that they would support an abortion when a woman's life is at risk. Does the Member support abortion when a woman's life is at risk?

Mr Givan: Absolutely. That has been the stated position for as long as I can ever remember. In fact, I remember reading a speech by Dr Paisley when the issue was debated in the Assembly, and he made it clear even then what the DUP's position was, and I stated that position last time in the debate. That is beyond doubt; it is beyond question.

Mr Agnew: Will the Member further give way?

Mr Givan: I will.

Mr Agnew: Why, then, have the Member and his party, through their position in the Health Ministry, not brought the guidelines forward to ensure that women in those circumstances can receive that provision through the NHS?

Mr Givan: Guidelines exist, and draft guidelines are being challenged and worked on. There is nothing in that guidance, either before the current draft or in the current one that does not explain what the law is in Northern Ireland, which is that there are circumstances where you can provide a defence, and those circumstances are clear: where the woman's physical life is at risk and where her long-term mental health is at risk. That is our position, and it always has been. It will continue to be our position, including in our dealings with fatal foetal abnormality. In those circumstances, there is the right to choose, and I am happy to have that position.

I will briefly deal with some of the other arguments. The issue of the morning-after pill was raised again. That was dealt with last time. You have to prove that a life has existed, and that can be done only at the point of implantation. Therefore, the morning-after pill is not an abortifacient; it is a contraceptive. The coil is not an abortifacient; it is a contraceptive. In using all of those, you cannot prove that life existed. The Public Prosecution Service would never take a case on the basis of the morning-after pill. That is a spurious argument for anyone to put forward.

Mr Lunn made the point about resenting the fact that the issue was being handled by a male-dominated Chamber. I will note with interest whether Mr Lunn decides to vote, because he seems quite happy, as a man, to be able to vote on the issue and to say what a woman is able to get. If he is consistent on the issue, he would not have signed a petition of concern as a man; he would not even have spoken on the debate as a man about a women's issue, if that is how he regards it. We need to be careful when

people use that language, because they highlight an inconsistency in their position. Of course, we are talking about the unborn child, of which there are men and women. Sadly, it is often girls who are aborted because of their gender more so than men. When we talk about this being a women's issue, you are right: it is the most vulnerable unborn women who are being targeted for abortion.

Other comments were made which, for the sake of time, we will not touch on. Suffice it to say that this is a debate that will continue, and it is one that needs to be resolved. We will continue to seek to provide a resolution. In conclusion, to those who have spoken in favour of abortion, it is notable that every single one of you is alive.

Mr Ford: I am conscious of the fact that there are actually seven amendments in this group. I will first speak on the other six.

Amendment No 41 introduces a new clause 78A to provide a minor amendment to the existing child grooming offence in the Sexual Offences (Northern Ireland) Order 2008. It is supported by amendment No 73, which makes amendments to schedule 5 to the Bill. The amendment will reduce the number of times that an adult has to have met or communicated with a child before meeting them, or travelling to meet them, from two to one, in view of evidence now that there are real dangers of grooming at literally one contact. The change will enable a more effective intervention by police in relation to those who otherwise could not have been prosecuted without a second contact being established.

Amendment No 42, which introduces a new clause 78B to provide for the introduction of a new offence of sexual communication with a child, aims to strengthen the current law by ensuring a greater protection for children in Northern Ireland. It will also provide a greater cross-jurisdictional effect to tackling this type of abhorrent crime by ensuring parity with England and Wales and Scotland, which have similar provision to what is proposed today. The proposed new sexual communication with a child offence will criminalise an adult who intentionally communicates with a child where the content of the communication is sexual or is intended to cause or incite a child to communicate sexually.

Finally, on my amendments in this group, amendment No 48 inserts a new clause 83A into the Bill. This provides an extension to the Domestic Violence Crime and Victims Act 2004 to close a current gap in the legislation in cases where prosecutions for child cruelty or serious injury fail because there is insufficient evidence as to which member of the household was responsible.

Similar provision was made in England and Wales in 2012. A key factor of the amendment is that the defendants failed to take such steps as they could reasonably have been expected to take to protect the child or vulnerable adult from the risk of serious harm in circumstances that they should have foreseen. At present in Northern Ireland, legislation allows for the joint conviction of members of a household only in circumstances where the child or vulnerable adult dies and not in circumstances where they have been seriously injured. Therefore, this amendment, together with supporting amendment Nos 71 and 74, will close an existing loophole in the law and further protect the most vulnerable.

12.30 am

Like most Members, I shall now concentrate on Committee amendment No 34 to insert new clause 71A. It is just over two years ago that the House, as many have said, debated exactly the same amendment. Frankly, in my view, very little — actually, nothing at all — has changed in the intervening period to make me change the view that I expressed then. Nor, frankly, has anything been said in the debate to make me want to think again.

Mr Wells: Will the Member give way?

Mr Ford: Yes.

Mr Wells: All the Members from his party who opposed the amendment the last time made the point that there had not been proper consultation. Does he at least accept, unlike Ms Lo, that this was one of the most extensive and intensive consultation exercises ever undertaken by the Assembly?

Mr Ford: It may have been extensive in comparison with what happened previously, but, in the context of an amendment that was added at Committee Stage — it was not part of the Bill that passed Second Stage in the House, so it had not been consulted on officially — I am not sure that it is as extensive and perfect a consultation process as Members opposite claim. I acknowledge that there was more consultation this time than previously.

Two years ago, I rehearsed what I believed were the very good reasons why this offence was misplaced and not fit for purpose. I can summarise those reasons again briefly this morning. I also talked about the importance of accountability, scrutiny and oversight, and the need for a system that brings accountability and oversight to the provision of abortions in Northern Ireland, as to all medical and surgical interventions, regardless of where they are carried out. I said then, and I say again, that these are important issues that need to be addressed, but not in the way that is proposed here.

This proposal, as was the case in 2013, still provides potential for uncertainty and confusion. There are issues that could be subject to different interpretations. I listed some of them before, and I will do so again briefly. One is the use of the term “unborn child at any stage of that child’s development”. We have just heard a reference from Mr Givan to the issue of whether life can be certified only at implantation, yet he believes that life begins in its fullest form at conception. That is an example of the ambiguity of that phrase, which has not been used in any previous UK legislation.

The narrowness of the exception to the legislation causes me considerable concern. It talks about allowing terminations of pregnancy on premises not operated by a health and social care trust in circumstances where access to NHS premises is “not possible”. The usual legal provision in circumstances such as this is where it is “not reasonably practicable in all the circumstances”. As I said two years ago, if a woman was being treated in the Ulster Clinic by a consultant and a medical and nursing team — she knows them and has confidence in them — when a critical incident arose and there were major traffic jams around the Royal, it would still be “possible” to go there. Therefore, she could not remain in the Ulster Clinic with those whom she knows.

A similar situation could happen if there was snow on the road between Ballykelly and Altnagelvin. Those are

practical issues not considered by those who looked only at their concerns about the operation of the Marie Stopes clinic. I believe that the concerns that I raised then continue. Nothing has changed, and I see no new evidence being presented today.

I want to take a minute or two to put on record the attempts that my Department and I have made to bring some form of proper thinking and progress on regulation other than by criminal sanction. In October 2013, following a commitment that I made during the debate on the Criminal Justice Bill to bring a paper to the Executive, I sent the then Health Minister a summary of a proposed paper on options for abortion outside the state sector. It covered restriction, regulation and what was termed “regulation plus”, which embraced ensuring clinical guidelines were followed. The Health Minister replied in November 2013, saying:

“I have read the summary brief you forwarded and am content that the issues highlighted are appropriate to seek the views of the public on. My officials will work with yours in order to take this matter forward.”

Discussions at official level followed, and health officials were to look at providing material through their Minister on the options that impacted on the health service, but nothing was ever received by my Department. I then wrote to the Health Minister in June of last year, enclosing the start of a draft consultation paper from the justice perspective on lethal foetal abnormality and sexual crime. I asked for his views on dealing with that and the regulation of private clinics in a single consultation process. I did not receive a response.

Mr Agnew and Mr McCrea, and perhaps others, referred to the issue of lethal foetal abnormality. I can inform the House that I have followed through on the promise that I made, and I have completed an Executive paper on lethal foetal abnormality. For those who have concerns about the way in which legislation was drafted by David Steel in 1966, I can say that I think that my proposals have considerably tighter regulation than those in what became the 1967 Act in GB. For my part, the need for regulation is clear, but that does not necessarily mean a need for further criminalisation. The criminal law on abortion applies equally across the public and private spheres. The need for another offence has not been established. Practitioners in private clinics are subject to the same legal requirements as in the NHS. It is worth remembering just what those legal requirements are. Under the current law in Northern Ireland, a woman must face risk to her life or serious injury to her physical or mental health, which is likely to be long term or permanent, before an abortion is legal. Some talked about just the risk to life, but that is not the position. It is slightly wider than that.

Our primary concern here should surely be that procedures in every establishment, whether public or private, be it the Marie Stopes clinic, the Ulster Clinic or any NHS hospital, are being carried out to standards that ensure the health and safety of the woman, who for reasons of risk to her health is faced with having to undergo such a procedure. That is a matter for the Department of Health and for regulation, not, Mr Speaker, for the criminal law. As far back as November 2012, the Health Minister committed to bringing proposals to the Assembly, such as those on the potential role of RQIA in regulating provision of abortion by private health care. Mr

Elliott, who is not in his place at the moment, raised the issue when he implored the Departments, and he used the plural, to look at the issue of regulation. For Mr Elliott's benefit, and everybody else's, it is not Departments that have a duty to regulate but the Department of Health, Social Services and Public Safety that has responsibility for regulations in the field of healthcare.

Mr Allister talked an awful lot about unregulated premises. However, the wording in amendment No 34 talks about premises that are not Health and Social Care premises. There is no case being made from this corner of the Chamber that there should not be regulation of private health care. We are the ones who have been making the case. It is those who have been complaining about the current position, whose successive Ministers over more than two years have failed to do anything to legislate to give a role to RQIA, a role that would allow it to carry out the full responsibilities that it should have for regulating every aspect of private health care.

There are certainly many strong views on abortion in the Assembly. We have aired them yesterday evening and this morning. However, any move to use the criminal law to create a further offence, as in the proposed amendment, is not the answer to the concerns held by those who argue for such a provision, and it is plainly against the concerns of those who hold the view that a woman's autonomy and right to the best standard of health service is key. As Justice Minister, I have to have an eye to the integrity of the criminal law to ensure that it is fit for purpose and not liable to dysfunctional outcomes. Neither should it be used where civil remedies such as regulation can do the job. Mr Speaker, I cannot accept amendment No 34.

Mr Ross: Given that it is 12.40 am, I suggest that no Member would thank me for a long-winded winding-up speech.

At least, there seems to be agreement on something at last, after two hours.

Eleven Members have spoken in this debate. Most Members did moderate their language and spoke in a respectful way. Whilst I understand and acknowledge that amendment No 34 was clearly the big-ticket item within this group of amendments, I do think that it is disappointing that, with the exception of Mr Poots, nobody talked about some of the other amendments in this group. Amendment Nos 41, 42, 48 and 71 introduce safeguards for children living in Northern Ireland against sexting and grooming and ensuring that there is legislation in place to allow joint convictions of those who would potentially abuse children or vulnerable adults. It is important that we also put on record that those are important amendments; ones that we actually have agreement on in this group. It is disappointing that perhaps we did not lend enough time during the last few hours to discuss those important issues.

I suspect that, irrespective of what I say in my winding-up speech, nobody would change their mind on this issue. I suspect that everybody will vote in the way in which they intended when they came in. To move things forward, I think that it is probably best that we just proceed to the vote now.

Mr Speaker: That was an excellent speech. Thank you very much.

Before I put the Question, I remind Members that amendment No 34 requires cross-community support due to a valid petition of concern.

Question put, That amendment No 34 be made.

Ayes 39; Noes 41.

AYES

Nationalist

Mr D Bradley, Mrs D Kelly, Dr McDonnell, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Rogers.

Unionist

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Hussey, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

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

NOES

Nationalist

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Ms Ruane, Mr Sheehan.

Unionist

Mr Cree, Mr Gardiner, Mr B McCreagh, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Ms Sugden.

Other

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Noes: Mr Hazzard and Ms Lo.

<i>Total Votes</i>	<i>80</i>	<i>Total Ayes</i>	<i>39</i>	<i>[48.8%]</i>
<i>Nationalist Votes</i>	<i>33</i>	<i>Nationalist Ayes</i>	<i>7</i>	<i>[21.2%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>32</i>	<i>[82.1%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>0</i>	<i>[0.0%]</i>

Question accordingly negatived (cross-community vote).

Clauses 72 to 76 ordered to stand part of the Bill.

New Clause

Amendment No 35 made:

After clause 76 insert

"Personal samples, DNA profiles and fingerprints

Power to take further fingerprints or non-intimate samples

76A.—(1) *In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—*

(a) in paragraphs (5A) and (5B) for the words after "investigation" in sub-paragraph (b) substitute "but—

(i) paragraph (4A)(a) or (b) applies, or
(ii) paragraph (5C) applies.”;

(b) after paragraph (5B) insert—
“(5C) This paragraph applies where—
(a) the investigation was discontinued but subsequently resumed, and
(b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).”.

(2) In Article 63 of that Order (non-intimate samples)—
(a) at the end of paragraph (3ZA)(b) insert “, or
(iii) paragraph (3AA) applies.”;

(b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or
(iii) paragraph (3AA) applies; or”;

(c) after paragraph (3A) insert—
“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—
(a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and
(b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.

(3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—
(a) in paragraph 1 (fingerprinting: persons arrested and released)—
(i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “Article 61(5A)(b)(i)”;

(ii) after sub-paragraph (3) insert—
“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(b) in paragraph 2 (fingerprinting: persons charged, etc.)—
(i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “Article 61(5B)(b)(i)”;

(ii) at the end of sub-paragraph (2) insert “, or
“(c) in a case falling within Article 61(5B)(b)
(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;

(c) in paragraph 9 (non-intimate samples: persons arrested and released)—
(i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “within Article 63(3ZA)(b)(i) or (ii)”;

(ii) after sub-paragraph (3) insert—
“(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3ZA)(b)
(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;

(d) in paragraph 10 (non-intimate samples: person charged etc.)—
(i) in sub-paragraph (3) for “within Article 63(3A)(b)” substitute “within Article 63(3A)(b)(i) or (ii)”;

(ii) after sub-paragraph (4) insert—
“(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b)
(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 36 made:

After clause 76 insert

‘Retention of material: persons convicted of an offence in England and Wales or Scotland

76B. After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

‘Retention of material: effect of convictions in England and Wales or Scotland

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

(2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE (“an EW recordable offence”) Articles 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of “convicted”) applies for that purpose);

(b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.

(3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment (“a relevant Scottish offence”) Article 63D, 63E, 63H and 63L apply as if—

(a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;

(b) references in Article 63D(14) to a qualifying offence included references to—

(i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and

(ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;

(c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.

(4) In this Article "PACE" means the Police and Criminal Evidence Act 1984.'.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 37 made:

After clause 76 insert

"Retention of DNA profiles or fingerprints: persons given a prosecutorial fine

76C. After Article 63K of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

'Retention of Article 63B material: persons given a prosecutorial fine notice

63KA.—(1) This Article applies to Article 63B material which—

(a) relates to a person who is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015, and

(b) was taken (or, in the case of a DNA profile, derived from a sample taken) from the person in connection with the investigation of the offence (or one of the offences) to which the notice relates.

(2) The material may be retained—

(a) in the case of fingerprints, for a period of 2 years beginning with the date on which the fingerprints were taken,

(b) in the case of a DNA profile, for a period of 2 years beginning with—

(i) the date on which the DNA sample from which the profile was derived was taken, or

(ii) if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken.'.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 38 made:

After clause 76 insert

"Power to retain DNA profile or fingerprints in connection with different offence

76D. For Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 63B material obtained for one purpose and used for another) substitute—

'Retention of Article 63B material in connection with different offence

63N.—(1) Paragraph (2) applies if—

(a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) from

a person in connection with the investigation of an offence, and

(b) the person subsequently—

(i) is arrested for or charged with a different offence,

(ii) is convicted of a different offence,

(iii) is given a penalty notice or a prosecutorial fine notice in respect of a different offence;

(iv) is given a caution in respect of a different offence committed when the person is under the age of 18; or

(v) completes a diversionary youth conference process with respect to a different offence.

(2) Articles 63C to 63M and Articles 63O and 63Q have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—

(a) in connection with the investigation of the offence mentioned in paragraph (1)(b),

(b) on the date on which the person was arrested for that offence or, if the person was not arrested, on the date on which the person—

(i) was charged with the offence or given a penalty notice or prosecutorial fine in respect of the offence, or

(ii) was cautioned in respect of the offence; or

(iii) completed the diversionary youth conference process with respect to the offence.

(3) Paragraph (3) of Article 63J applies for the purposes of this Article as it applies for the purposes of Article 63J.'.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 39 made:

After clause 76 insert

"Retention of personal samples that are or may be disclosable

76E. In Article 63R of the Police and Criminal Evidence (Northern Ireland) Order 1989 (exclusions for other regimes)—

(a) in paragraph (5) (material that is or may become disclosable to the defence) for 'Articles 63B to 63O and 63Q' substitute 'Articles 63B to 63Q';

(b) after that paragraph insert—

'(5A) A sample that—

(a) falls within paragraph (5), and

(b) but for that paragraph would be required to be destroyed under Article 63P,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(5B) A sample that once fell within paragraph (5) but no longer does, and so becomes a sample to which Article 63P applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.'.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 77 ordered to stand part of the Bill.

Clause 78 (Duty of solicitor to advise client about early guilty plea)

Amendment No 40 made:

In page 55, line 21, leave out subsection (3).— [Mr Ford (The Minister of Justice).]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three-minute rule and move straight to the Division.

Ayes 34; Noes 45.

AYES

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Dickson and Mr Lyttle.

NOES

Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Cree, Mr Elliott, Ms Fearon, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Noes: Mrs McKeivitt and Mr Rogers.

Question accordingly negated.

Clause 78, as amended, disagreed to.

New Clause

Amendment No 41 made:

After clause 78 insert

“Sexual offences against children

Meeting a child following sexual grooming etc.

78A.*In Article 22(1)(a) of the Sexual Offences (Northern Ireland) Order 2008 (meeting a child following sexual grooming etc.) for “on at least two occasions” substitute “on one or more occasions”.— [Mr Ford (The Minister of Justice).]*

New clause ordered to stand part of the Bill.

New Clause

Amendment No 42 made:

After clause 78 insert

“Sexual communication with a child

78B.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

“Sexual communication with a child

22A.—(1) A person aged 18 or over (A) commits an offence if—

(a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),

(b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and

(c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

(a) any part of it relates to sexual activity, or

(b) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual.

(3) A person guilty of an offence under this Article is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”.

(2) In Article 4 of that Order (meaning of “sexual”) after “except” insert “Article 22A (sexual communication with a child) or”.

(3) In Article 76(10)(a) of that Order (offences outside the United Kingdom) after “children” insert “except Article 22A”.

(4) In the Sexual Offences Act 2003 in Schedule 3 (sexual offences for purposes of Part 2 of that Act) after paragraph 92H insert—

“92HA. An offence under Article 22A of that Order (sexual communication with a child).”.

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert—

“Article 22A (sexual communication with a child).”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 79 (General duty to progress criminal proceedings)

Amendment No 43 made:

In page 55, line 31, leave out

“The Department may by regulations impose a general duty on”

and insert “It is the duty of all”.— [Mr Ford (The Minister of Justice).]

Mr Speaker: Amendment No 44 has already been debated and is consequential to amendment No 43.

Amendment No 44 made:

In page 55, line 34, leave out subsection (2).— [Mr Ford (The Minister of Justice).]

Clause 79, as amended, ordered to stand part of the Bill.

Clause 80 (Case management regulations)

Amendment No 45 made:

In page 56, line 23, at end insert

“(5) The regulations must in particular take account of the need to identify and respect the needs of—

- (a) victims,*
- (b) witnesses, particularly those to whom Article 4(2) of the Criminal Evidence (Northern Ireland) Order 1999 may apply; and*
- (c) persons under the age of 18.”.— [Mr Ford (The Minister of Justice).]*

Amendment No 46 made:

In page 56, line 23, at end insert

“(6) Before making any regulations under this section the Department must consult—

- (a) the Lord Chief Justice;*
- (b) the Director of Public Prosecutions;*
- (c) the General Council of the Bar of Northern Ireland; and*
- (d) the Law Society of Northern Ireland.”.— [Mr Ford (The Minister of Justice).]*

Clause 80, as amended, ordered to stand part of the Bill.

Clause 81 ordered to stand part of the Bill.

Clause 82 (Defence access to premises)

Amendment No 47 made:

In page 57, line 37, leave out from “in connection” to “D’s appeal” on line 38 and insert

“to ensure compliance with Article 6 of the European Convention on Human Rights”.— [Mr Ford (The Minister of Justice).]

Clause 82, as amended, ordered to stand part of the Bill.

Clause 83 ordered to stand part of the Bill.

New Clause

Amendment No 48 made:

After clause 83 insert

“Causing or allowing child or vulnerable adult to suffer serious physical harm

Causing or allowing child or vulnerable adult to suffer serious physical harm

83A.—(1) *Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) is amended as follows.*

(2) In subsection (1)—

(a) in paragraph (a) after “dies” insert “or suffers serious physical harm”;

(b) in paragraph (d) for “V’s death” substitute “the death or serious physical harm”.

(3) In subsection (3)(a) for “V’s death” substitute “the death or serious physical harm”.

(4) In subsection (4)(b) for “V’s death” substitute “the death or serious physical harm”.

(5) In subsection (7) after “this section” insert “of causing or allowing a person’s death”.

(6) After that subsection insert—

“(8) A person guilty of an offence under this section of causing or allowing a person to suffer serious physical harm is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or to both.”.

(7) For the cross-heading before section 5 substitute “Causing or allowing a child or vulnerable adult to die or suffer serious physical harm”.

(8) Schedule 4A (which contains amendments consequential on this section) has effect.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clauses 84 and 85 ordered to stand part of the Bill.

New Clause

Amendment No 49 made:

After clause 85 insert

“Salary of Lands Tribunal members

Salary of Lands Tribunal members

85A.—(1) *Section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 is amended as follows.*

(2) For subsections (5) and (5A) substitute—

“(5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration as the Department of Justice may determine.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 50 proposed: After clause 85 insert

“Provision of health and social care information to Attorney General about direction of inquests

85A. *In the Coroners Act (NI) 1959 after section 14 insert—*

“Provision of information to Attorney General for purposes of section 14

14A.—(1) *The Attorney General may, by notice in writing to any person who has provided health care or social care to a deceased person, require that person to produce any document or give any other information which in the opinion of the Attorney General may be relevant to the question of whether a direction should be given by the Attorney General under section 14.*

(2) *A person may not be required to produce any document or give any other information under this section if that person could not be compelled to produce that document or give that information in civil proceedings in the High Court.*

(3) *In this section—*

“document” includes information recorded in any form, and references to producing a document include, in relation to information recorded otherwise than in a legible form, references to providing a copy of the information in a legible form.

(4) *A person who fails without reasonable excuse to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

Review and duration of section 14A

14B.—(1) *Section 14A ceases to have effect on (3 years after Royal Assent) unless, before that date, having considered the report under subsection (2), the Assembly resolves that it is to continue to have effect.*

(2) *The Department must, at the end of the period of 3 years beginning with the coming into operation of section 14A, review its operation and lay before the Assembly a report on that review; that report must in particular include—*

(a) *the number of cases in which the Attorney General compelled the provision of documents and other information;*

(b) *the number of inquests the Attorney General subsequently directed;*

(c) *an assessment, by an independent person appointed by the Department, of the impact of the operation of section 14A on the use of the power in section 14.”.— [Mr McCartney.]*

Question put, That amendment No 50 be made.

The Assembly divided:

Ayes 41; Noes 36.

AYES

Nationalist

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Ms Fearon, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mr Rogers, Ms Ruane, Mr Sheehan.

Unionist

Mr Allister, Mr Cree, Mr Elliott, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Ms Sugden.

Tellers for the Ayes: Mr Hazzard and Mr Lynch.

NOES

Unionist

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Irwin, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Noes: Mr Dickson and Dr Farry.

<i>Total Votes</i>	<i>77</i>	<i>Total Ayes</i>	<i>41</i>	<i>[53.2%]</i>
<i>Nationalist Votes</i>	<i>31</i>	<i>Nationalist Ayes</i>	<i>31</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>10</i>	<i>[25.6%]</i>
<i>Other Votes</i>	<i>7</i>	<i>Other Ayes</i>	<i>0</i>	<i>[0.0%]</i>

Question accordingly negated (cross-community vote).

Clause 86 (Supplementary, incidental, consequential and transitional provision, etc.)

Mr Speaker: The Committee for Justice opposition to clause 86 has already been debated.

Question, That the clause stand part of the Bill, put and negated.

Clause 86 disagreed to.

Clause 87 (Regulations, orders and directions)

Mr Speaker: I call the Chairperson to formally move amendment No 51.

Mr Ross: Following discussion with the Minister and agreement with the Committee, the amendment is not moved.

Amendment No 51 not moved.

Mr Speaker: I call the Chairperson to formally move amendment No 52.

Mr Ross: Following discussion with the Minister and agreement with the Committee, the amendment is not moved.

Amendment No 52 not moved.

Clause 87 ordered to stand part of the Bill.

Clauses 88 to 90 ordered to stand part of the Bill.

Clause 91 (Commencement)

Mr Speaker: Amendment No 53 has already been debated and is consequential to amendment No 11.

Amendment No 53 made:

In page 60, line 36, at end insert“() section 35A and Schedule 3A;”— [Mr Ford (The Minister of Justice).]

Amendment No 54 made:

In page 60, line 36, at end insert“() sections 78A and 78B;”— [Mr Ford (The Minister of Justice).]

Clause 91, as amended, ordered to stand part of the Bill.

Clause 92 ordered to stand part of the Bill.

Schedule 1 (Amendments: Single jurisdiction)

Amendment No 55 made:

In page 62

Leave out lines 4 to 28 and insert

“THE GAMING ACT (IRELAND) 1739 (C. 8)

. In section 16 (bringing of actions) omit the words from “and shall be laid” to the end.

THE FORCIBLE ENTRY ACT (IRELAND) 1786 (C.24)

. In section 65 (indictments) for “some one or more of the justices of the peace of the county, county of the city or town where such indictment shall be made” substitute “a district judge (magistrates’ courts)”.

THE PARLIAMENTARY REPRESENTATION ACT (IRELAND) 1800 (C.29)

. In section 7 (writs) for “crown office in Ireland” and “crown office of Ireland” substitute “chief clerk”.

THE TOLLS (IRELAND) ACT 1817 (C.108)

. In section 7 (schedule of tolls) for “chief clerk for the county court division where such custom, toll, or duty may be claimed,” substitute “chief clerk”.

THE TITHE RENTCHARGE (IRELAND) ACT 1838 (C. 109)

. In section 27 (recovery of rent-charge) omit “wherein the lands charged therewith may be situate”.

THE DEFENCE ACT 1842 (C. 94)

. In section 24 (compensation)—

(a) for “two justices of the peace of the county, riding, stewardry, city or place” substitute “a court of summary jurisdiction”;

(b) for “such justices” substitute “that court”.

THE FISHERIES (IRELAND) ACT 1842 (C. 106)

—(1) In section 92 (byelaws) for the words from “deposited with” to “in each such petty sessions district” substitute “deposited with the clerk of petty sessions who shall publish notice of the lodgement;”.

(2) In section 103 omit “in the district where the same shall be seized”.

THE COMPANIES CLAUSES CONSOLIDATION ACT 1845 (C. 16)

—(1) In section 3 (interpretation) omit “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.

(2) In section 161 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

THE LANDS CLAUSES CONSOLIDATION ACT 1845 (C. 18)

. In section 150 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845 (C. 20)

—(1) In section 7 (correction of plans) for the words from “deposited with” to “shall be situate” substitute “deposited with the chief clerk”.

(2) In section 8 (deposit of plans) for the words from “deposited with” to “intended to pass” substitute “deposited with the chief clerk”.

(3) In section 11 (limitation of deviation)—

(a) for the words from “two or more justices” to “may be situated” substitute “a court of summary jurisdiction”;

(b) omit the words from “Provided also, that” to the end.

(4) In section 59 (consent to level crossing)—

(a) for the words from “any two or more justices” to “is situate, and assembled in petty sessions” substitute “a court of summary jurisdiction”;

(b) for “such justices” substitute “that court”.

THE EJECTMENT AND DISTRESS (IRELAND) ACT 1846 (C. 111)

. In section 16 for the words from “apply to any one” to “fixed in such summons” substitute “apply to a district judge (magistrates’ courts) for the redress of his grievance, whereupon the district judge shall summon the person complained of to appear before a court of summary jurisdiction at a reasonable time to be fixed in the summons.”.

THE MARKETS AND FAIRS CLAUSES ACT 1847 (C. 14)

—(1) In section 7 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(2) In section 50 (annual account) for “the chief clerk for the county court division in which the market or fair is situate” substitute “the chief clerk”.

(3) In section 58 (deposit of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE COMMISSIONERS CLAUSES ACT 1847 (C. 16)

—(1) In section 95 for “the chief clerk for the county court division where the undertaking is situate” substitute “the chief clerk”.

(2) In section 110 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847 (C. 27)

—(1) In section 7 (correction of plans) for the words from “be deposited in” to “are situate” substitute “be deposited with the chief clerk”.

(2) In section 8 (alterations to plans) for the words from “deposited with the said” to “is situate” substitute “deposited with the chief clerk”.

(3) In section 50 (annual account) for the words from “charge, to the” to “is situate” substitute “charge, to the chief clerk”.

(4) In section 97 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

THE TOWNS IMPROVEMENT CLAUSES ACT 1847 (C. 34)

—(1) In section 3 (interpretation)—

(a) in the definition of “justice” for the words from “shall mean” to “arises” substitute “shall mean a lay magistrate”;

(b) in the definition of “quarter sessions” for the words from “shall mean” to the end substitute “shall mean the county court”.

(2) In section 20 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(3) In section 214 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE CEMETERIES CLAUSES ACT 1847 (C. 65)

—(1) In section 7 (correction of errors) for the words from “deposited with” to “shall be situated” substitute “deposited with the chief clerk”.

(2) In section 60 (annual accounts) for the words from “charge, to the” to “is situated” substitute “charge, to the chief clerk”.

(3) In section 66 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE VAGRANCY (IRELAND) ACT 1847 (C. 84)

. In section 8 (interpretation) for the words from “any justice” to “town corporate” substitute “any lay magistrate or district judge (magistrates’ courts)”.

THE TOWN POLICE CLAUSES ACT 1847 (C. 89)

. In section 77 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

THE RAILWAY ACT (IRELAND) 1851 (C.70)

—(1) In section 4 (deposit of maps) for the words from “or so much thereof as relates” to the end substitute “with the chief clerk”.

(2) In section 8 (notice of appointment of arbitrator) for the words “with the chief clerks for the county court division” substitute “with the chief clerk”.

(3) In section 11 (retention of documents) for the words from the beginning to “hereby” substitute “The chief clerk is hereby”.

THE FINES ACT (IRELAND) 1851 (C. 90)

—(1) In section 6 (enforcement) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

(2) In section 8 (penalties) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

THE SUMMARY JURISDICTION (IRELAND) ACT 1851 (C. 92)

. In section 1 (jurisdiction of justices) omit—

(a) “within his or their respective jurisdictions”; and

(b) “(when the case shall be heard in any petty sessions district)”.

THE PETTY SESSIONS (IRELAND) ACT 1851 (C. 93)

—(1) In section 26(3) (execution of warrants) for the words from “at any place” to “adjoining county” substitute “at any place”.

(2) In section 28 (backing of warrants) for the words from “are not to be found” to “in any of the places” substitute “are in any of the places”.

(3) In section 31 (execution of warrant) for the words from “or peace officers” to the end substitute “to execute the warrant by arrest, committal, or levy, as the case may be, and in the case of a warrant to arrest any person and convey him when arrested before any district judge (magistrates’ courts) to be dealt with according to law.”.

THE BOUNDARY SURVEY (IRELAND) ACT 1854 (C. 17)

. In section 12 (alteration of boundary) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

THE TOWNS IMPROVEMENT (IRELAND) ACT 1854 (C. 103)

. In section 1 (interpretation) omit the definition of “assistant barrister”.

THE BOUNDARY SURVEY (IRELAND) ACT 1859 (C. 8)

. In section 4 (publication of order) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

THE ECCLESIASTICAL COURTS JURISDICTION ACT 1860 (C. 32)

. In section 3 (offenders) for the words from “taken before” to the end substitute “taken before a district judge (magistrates’ courts) to be dealt with according to law.”.

THE TRAMWAYS (IRELAND) ACT 1860 (C. 152)

. In section 33 (entry to land)—

(a) for the words from “under the hand” to “not having” substitute “under the hand of a district judge (magistrates’ courts) who does not have”;

(b) for the words from “fixed by” to “same district” substitute “fixed by a district judge (magistrates’ courts)”.

THE LANDLORD AND TENANT LAW AMENDMENT ACT (IRELAND) 1860 (C. 154)

—(1) In section 35 (restraint of waste)—

(a) for the words from “satisfy” to “of the county” substitute “satisfy a district judge (magistrates’ courts)”;

(b) for the words from “at the next” to “premises are situate” substitute “at the next petty sessions”.

(2) In sections 63 and 69 (deposit of sums due) for “chief clerk for the county court division” substitute “chief clerk”.

(3) In section 79 (view of lands) for the words from “lawful for” to “shall be situate and” substitute “lawful for a district judge (magistrates’ courts)”.

(4) In Schedule (A) (forms) omit “for the county of M,” (wherever occurring).

THE RAILWAYS ACT (IRELAND) 1864 (C. 71)

. In section 14 (value of crops) for the words from “determined by” to the end substitute “determined by a district judge (magistrates’ courts)”.

THE DOCKYARD PORTS REGULATION ACT 1865 (C. 125)

. Omit section 22 (jurisdiction of justices over vessels).

THE PROMISSORY OATHS ACT 1871 (C. 48)

. In section 2 (persons who may take oaths) for the words from “or at the” to the end substitute “or at the county court”.

THE MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND) AMENDMENT ACT 1871 (C. 49)

. In section 23 (register books) for the words from “information thereof to” to “solemnized” substitute “information thereof to a district judge (magistrates’ courts)”.

THE PUBLIC HEALTH (IRELAND) ACT 1878 (C. 52)

—(1) In section 2 (interpretation) omit the definition of “court of quarter sessions”.

(2) In section 269 (appeals) for subsection (1) substitute—

“(1) The appeal shall be made to the county court.”

THE SETTLED LAND ACT 1882 (C. 38)

. In section 46(10) (payment into court) for the words from “be exercised by” to the end substitute “be exercised by the county court”.

THE MARRIED WOMEN’S PROPERTY ACT 1882 (C. 75)

. In section 17 (summary decision of questions) for the words from “in a summary way” to “and the court” substitute “in a summary way to the High Court or a county court and the court”.

THE EXPLOSIVE SUBSTANCES ACT 1883 (C. 3)

. In section 6(1) (inquiry into crimes) omit—

(a) “for the county, borough, or place in which the crime was committed or is suspected to have been committed”;

(b) “in the said county, borough, or place”.

THE BILLS OF SALE (IRELAND) ACT (1879) AMENDMENT ACT 1883 (C. 7)

. In section 11 (registration) for the words from “transmit” to the end of the first paragraph substitute “transmit an abstract in the prescribed form of the contents of such bill of sale to the chief clerk.”.

THE LOCAL GOVERNMENT (IRELAND) ACT 1898 (C. 37)

. In section 69 (boundaries)—

(a) in subsection (3) omit the words from “provided that” to the end;

(b) omit subsections (4) and (5).

THE OPEN SPACES ACT 1906 (C. 25)

. In section 4(2) (transfer of open space) omit the words from “of the district” to the end.

THE SUMMARY JURISDICTION (IRELAND) ACT 1908 (C. 24)

. In sections 1(2) and 2(2) (habitual drunkards) for the words from “anyone holding” to the end substitute “any justice of the peace”.— [Mr Ford (The Minister of Justice).]

Amendment No 56 made:

In page 66, line 38, at end insert

“(2A) In section 18(2) (rules) after “subsection (1) above” insert “(other than paragraph (a))”.— [Mr Ford (The Minister of Justice).]

Amendment No 57 made:

In page 75, line 12, leave out sub-paragraph (1) and insert

“(1) Omit section 15(3) (interpretation).”— [Mr Ford (The Minister of Justice).]

Amendment No 58 made:

In page 84, leave out lines 10 to 12.— [Mr Ford (The Minister of Justice).]

Amendment No 59 made:

In page 86, line 16, at end insert

“(1A) In section 125 (variation, renewal and discharge of orders)—

(a) in subsection (1) for “the appropriate court” substitute “a court of summary jurisdiction”; and

(b) omit subsection (7).”— [Mr Ford (The Minister of Justice).]

Amendment No 60 made:

In page 90, line 31, at end insert

“THE SERIOUS CRIME ACT 2015 (C. 9)

109. In Schedule 2 in paragraph 11(2)(c) omit “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.— [Mr Ford (The Minister of Justice).]

Schedule 1, as amended, agreed to.

Schedule 2 disagreed to.

Schedule 3 (Amendments: direct committal for trial)

Amendment No 61 made:

In page 94, line 29, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

Amendment No 62 made:

In page 94, line 37, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

Amendment No 63 made:

In page 95, line 4, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

Amendment No 64 made:

In page 95, line 12, after “section 12” insert “or 12A”.— [Mr Ford (The Minister of Justice).]

Amendment No 65 made:

In page 95, line 19, after "section 12" insert "or 12A".—
[Mr Ford (The Minister of Justice).]

Amendment No 66 made:

In page 95, line 27, after "section 12" insert "or 12A".—
[Mr Ford (The Minister of Justice).]

Amendment No 67 made:

In page 96, line 13, after "section 12" insert "or 12A".—
[Mr Ford (The Minister of Justice).]

Schedule 3, as amended, agreed to.

1.30 am

New Schedule

Amendment No 68 made:

After schedule 3 insert

"SCHEDULE 3A

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

DISCLOSURE BY POLICE TO BODY PROVIDING SUPPORT SERVICES FOR VICTIMS

1.—(1) *A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.*

(2) *For the purposes of this paragraph—*

"relevant information relating to a victim" means—

- (a) *the name and address of the victim;*
- (b) *any telephone number or e-mail address at which the victim may be contacted; and*
- (c) *such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);*

"support services" means services involving the provision of information, advice, support or any other form of assistance to victims.

DISCLOSURE BY PUBLIC PROSECUTION SERVICE TO BODY PROVIDING SUPPORT SERVICES FOR WITNESSES

2.—(1) *Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.*

(2) *For the purposes of this paragraph—*

- (a) *"relevant information relating to a witness" means—*
 - (i) *the name and address of the witness;*

(ii) *the age of the witness;*

(iii) *any telephone number or e-mail address at which the witness may be contacted; and*

(iv) *such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).*

(3) *In this paragraph—*

"support services" means services involving the provision of information, advice, support or any other form of assistance to prosecution witnesses in criminal proceedings;

"prosecution witness", in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

DISCLOSURE BY PUBLIC PROSECUTION SERVICE FOR PURPOSES OF VICTIM INFORMATION SCHEMES

3.—(1) *A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—*

- (a) *a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or*
- (b) *a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).*

(2) *A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).*

(3) *For the purposes of this paragraph "relevant information relating to a victim" means—*

- (a) *the name and address of the victim;*
- (b) *any telephone number or e-mail address at which the victim may be contacted;*
- (c) *details of the criminal conduct concerned; and*
- (d) *such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).*

UNAUTHORISED DISCLOSURE OF INFORMATION

4.—(1) *If a person to whom this paragraph applies discloses without lawful authority any information—*

- (a) *acquired in the course of that person's employment,*
- (b) *which is, or is derived from, information provided under this Schedule, and*
- (c) *which relates to a particular person, that person is guilty of an offence.*

(2) This paragraph applies to any person who is—

(a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;

(b) employed in the Department or in the provision of services to the Department; or

(c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

(a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or

(b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this paragraph is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—

(a) in the course of and for the purposes of that person's employment in a prescribed body;

(b) in accordance with that person's official duty as a civil servant or as an employee of the Board;

(c) in accordance with an authorisation given by the Department, the Board or the prescribed body;

(d) in accordance with any statutory provision or order of a court;

(e) for the purposes of any criminal proceedings; or

(f) with the consent of the person to whom the information relates.

(7) In this paragraph "employment"—

(a) includes employment as a volunteer; and

(b) in relation to a particular person, shall be construed in accordance with sub-paragraph (2).

SAVING FOR OTHER POWERS OF DISCLOSURE

5. Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule.

INTERPRETATION

6.—(1) In this Schedule—

"the Board" means the Probation Board for Northern Ireland;

"prescribed" means prescribed by regulations made by the Department.

(2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies

for the purposes of section 28."— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

New Schedule

Mr Speaker: Amendment No 69 has already been debated and is consequential to amendment No 14.

Amendment No 69 made:

After schedule 3 insert

"SCHEDULE 3B

SCHEDULE INSERTED AS SCHEDULE 8A TO THE POLICE ACT 1997

"SCHEDULE 8A

REVIEW OF CRIMINAL RECORD CERTIFICATES INTERPRETATION

1. In this Schedule—

"conviction" and "spent conviction" have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

"the independent reviewer" means the person appointed under paragraph 2;

"other disposal", in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution, diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

THE INDEPENDENT REVIEWER

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

(a) for such period, not exceeding 3 years, as the Department decides; and

(b) on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

(a) pay such remuneration or allowances to the independent reviewer as it may determine;

(b) make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

(a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;

(b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

GUIDANCE

3. The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

APPLICATION FOR REVIEW AFTER ISSUE OF CERTIFICATE

4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—

(a) the details of any spent conviction; or

(b) the details of any other disposal.

(2) An application under this paragraph must—

(a) be accompanied by such fee (if any) as may be prescribed; and

(b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.

(3) The Department must refer any application under this paragraph to the independent reviewer together with—

(a) any information supplied by the applicant in connection with the application; and

(b) any other information which appears to the Department to be relevant to the application.

REVIEW BY INDEPENDENT REVIEWER AFTER ISSUE OF CERTIFICATE

5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must issue a new certificate.

(3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must inform the applicant that the application is refused.

(5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

AUTOMATIC REVIEW BEFORE ISSUE OF CERTIFICATE CONTAINING ONLY DETAILS OF SPENT CONVICTIONS OR OTHER DISPOSALS OF PERSON UNDER 18

6.—(1) This paragraph applies where—

(a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and

(b) the certificate would—

(i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but

(ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.

(2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.

(3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must amend the certificate and issue the amended certificate.

(5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must issue the certificate in the form referred to the independent reviewer.

(7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

(8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

DISCLOSURE OF INFORMATION TO THE INDEPENDENT REVIEWER

7. The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.”.— [Mr Ford (The Minister of Justice).]

After schedule 3 insert

“SCHEDULE 3B

SCHEDULE INSERTED AS SCHEDULE 8A TO THE POLICE ACT 1997

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“the independent reviewer” means the person appointed under paragraph 2;

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THE INDEPENDENT REVIEWER

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

(a) for such period, not exceeding 3 years, as the Department decides; and

(b) on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

(a) pay such remuneration or allowances to the independent reviewer as it may determine;

(b) make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

(a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;

(b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

GUIDANCE

3. The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

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4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—

(a) the details of any spent conviction; or

(b) the details of any other disposal.

(2) An application under this paragraph must—

(a) be accompanied by such fee (if any) as may be prescribed; and

(b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.

(3) The Department must refer any application under this paragraph to the independent reviewer together with—

(a) any information supplied by the applicant in connection with the application; and

(b) any other information which appears to the Department to be relevant to the application.

REVIEW BY INDEPENDENT REVIEWER AFTER ISSUE OF CERTIFICATE

5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must issue a new certificate.

(3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must inform the applicant that the application is refused.

(5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

AUTOMATIC REVIEW BEFORE ISSUE OF CERTIFICATE CONTAINING ONLY DETAILS OF SPENT CONVICTIONS OR OTHER DISPOSALS OF PERSON UNDER 18

6.—(1) This paragraph applies where—

(a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and

(b) the certificate would—

(i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but

(ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.

(2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.

(3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—

(a) the details of any spent conviction; and

(b) the details of any other disposal.

(4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) on being so informed the Department must amend the certificate and issue the amended certificate.

(5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

(a) the independent reviewer must inform the Department of that fact; and

(b) the Department must issue the certificate in the form referred to the independent reviewer.

(7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

(8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

DISCLOSURE OF INFORMATION TO THE INDEPENDENT REVIEWER

7. The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.”.— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

Schedule 4 (Amendments: criminal records)

Amendment No 70 made:

In page 96, line 33, leave out “a criminal” and insert “an enhanced criminal”.— [Mr Ford (The Minister of Justice).]

Schedule 4, as amended, agreed to.

New Schedule

Mr Speaker: Amendment No 71 has already been debated and is consequential to amendment No 48.

Amendment No 71 made:

After schedule 4 insert

“SCHEDULE 4A

AMENDMENTS: SERIOUS PHYSICAL HARM TO CHILD OR VULNERABLE ADULT

THE LAW REFORM (YEAR AND A DAY RULE) ACT 1996 (C. 19)

1. In section 2 (restriction on institution of proceedings for fatal offence) in subsection (3)(c) for “causing or allowing the death of a child or vulnerable adult” substitute “of causing or allowing the death of a child or vulnerable adult”.

THE SEXUAL OFFENCES ACT 2003 (C. 42)

2. In Schedule 5 (offences for purposes of making sexual offences prevention orders) in paragraph 171A for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.

THE DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004 (C. 28)

3.—(1) For the heading of section 7 substitute

“Evidence and procedure in cases of death: Northern Ireland”.

(2) In section 7(5) after “section 5” insert “of causing or allowing a person’s death”.

(3) After section 7 insert—

“Evidence and procedure in cases of serious physical harm: Northern Ireland

7A.—(1) Subsections (3) to (5) apply where a person (“the defendant”) is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm (“the section 5 offence”).

(2) In this section “relevant offence” means—

(a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc.);

(b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

(3) Where by virtue of Article 4(4) of the Criminal Evidence (Northern Ireland) Order 1988 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant’s failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.

(4) Where a magistrates’ court is considering under Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981 whether to commit the defendant for trial for the relevant offence, if there is sufficient evidence to put the defendant on trial for the section 5 offence there is deemed to be sufficient evidence to put the defendant on trial for the relevant offence.

(5) The power of a judge of the Crown Court under section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (entry of “No Bill”) is not to be exercised in relation to a relevant offence unless it is also exercised in relation to the section 5 offence.

(6) At the defendant’s trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).”.

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4. In Part 1 of Schedule 2 (specified violent offences) in paragraph 30 for “the death of a child or vulnerable

adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

Schedule 5 (Transitional provisions and savings)

Mr Speaker: Amendment No 72 has already been debated and is consequential to amendment No 38.

Amendment No 72 made:

In page 102, line 23, at end insert

“PART 8: DNA PROFILES OR FINGERPRINTS

6A. The amendment made by section 76D applies even where the event referred to in paragraph (1)(b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.”.— [Mr Ford (The Minister of Justice).]

Mr Speaker: Amendment No 73 has already been debated and is consequential to amendment No 41.

Amendment No 73 made:

In page 102, line 26, at end insert

“PART 8: MEETING A CHILD FOLLOWING SEXUAL GROOMING ETC.

7A. Section 78A does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.’.— [Mr Ford (The Minister of Justice).]

Mr Speaker: Amendment No 74 has already been debated and is consequential to amendment No 48.

Amendment No 74 made:

In page 102, line 29, at end insert

“PART 8: SERIOUS PHYSICAL HARM TO A CHILD OR VULNERABLE ADULT

9. An amendment made by section 83A or Schedule 4A does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.”.— [Mr Ford (The Minister of Justice).]

Schedule 5, as amended, agreed to.

Schedule 6 (Repeals)

Amendment No 75 made:

In page 102, line 35, leave out from beginning to end of line 4 on page 103 and insert

“

The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
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The Tithe Rentcharge (Ireland) Act 1838 (c. 109)	In section 27 the words “wherein the lands charged therewith may be situate”.
The Fisheries (Ireland) Act 1842 (c. 106)	In section 103 the words “in the district where the same shall be seized”.
The Companies Clauses Consolidation Act 1845 (c. 16)	In section 3 the words “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.
The Railway Clauses Consolidation Act 1845 (c. 20)	In section 11 the words from “Provided also, that” to the end.
The Summary Jurisdiction (Ireland) Act 1851 (c. 92)	In section 1 the words “within his or their respective jurisdictions” and “(when the case shall be heard in any petty sessions district)”.
The Towns Improvement (Ireland) Act 1854 (c. 103)	In section 1 the definition of “assistant barrister”.
The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)	In Schedule (A) the words “for the county of M,” (wherever occurring).
The Dockyard Ports Regulation Act 1865 (c.125)	Section 22.
The Public Health (Ireland) Act 1878 (c. 52)	In section 2 the definition of “court of quarter sessions”.
The Explosive Substances Act 1883 (c. 3)	In section 6(1) the words “for the county, borough, or place in which the crime was committed or is suspected to have been committed” and “in the said county, borough, or place”.
The Local Government (Ireland) Act 1898 (c. 37)	In section 69(3) the words from “provided that” to the end.
Section 69(4) and (5).	The Open Spaces Act 1906 (c. 25) In section 4(2) the words from “of the district” to the end.

“— [Mr Ford (The Minister of Justice).]

Amendment No 76 made:

In page 111, column 2, leave out lines 23 and 24 and insert

“

Section 15(3).

“— [Mr Ford (The Minister of Justice).]

Amendment No 77 made:

In page 117, line 41, column 2, at beginning insert

“

Section 125(7).

“— [Mr Ford (The Minister of Justice).]

Amendment No 78 made:

In page 121, line 35, at end insert

“

The Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	In Schedule 11, paragraph 71(5).
The Serious Crime Act 2015 (c. 9)	In Schedule 2, in paragraph 11(2)(c) the words “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.

“— [Mr Ford (The Minister of Justice).]

Schedule 6, as amended, agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Justice Bill. The Bill stands referred to the Speaker. Thank you all very much.

Adjourned at 1.37 am.

Northern Ireland Assembly

Monday 8 June 2015

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

Members observed two minutes' silence.

Assembly Business

Resignation: Mr Brady

Mr Speaker: Before we begin today's business, I advise the House that I have received a letter from Mr Mickey Brady giving me notice of his intention to resign as a Member for the Newry and Armagh constituency with effect from Wednesday 3 June. I have notified the Chief Electoral Officer in accordance with section 35 of the Northern Ireland Act 1998.

New Assembly Member: Mr Murphy

Mr Speaker: I advise the House that I have been informed by the Chief Electoral Officer that Mr Conor Murphy has been returned as a Member of the Assembly for the Newry and Armagh constituency to fill the vacancy resulting from Mr Brady's resignation. Mr Murphy signed the Roll of Membership this morning in the presence of myself and the Clerk to the Assembly and entered his designation. Mr Murphy has now taken his seat, and I wish him every success.

Public Petition: Early Years Fund

Mr Speaker: Mr Dominic Bradley has sought leave to present a public petition in accordance with Standing Order 22. The Member has up to three minutes to speak.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Tá áthas orm an achainí seo a chur faoi bhráid an Tionóil. Thanks very much, Mr Speaker. I am delighted to be able to present the petition to the Assembly on behalf of the Firs Playgroup in Armagh.

The petition has over 2,000 names. The reduction in funding of the early years programme has animated the community right across Northern Ireland. As you know, preschool education is the foundation stone of the future education of the individual. We know from the work of James Heckman, a Nobel laureate in economics, that investment in early years education is an investment that bears fruit not only financially, with each pound invested in it saving the Government almost £20 further in the person's life, but, of course, in that it develops the child in so many ways and is certainly an intervention that is well worth the investment.

This particular programme has benefited 153 communities and created 177 jobs. It supports 2,500 early years places and has helped 620 children with special educational needs and 250 children whose first language is not English. The 2,500 places — 1,600 of which are in the funded preschool sector, with 900 places for younger children in a variety of settings — have been supported by the Department of Education fund.

The 1,600 places are vulnerable because the settings have small numbers of funded preschool places yet require at least two members of staff. If the staff who are paid for out of the Department of Education fund are lost, those settings will simply not be able to survive. There are no other sources of funding for the 177 staff who are supported by the Department of Education fund. The figures are not alarmist, as some have suggested, nor are they inaccurate. They are factually correct. That is why the groups have been funded up until now.

Thank you very much for the opportunity, Mr Speaker. I look forward to a positive outcome.

Mr Speaker: Can you bring up the petition? I am waiting with great expectation. *[Laughter.]*

Mr D Bradley moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of Education and send a copy to the Committee for Education.

Executive Committee Business

Mental Capacity Bill: First Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to introduce the Mental Capacity Bill [NIA 49/11-16], which is a Bill to make new provision relating to persons who lack capacity; to make provision about the powers of criminal courts in respect of persons with disorder; to disapply Part 2 of the Mental Health (Northern Ireland) Order 1986 in relation to persons aged 16 or over and make other amendments of that order; to make provision in connection with the Convention on the International Protection of Adults signed at the Hague on 13 January 2000; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Legal Complaints and Regulation Bill: First Stage

Mrs Foster (The Minister of Finance and Personnel): I beg to introduce the Legal Complaints and Regulation Bill [NIA 50/11-16], which is a Bill to make provision for the establishment of the office of the Legal Services Oversight Commissioner for Northern Ireland; to make provision as regards complaints against members of the legal profession in Northern Ireland; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Committee Business

Ombudsman and Commissioner for Complaints (Amendment) Bill: Further Consideration Stage

Mr Speaker: I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister to move the Further Consideration Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill.

Moved.—[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Speaker: No amendments have been selected, so there is no opportunity to discuss the Ombudsman and Commissioner for Complaints (Amendment) Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage is therefore concluded. The Bill stands referred to the Speaker.

Disability Action and Community Transport Budget Reductions

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

Mr Clarke (The Chairperson of the Committee for Regional Development): I beg to move

That this Assembly condemns the disproportionate reduction of the Disability Action and community transport budgets; notes the very negative impact the severe reduction of departmental budgets is having on people with disabilities and the most vulnerable and isolated people in our society; and calls on the Minister for Regional Development to urgently reinstate this essential funding.

I welcome the opportunity to speak in the debate today. Like most in the House, I entered politics out of a desire to bring good to my community, to help my community and to protect the most vulnerable in our communities. I never expected that, one day, I would witness the most savage, the most callous and the most unjustifiable attack on the most vulnerable, the most isolated and the most exposed in our society. Unfortunately, I am witnessing an attack on the most vulnerable and isolated members of our community as a result of the unjustifiable and draconian cuts to Disability Action and rural community transport budgets. The cuts being brought about by the Minister for Regional Development and his departmental officials will reduce operating budgets by up to one third and will mean higher costs for passengers, a reduction in services and increased isolation.

We must not underestimate the importance of the Disability Action transport scheme (DATS) and the services provided through the rural community transport partnerships. In many instances, they offer the only transport options when an individual or group cannot use or access public or private transport. We should not make the mistake of thinking that those services are used solely by our senior citizens; our younger population is also heavily reliant on them, whether it is a school, a youth club, a scout group or a football team.

Our young, particularly those in isolated areas, need those services to access education, work and social requirements. This is ever-increasingly more relevant due to the Minister and his Department's abandonment of the public service obligations as they allow Translink to cherry-pick the profitable routes as it casts asunder rural and less-profitable routes, which enhances the isolation that many people experience. Even in cases where public transport is comprehensive, such as in urban areas, challenges still exist for service users. Many community transport service users do so because they are unable to use public transport due to the distance from public transport pickup sites, physical or mental disability, the need for specialist transport or support, or the cost of commercial public or private transport. In those cases, community transport and DATS services are often the only viable solution.

The Committee has taken evidence from community transport and Disability Action in recent weeks on the

matter. We also afforded the Department the opportunity to justify its case. No doubt we will hear the same from the Minister later in the debate. We will hear, for example, about the pressures that his Department is facing because of budgetary restrictions and about how he is £60 million worse off than last year. He may also state that cuts to services amount to only 20% to 25%. The reality, of course, is that the Department's baseline reduction amounts to £3 million from last year. The reality also is that his Department has the fourth-highest budget allocation and that one third or more of the community transport budgets have been stolen from the most isolated and vulnerable people.

I acknowledge that the Minister has indicated that he intends to bid for £1.5 million to replace the funds that he and his officials have robbed from the most vulnerable and isolated citizens. However, he has allocated that not as a high priority but in his normal wish list of bids. There is an irony that, while he includes the replacement of those funds almost as an afterthought, he is seeking some £9 million in capital bids to support Translink. Whilst he and his officials have continually defended Translink's amalgamation of massive reserves, his officials are miscalculating the level of reserves held by some community transport providers; they have advised them, against the advice of the Department of Finance and Personnel, to use their limited resources, which puts their services further in jeopardy. To those who are disabled, are socially or geographically isolated, or those who cannot afford public transport, the services provided by those partnerships and organisations are often their lifeline to the wider world.

Without these services, users have little or no access to the health, education, work, social and leisure opportunities that many in the House take for granted. This increases the feeling of isolation. Indeed, the likes of the DATS group, which has had its entire budget removed, is in itself an opportunity for social interaction. In many circumstances, the services being provided are the difference between living independently and living in a residential care home.

12.15 pm

The decision to cut these budgets so severely is a bad one. As you will no doubt hear during the debate, Committee members continue to be critical of the absence of negotiation, the lack of visibility of the level of reductions and the subsequent attempts by officials to try to paint the reductions in a better light. Members of the Committee were unanimous in wanting to bring the motion to the House, we were unanimous in our condemnation of these cuts being brought to bear in the first instance, and we were unanimous in wanting them to be reversed. Simply including a bid in a wish list is not enough. The Minister needs to make these moneys a priority. It is time for him to make a good decision and put the needs of the most vulnerable and isolated to the fore. It is time that he delivered against his stated objective of providing transport services designed to give people with disabilities and those living in rural areas improved access to work, education, healthcare, shopping and recreational activities and, by so doing, reduce their social isolation.

Having spoken as the Chair of the Committee, I want to add some personal remarks as a member of my grouping. During

briefings that we had from some of those groups, it was clear that their interaction with the Minister's officials was poor, if not abysmal. The officials left it until the last moment before giving them any indication of their budget. It strikes me that some in his Department have made it very difficult for those groups to survive or to organise their finances.

As I said in my earlier remarks, officials talked about the groups' high reserves. We learned in the past about Translink's high reserves, but they never decided to rob Translink of its reserves. We have groups here who lost one third. In my comments as Chair, I referred to the DATS organisation, which provides a service to people who have severe disabilities and require specialist driving assessments. Its entire budget was removed. It is an awful indictment of the Minister and his officials that they removed that from such vulnerable people. The entire budget line of transport groups linked to that organisation was also removed. Despite the Minister receiving such a small cut to his £344 million budget, he has decided to attack the most isolated and the most vulnerable — the people who deserve support the most.

Translink provides an excellent service in many urban towns and villages. However, the DATS service is a lifeline to people in the most rural, isolated and vulnerable areas. Since the decision to slash its budget, many old and vulnerable people in my constituency have contacted our office about the difficulty that they now have because of cuts to the services and changes that the service providers are having to make because of those cuts. We will hear others from the Minister's party jump to his defence, but the Minister did not lose one third of his budget. He did not lose 1% of his budget. However, the Minister has decided to attack the most vulnerable and take one third off them.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. I support the motion. I find it very difficult to disagree with anything that the Chair of the Regional Development Committee said. I note with concern the "disproportionate" — that is the word in the motion and is certainly the most active — cuts, particularly of the Disability Action and community transport budgets.

I commend the work of Community Transport Network NI, which is a network of 10 community transport providers that lobby for community transport on a not-for-profit basis. The aim is to reduce social and rural isolation and provide safe, affordable and accessible transport for some of the most vulnerable members of our communities. In my local area, which is covered by North Coast Community Transport, some 60,000 trips covering more than one million miles were made last year.

That is the equivalent of more than 40 times around the world. Further afield, across the 10 partnership members of the network, some 243,967 trips were carried out at an average cost of £14.20 and a distance of 13.4 miles. I think that the real benefit of community transport is that for every pound invested in rural community transport partnerships, £12 of social value is created. I think everyone will see the value of that across the board.

The historical levels of funding into community transport, particularly from 2010-15, have been around £3.5 million per annum, with a core grant of £2.75 million. Now, in effect, that money will be cut by some 33% on average, and, in some cases, that may go as far as 40%. I know that it is somewhat less in other cases.

I pay tribute to the Community Transport Association, particularly people like Kellie Armstrong and Ian Wilson who have lobbied, extensively, the Committee for Regional Development and members thereof on behalf of the CTA. As recently as last week, I was in touch with Disability Action and, indeed, met up with Mencap to discuss the severe effect that these cuts will have on their members, particularly in respect of transport.

In my own area, we have Billy Moore from North Coast Community Transport. I have also touched base with Anita Flanagan from the Fermanagh trust and Paddy McEldowney from Easilink. Since most of the members of the Committee for Regional Development are rural-based, we are aware of many of the volunteer drivers who carry out such essential work, and, because some of us have a background in community development — indeed, I am the chair of the all-party group on the community and voluntary sector — we realise the importance that the sector has for us. We also realise the —

Mr Speaker: Time is almost up.

Mr Ó hOisín: Thank you, Chair. We also recognise the —

Mr Speaker: Sorry, my fault.

Mr Ó hOisín: OK. I think I am all right.

Mr Speaker: We really are interested in what you are saying.

Mr Ó hOisín: Thank you, a Cheann Comhairle.

We also recognise the issues around transport poverty and isolation, and the effect they have on health issues. This is an example of something that has tied our community together. It has never been more important, given the reduction in the provision of public transport across the board. I can think of a local example whereby the only public transport to the local hospital, which might be only 15 miles away, involves taking the bus to the local village, if it is available, but may not be for the time it is required; taking a further bus, which, ironically, drives past the hospital; and taking a further service bus to the hospital. In real terms, six bus trips are required. It requires some logistics to tie that together if you make an appointment in the hospital. That also applies in the Causeway Hospital on the north coast.

A pilot scheme that is taking place in Dungannon was mentioned. I have yet to see the results or the benefits of that, but I will keep an open mind on it. The reductions in the Translink service have been acknowledged, and I acknowledge the bid for £1.5 million that the Minister has made to mitigate some of these cuts, but the bottom line is that that is disproportionate to the £9 million that is earmarked for Translink and the huge reserves held by that organisation, in comparison with the minuscule reserves that are held by those involved in community transport.

I have no issue about supporting the motion, and I am glad that it has been brought to the House. I hope that it gives some comfort to the community transport providers and volunteers who provide an essential service, particularly in rural areas.

Mr Speaker: I am sorry about the interruption in your presentation.

Mr Ó hOisín: It is all right.

Mr Dallat: Mr Speaker, 17 years ago, I left a secure teaching job to pursue the aspirations of the Good Friday Agreement, particularly on the principle of equality, because I realised that equality was not simply between Protestants and Catholics, but between everyone. When I heard of the cuts affecting Disability Action, I was emotionally upset. Members may remember that, many years ago, one of the first people to arrive from eastern Europe as a migrant worker lost her lower limbs in a tragic accident. She became a friend, and is still a friend, of the family. I pay tribute to Disability Action, which was involved in that girl's learning to drive, resuming her life and continuing a very normal way of being.

I believe it was a bad mistake to target Disability Action and the other group. I want to make it perfectly clear that I do not have a party-political thought in my head as I speak. This is about people who I took a decision to represent in public life. Forget about party labels or the election that might be coming up next year or perhaps even sooner.

The cuts were announced in mid-March. They are implemented from 1 April. Disability Action expected to receive some kind of cutback but not such a ferocious one. Disability Action is represented right across Northern Ireland, and it simply cannot sustain the type of cut that was imposed on it and, at the same time, provide the essential service that it does. I am sorry that Coleraine is one of the areas that will no longer be able to provide the driving lessons that I mentioned earlier for people with a disability.

Mr Clarke: I thank the Member for giving way. He talks about how we were expecting cuts. I am sure that the Member will also remember the presentation from representatives of the community transport sector, who said that they had asked for approximately 10% less but were actually going to provide more runs. So they voluntarily suggested a cut, but obviously the cut went much further.

Mr Speaker: The Member has an extra minute.

Mr Dallat: Thank you, Mr Speaker. That leads me to my next point. Members may know that I am the longest-serving member of the Public Accounts Committee and I do not take prisoners easily. No group is more scrutinised than the 11 community transport groups. They are not answerable a few years after the event; they must make returns on a monthly basis, so there is no reason why the Department would not know that those groups represent good value for money. Again, like Disability Action, they provide an essential service. That was a bad mistake, and, as the Chairman and other members know, during our inquiry we discovered that there is some remote group within the Department, which probably has no contact with the outside world, that brought forward these arbitrary figures.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

I am hopeful and I believe that the Minister, being the decent person that he is, will restore the money that went missing for Disability Action and the community transport groups. I believe that it is the only honourable way to address this problem, and, while we may have this debate, at the end of the day, I plead with the Minister: please put right those issues on which, I believe, some officials within your Department have totally misdirected you.

At the outset, I said that it is critical that, whatever our political problems, we do not forget the first principle of that

agreement that was signed 17 years ago. The principle of that was to provide equality across the board. I cannot think of any more deserving groups than those that depend on Disability Action and community transport to provide them with a level of mobility to which, I believe, they are entitled. It would be a shame and disgrace if the Assembly were to go down in history as having taken away the meagre resources that those groups have to give people a reasonable chance of staying in communication with the outside world, visiting their doctors, dentists, physicians and attending hospital appointments — all the things that those organisations provide.

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

Mr Dallat: Yes, I will indeed. I conclude by placing my trust in the Minister, somehow, and in the Executive, because they play a critical role in this. Please provide the money for those groups.

12.30 pm

Mr Beggs: It is important to recognise and pay tribute to the community transport system, which benefits many community groups. In my area, I used to be involved with Larne Youth, which provided a vital minibus service to young people, and I would like to acknowledge that from the start. Community transport provides a vital service to many vulnerable and disadvantaged people, as well as to young people. That has to be recognised.

I have not yet heard during the debate what suggestions the Committee has. I have heard criticism of Translink's review of its bus services and I heard the Chairman say that it is looking at its least profitable routes, but what is his suggestion? I have not heard alternative suggestions.

It is important that we attempt to protect front-line services and, in particular, protect the most vulnerable and isolated in our community. Let us also remember we are talking about the budgets before the impasse of welfare reform hit us. That is still hanging over all of this. It is also important that we plan our budgets well ahead in Northern Ireland. There has been very poor long-term planning by the Finance Minister and the Executive collectively. I understand that the Finance Minister knew the draft Budget allocation for this financial year in July 2013, so why, in June 2015, have the Executive still not put a funding package in place, with the finance behind it, to fund a voluntary redundancy scheme to reduce the number of civil servants? That, in turn, would take pressure off other organisations where, unfortunately and regrettably, cuts have been imposed. Without those options, what alternatives are there? I put that back to the Committee members. Perhaps those of you who have yet to speak and the Chairman can suggest alternatives later in the debate.

When I looked at the feedback on the draft budget, I noticed that the Committee commented largely on the capital reductions. That does not solve the problem of the day-to-day running costs faced by the Department. I notice that it welcomed the Minister's requirement for Translink to draw on its resources. I want to know what resources are held by the community transport organisations. Are they too high? I do not know. Does the Department require some of them to be drawn on? When I was a local councillor, it was recommended that, at each budget, you should have 10% of your annual turnover in reserve for

unforeseen matters and day-to-day running costs. What is the advice on a reserve for community transport? This is public money, and it should be used for its purposes, not sit in a bank account. I hope that that will alleviate some of the apparent reductions that might occur but I have to acknowledge that, with a reduced budget, there will unfortunately have to be reductions. Again, I am looking for someone to suggest alternatives in the day-to-day running costs in the Department. Where does the money come from? I hope that members of the Committee will support bids for additional funding.

Mr Dallat: Will the Member give way?

Mr Beggs: Yes, I will.

Mr Dallat: I have listened very carefully to the Member and I respect what he says, but does he agree with us that, when speaking about alternatives or cuts, we should not attack the most vulnerable people in society? They do not have a choice or an alternative, and they depend on community transport for mobility.

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

Mr Beggs: I agree that that should be avoided as much as possible, but I also note that the Committee were critical of the fare increases by Translink. Those will affect many people who are not entitled to free transport and may well be working, yet the Committee criticised the increases. Where does the Committee want the money to be funded from?

Mr Clarke: Will the Member give way?

Mr Beggs: I want to continue.

I will move into a more constructive mode. I noticed in the Committee's report into bus transport in 2013 that there was a suggestion that all Departments should work together to make better use of money collectively and that we should look to how Scotland had introduced working across Departments. That has failed to happen here. With community planning coming forward, local councils could play a key role in working with all the Departments to make better use of our limited money for public transport. It is vital that we look at something new, and I hope that the Committee can drive that issue forward to protect local communities and ensure that more money goes to community transport. I genuinely believe that they can bring about advantages rather than continuing with the duplication of services that exists, but we need that drive to go forward and individual Departments not to work in individual silos. Who will take that forward? I understand that there have been a couple of pilot schemes, but I would welcome any update on that subject. Has the Committee had any further feedback since the report in 2013? Can the Minister say anything more about it?

Mr Principal Deputy Speaker: Will the Member bring his remarks to a close?

Mr Beggs: If I were in local government today, I would be looking at community planning and the needs of the community and trying to put ideas together to get all the departmental money to lead to better outputs for our local communities.

Mr Lyttle: I rise to support the motion and to add my voice to the serious concerns about the disproportionate reduction of the Disability Action and community transport budgets and, indeed, express concern about the impact

that it will have on people with disabilities, older people, vulnerable people and those isolated in our society. I add my voice to the call on the Minister for Regional Development to redress that funding issue. Indeed, I believe that he has made bids in June monitoring that may permit him to do that, and I look forward to hearing more about that from him today.

Let us consider the policy and legislative context of the issue. The Department for Regional Development is responsible for implementing the transport programme for people with disabilities. It is also responsible for the implementation of the accessible transport strategy from 2005, the vision for which states:

"To have an accessible transport system that enables older people and people with disabilities to participate more fully in society, enjoy greater independence and experience a better quality of life."

DRD can also, in accordance with the Transport (Northern Ireland) Act 2011, provide grant funding to bodies that provide transport services that are wholly or mainly for the benefit of members of the public who have a disability, are elderly or live in rural areas.

Indeed, in 2014-15, the total funding allocated to support community and disability transport services after in-year allocations totalled £7.45 million. However, the starting budget for 2015-16 totals only £4.99 million, which represents a reduction of 33%. That reduction will impact on rural community transport partnerships and on Disability Action's disability transport scheme, which will experience a reduction of 21%. The group service will be a 100% cut and the mobility centre will be a 100% cut as well. Those are the most startling facts about the issue.

The Disability Action transport scheme is a service for people with disabilities or for those who find it difficult to use mainstream public transport. Services provided are targeted at those over 80 and those who are registered blind and/or in receipt of either the mobility or care component of disability living allowance, which is a vital service in our community. It has been provided across Northern Ireland by Disability Action in partnership with community transport organisations. Disability Action had, of course, anticipated a reduction in funding but not to the level that we are talking about and not with the timescale that was given to address those reductions.

What will the impact be on services? I asked the Minister, in a question for written answer, for a rationale for the reduction in those services. In his response, he said that he believed that with "continued efficiencies", it would be possible to "minimise the impact on service users."

That, I am afraid, is simply not the case. In the Committee, we are hearing of fare increases from £1.50 to £2.30 per trip and of reduced hours of service. Currently, the service runs from 7.30 am to 11.30 pm Monday to Saturday and from 8.00 am to 8.00 pm on Sunday. Unfortunately, the proposed reductions are to 8.00 am to 8.00 pm Monday to Friday and 9.00 am to 5.00 pm on Saturday and Sunday. A 5% reduction —

Mr Beggs: Will the Member give way?

Mr Lyttle: Yes, I will give way.

Mr Beggs: What suggestion do you have for the Minister to live within his means for the Budget you approved?

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

Mr Lyttle: I thank the Member for his intervention. He is inaccurate. Alliance Party Executive Ministers voted against the Budget and expressed concerns in relation to it. I will come to his question later in my contribution, but what we are detailing here is a disproportionate reduction to services for older people and people with a disability in our community, which, ultimately, will affect the mobility and independence of the people who need that most.

The mobility centre is providing a vital service as well. It is delivering driving assessments for people with disabilities to ensure they are able to gain adaptations to drive safely; driving lessons in specially adapted cars; driving theory courses, and essential information and advice for older people and people with a disability. It has experienced a 100% cut in funding from DRD. My understanding is that, in Wales for example, the comparable mobility centre is receiving in the region of £280,000 per year funding and is delivering a similar level of service. So, we want to hear from the Minister about how he is going to address that. Unfortunately, the reduction to the mobility centre also means that we will have a decrease from eight centres across Northern Ireland to only three.

We need to take into consideration the impact of delays and intransigence from Sinn Féin, SDLP and the Greens on welfare reform, but the Minister must also show leadership in considering other issues in his Department. He has shown little leadership to consider —

Mr Principal Deputy Speaker: Will the Member bring his remarks to a close?

Mr Lyttle: — potential changes to water pricing, which takes up £300 million of the Budget every year. I think it is time that we recognise the impact of these decisions on the most vulnerable in our community, and I look forward to hearing from him today.

Mr Easton: It is quite shocking to see, as part of the Minister for Regional Development's efforts to reduce the DRD budget, the disproportionate cuts to the Disability Action and rural community transport budgets. In 2014-15, the budget given to those organisations and groups was £7.15 million. This year, it has been set at £4.99 million, which is a massive reduction of £2.1 million. It is an overall reduction of 30%, which, compared to other areas where there are reductions in funding, is quite extraordinary and disturbing.

The rural community partnerships help to deliver services in rural communities that allow people living in those communities the chance to have much-needed transport. The partnership delivers 243,000 trips across Northern Ireland, with an average of 13.4 miles per trip. For every one pound invested in rural community transport, £12 of social value is created.

This overall 30% reduction is quite disturbing in itself, but when we look, in particular, at the community transport networks and the 11 rural transport providers, we see a huge discrepancy in how much is being taken from each provider. This will need to be explained, and, hopefully, the Minister will be able to do that for me at some stage. For example, when we look at the cuts to each of the providers of rural transport, those seem to be based on the reserves of each organisation and the cost per trip. Hopefully, that can be explained for me.

While it would be wrong to say that they should not have to dip into some of their reserves, I have to question the logic of that, based on the extreme differences between each organisation's reduction in funding. Hopefully, the Minister will explain that. There seems to be a difference for each organisation. Why are some being cut more than others? Surely, they should all be treated equally.

Also, in a Committee evidence session, a question was asked about rural-proofing the budget, and there does not seem to have been any of that. Maybe the Minister could explain that for me as well.

12.45 pm

I note that many of the networks have written to the Minister presenting information on historical inequalities relating to how grants have been apportioned to the partnerships and have drawn his attention to partnership performance. Based on that information, can the Minister comment on the comments raised and the request that future allocations from the rural transport fund (RTF) be based on the average cost per trip across Northern Ireland, which stands at approximately £14? That appears to ensure fairness in grant allocations. I see that at least eight of the providers are asking the Minister for that.

I also see from a letter from Fermanagh Community Transport dated 26 May that it is querying where the Department is getting the figures for its reserves. The Department claimed that its reserves were an increase of 190%, but it turns out that that is really 24.5%. Is the Department getting its figures wrong in its assessment on reserves, and, if so, do we need to look again at those figures and the data that the Department is using and make sure that the figures are correct?

If we look at the impact of the excessive cuts, we see that there will have to be a reduction in the mobility centres from eight to three, with 10 jobs being lost by staff employed by Disability Action. DATS will see a reduction in its budget of £631,000, a reduction of 21%, which is quite huge. There is a reduction of 100% for group services and 100% reduction in mobility centres. That will lead to higher costs for groups using private-sector suppliers, a lack of accessibility transport options and more social isolation. The impact on the mobility centres will be that lessons for drivers will no longer be provided from the person's home. Customers will have to travel to one of the three remaining offices. That could be a round trip of 60 miles for some people. The cost of a driving lesson will increase from £25 to £35.

I certainly do not envy the Minister's task in resolving this. However, it is not fair on the people of Northern Ireland when we see the games being played by Sinn Féin, the SDLP and the Green Party over the Stormont House Agreement, which might have helped our budgets. I believe, however, that other savings can be found; and example of that is the 40 company cars provided for senior management in Translink —

Mr Principal Deputy Speaker: Will the Member bring his remarks to a close?

Mr Easton: — and the nine company cars for Northern Ireland Railways senior management. I do not believe that we should be providing those services, and that is where money can be found.

Mr Moutray: I support the motion. Disability Action and the range of rural community transport partnerships that exist in Northern Ireland provide a vital service to many people. That can be partly highlighted by the fact that 4,500 people regularly use the services of rural community transport partnerships. Moreover, recent figures released by the Department highlighted that, in 2014-15, the partnership network delivered almost 240,000 trips right across Northern Ireland. The services provided by Disability Action and by community transport play a pivotal role in society today. Those groups enable people to live independently, to play an active role in their local community and to access vital services such as education, employment and healthcare.

Mr Anderson: I thank the Member for giving way. I am sure that, like me, the Member has had many complaints from concerned parents regarding cutbacks and reduced budgets for people with disabilities. Does the Member agree that any cutbacks in that area will seriously affect those most vulnerable people, especially those living in our rural areas — like you, I represent a big rural area — where transport is much in need? Cuts of this nature —

Mr Principal Deputy Speaker: I remind the Member that interventions should be short.

Mr Anderson: — are causing further distress for those families, and they need more, not less, help at this time.

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

Mr Moutray: Thank you, Mr Principal Deputy Speaker, although I think that most of it has been used up by now. I thank my colleague for his intervention, lengthy though it was.

There is now widespread anger and hurt in the community, which is felt by many, due to the severe reductions to those services in the year ahead. The grant available to partnerships to provide Dial a Lift services in rural areas has decreased in real terms by £1.4 million — from £3.6 million to £2.4 million — for 2015-16. In real terms, therefore, partnerships have endured a substantial reduction of 33% in the grant funding available to them to deliver these services for the year beginning 1 April 2015 compared with the funding that was available to them. My colleagues and I are also concerned at the disproportionate way those cuts have been implemented, with cutbacks ranging from a 25% reduction in funding for transport partnerships to a 40% reduction for others.

Furthermore, the Disability Action transport scheme has witnessed its funding being slashed by over £630,000, or 21%, by the Department for the year ahead. Consequently, Disability Action has been forced to increase fares and has had to decrease the hours that transport services are available. It is unfortunate that that may lead to increased isolation, particularly in rural communities.

It is a major concern that, because of the harsh cuts to Disability Action's funding, many disabled people across Northern Ireland may now have to face a situation where their personal mobility is greatly reduced, as well as their ability to lead independent lives. That is distressing not only for individuals concerned but for their families and friends.

In my constituency, the Down and Armagh Rural Transport (DART) partnership is facing a 28% reduction in the funding that it receives. I am particularly concerned about that development, because I know the work that DART

does in our constituency under Mr Ian Wilson. Lives are going to be impacted by the cuts in the Craigavon and Banbridge area.

I feel that the Department should be seeking to invest in support for the community sector, not seeking to reduce its services, particularly when community transport will plug the gaps made by the withdrawal of some Translink bus routes from rural towns and villages across the country. Moreover, public transport is not a viable option for many elderly and disabled people who avail themselves of these services because the bus stop is too much of a distance to walk and the public transport that is available does not then meet their mobility requirements.

I understand that the Department's budget is under significant pressures for 2015-16, but the way the Minister has allocated his budget has, in my opinion, impacted harshly on vulnerable communities and individuals who cannot afford to be impacted in such a way. It is imperative that the Minister seriously reconsider as a matter of urgency the funding that his Department provides to Disability Action and the community transport network across Northern Ireland.

Mr Byrne: I also support the motion brought forward by the Committee. I think it is fair to say that Members have been very heavily lobbied by people in the community transport sector and Disability Action about the severity of the cuts.

In West Tyrone, as Members know, we have a significant rural constituency, meaning that many people there have historically faced social isolation and a dearth of public services. For the elderly and disabled people who live in rural areas such as Beragh or Trillick, a simple run to the shops or the bank is no easy task, and it is groups such as community transport and Disability Action that have been vital in granting people a better standard of living by providing them with a flexible transport service, often to attend a GP or hospital appointment.

As other Members said, Disability Action is facing funding reductions of over £880,000 this year. Its group service and mobility service centres are facing 100% reductions in their budgets, and the Disability Action transport scheme is receiving a cut of 21%, which is £631,000. Those reductions will seriously impact the lives of disabled people in Northern Ireland in personal mobility and independent living.

In West Tyrone, we have a community transport company called Easilink, which provides the door-to-door service for Disability Action. That community transport company uses many volunteer drivers and some paid drivers, who get reasonable rates of pay. People are therefore saying, "Why is there such a disproportionate cut in community transport and Disability Action? It seems unfair and discriminatory". In the current year, the budget proposal is to cut the community transport funding by around 33%. That is hard to explain or accept.

I think that departmental officials have been less than sensitive and less than caring, given the severity of the cuts to those particular interest groups, particularly the elderly and the disabled.

Ultimately, it is groups such as Community Transport Association (CTA) and Disability Action that seek to provide practical transport solutions to vulnerable people in Northern Ireland. They should be supported in such

endeavours instead of being severely cut, as is the current proposal. I hope that, in the monitoring round, the Minister will get the support of colleagues to try to make sure that adequate funds are again put into the community transport sector and the disability sector, because of the sense of hurt and anxiety that there is among people involved in the CTA and Disability Action. The 11 community partnerships provide a local, flexible and reliable service in many areas for people across the North. I pay tribute to Mr Paddy McEldowney, the manager of Easilink, which covers the Derry, Strabane and Omagh districts. He and his committee have done excellent work for many years. The Assembly needs to demonstrate genuine concern for those who are disadvantaged and who need that vital service.

Mr Swann: In the Chairman of the Committee's opening comments, I think that he referred to how Members from this party would be jumping up and down to defend the Minister. I can assure the Chairman that the Minister is well able to do that himself, and I am sure that he will in his summing-up.

While I am fully supportive of the work that community transport does, including that of a number of community transport organisations that I have worked with that provide a vital service in north Antrim and the surrounding areas, I am a bit disappointed in the motion. On 18 May, a motion on funding cuts to the community and voluntary sector that Roy Beggs and I had tabled was debated, and the House passed it unanimously. The motion called on the Executive to take a collective approach and give a collective response to the cuts that may be made across the board, and some of the arguments have been remade today: that the approach should be coordinated, that the Departments should not work in silos and that Department officials should be working together better. Our motion called on the Executive:

“to act in a coordinated manner to ensure that the sector and its organisations receive the required level of support and funding allocations.” — [Official Report (Hansard), Bound Volume 104, p273, col 2].

In that debate, we made it clear that the motion was not tabled as a party political point-scoring motion, and I think that that was accepted by all Members on the day. The Minister for Social Development, Mervyn Storey, a man whom I have respect for and his ministerial portfolio, finished up by saying:

“Let me move on to the discussions with the First Minister and deputy First Minister. After recent discussions with voluntary and community representatives, I wrote to OFMDFM to offer my Department's assistance to the overview being undertaken by OFMDFM junior Ministers on budget decisions across Departments.” — [Official Report (Hansard), Bound Volume 104, p284, col 1].

That was directly an action to the voluntary and community sector. I wrote to the Minister for Social Development for an update, and the latest letter that I got back from him was on 29 May. Mr Storey's response was:

“I still await a response to my recent correspondence to the First and deputy First Ministers, where I offered my assistance and that of my Department to the overview being taken by OFMDFM junior Ministers on the budget decisions across Departments.”

That was directly linked to community and voluntary organisations.

Our debate on 18 May was very clearly about a collective and coordinated response from the House and its Ministers to the voluntary and community sector. I did not expect the debate to be followed by what can possibly be described as party political — I will not say “point-scoring”, because I do not want to go down that route.

Mr Dallat: Will the Member give way?

Mr Swann: I will.

Mr Dallat: To clear the Member's mind of any thought that the motion on disability and community transport was party political, I say to him it was not, because it was my suggestion that that particular motion should come to the House before the motion down for tomorrow. It was not party political, and I have made it perfectly clear today that my contribution is not party political. However, people who are affected will not give one hoot whether it is the Social Development Minister, the Regional Development Minister, the Executive or the Assembly as a whole. We have not lived up to the principles of equality.

1.00 pm

Mr Principal Deputy Speaker: I remind the Member that, when he asks to make an intervention, it should be short.

The Member has an extra minute.

Mr Swann: I did not mind that intervention from Mr Dallat because he inferred that this should be the responsibility of the Executive. I took him as being genuine in that.

I referred to political opportunities that could have been taken. We go round the House and talk about how Ministers are not considering the vulnerable in our society. I could go round every party — Sinn Féin and its removal of early years budgets; the SDLP's removal of environmental organisations' budgets; the Alliance Party and the removal of support from NIACRO and the Pathways to Success education maintenance allowance (EMA); the DUP and the closure of care homes such as the Roddens, Pinewood and a number across Northern Ireland — and we could point and wag our fingers at each other. The Members in the corner, who are not Executive members, could say to get out of the Executive and do something. We must take responsibility. That is what we sought from Members of the House with our motion on 18 May: a collective response for the voluntary and community sector.

A concordat was signed by the Executive and the voluntary and community sector. We all have a responsibility to support that and to hold it up, because it is those people who are vulnerable and needy in our society. As the Chairman rightly said in his opening remarks, he was elected here to give those people a voice. That is why I came here. We need to look for a collective response rather than a motion here and a motion there. Let us get this sorted out and do it right. That is why I appeal to the Members who have some sway in OFMDFM. The Social Development Minister made a genuine offer to take a coordinated response to that. They should move on with it and accept it. Let us get something done that can support the people whom we are talking about today.

Mr Allister: I have some sympathy for the Minister, although I might temper that a little later in my remarks. *[Laughter.]* This is a Minister who, as I see it, is trying to live within his means in a context in which the overseeing Finance Minister is about to take us down the road of fantasy budgets. This is a Minister who conscientiously seems to think that he should at least strive not to indulge in fantasy but to be tempered by reality, never mind the fact that the rest of the Executive are quite happy to embrace the politics of the phantom and the fantasy, so I have some sympathy with him.

I also have sympathy with him on another score. This is a Minister who plays the game financially and, when it comes to monitoring rounds, gives up money that the Department has, in contrast to the Education Minister. I stand to be corrected, but I do not think that the Education Department has ever surrendered money in a monitoring round. So a Minister who makes efforts to do what is supposed to be the right thing is vilified — more so tomorrow, it would seem. In that context, I have some sympathy with him.

I have to say, however, that I have more sympathy with some of my constituents. During the recent election, I was canvassing in Cloughmills. I met an elderly lady who was returning to her home, clearly very tired, and carrying two heavy shopping bags. She explained that she had had to walk a mile and a half from Logans into Cloughmills, because the community transport service had been removed. She said that the last Translink bus that morning was at 9.00 am, and the next one was at 4.00 pm, so there was not a proper public transport facility.

She said that taxis were beyond her means, and she was, therefore, faced with having to walk a mile and a half out to Logans to catch the passing bus and a mile and a half back. In 2015, that is not good enough. That is the real consequence of cuts to some of these community services. Whatever our political persuasion, this should exercise us all. The Minister, whatever the moral and financial compunction that he, unlike others, feels to live within his means, needs to do so in such a way as to minimise the impact on, in the words of the motion, the disabled and elderly — those who can least afford to bear the burden of losing services that someone sitting in an office might think are not needed. “We can do without that. Look at the money we would save”, they say, with little or any thought for the consequences. Responsible, compassionate government needs to address those issues. As the Minister has discovered, not for the first time, he will get no thanks from his party political rivals in the Executive for playing the political game of being in the Executive.

Mr Lyttle: I thank the Member for giving way. Will the Member explain why he feels that a Minister who is at risk of spending beyond his budgetary control limits is playing the correct financial game?

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

Mr Allister: It seems that, next week, if some people have their way, a fantasy Budget will be introduced to the House, which is supposed to set the financial frameworks. Today, then, are we meant to be seriously concerned when a Minister says, “These are my limits, quite properly so, and I must live within them”, knowing that the total abandonment of financial probity and responsibility is

coming down the tracks? It is in that context that I have the level of sympathy that I have expounded for the Minister.

Mr McCallister: I want to focus on several things, starting with the impact that there will be on my constituency. South Down is a large rural constituency, and many vulnerable people are very dependent on this type of service. In response to a question for written answer, it was revealed that there would be a huge cut in funding for Disability Action from £2.9 million to £2.3 million, or 21%. The question for the Minister is this: does any other part of his Department, or any area of the Civil Service part of his Department, face that level of cut, and, if so, how he would deliver it?

Colleagues throughout the House, from all sides, have spoken about the impact that these cuts will have on the services. In an area that straddles the Minister’s and my constituency, namely the old Newry and Mourne District Council area, Newry and Mourne Community Transport were trying to develop services, including a service manned by volunteer drivers to take patients to and from appointments for cancer treatment, all of which might be put in jeopardy by these cuts. Has the Minister had any contact with the Department of Health about the impact not only on that service but on health and well-being overall? Let us face it: transport to get people out of their homes without it being, as Mr Allister said, a very difficult chore for them, is good for their mental health and well-being. We should be embracing that. I have to say that, if that service and the other services provided are not front line, I am not sure what is, or how the House would describe front line.

I also asked the Minister a written question about an equality impact assessment, to find out that, yes, there was one carried out on the regional transportation strategy and the accessible transport strategy when they were adopted, and one was carried out on the overall draft Budget, but those are now some time out of date, and it appears that there has been no impact assessment carried out on the current proposals. I would appreciate it if the Minister could say why that has not been done or will undertake to do that, because I think it is important that the Minister, the Department and officials making those decisions know of the impact that they will have, especially on vulnerable people and especially in isolated rural communities.

Mr McNarry: Will the Member give way?

Mr McCallister: Certainly.

Mr McNarry: Thank you. On the matter of fairness, does the Member agree that it is grossly unfair for groups such as Down Community Transport, which is close to his and my heart, to be expected to use their reserves to fund gaps caused by the Department?

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

Mr McCallister: I appreciate that, Principal Deputy Speaker. I agree entirely with the Member. We are faced at this point with a public body like Translink that has massive reserves, and yet there does not seem to be the same pressure on it to use those. Why would we expect a community-based transport organisation to use what little reserves it may have, when we have no evidence as to what level of reserves it even has? I think it would be detrimental to it. It is something that the Department and its partners, predominantly in Disability Action, should be

delivering. That is what I want to see. I worry about the health impact that it is going to have.

On the wider politics, Mr Swann talked about a collective Executive approach. I would dearly love to see a collective Executive approach on anything, let alone this. It would be great to see. I am a huge supporter of collective Cabinet Government. The Executive and our Government desperately need to see that. With every debate that we have in here, it is one party attacking the SDLP Environment Minister for cuts to Mourne Heritage Trust, or suddenly the DUP is lined up for a full week of attacks on the Regional Development Minister, starting today and with a motion of no confidence tomorrow. That is not how and why collective government should work. Who votes for the Budget? You have some parties that vote against the Budget. Some parties claim that they are all right because their Ministers voted against the Budget.

Mr Principal Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr McCallister: We need to get back to the idea of a Government acting collectively in the interests of the people, and particularly vulnerable people in isolated rural communities.

Mr Kennedy (The Minister for Regional Development): At the outset, I want to record my appreciation of the valuable services that the community transport providers provide to local communities and to some of the most vulnerable and disadvantaged people in our society. As Minister, I have increased funding for community transport services year on year through internal budget allocations over and above the baseline budget. My track record in supporting these services has ensured that this group of service providers is in a reasonably healthy financial position.

I have listened carefully to everything that has been said, and officials have taken note. If there are specific issues not covered in my response, then we will endeavour to write back to the Member concerned.

I have repeatedly made it clear to the House that I have had to make very difficult and challenging decisions due to the budget that has been allocated to me. The services provided by my Department and its arm's-length bodies impact on people's lives 24 hours a day, seven days a week.

We are talking about basic public services, including water services, a road network and bus and train services. I have had to make very difficult decisions on how to apportion the pain across those services, when, frankly, we ought to be investing in them. I assure the House that no areas have been immune from reductions, and, worse, I am now providing a skeleton road maintenance service with money that I do not currently have. The motion tabled by the Committee Chair does not, in my view, take account of the reality of the budgetary position that I face. This is despite that fact that, as recently as last Wednesday, officials and I have set out the stark reality to the Committee, then and on a number of occasions.

1.15 pm

I have to say that the Committee for Regional Development has been vocal in suggesting that I should restore the reduction from community transport, but I have yet to receive from the Committee any suggestion on how this could be achieved on the basis of my 2015-16 budget

allocation. It is clearly fantasy economics to suggest that I could invest more in some areas without identifying where the funding should come from. Perhaps, it is another example of phantom budgeting. I wonder.

Community transport providers operate at a local level every day in towns, cities and rural areas across Northern Ireland to provide and deliver services to their members. The services are provided to people who are unable to access public transport for a variety of reasons. The grant provided by my Department is not a contract for a set number of trips; it is a contribution to the costs incurred by those organisations for the provision of community transport services. That is not to say that those organisations, like any organisations that receive funding from the public purse, should not have to demonstrate that they operate effectively and efficiently. As with every other public service, we need to scrutinise administration and bureaucracy and protect the front line as much as possible. I am pleased to advise the House that the community transport service providers have indicated a willingness to engage in the process in a constructive manner. We need to continue down this path. We need to be clear why there are variances in the average costs per mile and per journey. Not every transport provider has the same area to deal with; the geography is different. I need to be careful when I listen to some of the suggestions made to me on how we address the issue. In addition, there may be opportunities for the providers to share back-office services.

In Wales, they have been able to increase services while reducing costs. I have to say that I would need some convincing that we could not do likewise. It may not be easy, but my Department stands ready to assist the service providers in meeting the challenges before us. I recognise that that process will not happen overnight. We need to recognise also that some providers have built up sizeable reserves to cope with a rainy day. It is raining now — it is raining very heavily now. Having substantial funds sitting in a bank account while reducing front-line services is difficult to accept and difficult for everyone else to understand.

Mr Clarke: Will the Minister give way?

Mr Kennedy: No.

Given the limited budget available, my Department has allocated funding to community transport providers this year, taking account of costs and the financial position of each provider. I have also been very mindful of the need to maintain a network of services across Northern Ireland. I do not think that there is much merit in debates about ways of simply shifting funds from one organisation to another. We would end up with no services being provided at all in certain areas.

Members may not be aware of this, but I am pleased to indicate that all the community transport providers have signed and accepted the offers of grant made to them some time ago. Whilst we are debating the issue, my officials are moving on with the real business of delivering services to end users across Northern Ireland.

That said, I confirm that I will bid for additional funding in June monitoring for community transport services and other front-line services delivered through my Department in order to reduce the impact of cuts that I was forced to make due to my initial 2015-16 budget allocation. That bid

will be to the tune of £1.5 million, which would simply bring us back to the situation of previous years. I am encouraged that there appears to be support around the Chamber today for that bid. I ask, therefore, that efforts be made to speak to political colleagues at Executive level to ensure that those funds are secured. That would provide at least a bit more breathing space to allow the changes necessary to reduce the cost base to be effected.

I turn to the contributions of Members. It was, in some ways, a predictable and slightly depressing opening from the Chair of the Committee for Regional Development. I am sorry to say that there was little or no sense of reality about the financial position that the Department faces. I regret that, but I am willing to continue to work with the Chair and the Committee to address all the issues.

Mr Ó hOisín commended the network and thought that the cuts were disproportionate. He raised the concerns, rightly, of the rural community. I represent a rural constituency; I know all about it, and I get representations too. I do not live in a bubble or with the dark forces that Mr Dallat seemed to indicate exist in my Department. I live in the real world; I represent real people and hear their concerns at first hand. It does not give me any pleasure to present cuts of this nature to groups or people providing essential community transport services, especially in rural areas, but we need to face political and financial reality.

I get slightly frustrated when I am criticised severely by Sinn Féin and other parties who are costing the Executive £2 million a week by not moving forward with welfare reforms. I have to say that £2 million a week would transform and seriously address many of the issues that I face in my budget not only for community transport but for road maintenance and structural repairs, grass cutting, gully emptying, street lighting and road marking. All of that would benefit substantially if only I had access to the £2 million per week that is being sacrificed for a political, ideological reason by Sinn Féin simply to obey their southern command. Do not come to me and complain about cutbacks when you are the authors of everyone's misfortune in this.

Mr Dallat assured us that there was no party political side to his contribution, and I am happy to accept that. Nevertheless, the financial challenges are there, and your party, Mr Dallat, is contributing to the blockage on welfare reform. It needs to look at that urgently and deal with it as quickly as possible.

Roy Beggs attempted to introduce an air of political reality by mentioning the financial challenges that we all face. Other members of the Executive are the same, and I have no doubt that there are challenges for every Department and everyone in charge of those Departments. This week, the focus seems to be on DRD and, perhaps, Danny Kennedy, but what is important is my focus and desire. I am more concerned about the attitudes of the people and impacts on front-line services beyond the confines of the Chamber than in some of the party-political posturing that we have seen.

Chris Lyttle introduced an interesting scenario. The Alliance solution to everything, apparently, is to impose water charges. I see no political consensus for that. Whilst I accept that that might be Alliance Party policy, it is certainly not Executive policy and it is unlikely to be so. I think that —

Mr Lyttle: Will the Minister give way?

Mr Kennedy: No, I will not give way. It is sometimes time to listen and learn.

Mr Easton raised the issue of rural proofing. In this case, because the policy predated the rural proofing initiative, it was not necessary. However, we do of course pay careful attention to all the necessary consultations that have to be undertaken.

Mr Moutray expressed the widespread anger on behalf of those areas that have been affected. I am aware of that, I am concerned about it, and I hope that there might be some consensus, particularly around the Executive table. It might not get a consensus from the Committee for Regional Development — it might be a little bit too optimistic to hope for that — but I hope that there would be more sympathy from the Finance Minister and Executive colleagues.

Mr Byrne highlighted the plight of the disabled and the elderly. He also paid tribute to the transport assistance service that operates in west Tyrone, which I have no doubt does that very effectively. I want to see that supported. However, the contribution from Mr Swann — the collective response — is the one that we should concentrate on.

It is on that basis that I make this plea: the provision of public services ought to be something that everyone in the House can agree on, no matter what their political persuasion, and I ask that the matter not be made into a political football. In my view, the Committee has failed to say where any additional money for community transport should come from. I am the Minister, and I have to deal with the realities that I face. I will continue to do that, and I ask the Committee to do so as well.

Mr Lynch (The Deputy Chairperson of the Committee for Regional Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank all the Members who contributed to the debate. The Chair was correct that a number of community transport organisations will struggle to survive. Cathal Ó hOisín spoke about the number of trips and the social value of community transport services. He also spoke about the role and importance of volunteers and drivers. John Dallat spoke about the magnitude of the cuts and agreed that it was a bad decision. He pointed out that, whilst many of the organisations expected some cuts, they did not expect such a high level of unsustainable —

Mr Clarke: Will the Member give way?

Mr Lynch: I will.

Mr Clarke: The Minister did not take interventions, but he spoke about the organisations signing their agreements and moving forward. I want to remind the House and the Minister, who forgot to remind the House, that they signed those agreements on the basis of moving to a reduced service. They did not sign them in the full knowledge that it would be business as usual; they signed them in the knowledge that there would be a substantial reduction in the services provided.

Mr Lynch: I agree with the Member.

Roy Beggs paid tribute to the community transport sector but criticised the Committee for not offering alternatives.

The Committee's role is to advise the Minister, and we have strongly advised him to reverse these cuts.

1.30 pm

Mr Beggs also talked about reserve levels, which are small and are maintained according to DFP guidelines — guidelines that the Department for Regional Development is advising against.

Chris Lyttle spoke of his concerns about the impact that these cuts would have, especially at the huge levels applied. Alex Easton talked about how disturbing the cuts were and criticised the way in which the Department calculated the cuts based on the level of reserves. He also said that the cuts had to be rural proofed.

Stephen Moutray talked about the vital services provided by transport groups and how they allowed users to live independently. He said that Disability Action had had to increase fares and reduce services, adding to isolation. Joe Byrne spoke of social isolation and of a dearth of services in rural areas. Robin Swann spoke of the need for Executive coordination and said he believed that the motion was party political — despite it being agreed by the entire Committee, including his own party colleague.

Jim Allister spoke of his sympathy for the Minister, who was trying to work within his budget. However, he said that he had more sympathy for his constituents who were being negatively impacted as a result of the cuts. John McCallister talked about the impact on his constituents and asked whether similar levels of cuts were being applied elsewhere in the Department.

The Minister spoke about the challenges he faces because of the Budget allocation and the difficult decisions he had to make. He talked about protecting front-line services and said that his officials stand ready to assist community transport organisations in achieving efficiencies. He did not, however, provide any justification for the disproportionate levels of cuts applied by the Department and said that all the organisations had signed their letters of offer.

There is overwhelming support for the restoration of the budget for these vital services. I call on the House to support the motion.

Question put and agreed to.

Resolved:

That this Assembly condemns the disproportionate reduction of the Disability Action and community transport budgets; notes the very negative impact the severe reduction of departmental budgets is having on people with disabilities and the most vulnerable and isolated people in our society; and calls on the Minister for Regional Development to urgently reinstate this essential funding.

Private Members' Business

Funding for Musical Instruments

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other contributors will have five minutes.

Mr McCausland: I beg to move

That this Assembly notes the cultural, artistic and community importance of bands in Northern Ireland; recognises the importance of the musical instruments for bands funding programme; expresses its disappointment at the failure of the Department of Culture, Arts and Leisure to fund the programme this year; and calls on the Minister of Culture, Arts and Leisure to restore the funding for the programme.

The bands sector in Northern Ireland is one of our largest arts sectors in the Province, and I think it is one of the most important and significant. I refer Members to three reports; one was carried out by the Arts Council itself some years ago, when it reviewed the scheme for musical instruments for bands: that was the PricewaterhouseCoopers report in February 2006. Subsequently, a report was commissioned by the Department of Culture, Arts and Leisure. It was formerly on the DCAL website and may still be there, although I have not checked. More recently, in 2013, a report was commissioned by the Department for Social Development, which brought forward the figures that, in Northern Ireland, we have over 660 bands, with an active membership of over 25,000 people.

Those independent surveys and reports were carried out for the Departments by reputable and respected consultancy organisations. When you have 660 bands in Northern Ireland and more than 25,000 people learning and making music in them, that is clearly, I suggest, our largest community arts sector.

There are two priorities that stand out in regard to arts and sport: participation and performance. In terms of participation — the number of people taking part — there is clearly a very significant contribution, with 25,000 people spread across flute bands, accordion bands, silver bands, brass bands and pipe bands. Those people are learning and making music on a weekly basis throughout the year. They are attending one or possibly two, and, in some cases, three, practice sessions per week. If you look at the pipe bands sector, you see that we have more pipe bands per head of population in Northern Ireland than Scotland. We also have a very good geographical spread of rural and urban bands. It is a very important sector that is deserving of strong support.

You can refer to the issue of not only participation but performance. People may say, "We are very good at what we do", "We're a very good sector" and so on, but you have to benchmark it; you have to be able to say, "Well, when you assess that, the evidence is there". In the case of bands, the evidence is there.

If we look at the pipe bands sector, we see that, for example, Field Marshal Montgomery has been world champions on numerous occasions. It is only one of the bands that are extremely successful at grade 1. When you look down grades 2, 3 and 4 — those are all very high

standards; even grade 4 — at all the bands at all levels, whether it be in piping, drumming, the drum majors or any of the other different elements, you see that Northern Ireland is coming away with a whole raft of medals and trophies in competition after competition, not only in Irish or UK championships but world championships.

There are very few arts sectors where we can say, "We have the very best in the world". We have good theatre, good orchestras and a whole range of arts sectors and activities, but this is the one that I can think of where we are the best in the world. Dunloy Accordion Band, for example, performs at a very high standard. Through competitions, those bands are able to demonstrate not only mass participation but a very high standard, even up to world championship level.

The Belfast Tattoo in the Odyssey was an example of bands being able to demonstrate their quality, across a whole range of types of band, to a wide public audience. I think that the Minister was at the tattoo up in Londonderry at the Ebrington site, and I understand that she was impressed by the quality of some of the bands that she saw on that occasion. I think that everyone would have to admit that the quality is certainly there.

The other thing that is important to mention is that band membership can span generations. You can have maybe two or three generations in the one band, with the passing of skills from older members to younger members. It is about not only musical skills but social and personal skills. People learn to work in a group with others. They learn to develop those social skills working corporately. Young people gain personal self-confidence through becoming competent in a musical instrument.

There are personal, musical and social skills, but all that is dependent on having good instruments. The tragedy is that instruments today are extremely expensive. You could spend up to £10,000 on one instrument in some very extreme cases, but, for many bands, even the grant of a few thousand pounds that they were able to achieve through the fund has been extremely important for them in providing better quality instruments.

The contribution of bands to the economy through spend on instruments and transport is substantial. Members probably received a circular from the Ulster-Scots Community Network at one stage setting out some of the facts and figures. It said that bands from Northern Ireland represent Northern Ireland at events in Great Britain, USA, Canada, Norway, France, Gibraltar and Belgium and are regular visitors at prestigious events such as the Lord Mayor's show in London. So, this is an important sector.

It was, therefore, very disappointing to find that, when the budget was brought forward, this particular scheme, which has been going very successfully for a number of years, has been cut completely on this occasion. Other sectors had a cut imposed on them. It might have been 10%, 5%, 15%, 20% or whatever — there were cuts. We acknowledge that, because of a whole range of reasons, some external to Northern Ireland and some internal in the Assembly, cuts have been imposed. However, I could not find evidence of an entire sector being written out 100% in the way that this was. This was a 100% cut.

Our hope was that there would be some response and an opportunity to find a source of funding through the June monitoring round. The Minister was quoted in the papers

and made some comments in answer to questions in the Assembly that were, I thought, encouraging. However, when I looked at the monitoring round and at what was being proposed, I found that I had to get a dictionary to check the meaning of the word "inescapable". Things get top priority where they are inescapable, but "inescapable" seems to have become a very elastic and flexible term.

What particularly interested me was that, whilst the funding for the band scheme was there as one of the bids, there were far more new bids being brought in for other things, particularly things regarding the Irish language that I know the Minister has stated her particular interest in and affinity with. I think that that is disappointing, because at a time when money is going to be tight — if, indeed, there is any money at all or any Budget at all — all these things are up in the air. However, the fact that this scheme was simply one among so many said to me that it was well down the list of priorities.

I encourage the Minister and the Department to look at this again. It is a modest sum of money in the scheme of things. It gives a very wide spread across male/female, rural/urban, younger/older and all these different areas. We hear members of the Culture, Arts and Leisure Committee applying pressure on the need to rural proof. One member in particular — he has just looked up — is very strong on rural proofing. Yet, the fact is that a large number of these bands are in rural areas. I encourage the Minister to think about this again, to give support to the bands and to reinstate the scheme. I believe that that would be very much appreciated and would do much to encourage the bands. It is sad to see bands sometimes having to rely on very old instruments. Given the change that it can make to the quality of the music and the experience for the young people, I think that it is very deserving.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom a rá ar dtús go bhfuil mé ag tabhairt tacaíochta don rún seo inniu. I support the motion today. Agus tá fócas an rúin ar mhaoiniú d'uirlisí ceoil. Its focus is on funding for musical instruments, but it criticises DCAL on the issue. I do not believe that that is valid.

When I look at the Minister's words, I see that she said that she intends to bid for additional funds for this valuable scheme in June monitoring and that she understands that the uncertainty will not be welcome for those in marching bands. We can see that over half a million pounds has been awarded under the scheme in the past three years. That shows a real commitment from the Minister. She says that she remains committed to supporting musical instruments for bands and will work to secure further funding when it becomes available. Le fírinne, bhí ráiteas an Aire dearfach, agus deir sí arís is arís go bhfuil sí tiomanta d'uirlisí ceoil ar chur ar fáil do bhannaí ceoil.

The Minister's statement, I believe, is positive. She reiterates her commitment to providing support for musical instruments for bands. Nonetheless, I support the general thrust of the motion. It is important to note the cultural, artistic and community importance of bands in the North. However, funding for instruments should include all musical forms. We should be encouraging the gamut of musical expression by initiating funding for as many musicians as possible so that the talents of all are nurtured and developed.

1.45 pm

One of the reports that the Member who has just spoken referred to was the 2011 report published by DCAL. It sought to provide information on the marching band sector and to aid its future development. The report was very wide ranging and informative and acknowledged the very positive impacts that marching bands have on their communities. I acknowledge that. However, it also drew attention to the negativity that is often associated with the sector. In one part, the report specifically states

“contentious or sensitive parades could be considered the largest single issue facing the marching band sector”.

That must be seriously addressed.

It is also important that public money not be used to support any type of activity that is sectarian in nature or that disrespects other communities. A couple of years ago, we witnessed from a band a display of very offensive behaviour outside St Patrick's Church in Belfast. That was a precise example of what should not be happening or be supported by the fund.

Mr McCausland: Will the Member give way?

Ms McCorley: Yes.

Mr McCausland: Will the Member join me, then, in highlighting the behaviour of a republican flute band outside St Anne's Cathedral?

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

Ms McCorley: I am not aware of the incident that the Member is speaking about, so I cannot comment on it.

I feel that it is important to note that most bands do not involve themselves in that sort of behaviour. Indeed, we have seen examples of very good behaviour by the Bands Forum in Derry, whose members have engaged very positively with other communities and, indeed, participated in the Sinn Féin ard-fheis earlier this year. That type of engagement is extremely positive and respectful, and we should all be seeking to see that replicated across the North, particularly in contentious areas such as north Belfast.

The report also references the contribution to the marching band tradition of the world-renowned flautist Sir James Galway. I listened to Sir James's comments in recent days. I imagine that he would not support the view that engaging in offensive behaviour is something that bands should be involved in.

Let us look at funding. Since 1995, marching bands have received £4.75 million. In comparison, Comhaltas Ceoltóirí Éireann has received well under £500,000 for the same period. As I said earlier, we need to support all musicians, wherever possible. When Comhaltas Ceoltóirí Éireann gave evidence to the Committee earlier this year, it told us that it supports 6,000 musicians and that its membership of 60,000 ranges in age from eight to 88. It also has a very positive impact on the community. The outcomes from the activity of Comhaltas, including the great success of the Fleadh Cheoil 2013 in Derry, are hugely positive and should be afforded a similarly high level of consideration as that given to the marching bands for the positivity that it brings to its own community.

While I am here, I would like to mention the Andersonstown school of music in west Belfast, which recently lost its entire funding. That is a great shame, because it provides tuition and support to many disadvantaged young musicians in my local area. I hope to see that funding reinstated also.

Mar sin de, tá mé ag moladh gur chóir comhionannas a bheith ann do gach sórt ceoil. Today, I am calling for equality for all musical forms. When the Minister is seeking further funding for marching bands, and I support here in that search, I urge her to consider other musicians, ones who do not belong to that tradition but who nonetheless must be encouraged and supported in their endeavours.

Mrs McKevitt: The musical instruments for bands funding scheme has been put on hold owing to budgetary restraints. As a member of the Culture, Arts and Leisure Committee, I hear regularly about culturally important funding being cut. That has affected not only those who use the funding scheme but many who rely on funding from the Department and the Arts Council. I could stand here and name 100 groups that have had their funding cut — some by 50%, some by 100% — but I could not fit in all their names in the short time that I have to speak.

A request was made in the June monitoring round for the musical instruments for bands funding scheme. The bid was submitted to the Department of Finance and Personnel last week, and the outcome will be announced in the coming weeks. Indeed, the Committee for Culture, Arts and Leisure agreed to write to the Minister in support of the restoration of the fund. The Committee recognises that, while other funds are available for musical instruments, they are not usually open to many bands, and, as such, there is a special need for the musical instruments for bands funding programme to be restored.

The motion is timely because many bands march during the summer months. I hope, as do my colleagues in the SDLP, that this season will pass off peacefully. Whilst I support the reintroduction of the fund, I encourage the Minister of Culture, Arts and Leisure to work with the Arts Council to ensure that access to the fund is available only to marching bands that adhere to a specific code of conduct. My colleague Mr Bradley will, I hope, elaborate on that point during his contribution.

I fully recognise the cultural and community importance of bands and the need for bands to work in a cross-community manner and to promote good relations. I wish to share with you all a story told to me by a neighbour who was a member of the Commons Silver Band. It demonstrates the good relationship that existed between the Commons Silver Band, an organisation going back more than 70 years, and Irish nationalist bands. The story goes that, on the eve of the 12 July parade, the canvas on the drum belonging to the Commons Silver Band was damaged. There was no time to repair the drum so members of the band tried to find a drum to borrow. A drum was found and offered to the band by the Irish National Foresters (INF) — a gesture of cross-community relations even before the term was coined.

Mr Dallat: The Member has inspired my memory to work. Did she hear this morning, on 'Thought for the Day' on 'Good Morning Ulster', about the two bands from quite diverse backgrounds that eventually discovered that they were playing the same tune? Does she agree that money

should be invested to encourage people to play the same tune?

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

Mrs McKeivitt: I thank the Member for his intervention. That influenced me to add this wee story to the debate to lighten the mood of the House. I hope that the House is united and that we all sing from the same hymn sheet, if you will pardon the pun.

The only problem with the Irish National Foresters' drum was that its markings of origin had to be disguised, but, on 12 July that year, unbeknownst to the spectators, the INF drum kept the Commons Silver Band in beat.

I encourage more organisations to share instruments when possible and even to share their stories of cross-community cooperation because, sadly, most days we hear only negative news stories about bands.

I will finish by paying tribute to bands in my constituency, all of which play a very important role in our communities. I hope that no bands are lost due to a lack of funding. I hope that the June monitoring round will be successful in reinstating the musical instruments for bands scheme. The SDLP supports the motion.

Mr Cree: The objective of this funding through the Arts Council states that the programme is designed to:

"increase the quality of music-making in the community by helping bands replace worn-out instruments and purchase new instruments."

Should this funding not be considered for reinstatement in the current budget, what are the implications?

On 1 April this year, the Minister of Culture, Arts and Leisure announced that the scheme was being put on hold. She advised us that the budget shortfall meant that she was unable to endorse funding at the present time but intends to bid for additional funds for this valuable scheme in the June monitoring round. I believe that she has done so.

Those are encouraging words, but, given the current crisis situation in the Executive at the failure of the Minister's party to agree the overall Budget, I wonder how successful she will be in the June monitoring round. June is now upon us, and there is a big question as to how much money, if any, will be available for redistribution.

I want to share with the House key findings from a study, 'Marching Bands in Northern Ireland'. In my opinion, the findings encompass the very essence of why it is important to secure and reinstate the musical instruments for bands funding as a priority.

Over the past three years, some £500,000 has been allocated in support of the programme. In the wider scheme of events, another year's secured funding would amount to just over £166,000, which is a small, although not insignificant, amount to release, given the wider cross-community benefits to be gained. The study states:

"Internationally, marching bands have a large following. They provide many outlets for those involved, should this be learning to play a musical instrument, being with friends, being part of a community ... Additionally, they provide further benefits

for their wider communities and economies through events and revenue generation."

All of these key criteria, along with the claim that the motivation for forming a band:

"is often driven by social, economic, religious, political and/or cultural needs",

are, I believe, relevant and more than meet the criteria for releasing funding for cultural activities in Northern Ireland at this time.

Often, the media, unfortunately, give marching bands bad press, especially at sensitive times during what is commonly known, and has been referred to, as the marching season. Whilst we should not condone any unacceptable behaviour at these times by a minority of groups and individuals, neither should all bands be tarred with the same brush, as the press often imply. Marching bands extend much further than that narrow misconception.

Valerie Quinn, the chair of the Confederation of Ulster Bands, in her appraisal of the study of marching bands in Northern Ireland, commented:

"this large sector, with over 30,000 participants, has many strengths".

I agree with her that marching bands preserve our cultural heritage, support local communities and teach our young people new skills.

Finally, I urge the Minister to give serious consideration to restoring this vital funding and including it in her budget portfolio for 2016 and beyond. Adding continuity of funding and giving valuable support to the sector can only help to change the perception of marching band communities, locally and further afield. Mrs McKeivitt, in her example, mentioned the cooperation between bands. I tell the House that that is by no means unique, and I know many instances of bands lending instruments to each other. That is healthy, and I agree fully that there should be friendly cooperation.

I support the motion on behalf of the Ulster Unionist Party.

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will commence after Question Time, when the next Member to speak will be Anna Lo.

The debate stood suspended.

(Mr Speaker in the Chair)

2.00 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Sexual Orientation Strategy

1. **Ms Lo** asked the First Minister and deputy First Minister when they will bring a draft sexual orientation strategy to the Executive. (AQO 8321/11-15)

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

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): Mr Speaker, with your permission, before I answer this question — I am sure that I am speaking for the whole community — I would like to express our support for Paul Finlay-Dickson, whose home was attacked at the weekend in a homophobic attack. I am sure that I speak for most people when I say that it was a disgraceful attack on that man, who is grieving because of the loss of his husband Maurice, who died in January.

To answer the question, we have regularly stated our commitment to producing a sexual orientation strategy in the Assembly and in the context of the good relations strategy, Together: Building a United Community. To achieve that commitment, we asked officials to commence a public consultation process. The first phase of that process ended on 6 June last year. Analysis of responses to that 12-week consultation period has been finalised, and the results are being used to inform the content of a draft sexual orientation strategy. The draft strategy is being developed using a co-design process with relevant stakeholders through the sexual orientation project team. A meeting of the project team took place on 15 April, and a further meeting is planned for June. Once developed, the draft strategy will be referred to the Executive for final agreement and publication in draft form. A further 12-week period of public consultation will then take place.

Ms Lo: The 10-year delay in publishing and bringing forward the strategy is a disgrace. The junior Minister mentioned the incident with Mr Paul Finlay-Dickson. Does the Minister not see the need for urgency in bringing forward the strategy? The consultation has taken far too long, and we are still seeing more and more delay.

Ms J McCann: I agree with the Member that the strategy has been far too long in coming. As we see and have heard from the PSNI, there has been an increase in hate crime of that type in recent times, and there is an onus on us to bring the strategy forward. As I said, that is what we are looking to do. We are trying to get it brought forward as quickly as possible with agreement on the strategy. I hope to be here saying that that will be brought forward in a short period ahead.

Ms McGahan: Go raibh maith agat. The Minister has already touched on this, but does she agree with me that the strategy needs to be put in place as soon as possible?

Ms J McCann: Certainly, given that, as I said in my previous answer, there has been an increase in that type of hate crime. There have been some debates in the Chamber recently, and there is an onus on a lot of people, when they are speaking, to be very temperate in their language as well, because I believe that we need to send a very clear message to the LGBT community that it has the reassurance that the Executive will ensure that its needs and interests will be addressed by government. To re-emphasise, this process has been delayed. However, we have to redouble our efforts to ensure that the strategy is put in place as soon as possible.

Mr Eastwood: Given the very positive affirmation of equal marriage by the people of the Twenty-six Counties, what will the Minister's Department do to advance the cause of ensuring that all the people of Ireland have the opportunity to be treated as equals in their own country?

Ms J McCann: The Member makes a very valid point. The recent referendum in the South means that the North is out of sync with the rest of Ireland and Britain. We really need to ensure equality and challenge any time when there is discrimination against anyone, no matter what the reason is for it.

People have a right to choose who they want to marry, and it is particularly important to send a clear message out to our young people in the LGBT community so that they feel valued and are given confidence and reassurance. We have to do that from this Chamber in particular, but we also have to ensure that we are legislating and that anything that we do here is for everyone, that we are progressive and, at any time, we need to challenge homophobia in any other places where that leads to discrimination and everything else against people, particularly our young people.

Mr Cree: How many strategies in the deputy First Minister's Department's area of responsibility have yet to be published? What are the various reasons for the delays?

Ms J McCann: As the Member will know, a number of strategies are being developed. At the moment, we have the sexual orientation strategy, the racial equality strategy and the gender equality strategy. We are pushing forward on those. Junior Minister McIlveen and me attended the gender advisory panel last Thursday. We are hopeful that that strategy will come out very soon. When we are talking about strategies, we need to put the time in to get those strategies right. We need to talk to all the stakeholders involved. I emphasise that a strategy will go a long way to help in some of the issues, but it is about implementing the strategy, not just having the strategy there. The strategy is only as good as its action plan and implementation, so we need to get it right.

Stormont House Agreement: Update

2. **Mr Girvan** asked the First Minister and deputy First Minister for an update on the progress of the implementation of the Stormont House Agreement. (AQO 8322/11-15)

Mr M McGuinness: Executive party leaders continue to meet weekly to take forward the implementation of the Stormont House Agreement. An implementation plan was drawn up in early January, and work is continuing on a wide range of commitments, including matters such as dealing with the past, flags, parades and emblems. The

current impasse over the welfare protections agreed at Stormont House and since and the budgetary pressures stemming from the British Government have created very serious difficulties, which have implications for the agreement and the future of these institutions. Those difficulties need to be resolved. I still believe that it is possible to do that, and I am very much in problem-solving mode. What is required now is political will from all parties and both Governments to reach a suitable resolution that protects the most vulnerable in our society and the economic viability of these institutions.

Mr Girvan: I thank the deputy First Minister for his answer. He alluded to the protection of the most vulnerable and some of the protections that had been negotiated and agreed in relation to welfare reform. Should direct intervention from Westminster be the only way forward, would those protections still be there for people who had the bedroom tax agreed previously?

Mr M McGuinness: For such an eventuality to occur — that is, the withdrawal of powers from this institution by the British Government — I have been on the public record as saying that that would be totally and absolutely unacceptable. What we need to recognise here is that the declarations of intent coming from the Treasury over the last while in relation to our future budgets and the £25 billion that it intends to cut from budgets all over these islands, with the exception of the South, some £12 billion of that is for welfare and £13 billion is for Departments.

Clearly, for the purposes of moving forward in a planned way, the questions that I have been asking of the Secretary of State over the last couple of weeks to identify for us the scale of those cuts in relation to this Executive have not been answered. I fail to see how we can plan for the future against the backdrop of some of the speculation that is coming from London in relation to all that. For example, speculation is rife about the prospect of the uplift that we would give to people on social welfare to ensure and protect their income. We are now being told — there is a lot of speculation about it — that, if there is an uplift, it is quite likely that it will be taxed by the British Government. People are talking about the taxation of carer's allowance.

The other important point in all this is that, when we talk to the British Secretary of State —

Mr Speaker: Two minutes is up.

Mr M McGuinness: I will come back to that in a supplementary.

Mr Nesbitt: Within the projections for new jobs created by lowering the rate of corporation tax, the Minister will be aware that there is a specific number from Invest Northern Ireland of jobs to be created once we set the rate and the date, rather than waiting for the corporation tax change to take effect. Those potential jobs are at risk because of the current impasse. Will the Minister share with the House the number of jobs at risk in that specific category?

Mr M McGuinness: I would prefer to focus on how we can avoid such a scenario, and one way of doing that is to ensure that we in this House do what the First Minister of Scotland has appealed to all the other parties in the Scottish Parliament to do, which is to join together to fight the cuts that are coming from London. The Member will be aware that there was a proposition from Scotland and Wales that Welsh representatives, Scottish representatives

and representatives from here should meet. We were absolutely up for that meeting. That did not happen with our presence, but it did happen in Scotland with only Welsh and Scottish representatives present.

I think that we need to focus our attention on how we get the Stormont House Agreement implemented. My party is absolutely determined to see the Stormont House Agreement implemented, but it has to be done in a fashion that allows us to challenge the attempts by the British Government to continually undermine our budgets.

The point that I was going to make earlier is that Theresa Villiers keeps saying to us that there is no more money; there is no more money; there is no more money. Yet, the plans that the British Government have for us are to take more money off us. They declared that in relation to the July budget and the further articulation of that coming this autumn. I say to everybody in the House and every party in the House that we need to stand with Scotland, we need to stand with Wales, and we need to tell the British Government that this is unacceptable.

Mr Attwood: Last Thursday, the Chancellor of the Exchequer announced that, independent of what happens in July and in the autumn, there will be in-year cuts to the current Budget measured in a number of billions of pounds. Have the Northern Ireland Executive, OFMDFM or DFP been advised that there are or will be any consequential in-year cuts for the 2015-16 Budget arising from what the Chancellor announced last week?

Mr M McGuinness: In recent times and at different meetings that we participated in, the Member and I have been on record highlighting the fact that there was speculation some time ago that there would be further in-year cuts to our Budget for 2015-16. That has now been made very clear by the Treasury. It is absolutely certain that, taking account of our proportion of all that, it intends to impose to further cuts on this Administration. That is without even talking about what is going to be announced in July, which is like a juggernaut coming down the track in relation to the budgets available to our Departments over the coming years when you consider a figure of £25 billion and what our proportion of that would be. I have asked the questions continuously, and the Member has been there when I have asked them. The answer that I get is, "Wait until July."

When it comes to future planning and our ability to deliver front-line services, the important thing is that this is not just about welfare. Anybody who thinks that this debate is just about welfare is living in cloud cuckoo land. This is a bigger debate about the intentions of this British Government to impose further cuts on vital Departments in this Administration, which will detrimentally affect people who are in employment. It will threaten their jobs and the jobs of others in society who are working to deliver within the health service and within the education system, not to mention all the other Departments.

2.15 pm

Mr Allister: We all know that the deputy First Minister has backed out of the welfare deal that he made at Stormont House, but the Stormont House Agreement also promised other things, including the delivery of structures for an opposition by March. March has come and gone by three months. Has he also backed out of that commitment?

Mr M McGuinness: I absolutely reject any suggestion that I have backed out of any commitment. When I give commitments, I keep them. I made a very firm commitment to the Royal Ulster Agricultural Society when it moved from the King's Hall to Maze/Long Kesh: I kept my side of the bargain; others did not keep theirs.

In relation to the Stormont House Agreement, it is quite interesting that the Member has focused on the issue of an opposition. He forms his own one-man opposition in the Assembly, and he is very proud of that. There are ongoing discussions taking place at the party leaders' meetings for the purpose of ensuring that, as we go forward, we put in place arrangements for an opposition if there are parties in the Assembly — which I doubt — prepared to take it up.

Human Rights Act 1998

3. **Mr Lynch** asked the First Minister and deputy First Minister for their assessment of the impact on their Department's functions of the British Government's proposed repeal of the Human Rights Act 1998. (AQO 8323/11-15)

Mr M McGuinness: We are aware of the British Government's intention to replace the Human Rights Act with a British bill of rights. Responsibility for such legislation lies with the British Ministry of Justice and the NIO. As a devolved Administration, we have a responsibility to implement and monitor human rights obligations and to provide advice on equality and human rights issues. OFMDFM carries out that role by liaising with the British Government in relation to matters on United Nations conventions, including providing input for reports and briefings for delegations attending UN oral examinations.

Any repeal of the Human Rights Act will have enormous implications, particularly for compliance with the Good Friday Agreement. The proposals have attracted criticism from various groups and individuals, such as the Scottish First Minister, Nicola Sturgeon, Jonathan Edwards and Simon Thomas of Plaid Cymru, a former British Attorney General, Dominic Grieve, and, locally, Les Allamby, chief commissioner of the Human Rights Commission, and Brian Gormally, director of the Committee on the Administration of Justice.

I am pleased that, just last week, the Assembly resolved to reject any attempts by the British Government to repeal the Human Rights Act 1998. We will continue to keep a watching brief, and as more details emerge on the proposals we will wish to discuss them with the British Government.

Mr Lynch: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the deputy First Minister for his answer. He mentioned the Good Friday Agreement. How would any move to repeal the Human Rights Act be in breach of the Good Friday Agreement?

Mr M McGuinness: As the Member, and everyone else in the House, knows, the Good Friday Agreement was an agreement between the British and Irish Governments and many of the parties that participated in those negotiations.

Article 2 of an annex to the Good Friday Agreement binds the British Government internationally to the multi-party deal, which was endorsed through joint referenda on the island of Ireland in May 1998. After it was ratified, both Governments lodged the agreement as a treaty with the United Nations. The British Government committed to

the complete incorporation into law here of the European Convention on Human Rights.

Any attempts to displace the European Convention on Human Rights and to repeal the Human Rights Act will have enormous implications, particularly for compliance with the Good Friday Agreement. Any lessening of human rights law, and specifically the repeal of the Human Rights Act, would be a grievous breach of the Good Friday Agreement and would mean that the institutional architecture of that agreement was seriously undermined, particularly in respect of policing and justice matters.

Mr Campbell: Is the deputy First Minister aware that part of the reason for changes to the Human Rights Act being demanded is that, particularly in GB, there have been a number of instances where legal representations have been made on behalf of people who have been guilty of very serious criminal and terrorist acts and have used the Human Rights Act to try to mitigate their heinous actions? Does the deputy First Minister agree that that has been the case?

Mr M McGuinness: I think that one of the primary considerations of this British Government in relation to ending the Human Rights Act and bringing in a British Bill of rights is all tied up in the ongoing so-called negotiation that is taking place between David Cameron and others in the European Union. It is quite obvious that as part of a menu of issues that the present British Government wish to renegotiate is the whole issue of the ability of the European Court of Human Rights to make important decisions in relation to member states. I think that that is the prime motivation. In relation to the matters that the Member mentioned, I think that, in the context of the law as it stands, there is the ability to bring those who are involved in criminality before the courts.

Historical Institutional Abuse Inquiry: Mother-and-baby Homes

4. **Mr Ó hOisín** asked the First Minister and deputy First Minister whether they will recommend that the historical institutional abuse inquiry be extended to include mother-and-baby homes. (AQO 8324/11-15)

Mr M McGuinness: With your permission, Mr Speaker, I will ask junior Minister McCann to answer this question.

Ms J McCann: The historical institutional abuse inquiry was initiated by the 2009 Assembly debate about the historical institutional abuse (HIA) of children. Its terms of reference refer to children under 18 years of age, and it was on that basis that the inquiry was designed and its chairperson and panel members appointed.

Mother-and-baby homes and Magdalene laundries were not established principally for the care of children and had many residents who were over the age of 18. To the extent that the inquiry has received applications from people who spent time in a home of this type here while under the age of 18, those will be considered. Until all applicants have been interviewed, it will not be possible for the inquiry to make a final decision on whether these cases properly fall within the terms of reference.

It is the view of the inquiry chairperson that the inquiry simply could not cope with some major new area of investigation within the timescales imposed by the Assembly. He felt that considering amending the scope of its terms of reference at this stage would undermine all of

the considerable work that has already been done and the effort that has gone into reaching this critical juncture in the inquiry.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Can the Minister give us any more details of what options are in the scoping papers?

Ms J McCann: The Member asks a very valid question, because I think we realised that a number of people fell outside the terms of reference. The previous junior Minister, Minister Bell, and I met a number of individuals and organisations in relation to that. As I said, we were aware of it.

We asked officials to go away and bring us back a scoping paper that would look at some of the people who fell outside the remit of the current inquiry. They came back with a number of options, which include the following: extending the terms of reference of the HIA inquiry to include women aged 18 and over who were in mother-and-baby homes and Magdalene laundries; commissioning academic research into mother-and-baby homes and laundries; establish an interdepartmental working group led by the Department of Health to review the evidence and make recommendations to the Executive; invite the Committee for the First Minister and deputy First Minister to consider and advise on the issue of the mother-and-baby homes, including the Magdalene laundries; appoint independent experts to review the evidence and provide a confidential listening forum; and establish an independent statutory inquiry into mother-and-baby homes and Magdalene laundries.

We are looking at all of those options, and, obviously, meeting the people who were directly involved and who were in those mother-and-baby homes and who had their children forcibly taken off them, in many cases, and put into forced adoptions. We are very conscious that we need to talk to the people who were directly impacted by this and look at whatever option will be best for them.

Mrs D Kelly: In light of the refusal of the British Government to include Kincora in the historical institutional abuse inquiry, what way forward or action has OFMDFM planned to take to have Kincora included? Has it had any discussions with the historical institutional abuse inquiry that is being held here?

Ms J McCann: The Member will be aware that, on 30 September last year, we unanimously agreed that we would rather see the Kincora Boys' Home investigated by Westminster's independent panel. I think that we were all very disappointed when we heard that that was not happening. We have had consultation with the historical institutional abuse inquiry and Sir Anthony Hart, and we are conscious that he recently released a joint statement to say that they would be working together. There is also an ongoing judicial review as requested by one of the people who was in Kincora. As I said, we are doing our best to ensure that as many powers as possible can be transferred over, but I share the Member's disappointment that that inquiry is not taking place at Westminster.

Mrs Overend: Given that the HIA inquiry has added a module investigating the paedophile activities of Father Brendan Smyth, does the junior Minister agree that it is unfair that some victims are excluded from the HIA inquiry

on the grounds of where the abuse took place rather than because of the nature of the abuse?

Ms J McCann: Yes. We have been in consultation with individuals and groups representing victims of clerical abuse. When we looked at the issue of people who fell outside the remit of the current inquiry, one thing that we considered was people who were the victim of clerical abuse outside institutions. We will continue in our efforts to reach some sort of position where we can take that forward.

Victims of sexual abuse, no matter where it happens, still face lifelong challenges. We need to be sure that, when we consider putting something in place, the terms of reference include people who have suffered this type of abuse no matter where it took place or who the perpetrator was.

Mr Speaker: A number of loud conversations are going on around the House. I am much more interested in hearing the questions and answers.

Social Investment Fund: Budget

5. **Mrs McKeivitt** asked the First Minister and deputy First Minister how much of the budget for the social investment fund has been spent to date. (AQO 8325/11-15)

Mr M McGuinness: With your permission, Mr Speaker, I will ask junior Minister McCann to answer the question.

Ms J McCann: Expenditure on the social investment fund (SIF) to date is £1,576,366. That includes expenditure for consultancy support provided to steering groups in 2013 to develop their area plans. Of the overall programme, £53.5 million or 67% is now committed to 33 projects across the nine social investment zones. Many of those projects are to roll out over a number of years; therefore, immediate actual expenditure is not desired or expected. However, we are contractually committed to this expenditure, and the funding is ring-fenced and committed to those projects.

Expenditure is entering a key phase, with 12 revenue and five capital projects due to start delivery or build in the next few months. Due diligence work is progressing for the remaining capital projects, and it is anticipated that they will move to tender for design teams later in the summer. Work on achieving business case approval for the remaining projects is continuing.

Mrs McKeivitt: The junior Minister must acknowledge that, four years after the announcement of the £80 million fund, less than £2 million has been spent. She has to acknowledge that there are multiple difficulties with SIF. With the delays in allocating spending moneys, will she confirm whether there will be a SIF 2?

Ms J McCann: I do not know whether there will be a SIF 2. The Member makes a valid point about the delays, and I am very conscious of them. We have discussed this quite a lot at Question Time. Because SIF includes other Departments, getting through the economic appraisals and everything else was a lengthy process. The letters of offer and all that are there now. I hope that those projects will come to fruition, because I know that there is frustration for people in the community who want to see something happen on the ground. I am very keen that those projects are driven through as quickly as possible.

2.30 pm

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

Parades Commission

T1. **Mr Buchanan** asked the First Minister and deputy First Minister whether, as we approach the parading season, the deputy First Minister agrees that the Parades Commission is discredited and incapable of solving or finding a solution to the parading problem. (AQT 2601/11-15)

Mr M McGuinness: No, I am sorry: I do not agree with the Member that the Parades Commission is discredited. The Parades Commission has been in place for a considerable time and undertakes a very onerous responsibility in assisting civic society and the police to ensure that the peace that we all believe is precious is preserved.

It is hugely important, as we approach the marching season, that we all — all the key stakeholders and key players — use as much influence as we can in what could be a volatile situation to ensure that peace remains on our streets and law and order is observed by everybody. Obviously, it is a huge issue, and, as someone who has experience in the north-west of how parading can be resolved — I am not the only one with that experience, as some from the Member's party have also played a very positive role, along with the Apprentice Boys, the business community and the Bogside residents, to bring peace on the streets of the north-west — I would like to see that extended to every part of the North. We are all very conscious that we face into a difficult situation again this year in north Belfast, and I appeal to everybody to use their influence to encourage people to get round the table, as was the case in the north-west, to seek resolutions. I think that, if people do that, resolutions can be found.

Mr Buchanan: Will the deputy First Minister use his influence to encourage his party colleagues across Northern Ireland to desist from protesting at traditional, legitimate parades?

Mr M McGuinness: When you look at the fact that there are many thousands of parades right throughout the North, you see that the parades that are contentious are few and far between. I encourage everybody, including all those in my party who, I know, play a very positive role in contributing to keeping the peace on the streets, to continue with that work.

Community Relations: South Belfast

T2. **Mr McGimpsey** asked the First Minister and deputy First Minister for an assessment of the damage done to community relations in south Belfast as a consequence of the comments made by the director of the Council for Ethnic Minorities, specifically in relation to the consultation on the new consolidated primary school. (AQT 2602/11-15)

Mr M McGuinness: I think that we all recognise that the issue of community relations and the battle against racism require all of us to play a positive and constructive role. Patrick Yu, in my view, has for a very long time been very much to the forefront of assisting the process of ensuring good community relations.

In the context of the future education of children in that area, the particular matter that the Member raises is really

an issue for the Department of Education. I know that an ongoing process is taking place on all that. I am sure that Patrick Yu, who has played a very powerful and positive role in the past will continue to play that role in the future.

Mr McGimpsey: Will the deputy First Minister agree with me that one of the best ways forward for community relations is to provide the new primary school, which has been in planning for somewhere around 15 years?

It is much needed. It would bring together all the local communities, which strongly support it, and integrate newcomer communities with the local community so that we live together, work together and are educated together, rather than continue with a form of segregation, which we appear to be developing.

Mr M McGuinness: On that matter, which has found itself in the headlines in the past seven days, there is a duty on all of us to play a positive and restrained role in how it is resolved. The final decision on the future education of children in that area of south Belfast obviously rests with the Department of Education. I am sure that whatever decision the Minister takes will be the one that he thinks is in the best interests of the children from that particular community. At this time, all of us need to be very conscious of the words that we use and of the responsibilities that we as elected representatives have to ensure that we deal with such matters in a way that is consistent with bettering community relations, not exacerbating them.

Paul McCauley: Condolences

T3. **Ms Boyle** asked the First Minister and deputy First Minister to express their condolences to the family of Paul McCauley, following Paul's tragic death at the weekend after nine years in a coma as a result of a sectarian attack in Derry. (AQT 2603/11-15)

Mr M McGuinness: This was an appalling criminal act carried out on a defenceless young man and his friends, which has resulted, nine years later, in the tragic and very sad loss of his life. I spoke to Jim McCauley yesterday. I am sure that everybody in the House will be very keen to put on record their sympathy, prayers and condolences to the family, who have conducted themselves with great dignity over the past nine years.

I very much welcome the comments made this morning on the BBC by William Hay, now Lord Hay. He exhorted people in the loyalist/unionist community to cooperate. I want to stress that I think that the vast majority of unionists in the Derry area are as appalled at what happened to Paul McCauley as anybody else, but the reality is that there are a tiny minority who were involved in that act and involved in assisting those who were involved in that act. William Hay hit the nail on the head this morning when he made it clear that people should cooperate with the Police Service so that the criminals responsible for what happened to Paul McCauley can be brought before the courts.

Ms Boyle: I thank the Minister for his response. Given the tragic nature and circumstances of Paul's death, as the Minister outlined, what more can be done, particularly in the communities that the perpetrators come from, to assist in securing justice for Paul and his family?

Mr M McGuinness: Paul's father has been in the media over the last nine years but specifically in the last 48

hours. He appeared on Radio 5 Live and did so again this morning, and it was heartbreaking to listen to him. It is also heartbreaking to hear his analysis that more could have been done in the unionist community to identify the perpetrators and bring them before the courts. He is using language such as, "It's well known who they are", and, of course, in the Derry area, it is well known who they are, but the difficulty is that the police — who have been on the record as apologising to the McCauley family, and rightly so — need to be assisted in the renewed murder investigation so that the people who were responsible for the horrendous injuries to Paul, and, ultimately, for his death, can be arrested and brought before the courts.

Child Protection Disclosures: Victims

T4. **Mr Frew** asked the First Minister and deputy First Minister, given the fact that, only last week, the House passed an amendment to the Justice Bill to introduce child protection disclosures for sex offenders, whether they agree that we should do everything in our power to encourage the many victims out there who are yet to come forward to do just that. (AQT 2604/11-15)

Mr M McGuinness: With your permission, Mr Speaker, junior Minister McCann will answer this question.

Ms J McCann: The Member is quite right: we should do everything in our power. The deputy First Minister asked, through the North/South Ministerial Council, that we put in place a mechanism whereby people could come forward in a safe atmosphere because the most important thing is that people feel supported and that they can come forward. There are lots of those people out there. It is said, for instance, that, right across the island of Ireland, one in every four people suffers some form of sexual abuse in their lives. It is very important that we support them and have those support mechanisms in place. If we could work that through the North/South Ministerial Council, it would be a way forward for people to have that support mechanism.

Mr Frew: Will the junior Minister encourage everyone in the House, even members of her own party, to come forward with all information that they know on sex offenders and offences against children?

Ms J McCann: I certainly will. I encourage anyone who has any information to come forward. It is also important to send that very clear message out to people because we need to ensure that victims of any form of abuse know that they will be supported through that and that the support mechanisms that they need will be there when they decide that they want to come forward. It is also important that we help them when they access justice because they are entitled to justice.

Sustainable Development Strategy

T5. **Mr B McCrea** asked the First Minister and deputy First Minister what importance they attach to a sustainable development strategy. (AQT 2605/11-15)

Mr M McGuinness: It is very important that we recognise the need for a sustainable development strategy that works in the interests of all the people whom we represent, particularly given the very limited resources that we are all expected to work with and that will be further pressurised by the intention of the British Government

to impose further draconian cuts not just on us but on other Administrations across these islands. Sustainable development is critical. We have sustainable development strategies in place. Our ability to fund those strategies is being threatened by the declaration of intent by the British Chancellor of the Exchequer that he will dramatically cut our budgets further in the time ahead.

Mr B McCrea: Will the deputy First Minister support Minister Mark H Durkan's desire to bring forward a climate change Bill? If so, how will he convince his Executive colleagues to support it?

Mr M McGuinness: I see that the Minister has entered the Chamber just at the right time. There has to be some coordination between that question and the appearance of the Minister.

Whatever the Minister brings forward on a climate change Bill will be considered very seriously by the Executive.

Victims and Survivors Service: Outreach Officers

T6. **Mrs Dobson** asked the First Minister and deputy First Minister to explain how the Victims and Survivors Service ensures that outreach officers assigned to assist its clients are appropriate to their needs, particularly in confidentiality and quality. (AQT 2606/11-15)

Mr M McGuinness: With your permission, Mr Speaker, junior Minister McCann will answer this question.

Ms J McCann: As the Member will be aware, the Victims and Survivors Service (VSS) is undergoing a review. Several reports have made a number of recommendations. What we heard very clearly from all parties, particularly in the Chamber, is that many victims and survivors of the conflict came forward a while back and said that they felt that going through the assessment process, for instance, was quite traumatic for them and that some of the support mechanisms that were in place could have been better. We will continue to monitor the ongoing review and recommendations, a number of which have already been put in place. We need to ensure that the service is fit for purpose and that people feel that they are getting help and support from it.

Mr Speaker: Sorry, there is no time for the supplementary. That ends this session.

2.45 pm

Environment

Litter/Maintenance: Roe Valley Country Park

1. **Mr G Robinson** asked the Minister of the Environment whether litter collection and maintenance at the Roe Valley Country Park will be monitored to ensure high standards are maintained. (AQO 8335/11-15)

Mr Durkan (The Minister of the Environment): I have been advised that NIEA staff conduct daily patrols along the Roe Valley Country Park path network, during which litter collections are also undertaken. During those patrols, staff also monitor and record any site defects or damage. If a defect such as a fallen tree partially blocking a pathway or damage such as a broken fence is found, that is reported

to park management to ensure that it can be addressed as soon as possible, to the extent that budgets allow.

The daily inspection process ensures that the site is continually monitored to ensure that high standards are maintained, as budgets allow. I have also been advised by officials that, as part of the ongoing site management, duties such as leaf blowing and grass cutting are undertaken as required in accordance with seasonal requirements.

I assure you that the local staff who manage Roe Valley Country Park staff take great pride in its management and will continue to manage it to the best of their abilities. That has been demonstrated through the three-star Tourism NI visitor attraction grade that the park achieved this year and the award of a TripAdvisor certificate of excellence.

Mr G Robinson: Will the Minister accept that usage of Roe Valley Country Park, a popular tourist attraction in Limavady, may decline if the level of upkeep is not maintained, including keeping paths open after trees fall, especially on the Limavady side of the park? I appreciate what the Minister said, but I have had complaints recently, particularly about paths never being cleared of fallen trees. People are trying to access the paths on which trees have fallen.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Robinson for the question. It is imperative that we as a Department and the agency with responsibility for the park do everything within our power to maximise the number of people who can access it. Many want to access what is, undoubtedly, a very good tourist attraction that does a lot to bring tourists to the Member's constituency. It also provides a great area for recreation for people who live there.

As I said, staff are committed to carrying out daily site inspections, after or during which defects such as those mentioned by the Member are pointed out to site management. Where budgets allow, defects are addressed as quickly as possible. Fallen trees are obviously — well, hopefully — beyond the control of individuals. However, littering, to which the Member's original question referred, is very much the responsibility of individuals visiting the park. The more people we have visiting the park, the more litter is dropped, and the more litter is dropped, the fewer people we are likely to attract to the park. So, it is imperative that the team on the ground there keeps on top of the litter situation, and I believe that they do their best to do that.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Minister, there are long-running and ongoing issues with path maintenance, particularly on the western bank, and damage has been done to the disabled angling stand at the centre in the park. Given the estimated 350,000 visitors to the park per annum, will the Minister assure us that those issues will be rectified in the very near future?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank the Member for the question. I had been aware of issues around the paths and of ongoing work on the paths around the country park. In my answer to Mr Robinson's supplementary question, I mentioned the importance of maximising accessibility to the park, and that is why I take the issue of the disabled angling stand very seriously. I want to ensure that it is repaired as a matter of urgency. That was the first time that I had been made aware of that, but I will make sure that the team gets on it right away.

Mr Dallat: Does the Minister agree that those who set up the Roe Valley Country Park in the first place and brought it to its present state have created something that is beautiful beyond belief? Will he tell those who drop their litter in the Roe Valley Country Park that they are to blame for anything that is wrong there?

Mr Durkan: I thank the Member for his question. I join him in praising the vision of those who established the country park and those who maintain it. Litter is very much a matter of personal responsibility, and while the vast majority of visitors to Roe Valley Country Park or any of the NIEA-managed properties are responsible with their litter, either binning it or taking it home to recycle it, there are, unfortunately, some who are less responsible and who are happy enough to drop their litter wherever they may be. In turn, that demands that litter patrols have to be carried out by staff on a daily basis.

I urge all visitors to NIEA sites, or wherever they may be, to be responsible with their waste and not to drop it as litter during their visit. Previously in the Chamber, we have discussed the cost to the councils of street cleaning, back-lane cleaning and so forth as a direct consequence of people dropping litter. This is money that could be much better spent by councils on positive things such as play facilities and items that our communities are crying out for.

Wind Turbine Planning Applications

2. **Mrs Hale** asked the Minister of the Environment to outline the duration of the environmental impact assessment as part of a wind turbine planning application. (AQO 8336/11-15)

Mr Durkan: While they are determined on a case-by-case basis, the majority of planning applications for wind farm developments will be accompanied by an environmental statement (ES). The environmental statement is provided by the planning applicant and is required to include information on the main effects that a development is likely to have on the environment and any measures that are required to avoid, reduce and, if possible, remedy significant adverse effects that the development may have on the environment.

In assessing an ES, my Department will consult a range of environmental bodies and the public. Given the detailed nature of an environmental statement, the consultation period can take a number of months and the consultation process can give rise to the need for further environmental information to be requested. Once received, this will also be subject to further consultation with environmental bodies and the public.

The ES remains a valid consideration until a final decision is made on a planning application. There may be instances during the processing of an application that will require information in the ES to be updated. However, it is extremely unlikely to be necessary to update an entire environmental statement. The information in an ES, the views of environmental bodies and the views of the public all constitute environmental information that my Department must take into account in reaching a final decision on a planning application.

Mrs Hale: I thank the Minister for his detailed answer. Will he assure the House that where the Planning Service determines that an environmental impact assessment is

needed, all the findings of the required surveys, during and on completion of the scoping process, are open to the public?

Mr Durkan: I thank the Member for that question. As I said in my original answer, not only does this go out to consultation prior to the submission of the environmental statement but, subsequent to the Department's deliberations on the environmental statement, it goes back out to consultation to environmental bodies and the general public.

It is often information from the public — information that has sometimes been missed by environmental bodies — that has caused the Department to look more closely and scrutinise even more some of the information submitted by developers with regard to applications.

The details of the application are advertised through a notice in the local newspapers circulating in the area to which the site relates. The notice will give information on how the public can purchase an environmental statement and how my Department has made it available for the public to view. Third parties generally are told that they have 28 days in which to respond to the consultation. However, any correspondence, problems or issues raised with the ES will be taken right up to the date of or even the minute before the determination of a planning application.

Ms Lo: The Minister indicated to the Committee that, following the publication of the finalised strategic planning policy statement (SPPS), he would undertake a review of the planning policies for renewable energy, including, obviously, wind turbines. Will he set out for us the timescale of the review, given the fact that councils are now developing their development plans?

Mr Durkan: I thank Ms Lo, the Chair of the Environment Committee, for that question. I assure the Member and the House that the final draft of the SPPS was completed in March, as I had aimed for it to be. I had hoped for it to be published in April, however; so that is a target that we missed. It was circulated in March to Executive colleagues. Since then, I have made every effort to bring it forward for Executive consideration. However, I am disappointed and concerned that that extremely important document has, thus far, failed to be tabled at an Executive meeting.

The publication of the SPPS will allow us to move on to the full strategic comprehensive review of PPS 18 and PPS 21, which some Members are keen to see reviewed as a matter of urgency. It will also provide councils with a useful tool in the development of their new local development plans and provide some certainty to users of the planning system — not just planning professionals but, extremely importantly, investors who are considering making investment here and across the 11 council areas. Therefore, it is my desire — it is certainly my hope — that the SPPS will emerge from the Executive relatively unscathed and will be published before the end of this term.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Does the Minister believe that the environmental impact assessment (EIA) process is robust enough and stands the test of time? When the applicant is asked to apply that test, is it as independent as possible?

Mr Durkan: I thank the Member for that question. The environmental impact statement (EIS) system is robust enough. I am, however, aware of many instances where objectors to an application or to an approval post a decision being made on an application will contend that an EIS process has not been robust enough. On occasion, those objectors will be right. However, in the vast majority of instances, I contend that the system is robust. I also point to the fact that many if not most developers, not just of wind energy but other development, will protest that the system is possibly too robust. That, to me, is usually a good indicator that we are doing something right.

Mr Rogers: Minister, you expressed your concern about the delay in the single planning policy coming from the Executive: what are the reasons for that delay?

3.00 pm

Mr Durkan: I thank the Member for that question. It is one that I have regularly asked myself and of myself. I am not entirely sure of the reasons for delay. However, I am aware of the impact of the delay. The SPPS is an essential component of the effective delivery of the reformed two-tier planning system that came into effect with the transfer of the planning function to councils on 1 April. Its provisions apply to the whole of Northern Ireland. They must be taken into account by councils in their development of local development plans, and they are material to all decisions on individual planning applications and appeals. It is, therefore, important that the SPPS, as I said, is published as soon as possible to provide clarity and certainty to councils and everyone impacted on by planning decisions.

Local Government Staff Commission

3. **Mr Maskey** asked the Minister of the Environment to outline the rationale for the retention of the Local Government Staff Commission. (AQO 8337/11-15)

Mr Durkan: In July 2012, my Department initiated a review of the Local Government Staff Commission. Following consultation, I concluded that, although the commission had performed well in a necessary and challenging role for 40 years, other developments meant that a statutory body of that type was no longer required.

The staff commission's original role in ensuring and advising on fair employment has been overtaken by the development of other statutory provisions. Since other bodies carry out comprehensive scrutiny and monitoring, the commission's role in this area is no longer required. I am also conscious that, as we have moved from 26 to 11 councils, expertise and capacity will be consolidated in a smaller number of stronger organisations. There is, therefore, a real danger of the duplication of work by the commission and the councils' HR departments.

One of the central objectives of the reform process is to strengthen local government and to allow local authorities to assume more powers, taking responsibility for the well-being and development of their district. Therefore, it seems counterintuitive not to expect the new councils to take full responsibility for the recruitment and management of their own workforce. I am confident that the other functions that the staff commission provides can be carried out on a non-statutory basis. This would have the advantage of each council being able to decide which activity they wished

to continue to have carried out and by whom at their own initiative.

I still believe that the staff commission will be required for a number of years to help reform to bed in. There is precedent in other jurisdictions for using such a body to assist and advise councils during a period of reorganisation. That is why I propose to dissolve the staff commission on 31 March 2017, two years after the councils it was created to support were superseded. In 2014, my Executive colleagues agreed that the commission should be wound up in March 2017.

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

Mr Maskey: Go raibh maith agat. I thank the Minister for that response. Can the Minister advise the House of the cost implications of the retention of the staff commission until 2017 and who will bear that cost?

Mr Durkan: There are cost implications. Fortunately, I suppose, there are no cost implications for my Department. In this financial year, the staff commission will receive funding of approximately £710,000 from the Northern Ireland Housing Executive and the 11 councils. As I said, my Department does not provide any funding for the staff commission. Additionally, the commission administers funding of around £300,000 for the Local Government Training Group. That funding is used to provide sector-wide development programmes and courses from external providers. My Department does not provide any funding for the Local Government Training Group either. While there will be no significant financial implications, therefore, for the Department, council and Housing Executive contributions to the staff commission of around £1 million will no longer be required post 31 March 2017.

Environmental Crime Unit

4. **Mr Anderson** asked the Minister of the Environment for his assessment of the recent Criminal Justice Inspection Northern Ireland's review of the Northern Ireland Environment Agency's environmental crime unit. (AQO 8338/11-15)

Mr Durkan: At the publication of the Criminal Justice Inspection report, I publicly welcomed it and thanked the CJI for its work. As I pointed out when the CJI review was published, it has recommended that the NIEA enhance its enforcement and regulation activity and develop a more rigorous approach to dealing with environmental crime offenders.

As I said previously, its recommendations mirror my approach. It supports and underpins my and NIEA's aims and strategy, and I welcome its suggestions.

To ensure that those recommendations are established as smoothly and as quickly as possible, I have approved the recent appointment of a new temporary head of the environmental crime unit — one who has extensive experience in the criminal justice sector. Given the importance with which I view the need to tackle environmental crime, I am committed to ensuring that that vital role is filled permanently as soon as possible.

In considering what the report advised in order to enhance the professional development of those tasked with tackling environmental crime, I publicly stated that CJI had put

forward some excellent recommendations. In particular, I underline its recommendation that guidelines be developed for levels of enforcement and the rationale for the prioritisation of investigations. That will allow NIEA's finite resources to be directed towards tackling the most serious environmental offending.

In addition, my officials are examining how best to ensure that the recommended single environmental incident reporting mechanism can be advanced. I have supported, and will continue to champion, the need for a more straightforward system of public reporting. Put simply, the easier it is to let us know, the more likely it will be that people will tell us about environmental offending and allow us to take action.

It is clear that the impact of environmental crime on daily life here should not be underestimated. As I have said here before, it is not a victimless crime.

Mr Anderson: I thank the Minister for that response. During questions for oral answer on 21 January last year, I asked about a report into the dumping of illegal waste at the Mobuoy site in Londonderry. Your reply, on that occasion, was a promise to ensure a more joined-up approach between your Department and other agencies, including the NIEA. Is the Criminal Justice Inspection report an indication of failure? Or, could it be viewed as failure on your part?

Mr Durkan: I thank the Member for that question. I am not sure that I view it as such; I am not sure how anyone, if they had read the report in detail, and read any statements from me, subsequent to 21 January 2014, could view it as such. We have radically changed and, I would like to think, radically improved the way in which NIEA responds to environmental crime and the way in which we deal with environmental crime and persistent offenders. I do not think that it is job done, by any means; there are further improvements to make. As outlined in my previous answer, I think that we could do more about the prioritisation of incidents, cases and offenders. In my opinion, a bit of time is wasted going after small fry when there are much bigger fish out there. I would like to see more focus on them. That is something that I have made known to my officials.

Our cooperation and collaboration with other agencies have certainly improved. What happened at Mobuoy demonstrated, very clearly, that there were huge failings there. They were highlighted in the Mills report into what had happened at Mobuoy. At that time, I said that an incident of that scale can never happen again, and I am confident that an incident of that scale will never happen again because we cannot afford for an incident of that scale to happen again.

Mrs Overend: Does the Minister fully agree with the review's finding that the ECU has delivered considerable gains with evidence of capability and capacity, given the apparent impunity with which fuel smugglers and polluters can operate along the border?

Mr Durkan: I thank the Member for that question. Indeed, fuel smuggling and fuel laundering are a source of some very serious environmental crime. It is a crime that, in particular, requires collaboration between the NIEA, the ECU and other agencies on both sides of the border. Up here, you have the HMRC, which is responsible for enforcement, in collaboration with the PSNI, the National Crime Agency and, indeed, the Environmental Protection

Agency, the revenue commissioners and the Garda Síochána in the South. The seriousness of the issue is such that it was actually raised as an agenda item on the NSMC plenary meeting on Friday in Dublin. There is agreement on both sides of the border that there needs to be an escalation or intensification of how the issue is dealt with. It has huge consequences for the economy and the Exchequer, and I am equally concerned about the consequences it has for our environment.

Mr Allister: With the catastrophic failure at Mobuoy, significant inaction, it seems, on fuel laundering and just two convictions in 2013, does the Minister not think that the agency was let off very lightly by the criminal inspection unit?

Mr Durkan: We certainly could do better, and I would love to stand here and say that we certainly will. We have done better in 2014-15 than we did in 2013-14, having secured 23 convictions for waste offending in the last financial year. In the same period, under the Proceeds of Crime Act 2002, ECU's financial investigations secured four confiscation orders to the value of over £500,000. This shows that the Proceeds of Crime Act clearly remains an effective tool and one that I would like to see the ECU and the agency use much more. That is how you hurt those criminals: you hit them in the pocket.

I have spoken to the Justice Minister, and we agree that there is a need for the judiciary to review the sentences available for waste criminals. In my opinion, the punishment does not fit the crime. Until it does, there are opportunist criminals out there who will continue to exploit weaknesses in the system. There are still some weaknesses — I do not deny that — and criminals will continue to exploit them for their own profit and gain.

Tyres: Larne Bonfire

5. **Mr McMullan** asked the Minister of the Environment what actions he will take in relation to tyres being used on bonfires in Larne. (AQO 8339/11-15)

Mr Durkan: Burning tyres generates toxic fumes and by-products that can be extremely dangerous to humans and animals. I am content that lead responsibility for bonfire management rests with local councils. However, I am committed to working with and supporting the councils to reduce and ultimately eliminate the burning of tyres on bonfires.

The Northern Ireland Environment Agency will, of course, use its enforcement powers in support of councils where it can. Whilst the legal position in relation to bonfires is complex and the relevant powers are exercised by a number of public bodies, including NIEA and local councils, I want to ensure that the environment is protected. In this case, at Craigy Hill estate in Larne, NIEA is aware of the issue. It is assessing opportunities to determine the source of the tyres and will take action where possible.

Mr McMullan: Go raibh maith agat. I thank the Minister for his answer. According to the 'All Island Used Tyre Survey', published in 2013, 30% of all waste tyres in the North are being disposed of to unknown destinations. Will the Minister consider using the findings of that report as a starting point for investigating how tyres are being disposed of and how existing regulations can be improved?

Mr Durkan: I thank the Member for his question. I would say that 30% is possibly a conservative estimate for the number of tyres that end up where we know not where. I am certainly happy to take the findings of that report into account in determining a way forward on the issue. It is one that just keeps going round and round.

My officials are working closely with their counterparts in the South. We are looking closely at the South's development of a producer responsibility scheme. NIEA officials sit on the working group that is drawing up that scheme, and I am very interested to see how it rolls out and what we can learn from it. Should it prove successful, and I have no reason to doubt that it will, it is something that I would be very keen to see established in the North, perhaps even on a UK-wide basis.

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

3.15 pm

Driving Licences: Paperless

T1. **Mr Wilson** asked the Minister of the Environment whether the paperless driving licences that have been introduced today will apply also to Northern Ireland; if so, what action his Department has taken to ensure that motorists know that, because of the advent of paperless driving licences, when they go to hire a car, they will require a code, which will change every 72 hours; and whether he has informed drivers of how they can obtain such a code. (AQT 2611/11-15)

Mr Durkan: I thank the Member for that question. You could not get much more topical than that: it was just on the news at lunchtime.

I can assure the Member, the House and, indeed, the public that the new scheme in Britain will not apply here. I have asked officials to ascertain the rationale behind the introduction of the scheme in Britain, and the doing away with the paper part of the licence, to see whether it is worth pursuing here. With regards to making the public aware that it is not happening here, I issued a press release just before coming into the Chamber today to ensure that there is no confusion and that people do not dispose of their paper counterparts inadvertently or prematurely.

Mr Wilson: I thank the Minister for his reply. Another part of the driving licence policy that does not apply to Northern Ireland is the inclusion of the Union flag on driving licences. The Transport Minister in England has made it quite clear that, if the Minister here asks for arrangements to be put in place, people who wish to have the flag on their licence can have it included. In light of the decision by the Minister in England, what action has he taken to ensure that those who wish to have that choice can have it?

Mr Durkan: I thank the Member for his question, although I think he is, perhaps, misconstruing this. Yes, it could be extended to the North that everyone here could have the Union Jack included on their licence, but choice would not come into it. To set up a system whereby people could have a choice as to whether or not they had the flag on their licence would cost somewhere between £15 million and £17 million. The British Government will not be prepared to pay that, and we are certainly not able to pay for it. That is to introduce choice in Britain. They

are not going to afford us the luxury of choice when the choice does not exist for the citizens of England, Scotland and Wales; much to the dissatisfaction of many people, particularly in Scotland and Wales.

Planning: Workforce Model

T2. **Ms Fearon** asked the Minister of the Environment whether he is satisfied that the workforce model that was transferred for the delivery of planning services is fit for purpose. (AQT 2612/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank the Member for that question. I have answered questions in the Chamber in the not-so-distant past about the very same subject. I am content that the model that was transferred is fit for purpose; however, it attracted some media attention, after I gave the answer, when I said that it could not be denied that some teething problems have been experienced — in some councils more than others, I might add.

I also have to say that, with the transfer of the planning function, I also transferred a budget, which I ring-fenced from cuts to my budget and subsequent reviews and budgets agreed by the Executive. Therefore, it is the one function that transferred to local government on a truly cost-neutral basis. I have no doubt about the ability or commitment of the staff who moved over to councils. As I said, there have been some teething problems, but I believe that they are now bedding in well and working well.

Ms Fearon: Go raibh maith agat. I thank the Minister for his answers so far. Is he aware that there is a huge backlog in planning decisions in some areas that is having a negative impact, particularly in places like Newry and Armagh? How does the Minister plan to tackle that?

Mr Durkan: I understand and appreciate that there is a backlog in many areas. I would love to stand here and blame the new councils for all that, but I know that they inherited a lot of that backlog. Often, applications that take long to process do so because they are pretty complex, with requirements for input from a number of consultees. Generally, the more complex an application, the longer it takes. I know that, in the Member's constituency, for example, or in her new council area, there are an awful lot of PPS 21 applications, which are sometimes quite difficult to determine. If the planners had their way, they would not be that difficult to determine, but I know of many cases in her constituency where I have been trying to work with elected representatives from that area and with applicants to achieve positive outcomes for those applicants. However, that is a timely process as well.

Clearing the backlog will be up to the new councils and the planning staff therein. I will have no further role in the vast majority of planning applications.

Mr Speaker: The next questioner is Karen McKeivitt. I remind you, Karen, that, as the Minister's Assembly Private Secretary, your question must relate specifically to a constituency issue in which you are directly involved.

Hedgehogs: South Down

T3. **Mrs McKeivitt** asked the Minister of the Environment whether he is aware of any reports of a significant decline in the hedgehog population in the south Down area. (AQT 2613/11-15)

Mr Wilson: That is a prickly one for you.

Mr Durkan: You have stolen my thunder. I was going to take that one, too. I was going to say that you can probably see as few hedgehogs today as Down supporters. *[Interruption.]* I am not aware of specifics for the south Down area. However, I am aware of reports of a huge decline in the hedgehog population across these islands. I saw it reported on television recently that, over the past 50 years, there has been a 97% decline in the population of hedgehogs, and genuine fears exist that, should positive action not be taken now, the species could face extinction by as soon as 2025. That is very alarming.

Hedgehogs are not something that we see every day. Unfortunately, the ones that we do see are often on the roads. As Minister for road safety, I do not know whether my remit extends as far as making roads safer for hedgehogs, albeit that I know that that is an initiative that has been looked at in some jurisdictions. Generally, if we see a hedgehog during the day, it is an indication that there is something wrong with it. I would be keen, as Minister of the Environment, to undertake a scheme of sorts or a campaign to educate people about the very real threat to hedgehogs and their potential extinction.

Mr Speaker: I am sure that the supplementary will help us to understand how you are directly involved in this issue.

Mrs McKeivitt: I met the USPCA about it. It has raised the issue, which probably goes right across our region, and I am delighted to bring it to the Floor today. The Minister touched on his Department's plans to help to address the matter. Perhaps he could enlighten us a wee bit more on those plans.

Mr Durkan: I thank the Member for that question. They are not so much plans of the Department as plans of mine, although I hope that they will very much be plans of the Department before long.

I am keen to embark on a campaign. I know that a similar campaign has been embarked on in England to educate people on the risk to hedgehogs and on what they can do to ensure the survival of hedgehogs and, indeed, to boost their numbers. It could be simple measures such as leaving out a shallow tray of food. They particularly like cat food; I suppose they prefer that to being cat food. People could also cut holes in fences. Simple measures like that do a lot to help hedgehogs, particularly given the loss of habitat that they have suffered in recent years.

I would be keen to use the vehicle of Eco-Schools, which has been tremendously successful. We now have every school in the North signed up to the Eco-Schools programme. We could use it to get the campaign out there to educate children, who are great at going home and educating their parents on such matters.

Strategic Planning Policy Statement: Legal Advice

T4. **Ms Maeve McLaughlin** asked the Minister of the Environment to outline a time frame for the legal advice that he received in relation to the single strategic planning policy statement. (AQT 2614/11-15)

Mr Durkan: I thank the Member for her question. I am not entirely sure what legal advice on the SPPS the Member is referring to. I cannot give a time frame for how long it

will take the Executive to make their deliberations on the document. However, I can give the Member a commitment that, as soon as they do, I will publish it. It is vital for the reasons outlined earlier that that be done as soon as possible. Perhaps, in her supplementary question, the Member will expand on the particular legal issues to which she referred, and I will do my best to answer.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that. I ask specifically about advice that maybe relates to the policy on non-farming dwellings in particular. If there is specific advice, even from within his Department, maybe the Minister could refer to it.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank the Member for that clarification, which is helpful. I know that the issue of PPS 21, particularly on dwellings for non-farming rural dwellers, is one that her party has been extremely vociferous on for a couple of years and would very much like to see accommodated in the final SPPS. I have met a deputation from the Member's party to listen to their views and to hear how they would like to see the issue accommodated.

First, I have to emphasise that the SPPS was viewed very much as an opportunity to consolidate existing planning policy statements, as opposed to altering them drastically, regardless of how drastically or in what direction you might want them altered. Therefore, the legal advice that my Department has received is that it would be going too far to include the wishes or aspirations of Sinn Féin for PPS 21 in the SPPS. However, I have given a commitment — we touched on it earlier with PPS 18, which relates to the renewable energy policy — to review fully and comprehensively PPS 18 along with PPS 21 post the publication of the SPPS. It will be through that vehicle that more dramatic changes could be made to each of the policies. I know that they are changes that a lot of people think are required.

Tractors: Speed Limits

T5. **Mr Rogers** asked the Minister of the Environment for an update on plans to increase tractor speed limits. (AQT 2615/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank the Member for the question. Just recently, I put out for consultation a document in which I was seeking to increase the maximum speed limit of tractors from what is currently 20 mph to 25 mph or, to be precise, 24.8 mph, which is 40 km/h. I know that Mr Wilson does not particularly like speed limits given in kilometres per hour —

Mr Wilson: Or miles per hour.

Mr Durkan: He just does not like speed limits. *[Laughter.]* That document is out to consultation. The closing date for the consultation is 7 July, and I anticipate quite a number of responses. Indeed, I encourage responses from parties in the Chamber as well.

Mr Speaker: I call for a quick supplementary question within the speed limit.

Mr Rogers: Do you have any plans to address the maximum combination weight of tractors and trailers? As tractors get bigger and heavier, the situation could arise in which you could have small tractors towing big trailers? How do you plan to address that?

3.30 pm

Mr Durkan: Such issues are also addressed in the consultation. Again, I encourage people to have a look at that and respond to it.

With regard to increasing the speed limit, it was remiss of me not to point out that the vast majority of collisions in which tractors were involved and in which speed was a factor were brought about because the tractor was travelling too slowly.

Private Members' Business

Funding for Musical Instruments

Debate resumed on motion:

That this Assembly notes the cultural, artistic and community importance of bands in Northern Ireland; recognises the importance of the musical instruments for bands funding programme; expresses its disappointment at the failure of the Department of Culture, Arts and Leisure to fund the programme this year; and calls on the Minister of Culture, Arts and Leisure to restore the funding for the programme. — [Mr McCausland.]

Ms Lo: The Arts Council has three funding programmes that are relevant to marching bands, the main one being the musical instruments for bands programme, which aims to improve the quality of the music and replace worn-out instruments in deprived areas. That scheme is currently on hold; it has not been removed. I understand that the Arts Council funding for its instrument programme is very thorough. To be eligible, an applicant has to reach a high standard, and monitoring continues for five years after an instrument has been received. Many bands work hard to get to that level, and it is important to maintain that incentive. Over £0.5 million has been awarded under the scheme in the past three years. The annual budget for that funding was set in 2006 at £150,000, with a maximum individual grant of £5,000. It is my understanding that bands in receipt of the previous round of funding are not eligible to apply.

I know that, when Nelson McCausland was Minister, he commissioned a report on marching bands in Northern Ireland, which I think he referred to earlier. That report gives a good overview of the importance of marching bands to sections of our community. Involvement requires commitment, skill and discipline. Bands have also reached out to traditionally difficult demographics — for example, male teenagers — and allowed them to engage in cultural and musical practice. It is not just the individual who benefits: through those social events, families and their communities are brought together. Of course, there are sectarian elements that need to be addressed, and the report goes into some detail on that. There is still a perception of disorderly behaviour and paramilitary connection attached to bands of both unionist and nationalist persuasions. While that could well be just public perception, there is obviously a need to promote a more positive image.

It is worth noting that there is already alternative funding for instruments that can be found in the Arts Council's small grants programme and its equipment programme. Bands can also apply for funds via the Community Relations Council's cultural diversity grant, Comic Relief, the Ulster-Scots Agency for some bands, local councils and the Heritage Lottery Fund. That is a better position than that of many other voluntary and community organisations and groups, which, when funding is cut, have nowhere else to turn to. A rationalisation of band instrument funding would be worthwhile, given that there appear to be seven sources of funding, although I appreciate that Comic Relief and the Heritage Lottery Fund are out of the scope of Assembly control. My view is that the Arts Council would be best placed to do that. Such an approach would also make it easier to apply conditions relating to community relations issues.

I ask the Minister to review how other funds can be incorporated in that. In such a difficult financial climate, we cannot continue to reject every money-saving idea that we are presented with. However, as the fund has not been scrapped and as the Minister is on record as saying that she would submit a bid in June, the Alliance Party will support the motion.

Of course, as we currently have no Budget, that support is only in principle.

Mr Hilditch: In supporting the motion, I declare an interest as the vice president of the Carrick, Whitehouse and Agnes Street brass band and a patron of Sir Henry Ingleby's Fife and Drum Corps.

Back in January this year, the Confederation of Ulster Bands presented to the Committee, and I found it very interesting, as did other members, that, week in, week out, almost 30,000 people now perform music to a very high standard in our communities. We have Irish champions, Ulster champions, British champions and world champions, all of whom are generally unrecognised by the wider community in Northern Ireland.

Every constituency represented in the Assembly probably has a role model. I would like to make you aware of one such young man, Jonathan Wilson, from Larne, who has been a member of the Killyglen Accordion Orchestra and the East Antrim Accordion School since he was nine years old, neither of which have received any funding. He has won a Northern Ireland title every year since he started playing. He also won the intermediate all-Ireland championship in 2014; the all-Ireland duet in 2014; and the United Kingdom championship in 2013 and 2014. He was runner-up in this year's competition as well being the duet champion. He is now 17 years of age and has travelled widely throughout the United Kingdom to compete. Jonathan Wilson is only one example of the young musical talent in Northern Ireland, and I congratulate all such young people on their tremendous achievements. What a start for a CV, and what a confidence booster for life?

The Committee for Culture, Arts and Leisure is scrutinising the monitoring round with departmental officials. It is a bit disappointing that, even with the success of the arts infrastructure and the funding for bands scheme, it did not rank as important enough to make it into the inescapable pressures section, though I appreciate that it remains a high priority commitment for the Minister.

When we consider the success of the many well-established competitions, outdoor and indoor, the concerts and the tattoos, it is clear that these festivals are about much more than just music and parading. They bring economic benefit to many communities and attract visitors to Northern Ireland as well as domestic tourists.

The Belfast Tattoo, which is in its third year, has shown its huge potential. Its roots lie in the tradition of Ulster Scots, yet it has also been able to reach out in its formative years by showcasing many other talents relating to music and dance that Ulster-Scots people have come into contact with as they travelled around the world. Over 200 tickets for this year's event, in September, have already been sold to a southern Irish tour operator. The net has been spread far and wide to bring many bands and artists to perform each year in the various sections of the show. Each year, bandsmen and bandswomen from across the world bring new, innovative and exciting ideas to their performances.

We have already established the contribution that marching bands make to the arts community in Northern Ireland, but let us also be mindful of the social benefits and the fact that they are proving to have a large effect on the mental health of their participants. For spectators, loneliness is reduced and community cohesion is improved even by just attending a parade or event. For the elderly, attending a band parade or event during the week is sometimes their only communication with other people: they live on their own, so it is a chance to get out and about and meet other people.

There are other benefits to consider, such as when people decide that they no longer want to be in a marching band. They can still be involved in the community and can get involved in organising committees and marshalling groups to assist active bands. We also have a great deal of evidence that bands can re-engage young people who have become disaffected and disengaged from school. They experience a high level of enjoyment in a band, increase their interpersonal skills, improve their relationship development and increase their awareness of their cultural and moral responsibilities. Consequently, there is a reduction in the pull towards antisocial behaviour among the young people involved.

William Bradshaw from the Confederation of Ulster Bands confirmed at the CAL Committee meeting in January that approximately 50% to 60% of marching band participants are under 20 and male. Obviously, the majority are Protestant, which is the single hardest demographic for statutory bodies to engage with. For that community, musical instruments, such as accordions and pipes, can cost up to £2,500 each. You buy two instruments every seven years, which, from a band's perspective, does not suffice. To encourage and engage participants in the working-class community, more equipment needs to be purchased and needs to be available, because most working-class people just cannot afford that sort of money to pay for the instruments that they rely heavily on.

Finally, we look at the evidence that was provided to the Committee and consider that the band movement in Northern Ireland addresses many of the key government commitments in relation to accessibility of the arts to working-class communities.

Mr Speaker: Time is up, I am afraid.

Mr Hilditch: Thank you. In closing, I appeal for the Minister to have a look at the decision, and I look forward to her response.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an díospóireacht seo inniu agus beidh mé ag labhairt i bhfabhar an rúin. I welcome the debate, and I have no issue with recognising the importance of music and the provision of instruments for this purpose. The Minister has confirmed that she is committed to bidding for additional funds for what she described as "this valuable scheme". It is a scheme that has delivered over half a million pounds in the past three years for marching bands alone, and over £700,000 over a longer time period. However, this motion is wider than that. It covers bands, a definition that will require further examination and expansion if we are to be more inclusive in the funding streams required in the wider sector.

The additional value that many of these musicians and bands bring to the wider economy is patently obvious

to many of us who enjoy music in a social and non-threatening environment, but there is a flip side to this. In March, I commissioned a research paper on the funding made available for marching bands across the North, which revealed a degree of disproportionality across the various interest groups in the sector. The Arts Council to date has distributed almost £5 million to bands and related organisations, some 31% of which was for instruments and 50% was for other equipment. Mr Hilditch referred to the Confederation of Ulster Bands representation to the CAL Committee in January, and I think that it was unfortunate on that occasion that we did not fully get to ask questions of that grouping. The £5 million represents a significant per capita investment of somewhere in the region of £160 per person over nearly 30,000 participants. This, however, does not compare favourably with the £436,000 received by Comhaltas Ceoltóirí Éireann, an organisation responsible for, among many things, Fleadh Cheoil na hÉireann in 2013. That brought in some £43 million to the local economy alone in the north-west during the City of Culture year in Derry.

I believe that, while recognising that disparities exist in different communities, there should be a more equitable distribution of funding to all involved in music, regardless of the genre, type or definition. I also believe that there should be a caveat on which bands are funded and that a code of conduct and breaches thereof should be used as a disincentive for bad and threatening behaviour. Perhaps a wider examination of some of the culture or subculture that surrounds some of the band scene should be looked at when determining funding provision. Many people feel that many of our problems emanate from bands, whether it is through timing, nature, location, demeanour or behaviour. This is a perception and a reality that the provision of funding might address.

I recognise what is good in the band sector; who cannot recognise the efforts of the Field Marshal Montgomery band in reaching out, and the efforts of the bands forum in Derry? I support the motion, and I hope that we will see a more equitable division of funding and that the Minister can secure the same.

Mr Middleton: I thank my colleagues for tabling this motion, and I join with them in expressing my disappointment that the musical instruments for bands funding programme has not been funded this year. The band sector in Northern Ireland has made and continues to make a huge contribution to our society, culturally, economically and, indeed, through education.

Many of the events that bands hold throughout Northern Ireland are underfunded and under-promoted. I believe that it is time that the Minister and the Department, along with the Arts Council NI, recognise the significant contribution that this grouping of just over 25,000 musicians makes in our country. I believe that the marching bands sector has been adversely affected by the decision to stop this funding.

In comparison with other areas funded by the Arts Council NI in 2015-16, I have figures showing that circus skills received over £275,000; classical music and opera received almost £2.5 million; the Irish language received over £185,000; and the marching bands sector received zero. While I am not questioning the value of the work undertaken by the groups that were funded, I feel that

a 100% cut to the marching bands sector is completely unjustified.

3.45 pm

In my constituency in Londonderry, good and significant work has been undertaken with schools to challenge misconceptions and stereotypes. The development of the Maiden City Accord was a valuable piece of work that brought together various groups in order to provide a structure that allows parades to take place. Of course, that could not have happened without funding. That is why funding for musical instruments is necessary to ensure that these bands can grow and expand, allowing them to continue this valuable outreach work.

Bands offer access to structured tuition, instruments and performance opportunities in many areas where there is no other engagement with arts activities. There is much more to it, of course, than just parading. Mention has been made of the value of the input that marching bands have made to the tourism sector. In my constituency, the Walled City Tattoo, which the Minister herself attended, has been a huge success. That event comprises many young musicians from the marching bands community and is an example of where communities can work together to showcase what is best for our cities.

Mr Humphrey: I am grateful to the Member for giving way. He makes some very salient points. Citing Londonderry as an example of how things should work across Northern Ireland is something that I have no disagreement with, but will the Member agree that, in order to get that agreement, those taking part in parades and those who would protest have to want to reach a solution?

Mr Speaker: The Member has an extra minute.

Mr Middleton: I completely agree. Both sides have to recognise that they have to work together to try to get the best outcome. Londonderry is an example of where that has happened, although there is a lot of work still to do. However, it is worth noting that it has been a success. We hope that the Walled City Tattoo will also continue for years to come.

It is worth mentioning that these events are attended by diverse audiences from far and wide. These musicians are fantastic ambassadors for our country. Many of them have travelled throughout the world, taking part in various events and showcasing our rich cultural diversity. I will not mention specific bands from my constituency because there are far too many to mention, but some of them are the best in the world in their field.

This talent must be supported and encouraged. I fully support the motion and call on the Minister to ensure that this matter is addressed as a priority within her Department.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. Band culture is one of the features of our society. Whether they are brass bands, silver bands, accordion bands or pipe bands, all of them add to our culture and communities. Band membership varies in number from 12 to bigger bands that I have seen of 20, 30 or even 40. There is a wide age group within those bands, but, given what I heard this morning, I hope that there is nobody over 70.

All these bands need money to keep them going, but the problem facing them now is that that funding has been put

on hold. That is because of the savage cuts made by the Tory Government. The Arts Council is unable to open the funding scheme in April as it usually does. This may not be the answer that people want to hear, but circumstances dictate how the Budget can be spent.

Today's motion states that the Assembly:

“expresses its disappointment at the failure of the Department of Culture, Arts and Leisure to fund the programme this year; and calls on the Minister of Culture, Arts and Leisure to restore the funding for the programme.”

The Minister made it very clear in April this year what she can do. There will be a bid in the June monitoring round, so we have to wait until then. In the past three years, over half a million pounds has been awarded to bands under the scheme, and the Minister is on record as stating that she is committed to supporting the musical instruments for bands scheme. It may be that there is an opportunity to look at how we grant aid bands of all types, not just marching bands.

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

I listened to Members talking about bands in their areas and the high level that they get to as Irish champions, Ulster champions and even world champions. It is the same for members of Comhaltas Ceoltóirí Éireann, who travel widely in Canada and America on very little funding. It is wonderful what we have in common in how we try to get young people to learn music. We should be talking about it and working on it. We must look at funding because the majority of funding so far has gone to marching bands. I heard quite a lot of talk today —

Mr McCausland: Will the Member give way?

Mr McMullan: In a wee minute. I heard very little talk about other bands. Go ahead; I will let you in now.

Mr McCausland: Does the Member agree that the funding is for bands? The word “marching” is not in the title of the scheme. Secondly, even considering marching bands, there are bands from different traditions that have received funding through the scheme. For example, in north Belfast, quite a number of bands from what would be seen as a unionist background have received funding, but so has the O'Neill and Allsopp Memorial Flute Band from the New Lodge.

Mr Deputy Speaker (Mr Dallat): The Member has an extra minute.

Mr McMullan: I thank the Member for his intervention, but I never said that any one place got 100% of the funding. Other people have to get funding. It is about what those bands do when they get the funding. There are rules that bands have to adhere to if they apply for funding. We know that one band was struck off the list and does not get funding because of its behaviour. Threatening behaviour must come into this, because you can no longer push a band through an area that is totally outside of its remit. I will give you an example. In my area of east Antrim, they insist on pushing a band through Carnlough on the return home from the parades. There is no need to put that band through Carnlough. They have a local band, but they insist on sticking a band from Larne through Carnlough. This has been going on for years, and the same band was reported to police and the Parades Commission for playing

threatening music outside the chapel in Larne during Mass. I am sure you will agree that there is no need for that.

These things have to stop. We have to sit down and talk. Unless we talk, we cannot get on. The Member from Derry mentioned what is going on there, and I think Mr Humphrey agreed with him. What happened in Derry came out of talks. We must sit down and talk because if we are going to fund bands —

Mr Humphrey: Will the Member give way?

Mr McMullan: No, I have already given way.

If we are going to fund bands, we must do it in the knowledge that we can work together, not in isolation. The days when bands came in and threatened communities are gone. If you have influence in your area, I ask you to use it to ask bands to sit down and talk to local representatives so that an accommodation can be found in the way that it was in Derry. I congratulate them on that.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Caithfidh mé a rá go bhfuil áthas orm páirt a ghlacadh sa díospóireacht seo faoi bhuíonta ceoil máirseála. I am happy to participate in this debate on the funding of bands.

Bands bring benefits to their communities. They provide musical education, entertainment and productive participation for their members and learners. They also instil community pride and give the community focus. Indeed, my father was a member of the Irish National Foresters band in Camlough for many years.

He was an enthusiastic cornet player, as we were very much aware at home while he was practising. In my area, I have enjoyed the music of the Crimson Arrow Pipe Band, St Catherine's Band in Newry, St Brigid's Accordion Band from Jonesborough, the Hunter Moore Flute Band and Altnaveigh Pipe Band. There is indeed a rich tradition of bands where I come from. I hope that every Member has had a positive experience of their local band, as indeed I have.

You could say that band music is culture at grass-roots level. Bands from across the community have benefited from the musical instruments for bands scheme. It is a good scheme and one that I would like to see restored. I take the point that Mr Ó hOisín made that there is an imbalance in funding. For example, Comhaltas Ceoltóirí Éireann, more popularly known as "the Comhaltas", received £460,000 in funding, whereas £5 million went towards the bands scheme. I am very aware of the good work that Comhaltas Ceoltóirí Éireann does in teaching people traditional music and, indeed, in helping to provide festivals and fleadhanna throughout the country as a showcase for the skills of the young learners and the more competent musicians. The Pipers Club in Armagh is another group that comes to mind. It provides an excellent service to many young people throughout County Armagh and, indeed, parts of County Tyrone, teaching them how to play the fiddle, the uilleann pipes, the harp, the tin whistle and many more instruments. There is much good work going on, and that should all be recognised and reflected in an equitable form of funding.

Unfortunately, not all bands have behaved with dignity in public. A small number have used their music in a negative rather than a positive way. We heard reference to that here today. Mr McMullan mentioned it. Whether that behaviour is outside St Patrick's Church in north Belfast

or St Anne's Cathedral, it is totally unacceptable, and no band that indulges in such behaviour should benefit from this programme of funding or, indeed, from any other. If the Minister is to restore the funding, she should take the opportunity to ensure that the criteria exclude bands that indulge in such behaviour from funding from her Department or any of its arm's-length bodies.

As I said, there is much good work being carried out at grass-roots level in promoting music through bands, traditional Irish music groups and many others. I hope that, if funding becomes available, the Minister will revisit the scheme and, indeed, try to broaden it to include others who may not have had a similar benefit in the past.

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr D Bradley: Go raibh céad maith agat, a LeasCheann Comhairle.

Ms Ni Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who have spoken in the debate thus far. I support the main essence behind the motion. To be generous about it, I think that most people, if not all, spoke about the role and the merits that musical instruments for bands has brought and can bring in the future. That is why I support it.

The Chair of the CAL Committee, although he spoke as a member of the DUP, not as Chair, moved the motion and spoke about the role of the band sector. He also spoke about the different reviews of marching bands and what they bring to the economy. I think that all Members have spoken about the benefits of the role that marching bands, in particular, and musical instruments for bands have had to play in their communities.

I want to make one clarification of what Nelson McCausland said. Surely, having been Culture Minister and Social Development Minister, he should really know the difference between "inescapable", "desirable" and "high-priority" when it comes to the budget. "Inescapable" relates to the things that I am contractually obliged to do. This does not fit that criterion.

4.00 pm

Mr McCausland: Will the Member give way?

Ms Ni Chuilín: I will give way in a minute. This does not come under or meet the criterion. I have given it high priority, as two of my officials said last week when they went in front of the Committee for Culture, Arts and Leisure.

Mr McCausland: The point about it being inescapable was actually raised with officials. In fact, we were told that "inescapable" went beyond contractual commitments. Obviously, that includes health and safety issues, but we were told that it also included ministerial priorities, so it was beyond that.

Ms Ni Chuilín: It does not include ministerial priorities if they are not contractually committed to. I will look at the Hansard report of that Committee meeting and will take it up with my officials. Had that been the case, there would have been different bids submitted in previous monitoring rounds. To be fair, if these are the criteria that I have been working to, they are clear and transparent.

This has received high priority. Recently, when I was up for questions, I said that I would support a bid. I did; I have put that bid forward. Indeed, as recently as last month, I met the Londonderry Bands Forum, not just about this scheme but about other work that needs to be done in the future. They are an exemplar, unlike others — they and Comhaltas are exemplars — and they show how, if you look at a few Departments and work across them, you can show what can be done if you do it the right way.

Rosie McCorley and others mentioned the need, where there have been isolated incidents — I do not think that anybody is in any denial about those incidents — of behaviour on Facebook, social media or the streets that could be described as sectarian, antisocial, abusive, threatening or intimidating, that nobody should be seen to support it. I am not hearing it being defended at all. I have told the Arts Council, the Ulster-Scots Agency and indeed any other funder within my remit that, where that behaviour has been proven — not suspected, but proven — funding eligibility will be different to what it was before the incident took place. I think that people can fully understand that. It applies across the board. It is not just for people who have behaved in a sectarian way outside St Patrick's chapel or indeed, allegedly, outside St Anne's. It is the first that I have heard of that incident, I have to say. I am not saying that it did not happen, but that it is the first I have heard of it. Wherever that behaviour occurs, it needs to stop. It needs to stop.

I would also like to point out that everybody has spoken about the merits of musical instruments. Some have actually spoken about the need to have a robust code of conduct and indeed to amend it to be inclusive of opportunities for other types of bands and people purchasing musical instruments for uses other than to be involved in marching bands. That is something that we need to review. I have met young musicians who are not part of a marching band culture but are maybe in a small traditional group or jazz group. They want opportunities. They have had opportunities, even under the Arts Council's small grants lottery scheme, to purchase instruments, but it is important that they are reflected in this as well.

There is a big difference in the funding that has been spent on musical instruments for some of the marching bands and indeed Comhaltas thus far, but it should not be just about purchasing equipment; it is also about where we take these opportunities in the future. David Hilditch spoke about his experience in his constituency and indeed pointed out the whole notion of social inclusion and ending isolation. That affects many people, particularly but not exclusively in rural communities. I have spoken to young Protestant men in working-class areas who do not want to be associated with some of the displays of sectarianism but value the role that marching bands have played for them.

I accept at face value what they say. There is a need to see this as an opportunity. The Londonderry Bands Forum gave me good examples, as did Comhaltas, of what this fund has allowed young people to attain musically. The intergenerational aspect was also mentioned, with people learning different instruments being involved not just with a band but with a structure that passes skills from one generation to another. That is very important.

When we are having debates, regardless of what they are about, I wish that people would not bring in the Irish language when there is no need. The only person to do

that was Nelson McCausland. You end up just looking petty. I have never been petty or political about this scheme and never will. I try to give full expression and respect where they are due.

I have given recognition to the bands forums and individuals I met representing them. To be honest, at some meetings I had within the past month or so, people did not want to be involved in point-scoring or for their names to be associated with some of the debates in this Chamber, which they do not think are helpful. However, they do want investment and to be respected. They want that investment to come primarily from my Department but to be across other Departments, and I am willing to do that. It is much easier for us all collectively to do that when we just keep party politics out of it as much as possible.

In an intervention, William Humphrey raised a challenge about parades and protests. All of us, particularly people in north Belfast, have a lot to learn from the city of Derry. I hope that William and other representatives from north Belfast will use their influence to ensure that dialogue is not only initiated but sustained. That is something that we need to do.

Mr Humphrey: Will the Member give way?

Ms Ní Chuilín: Absolutely.

Mr Humphrey: The Minister will be well aware, since we share a constituency, as does Mr McCausland, that there has been dialogue, for example, around the impasse on parading on the Crumlin Road at Ardoyne for over 10 years. The point that I made in the intervention to my colleague from Londonderry was that an accommodation can be reached when people want to reach an accommodation. You will know that, in certain sectors of the nationalist community in north Belfast, the Twaddell initiative, for example, was dismissed out of hand.

Ms Ní Chuilín: You did not mention any geographical area; I thought you were talking in general. Now that you have mentioned an area, you need to use your influence to get people talking regardless. Do not set preconditions for those discussions because that dooms them to failure. I note that the Member did not mention St Patrick's or Carrick Hill, which are also in our constituency and need to be resolved. The best that we can do, and should definitely do, is ensure that where there are opportunities, we take them, and where there are not, we create them. That is our job as political leaders in a constituency that has a small number of parades and protests still to be resolved.

I raise that only because the Member raised it and it is something that we can do. Many of the bands involved in parades across the North, throughout this island and, indeed, as some Members mentioned, have participated in competitions that have world titles do not want to be associated at all with what goes on in our constituency. In fact, it is quite clear when you talk to members of the bands forums — certainly the Confederation of Ulster Bands — that there are differences of opinion between urban and rural, and even within urban and urban. There are lots of challenges, but if there is the political will and people are prepared to take risks and to give leadership and support, we can sort it out. However, we need to set our faces to sorting it out.

I guarantee that I will make a bid in June, and, hopefully, it will be successful. If it is not successful, I will look to

other sources of funding within the DCAL family and give my best possible attention to getting funding for musical instruments, because I value the work of bands and people involved in music.

When we look at the next CSR, I am minded, after the summer, to look at having a review of this scheme. I am saying that up front: I am looking at having a review of what I think we need to do. While this is about the purchasing of instruments, which is very important, we also need to look at the added value that bands, regardless of their complexion, bring to community cohesion, economic regeneration and social inclusion. I do not think that that has happened properly. The reason why it has not happened properly is because people automatically assume an association with parades. I think that we have an opportunity to be inclusive, involving Comhaltas, for example, or even kids who just come together to form bands and who are not necessarily involved in marching bands culture. They need to have the opportunity to do that and to get that social inclusion.

That needs to be sustained from one generation to another, particularly in areas where young people face challenges to try to find their way. For many of those young people, music is how they make sense of things, and I think that that needs to be supported. However, if it gets reviewed, and I am arguing that it should, people should not be jumping up and down saying, "This is an erosion of our culture". It is not. It is about being more inclusive. We should always try to be more inclusive, particularly when we are looking at getting this bedded down further in any new funding opportunities. We also need to bring in other Departments, particularly to look at aspects of social inclusion and economic and community regeneration, as well as education and rural development.

There are huge opportunities here, but I think that there is and has been a pattern here where a small group of people has been very successful in availing itself of the funding streams, while others have looked on, not quite knowing how to go about availing themselves of them or maybe just not having the wherewithal. In the review, we need to look at how we can make it easier for people to get access. I have said throughout that access equals participation: if you cannot have those two fundamental elements, people will feel that they are and have been excluded because they cannot get involved.

I think that this has been a good-tempered and very useful debate, despite some differences, caveats and, indeed, warnings. I will read Hansard to see what we can do along with officials, the Arts Council and others. I am committed to trying to get some funding for this for the here and now, but I want to look long term. It will need a consultation to find out exactly what is needed, but, let me tell you, I have been in the Department for just four years, and I know that this is not just about the marching bands culture alone. While that is important, there are many others out there who have learned their craft and their skill through marching bands and who want to get involved in other music genres, and I think that they need to be included in some way. I welcome the debate.

Mr Humphrey: On 1 April 2015, the Minister of Culture, Arts and Leisure announced that, sadly, the musical instruments for bands scheme, administered by the Arts Council, would not be opening. That was a very retrograde step and was something that was hugely

divisive for the community that has benefited so much from the award scheme and the funding that has come from the Department and one of its arm's-length bodies, the Ulster-Scots Agency.

As a member of the Orange and Black institutions — I have been an Orangeman for 30 years this year — I have walked behind bands that have been exemplary in their playing, deportment, discipline and decorum. I pay tribute to those bands. That has been my experience as a North Belfast representative in recent times and as an Orangeman sitting in West Belfast Orange Hall for all those years, as my father, grandfather and great-grandfather did before me.

I praise the role of the bands in the community. Other Members touched on that. I pay tribute to the Ulster-Scots Community Network for the role that it has played in working with the bands to improve them, secure funding for them, develop them and be a voice for them alongside the Confederation of Ulster Bands. I will return to that organisation in a moment.

4.15 pm

As others said, 25,000 people across Northern Ireland are involved in bands, and there are 660 bands in total. There has been, as I said, significant investment from the Arts Council and the Ulster-Scots Agency, but we have to put that in context. If you look at the cost of instruments, a concert flute, for example, can cost up to £15,000. A set of bagpipes can cost £750. An accordion — my colleague for North Belfast Mr McCausland is probably the most accomplished accordion player in the Chamber — can cost £1,500. For silver and brass bands, the cost of instruments goes up. Therefore, although £500,000 is no small amount of money in anyone's terms, 660 bands with 25,000 members puts it in some sort of context.

The Department for Social Development commissioned a study in 2013 that identified a number of things. The bands are varied geographically, and the communities they come from and their playing is diverse. They are also different in how they address issues. Many of them address social exclusion, isolation and poverty, as was touched on by Mr Hilditch. Bands contribute something like £19.3 million worth of charitable donations and social capital to community life in Northern Ireland. That is a huge amount of money being put back by the bands sector. The sector spends something like £8.2 million a year in the local economy on instruments, uniforms and transportation costs. Bands offer a structure for tuition, instruments and performance opportunities in many areas where there is no other engagement in the arts. We as a Committee have been touching on the detachment from the arts of working-class communities across this city and Northern Ireland. Bands absolutely fill a void in that area.

Bands are also intergenerational: they include siblings, parents, grandparents and so on. I attended the Festival of Marching Bands that was sponsored by my colleague Diane Dodds in the summer of last year, at which there was a perfect example of that, with a grandchild, father and grandfather in a band. That is an example, as the Orange family ripples out, of the involvement that there is in bands.

Ulster bands have played huge and significant ambassadorial roles in bands in the United States,

Canada, Norway, France, Gibraltar and Belgium, and, of course, at the Lord Mayor's show in London. Just last year, I noticed some friends of mine taking part in the parade. They were walking with Baillies Mills Accordion Band. Skeogh Flute Band from outside Dromore and Hamilton Flute Band from Londonderry have also participated there. There are a considerable number of bands from Northern Ireland involved. The Pride of Ballinran Flute Band from Killeel will take part next year.

We must keep in context the positive role that bands play. Similarly, for the younger section of the community, they are the glue that holds it together. I pay tribute to the Confederation of Ulster Bands, which I mentioned earlier. The Committee heard earlier in the year from William Bradshaw, Valerie Quinn and Codie Murray about the role that they play. They are great, articulate and intelligent spokespersons for the band fraternity, and I pay tribute to them.

I was speaking earlier to my party colleague Nigel Kells, who is a councillor in Antrim and involved in Gortagilly Coronation Flute Band. That band has communitised to the extent that it has officers in charge of education and careers tuition in the band for young people for the 11-plus, Key Stage 3, GCSEs, AS levels and A levels. It also has members who advise the band and the wider community in the area about job application forms. That is an example of a band that is not just an organisation that people join and play instruments in; rather, it has absolutely communitised and is giving leadership, building capacity and giving confidence to that community in the south Antrim and southern part of Londonderry areas.

Mr McCausland: Will the Member give way?

Mr Humphrey: Yes.

Mr McCausland: Some years ago, BBC Northern Ireland did a series of programmes on Silverbridge GAA club that presented the club in a very positive light and helped people outside that sector to understand better the work of the GAA club in a rural community. Does the Member agree that a band such as the one that he just mentioned would be an excellent subject for a similar series of BBC Northern Ireland programmes?

Mr Humphrey: The Member will not be surprised to hear that I agree with him entirely. I watched those programmes. At meetings with the BBC that he attended with me, we pushed for equality in output from Broadcasting House in Belfast. Sadly, a band from County Tyrone that took part in a programme that I think was called 'Nolan and Hector Break for the Border' came out of that in a very negative way and had a very bad experience. I wrote to the controller of BBC Northern Ireland about it and subsequently met him. A local Church of Ireland clergyman had contacted me about the band issue. As a Presbyterian, I pay tribute to the Church of Ireland. The Church of Ireland, through the Zacchaeus project led by Sister Valerie Thom of the Church Army, has been doing tremendous work on Orange, Black, Apprentice Boys and band parades across Northern Ireland.

Mr D Bradley: Will the Member give way?

Mr Humphrey: Yes.

Mr D Bradley: Since the Member mentioned the Church of Ireland, is he aware of the work done by Church of Ireland minister the Reverend Gary Hastings in researching the similarities between traditional Irish music and the music

played by the type of bands that the Member refers to, in which he found out that there is a common inheritance of music that is shared across the two traditions?

Mr Humphrey: I am aware of that. Of course, the most popular tune that will be played by bands from all sections of the community is 'Star of the County Down'. As the Member knows, that will be played at nationalist parades and on 12 July.

I will turn to the debate. Nelson McCausland said that bands are one of the largest sections and sectors of our community with, as I also said, 25,000 members, and he urged the Minister to look at the proposal again. Rosaleen McCorley supported the general thrust of the motion and praised the bands forum in Londonderry. Karen McKeivitt said that she hoped that a funding stream can be found and that her party wishes that parading will pass off peacefully this year. She also mentioned the work that she has been doing with the Commons Silver Band in Newry. Leslie Cree talked about the role of bands in local communities across Northern Ireland. Anna Lo said that the Alliance Party will support the motion and that over £500,000 had been awarded to reaching into the community. She said that that is important because many young people, especially unemployed males, have been reached by bands. David Hilditch referred to the confederation's presentation —

Mr Deputy Speaker (Mr Dallat): The Member's time is almost out.

Mr Humphrey: I am sorry that I did not get to include all the Members who spoke. I will just say in conclusion that the bands fraternity is important to Northern Ireland. It is important for building confidence. I absolutely have to say that the vast majority of bands in Northern Ireland are responsible, decent and honourable people who are about playing music in a way that is respectful —

Mr Deputy Speaker (Mr Dallat): The Member's time is really up.

Mr Humphrey: — and shows dignity and decorum. I pay tribute to them. I urge the House to back the motion.

Question put and agreed to.

Resolved:

That this Assembly notes the cultural, artistic and community importance of bands in Northern Ireland; recognises the importance of the musical instruments for bands funding programme; expresses its disappointment at the failure of the Department of Culture, Arts and Leisure to fund the programme this year; and calls on the Minister of Culture, Arts and Leisure to restore the funding for the programme.

Adjourned at 4.23 pm.

Northern Ireland Assembly

Tuesday 9 June 2015

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

Members observed two minutes' silence.

Executive Committee Business

Reservoirs Bill: Further Consideration Stage

Mr Speaker: I call the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, to move the Further Consideration Stage of the Reservoirs Bill.

Moved. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]

Mr Speaker: One amendment has been tabled. Members will have received a copy of the Marshalled List, which provides details of the amendment, and the grouping list. The amendment deals with exemption from planning permission for construction or alteration provisions. I remind Members intending to speak that they should address their comments only to the amendment. If that is clear, we shall proceed.

I call Mr Trevor Clarke to move the amendment.

Amendment not moved.

Mr Speaker: That concludes the Further Consideration Stage of the Reservoirs Bill. The Bill stands referred to the Speaker.

Committee Business

Ombudsman and Commissioner for Complaints (Amendment) Bill: Final Stage

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):
I beg to move

That the Final Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill [NIA 48/11-16] do now pass.

Members will be aware that the Committee's Public Services Ombudsperson Bill will abolish the current offices of Assembly Ombudsman and Commissioner for Complaints as of 1 April 2016. Subject to Assembly approval, the powers and responsibilities of the current offices will be merged in a single new office of Public Services Ombudsperson.

The present ombudsman and commissioner holds those offices in an acting capacity and was appointed for 12 months, with effect from 31 August 2014. The current legislation provides for the offices to be filled by an acting office holder for up to 12 months.

Therefore, the acting appointments will come to an end on 31 August this year, at which point there will be a vacancy in the offices that will frustrate the purpose of the current legislation. At 31 August 2015, the Northern Ireland Public Services Ombudsman (NIPSO) Bill will still be in passage through the Assembly, so the amendment Bill will avoid a vacancy in the offices and will provide the time needed for the Assembly to consider and progress the NIPSO Bill and for commencement of its substantive provisions on 1 April 2016.

The Committee has engaged with OFMDFM, and Ministers are content that the amendment Bill, with the accelerated passage that the Assembly has permitted, adequately manages the risk of a vacancy in the offices of ombudsman and commissioner.

The amendment Bill was introduced in the House on 27 April this year. The Assembly granted accelerated passage, and the Bill passed Second Stage on 11 May. There were no amendments proposed at Consideration Stage on 1 June or at Further Consideration Stage on 8 June to the Bill's three clauses.

Clause 1 provides that, in the acting ombudsman provisions of the 1996 Orders, the references to "12 months" are to be substituted by "24 months". Clause 2 provides for retrospective effect to avoid any argument or difficulty arising regarding the ability to renew, extend or

reappoint, or, indeed, to make a new appointment, and it will provide flexibility regarding the choice of mechanism. Clause 3 states that the Bill will come into operation on the day after it receives Royal Assent, and it provides the short title.

I trust that Members continue to share the Committee's view that the amendment Bill provides a pragmatic and straightforward means of avoiding a vacancy arising in the current offices and will provide the time needed for the Assembly to consider and progress the NIPSO Bill in a timely manner.

I commend the Bill to the House.

Mr Speaker: As no other Members have indicated that they wish to speak, I will move straight to the Question.

Question put and agreed to.

Resolved:

That the Final Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill [NIA 48/11-16] do now pass.

DRD Budget Management

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

Mr Clarke (The Chairperson of the Committee for Regional Development): I beg to move

That this Assembly notes that the Committee for Regional Development has lost confidence in the Department for Regional Development's ability to effectively manage and maintain its budgets, as a result of an over-reliance on in-year monitoring, Translink's statement that it will cease to trade within the next two years, the potential for infraction proceedings arising from a lack of investment in waste water treatment plants and the risk of the Department exceeding its 2014-2015 budgetary control limits; and calls on the Minister for Regional Development to explain how he intends to negate these risks and to set out his financial strategy for the next financial period.

The motion asks the Assembly to note that the Committee for Regional Development has lost confidence in the Department's ability to manage its budgets. Somehow the Minister has misconstrued this as a personal attack on him and has reverted to type by running to the press to plead his case, as was evident in his appearance on the 'Sunday Politics' programme at the weekend. This is a continuation of his paper-politics tactics to avoid debate in the House and at Committee by making announcements in the press, such as he did when he published his draft budget, when he allowed Translink to announce a fare increase before Christmas and, at the weekend, when, yet again, he did the House a disservice by debating the motion in the press before giving Members the opportunity to speak on the matter. It is the Minister, not the Committee, that has made this about him.

If I may, I will address some of the allegations that have been made in that programme and yesterday during the debate on Disability Action and the rural community transport budgets. The scheduling of business in this place has never been an easy task. We have to take into account the Executive business brought to the House, the Minister's diary and, indeed, the Committee's forward work programme, which includes Executive and private Members' primary legislation.

There were limited time slots between now and recess to table essential motions, a situation exacerbated by the fact that the Minister has scheduled a visit to Latvia, as I understand it. Yes, Members asked that the Minister attend the Committee to brief it on the impact of his flawed budget, but only at his earliest convenience. It was his private office that first suggested a date later in the month, but then came back to suggest 10 June. The Minister's office, not the Committee, asked for this week. It is disingenuous, therefore, for the Minister to suggest that this is evidence of some type of a purge against him. When asked whether he was embarrassed about today's motion, he suggested that there was:

"more than a whiff of party politics being played".

That was yet another attempt by the Minister to deflect the established and continuous criticism of his Department.

There was muted opposition to the motion from the Minister's party colleague on the Committee, not because he was opposed to the substance of the motion but because it was a criticism of his Minister. The Committee did not divide, and the overwhelming majority of the Committee, comprising representation from my party, Sinn Féin, the SDLP, Alliance and UKIP, agreed the motion. The only dissenting voice, on the basis that he could not vote for a motion that criticised his party's only Minister, was that of the UUP member. That is not party politics. Rather, it is a Statutory Committee voicing its opposition to a Department's draconian budget.

During the 'Sunday Politics' programme, the debate yesterday and, I suspect, the same tired contributions today, it has been stated that the Committee never offered alternatives to the budget proposals. Section 29 of the Northern Ireland Act 1998 and strand one, paragraph 9, of the Belfast Agreement very clearly set out the Committee's role in the scrutiny of the Department, which is to advise the Minister in the formulation of policy, to scrutinise these policies and ask to:

"consider and advise on departmental budgets and annual plans in the context of the overall Budget allocation".

Our role is not to do the job of the Minister but to scrutinise his Department, policies and budget. On Sunday, the Minister bemoaned the fact that it was interesting that none of the major spending Departments currently operated by Sinn Féin or the DUP would face the same level of scrutiny from the Assembly and its Committees that he is facing this week. I welcome the fact that he believes there to be a high level of scrutiny by this Committee, and I welcome the fact that this scrutiny has been successful. I also welcome the fact that the Committee is unanimous in its desire to continue holding the Department to account.

I will now address the motion before the House today. The motion identifies four main areas of concern: over-reliance on in-year monitoring; Translink ceasing to trade in two years; infraction proceedings; and a departmental budget in danger of exceeding its control limits. These are not figments of the Committee's imagination — they are a reality.

Yesterday, Mr Beggs asked for examples of where the Committee had suggested alternatives, and I will give him an example of where the Committee went beyond its statutory responsibilities to help the Department. We have argued for a long time that the practice of reliance on in-year monitoring for funding was filled with folly. It is a successful tactic when the coffers are overflowing, but, as the Minister is finding out, when the purse strings are snapped shut, it is a foolhardy approach to budgeting. That is borne out by the fact that, since he became Minister, in-year budgeting has resulted in a shortfall of some £160 million in the required road maintenance budget. That could have been negated had the Minister accepted the Committee recommendation that he move away from his Oliver Twist approach to securing funds and the recommendation of the industry, which also addressed the issue. Specifically, the likes of the Quarry Products Association Northern Ireland (QPANI) consistently called for a baseline approach to his budget.

The Minister and his officials have consistently ignored this advice, instead opting for the budgetary version of Russian roulette, meaning that our street lights are out, the

safety of drivers and vulnerable road users is being fatally compromised and the risk of homes and businesses being flooded because gullies and drains are not being emptied or cleaned has increased. That is not because of the hand that he and his officials believe that they have been dealt. This was the strategy of his officials long before the budget allocations were even made. This was an announcement in the press before Christmas, and it is what he and his Department have now imposed on Northern Ireland.

How does the Minister inspire confidence in his Department while his officials and his Department continue to support their pet project, Translink? They continue to prop up an organisation that, in the words of the current chief executive, will cease to operate in two years' time if the public purse does not continue to pump hundreds of millions of pounds into it. That organisation has consistently botched procurement exercises such as the Coleraine to Londonderry track and turned down a tender bid of £27 million because it did not represent value for money but comes out with a suggestion last week of £46 million.

10.45 am

I am sure that the Minister, prompted by his officials, will tell the House of the great capital investment that has been made and is planned for Northern Ireland Water. Whilst it is true that there is a significant investment programme in our water infrastructure, the Department still faces severe pressure and the very real potential of infraction proceedings because of the lack of investment in waste water treatment facilities, particularly those in Ballycastle and Belfast lough. The latter is particularly dire and poses a threat not just of infraction proceedings for pollution of the lough but, significantly, of economic investment in Belfast. That, however, seems to be the one area where the Minister and his Department fail to revert to their normal approach of running to the Finance Minister with their begging bowl. Instead, their proposed method is to wait and see whether the European Commission comes after them, at which point they will draw up an action plan that states that they intend to rectify that problem. The plan, however, is missing one key component: where will the Department get the £750 million needed to implement that plan? It is another game of budgetary Russian roulette. How does that inspire confidence in the Department?

The motion is not about the current budget allocation but the endemic failure of the Department to manage its budgets over a number of years. It is about a Department that takes unwarranted risks with its budget, with the public purse being its safety net. That is shown in the fact that it will most likely exceed its budgetary control limits because of a reliance on the public purse bailing it out to the tune of £20 million for the release of value from Belfast harbour, despite not being assured of that funding.

It is schoolboy budgeting, and it is not about the Minister. As you will hear from the contributions today, it is focused on the Department's failings and is about its failures in procurement and its inability to challenge adequately and to plan strategically. I have no doubt that the Department's response will see the Minister cast again in his role as Oliver Twist, when he will ask, "Can I have more?" How does that inspire confidence?

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. I take this opportunity to speak on today's motion on the management of the DRD budget. We have heard

contributions from officials about the budget over the past number of weeks in Committee, and it is important to point out, at the outset, that the baseline for DRD is £770 million for the 2015-16 financial year. Compared with last year, that represents a £70 million reduction in capital and £3 million in resource, but there is a very substantial budget of £770 million to begin with.

The cutbacks that we are looking at are having a great impact, particularly on the most vulnerable people in our community. We are looking at cutbacks in street lights, the emptying of gullies and grass cutting, and no external contractors will be able to be taken on. In Committee last week, we made the point that, even though this is a cutback in the budget, it could ultimately have a great impact on the safety of road users. I represent a rural constituency, and one of the biggest gripes of many of our constituents is potholes. Indeed, those will become more obvious and evident as we see a cut —

Mr Beggs: Will the Member give way?

Mr McAleer: Yes, OK.

Mr Beggs: Will the Member acknowledge that, in the absence of a voluntary redundancy scheme that would bring savings in-year and allow more funding to go towards issues such as potholes, it is difficult to make significant savings? Will he also acknowledge that he and his party are stopping that scheme coming in?

Mr Speaker: The Member has an extra minute.

Mr McAleer: It is important for the Member to acknowledge that this is one of the Departments that is pretty well protected, with a very grand budget of £770 million. The management of that budget is extremely important and that is what we are looking at here today.

If we look at the vulnerable people whom we represent in our areas, we see that the issues of road safety, potholes, gully emptying and grass cutting for things like sight lines on roads are extremely important. We have also been looking in recent times at proposed cutbacks in the region of over 30% to the rural transport budget. Coming from an area that has a very dispersed population, I know that that will have a huge impact on the most vulnerable people in our communities who rely on rural transport to get to local services, to get out and about and to reduce isolation.

Whilst we are looking at a reduced budget, the cuts that are being made are affecting the most vulnerable people and causing a great sense of alarm out there. There is a huge role here for DRD to look carefully at how the budget is managed and spent.

Mr Dallat: At the outset, let me assure the Minister that the SDLP is not looking for his head on a platter — certainly not today and most definitely not in the week following his £46·1 million investment in the Belfast to Derry railway. I have some sympathy for the Minister. He inherited an awful shambles from the past, and some of us who served on the Regional Development Committee in the past remember those dark days when Northern Ireland Water virtually ceased to function, with a dysfunctional chief executive, Laurence MacKenzie; the permanent secretary of the day, Paul Priestly; and, of course, the Minister of the day. I just wonder how many potholes could have been filled, how many grass verges could have been cut and how many street lights could have been repaired with the hundreds of thousands of pounds that was spent on legal

fees for a case that never went to court because there was no justification. Sadly, during that time, four directors of Northern Ireland Water were sacked because they dared to change the way things ran. Mr Kennedy, you inherited that, and Northern Ireland Water today is somewhat better than it was then, but let us not live in the past. Let us move to the current dilemmas.

I am seriously worried about infraction — I have raised it on a number of occasions at Committee meetings — and not because the Minister has perhaps mishandled his budget but because the money is simply not there. This generation will not be forgiven for leaving behind a legacy of underdevelopment, which means that the future generation will have to pick up the penalties from the European Union should infraction become an issue. Let us move on from that as well, and let us hope that, in the future, the Executive will provide the capital investment that is needed to make sure that infraction is not an issue, as the Chairman mentioned.

Let us move on to Translink, and let me acknowledge straight away that that company provided a public transport service during the worst days of the Troubles. Nine of their drivers lost their life, but, again, that is in the past. Let us forget about it, at least for this purpose. The Minister will perhaps address this issue, but there is a board of directors in Translink who are sitting on their hands. Many of them serve in multiple organisations. That needs to end, and the public appointments process needs to change to ensure that Translink and Northern Ireland Water, which does not have a single woman on its board, change and move with the times. They need to ask the searching questions that are being asked here today, because the cosy relationship that existed between the Department, Translink and Northern Ireland Water in the past does not work any more. We are in a modern world.

I was, of course, extremely disappointed that the A5 did not go ahead, but, again, that cock-up happened before Mr Kennedy took over. The A6 is parked somewhere, and, again, the bypass at Dungiven was not decoupled, as the SDLP asked for on many, many occasions; but, again, the Minister of the day said, “No, no, just one contract; let it proceed”. Of course, it has not.

We are discussing this today, and the message probably going out to the Department is that, yes, there is a lot of disquiet at how things have happened. Let us go through it root and branch — the whole organisation from top to bottom — so that we produce a Department capable of overseeing a bus company and rail company that provide the services that the public wants, and let us never again be embarrassed by having street lights that do not work or having potholes. That is not the message that we want to send to the tourist industry, and it is certainly not the message or the legacy that we want to leave behind for future generations.

Mr Hussey: I am deeply disappointed that we are debating this motion today. I opposed it at the Committee for Regional Development as it amounts to nothing more than petty party political point scoring. It is utterly ridiculous that the Minister is being hauled in front of the Assembly twice this week and in front of the Committee tomorrow to explain why he has lived within the budget that he was allocated and to reiterate the points that he made time and time again at the Executive, in the Assembly and before the Committee.

Danny Kennedy has been unambiguous when highlighting the effects that his budget allocation would have on his Department's ability to deliver front-line services. In fact, he began to outline what it would look like after June monitoring was finally agreed last year. Before the very Committee that has brought the motion today, he has repeatedly been very clear about the difficult decisions that he would be faced with and the implications for front-line services; yet we have motions like the one brought forward today as though the current situation was a surprise. Who moved the motion? It was the DUP Chair of the Committee — a Member of the party that wants the Assembly to support a phantom budget — a budget that has no basis in reality and is nothing more than a fig leaf. Perhaps his fire-and-brimstone approach is more brimstone; yet he thinks that he can lecture others about fiscal responsibility.

The targeting of Danny Kennedy is nothing more than a poor attempt to deflect from the gross financial mismanagement by the DUP and Sinn Féin over the last four years, but we have seen that all before. I am sure that Members can remember the DUP's treatment of Michael McGimpsey when he warned that he was not being given enough money to run the health service and of what the future consequences would be, and now we see — as we knew all along — that he was right.

The DUP has a track record of playing silly games with Ulster Unionist Ministers. Look at how Simon Hamilton dealt with the £20 million Belfast port money. He allowed something that was quite clearly an Executive responsibility — he had accepted it as one the previous year and for this financial year — to create a financial pressure point in 2014-15 that drew money away from core services. I would love to be able to quote what the Chair of the Committee had to say about that during the motion that he brought forward, but I cannot, because he did not. Why not? It should have been of great concern that such an unfair and unjust penalty would bring pressure on the Minister's ability to deliver public services, but that would have required criticism of his own Minister, and we know that the DUP does not do that.

Who can forget the flurry of petitions of concern and disrupted Committees to save Nelson McCausland's blushes? We are all used to the selective memories of Sinn Féin, but surely it is not too difficult for it to recall the mess that Conor Murphy left behind after his time as Minister for Regional Development that Danny Kennedy has done so well to clean up. Indeed, just last week, the Member for East Londonderry Mr Dallat paid tribute to the Minister's revival of the Coleraine to Londonderry rail line after it had been left, as he put it, to wither on the vine by Conor Murphy. How deeply disappointing it is to see that it supports the motion today. However, I am pleased that Mr Dallat does not want the Minister's head.

Let us not forget that it is the action, or inaction, of Sinn Féin that will see the financial instability worsen. Its failure to honour its agreement on welfare reform is costing us £2 million a week. What Minister in the House could not put their hand up and say that that amount of money would have a transformational effect on the Department's ability to deliver services; yet we squander it every week because of the political ambitions of some people in the Chamber.

11.00 am

We will not be supporting this motion. Despite the hand that he has been dealt, Danny Kennedy has kept infrastructure projects on track, held off unfair water charges and invested in our rail and bus networks, seeing passenger numbers rise. It is important to note that the motion offers nothing constructive in how the Chair of the Committee thinks the Minister could apply his budget to achieve a different outcome. Perhaps that is asking too much of a party that will, next week, be asking us to abandon reality in favour of voodoo economics.

Mr Lyttle: I support the motion. It is only right that the Committee for Regional Development express its serious concern that the Minister for Regional Development is operating a budget that is at risk of exceeding its limits. I listened with interest to Mr Hussey raise concerns about the DUP playing "silly games" with Ulster Unionist Ministers. That did not seem to stop the Ulster Unionist Party entering headlong into electoral pacts with the DUP, so it is a bit late in the day to be playing that fiddle.

Mr Clarke: Will the Member give way?

Mr Lyttle: I will give way, yes.

Mr Clarke: In his contribution, maybe the Member will remind the previous Member to speak that this is a Committee motion, not a DUP one, and that it was supported by every party on that Committee.

Mr Speaker: The Member has an extra minute.

Mr Lyttle: I thank the Member for his intervention. I think —

Mr Hussey: On a point of order, Mr Speaker. The proposal was not supported by every political party on the Committee. I objected to it.

Mr Speaker: You have made your point on the record, but the fact of the matter is that this has been brought forward as a Committee motion. That does not mean that every party supported it.

Mr Lyttle: Thank you, Mr Speaker. I thank the Member for his intervention and I note the comments of Mr Hussey. The fact remains that there are at least four political parties here, perhaps even more, that are expressing their concern on this issue. To reduce it to the critique of political point scoring is inadequate in itself, but I am sure we will hear more of that. Indeed, yesterday, we heard plenty from Mr Beggs and Mr Swann, who were criticising the lack of alternatives and the lack of collective responsibility. Where was the Ulster Unionist Party's support when the Alliance Minister for Employment and Learning brought forward sound proposals on the rationalisation of teacher training and the savings that could be made? Where was the collective responsibility then? When people put forward alternatives, we are misrepresented by the Minister, unexpectedly. I expect better from the Minister than resorting to misrepresenting Alliance Party policy on these issues. When we put forward alternatives, they are brushed aside with the comment that water charging is the only suggestion that the Alliance has. That is a grossly inadequate contribution and I expect more from the Minister.

There is an over-reliance on in-year monitoring. The Committee learnt last week that, should the Minister's bid for June monitoring funds be unsuccessful, his Department could be around £20 million short of the funds necessary

to deliver only the minimum required standards on street lighting, grass cutting, gully cleaning and general road maintenance, all of which are essential services for public safety and flood prevention in our community.

Of course there are tough decisions as to what should be prioritised, so simply sweeping aside water charges as unfair when the subsidy of £300 million a year for water pricing is being prioritised over issues that are essential to the safety and well-being of the public and to protect their properties is inadequate. We need to have open debate and discussion. The Executive have taken a clear decision not to introduce any type of water pricing for the foreseeable future, and the Alliance Party was part of that decision, but at what point will the Minister show some leadership by at least exploring some of the alternatives and issues?

The Department for Regional Development is also at risk of EU infraction proceedings for failing to introduce a water pricing policy that encourages conservation. The infrastructure is not just at risk in Northern Ireland; the EU has commenced infraction proceedings against the UK on 17 sites, one of which is in Ballycastle. My understanding is that that is for a breach of the waste water treatment directive.

We have heard also that around £750 million is required for the Belfast drainage plan, so where is the leadership, and what are the Minister's alternatives for trying to deal with those particular issues?

My party absolutely acknowledges that the political intransigence around the Stormont House Agreement and welfare reform is costing the Executive and the people of Northern Ireland dearly, and we hope to see progress from Sinn Féin, SDLP and the Greens in that regard. We also need to see much more leadership from the Minister for Regional Development, and perhaps he can set out clearly today where exactly he believes the pressures are coming from for his Department for the Committee to work on those issues. We need him to show leadership; we cannot have a passive Minister in taking the tough decisions that are necessary, and we look forward to hearing how he intends to deal with these challenges today.

Mr Easton: I rise to support the motion at a time when money is tight and budgets are coming under increasing pressure. It is vital that Ministers do all that they can to keep within their budgets that have been set and agreed and that they look at every possible avenue to reduce risk and to ensure that services are provided and protected as best they can be and that staff employed and, indeed, the public are given the best possible services that we can provide.

Mr Beggs: Will the Member give way?

Mr Easton: No, not at the moment.

When we look closely at the budget for DRD for this financial year, we see that it is around £333 million, which is about £11 million less than in the last financial year, when it was around £344 million. That is a reduction of around 0.6%. Yet, DRD claims that it has a shortfall of £60 million in its budget. This was explained by the Department and the Minister in an evidence session to the Committee for Regional Development. We see that the Department has an over-reliance on in-year monitoring rounds, and I have no doubt that, during the next June monitoring round, we will see bids by DRD and other Departments. In the 2015-16 budget set by DRD, we can see an allocation of £152 million for the Department, £61 million for Translink,

£109 million for Northern Ireland Water and EU funding of about £0.5 million.

If we look at Northern Ireland Water, we see pressures of £15 million, largely due to rates revaluations. Has the Department appealed these? Instead, we see money being moved from roads to Northern Ireland Water, which, obviously, has caused a problem in the roads budgets. Have any costings been done on the voluntary exit scheme for Northern Ireland Water? Would this have gone some way to help the Northern Ireland Water budget? I also want to ask about the selling of assets that are no longer required. Where is Northern Ireland Water on these issues? I do not see much movement on these.

It is claimed that Translink is projected to lose about £14.3 million yet has assets of £55 million, although it was stated at the Committee meeting that this will be reduced to £41 million and that a further £11 million will then be lost, which will bring the reserves down to £30 million. We have been told that this will go down to £18 million of reserves left. Surely, until now, these reserves have been steadily increasing over the years and have now decreased rapidly, within the space of a year, and are being used to pay its bills. Surely, the overall budget for Translink was being used for paying its bills, not its reserves. That was stated by Mr May when answering questions from the Committee for Regional Development. In my opinion, something does not add up with the Translink reserves, and I believe that the Committee will need to have a closer look at what the reserves are being used for in Translink.

How much money has been saved under the voluntary exit scheme by Translink? Would this not help with the budget? Also, I question why Translink is providing company cars for 40 staff. Indeed, we found out that there were about nine company cars for Northern Ireland Railways. This is costing hundreds of thousands of pounds. Surely, this is an extravagance that, in this day and age, we cannot afford. Surely, the Minister must put a stop to this. I believe that money can be found in the areas of Translink that do not have to hurt the public. All that is needed is a bit of willpower and imagination from your Department.

For Transport NI, we see that £10 million was moved from roads to Northern Ireland Water. It is no wonder that we see pressure on street lighting, potholes not being fixed and no grass cutting, as, in essence, we are robbing Peter to pay Paul. We can see that £40 million is needed to meet long-term public-private partnership (PPP) contractual commitments. Has the Department gone back to look at whether those costs can be reduced through renegotiation? That is the logical thing to do. It is done in other Departments, so I hope that the Minister will consider doing that. I also note that Transport NI plans to save £3 million through the voluntary exit scheme and other admin efficiencies. It is a pity that the Committee cannot get the same information from Northern Ireland Water, Translink and Northern Ireland Railways on those issues.

Yesterday, we had a debate on community rural transport, which will see a huge reduction of £2 million in its budget. That is an increase of over 30%, which is quite worrying.

If we cannot agree our budgets across Departments, there will be a £600 million black hole, and the cuts that we are seeing now, which are quite bad, will have a devastating effect on the people of Northern Ireland from everybody's

community. It is important that we all try to sort out our budgets and the Stormont House Agreement.

Mr Speaker: The Member's time is up.

Mr Easton: I believe that savings can be found elsewhere, and I urge the Minister to look at that.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Beidh mé breá sásta a bheith ag labhairt i bhfabhar an rúin seo. I support the motion. I have been on the Regional Development Committee for the past four years, but, if I had landed from Mars this morning, I might think that all the ills that we now face are down to one Conor Murphy. I am very glad that he is back in the Assembly, and I have no doubt that he will acquit himself of some of the allegations that have been constantly made against him for the period in question.

I was not blind to what was going on before I came here, because I had an abiding interest in all aspects of the Committee and the Department. Being from the north-west, I knew that the historical dearth of investment in infrastructure was patently obvious and needed addressing. In the last four years, I have had the opportunity to see at first hand the machinations of the Committee and the Department, the modus operandi and the personnel involved. I have been frustrated at the methodologies employed and at the time taken to make decisions, as well as with the outcomes and results.

We have had our own frustrations in the north-west, as was referred to earlier. The A5 is obviously a major one, and there is also the A6, in which the Minister knows that I have more than an abiding interest. The chair of the Freight Transport Association was airing his frustrations on Radio Foyle this morning. We have seen other projects literally bypass those projects; for example, the Magherafelt bypass, which was well down the list of priorities in ISNI for 2011-2021.

The Minister was rightly praised earlier for his work on the Coleraine to Derry line, although that in itself had a lot of shortcomings, as evidenced by the project assessment review report. That is why we have got to the point at which the line is costing some £26.5 million more than it should have done initially. I have also been vocal in the past about the Magilligan to Greencastle ferry, which I believe is eminently suitable for Trans-European Transport Network (TEN-T) funding under the motorways of the sea programme. Elsewhere, we have looked at the difficulties in the integrated transport pilot scheme in particular, which has been dawdling along for the past number of years without much in the way of a result. We have seen a £14.3 million projected loss at Translink, and that is coming from a body that has a £55 million reserve.

Yesterday, we discussed at length the saving of some £1.25 million by cutting funding in the community and disabled transport sector. All that time, however, we are still squandering money on a raft of other scenarios. In tomorrow's Committee meeting, we will look at a how a public transport company — namely, Translink — spends £800,000 a year on private-hire taxis and company vehicles. I am not sure whether that can be justified, particularly given the community transport situation. A number of years ago, I highlighted the case of the Belfast to Derry train drivers who were driving the train to Derry and then taking taxis home to Belfast at the cost of some £28,000.

11.15 am

In the past, reference has been made to a cosy relationship between Translink and the Department. I have never had it adequately explained to me; maybe the Minister will take the opportunity to do so today. There is a £9 million investment in Translink this year for the purchase of new vehicles.

The Minister talked about other Ministers and Departments "shroud waving". I am not sure of the biblical quotation about being a weeping Jeremiah, so I wonder if he might address that and give me a lesson on it. Overall, we are looking at a modest reduction in the DRD budget from £344 million to £333 million. Our constituents, as they see grass verges not being cut and the potholes not filled, are not sure that they are getting value for money, especially when it is being squandered elsewhere in the Department. I am sure that the Minister will take the opportunity to address that today.

Mr Byrne: As a member of the Regional Development Committee, I endorse the motion from the Committee. It would, however, be a gross mistake to kick the Minister and blame him for all the prevailing ills and difficulties. The reality is that the budget proposed for DRD in 2015-16 is the primary reason for the debate. The Department will be expected to live with £60 million cuts to its resource budget, and that obviously has immediate knock-on effects in cuts to community transport, Disability Action and roads, including routine maintenance — filling potholes, grass cutting, repairing street lights and emptying gullies. These are the up-front issues that concern the public at large and, indeed, members of the Committee. There have been concerns also about proposed cuts of £15 million in capital to the waste water treatment works and the water supply services. This is of particular concern in the western area where I live, which has a backlog of upgrading, as evidenced by the breakdown in water supply last January in Tyrone and Fermanagh.

We in this party are aware of the 2015-16 Budget problems generally in government here. We recognise that the austerity may get worse, if we are to believe all that we hear from across the Irish Sea. It would be easy to have a party political punch-up about the Assembly's more recent difficulties in agreeing a Budget against the background of austerity and welfare reform proposals. The Minister has to be congratulated for limiting the cuts in the current budget. Other Departments have proposed more severe cuts. We need to recognise that DARD, sorry, DRD — I am confused about what Committee I am talking about, Mr Speaker — has had a custom and practice of relying heavily on in-year monitoring rounds.

Mr Beggs: Will the Member give way?

Mr Byrne: Yes.

Mr Beggs: Does the Member acknowledge that the Roads Service has always wanted more money for maintenance but the Finance Minister has regularly used it as a means of utilising underfunding in other Departments through in-year monitoring? Although he has made good use of the money late, it is not something that anybody would wish for; it is simply a mechanism that the Executive have chosen to use.

Mr Byrne: I recognise what Mr Beggs has said; indeed, I have commented on that in the past. However, the

custom and practice is such that, very often, money that is reallocated through in-year monitoring rounds has to be utilised immediately. The Roads Service has been very good at having shovel-ready proposals and projects available, and, because of that, the Department has fallen into a false sense of security and reliance on in-year monitoring moneys. I hope, however, that the Minister is successful in current monitoring round decisions, because that would help to relieve the immediate pressures that people will experience in road safety and grass cutting. I have to say that I was delighted yesterday evening, on the way home, to see that there has been quite a bit of cutting of grass verges in the last 24 hours.

The Minister has lobbied strongly for extra moneys to protect the general condition of the road network, and I hope he will be successful. I welcome, as my colleague John Dallat did, the courageous decision by the Minister to go ahead with the ministerial order in recommending the Coleraine to Derry phase 2 rail project update. The Minister has demonstrated a commitment to making sure that the general infrastructure across Northern Ireland improves under his tenure. Obviously, as someone who lives in West Tyrone, the A5 project is my continual nightmare issue. I know that the Minister has given assurances about that, and I hope that the Executive generally, with the two Governments, deliver on that economic peace dividend project, because it is still so important. Infrastructure is crucial to the future of the regional economy, as we all know. Road transport is crucial for moving people and goods from production locations to the ports of Larne, Belfast, Warrenpoint and Derry. It is fair to say that there have been some good improvements in recent times, but there is a lot more to be done.

It is important that we all recognise that it is about priorities. The Minister has become a victim of maybe less than full disclosure by his officials when they appear in front of the Committee, and that has damaged the relationship between the Minister and the Committee somewhat.

Mr Beggs: First, I would like to pick up on a couple of comments that Members have made. There was a comment from the Chair of the Committee that the Department continues to prop up Translink. I, for one, value public transport in my constituency, and so do my constituents. I do not wish to go towards a *laissez-faire*, private approach, where many vulnerable rural routes will be at risk. Even at the minute, the town services are being consulted on.

Mr Easton: Will the Member give way?

Mr Beggs: The Member did not give way to me earlier, and now he expects me to give way to him. Alex Easton also criticised Translink's plan to reduce its reserves. There has been criticism of the level of reserves. The Department recognised that Translink had too many reserves and reduced its budget so that they come down, and you are still criticising that. What do you wish to do with those reserves, keep them at the high level? Whatever you do, it seems to be criticism for criticism's sake.

I turn to the crux of the matter, which is the current financial crisis here. Reductions in budgets are occurring, and difficulties are being created, principally by the parties who approved the Budget — the DUP and Sinn Féin — who then criticise the outworkings of their Budget

rather than dealing with the issue and solving some of the difficulties. I go back to what I said earlier: we need our voluntary redundancy scheme to free up money so that it can be used to address the needs of the community. What is stopping it? It was built into the Stormont House Agreement and welfare reform, which Sinn Féin, in particular, along with the SDLP, is preventing from going through. That causes knock-on effects for every Department and for the vulnerable in our community.

The motion today is nothing but an attempt to direct attention away from the financial mess that we find ourselves in. It contains a line about losing confidence in the Department's:

“ability to effectively manage and maintain its budgets”.

How do you maintain your budget? Your budget is set by the Finance Minister in the annual Budget, so how does the Department get more money into it? It bids for more, but the Finance Minister and the Executive have rejected that, so I really do not understand that criticism. You have to almost admire the sheer arrogance of some of the comments.

We are sitting in the Chamber today where it is anticipated that, very soon, the Budget will be brought forward — a Budget that does not consider the current financial reality that we are in. It is being brought about because three parties in this Chamber killed off a Bill, which is an action that comes with a consequence of at least £2 million a week in the current year, which, as I understand it, may rise to £4 million a week next year. On top of that is the absence of the voluntary redundancy scheme, which would allow us to free up our finances.

The Ulster Unionist Party opposed the Budgets that were brought forward for this mandate. We did not believe that they were fit for purpose. We have been proven right, as the mismanagement over the past four years has led to greater financial pain in the final year. Even at this minute in time, a further £100 million of excess spending last year is hanging over all our heads that could significantly adversely impact this year's spending if that agreement, which would allow it to be paid back on a longer-term basis, is not honoured.

The Committee Chair spoke of the role of the Committee in scrutinising the departmental budget. Yes, that is an important role, but scrutiny should not be about nitpicking and highlighting issues that do not bring about a solution and improvement. In my opinion, criticism should be constructive, with alternatives suggested. Certainly, when I was a member of the Health Committee and saw that there were difficulties, I supported every bid for more money in the annual monitoring rounds. That is not what is happening in this Committee. It is just nitpicking that is going on. I think that everyone should look at what they are doing and at how they can solve the problem.

Given the level of the reduction, some Departments' budgets have been subject to more criticism than others, but undoubtedly there will be problems in every Department, so why has this Minister, whose budget has been severely impacted, been picked out? It is really infantile politics.

Mr Dallat: Will the Member give way?

Mr Speaker: The Member's time —

Mr Beggs: Yes, I will.

Mr Speaker: Just about. Well done. *[Laughter.]*

Mr Dallat: Mr Speaker, I have just allocated the Member an extra minute, or part of one. The Member worries me. Does he not accept that one of the features of this Assembly is 11 scrutiny Committees that do their job largely above party politics and that are entitled to go in and shine a light in every corner where they think that improvements can be made?

Mr Beggs: Indeed. What I would like to hear are constructive ideas coming forward on how to bring about improvements. Everyone is well aware that, with in-year monitoring last year and money being clawed back from the Department, lights were not being fixed and drains were not being cleared as frequently as they should. That ought to have been a major warning of the severity and critical nature of the Department's finances at that time, and it should have been recognised.

The people of Northern Ireland deserve better. We deserve better than fantasy economics and phantom budgets. Clearly, this is a failure to address the main issue, which is solving the overall economic situation.

Mr Speaker: The Member's time is up. I am starting to understand why the trains and buses have so much difficulty with their timetables.

Mr Allister: I suppose that, as an outside observer of the marvellous workings of our Government, I am a little bit reluctant to comment on this internecine warfare between the Executive parties, but I will say this: it is no surprise to me that the object of attack is a minority party within this Executive. That seems to be pretty much par for the course.

Of course, the Chairman, in introducing the debate, said that this was not a personal attack on the Minister, and then he spent the first four minutes of his speech indulging himself in precisely that in his own irascible way. I think that one is entitled to question just what is the motivation of the debate.

There was also the suggestion that there were party politics at play, which was dismissed by the Chairman. Methinks perhaps that the outcome of the general election in South Antrim might have had its own bearing on some of the approaches of the Chairman of the Committee.

I am no —

Mr Clarke: You did well in North Antrim as well, Jim. You ran away, Jim.

Mr Speaker: Order.

11.30 am

Mr Allister: I am no apologist for the Regional Development Minister. I have had meetings with him at which I have been critical of some of his policies and their consequences, but I do recognise when a Minister is being picked on in the Executive in Budget allocations and then in criticism of how he seeks to manage those allocations.

Mr Dallat: Will the Member give way?

Mr Allister: Yes.

Mr Dallat: Does the Member agree that, given that the Chairperson has called for the resignation of the Minister, he is just a little bit biased?

Mr Speaker: The Member has an extra minute.

Mr Allister: The point is well made. That has been quite obvious, not just in this debate —

Mr Clarke: On a point of order. I seek clarification and your guidance on this, Mr Speaker. At which point did I ask for the resignation of the Minister? I know that another Member did seek that, but I do not think that my name should be associated with those comments.

Mr Speaker: I do not think that that is a point of order and I do not think that the Member had completed his particular reference. He may or may not make that allegation, but I have not picked it up so far.

Mr Allister: If what Mr Dallat says is correct, I am not surprised. It fits within the party politics allegation if it is correct.

The key thing that strikes me in this debate is the assault on the Minister for an alleged lack of budget probity from those who, in two weeks' time, in this very House, will advocate and vote for a fantasy Budget. A Budget that the Minister has already said has a £604 million hole in it. Yet the very people who today lecture on budget probity are the very people who, this day two weeks, will trip through this Lobby to vote for a fantasy, phantom Budget. Those who point the finger should just pause for a moment and reflect as to where the other fingers are pointing back. In that, they leave much to be desired.

Then, of course, onto this bandwagon jumps Sinn Féin, the party that has put us into this budgetary mess. That party is very eager and very quick today to criticise the hapless Regional Development Minister for his budgetary control, with no regard for the fact that it is the architect of the very budgetary quagmire in which the Assembly is wallowing day after day. There is much of a less-than-frank nature about some of the things that are being said.

Then we have lamentations about how there could be infraction proceedings from Europe against DRD. I have a very easy answer for that: exit from the EU would solve that problem, and many other problems, straight away. Indeed, exit would liberate this great nation of ours, uninhibited by all the constraints of Brussels, to make its own way as a great trading nation in the world.

Mr Lyttle: Will the Member give way?

Mr Allister: Yes.

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

Mr Lyttle: Is the Member seriously diminishing the need for a high standard of water quality in our community with his party policy on Europe?

Mr Allister: I do not think we need Brussels to tell us what is good water and what is bad water, what is clean water and what is dirty water. We are more than capable of working that out for ourselves. Why, therefore, do we pay the phenomenal £17 billion a year to put ourselves under the jackboot of Brussels? I do not understand that and I urge and hope for the day when the British people, who do not understand it, will exercise their democratic right and —

Mr Speaker: Thank you. I call Mr Mike Nesbitt.

Mr Nesbitt: I had not intended to speak in the debate. I came down to listen. I was curious because this is

the second day in a row that we have focused on the Department for Regional Development, having had, by the way, a question for urgent oral answer last week. I have no difficulty with Committees scrutinising their Department or with the fact that scrutiny sometimes results in criticism. I prefer it when it is constructive criticism that says that you are doing A but asks whether you have thought about doing B because it might be better. Scrutiny can, of course, also end in endorsement and praise for the way in which a Department is run. As the Chair of the Committee for the Office of the First Minister and deputy First Minister, I am always keen to look for areas where scrutiny will result in a positive view of the actions of OFMDFM, although that is sometimes difficult.

Here we are focusing on the Department for Regional Development for the second day in a row as if everything in the garden is rosy, as if there was no Stormont House Agreement not being implemented and as if those who wish to protect the vulnerable are not responsible, through their flip-flop on the Stormont House Agreement, for the Treasury taking back £2 million a week. That is money that could be spent on our vulnerable people but which they are content to see the Treasury redistribute to the people of England, Scotland and Wales — not to our vulnerable people.

If the Committee is serious about criticising the financial management of the Minister for Regional Development, it needs to catch a grip and take a look at what the two main government parties are doing with their Budget. We have vulnerable people, and we call them “people who live with deprivation”. In the Programme for Government, there was a commitment to help people who live in deprivation, and that means poverty. The commitment was to spend £40 million over three years, ending on 30 March this year. At the same time, another £40 million was to be spent on those who live in dereliction in areas like the lower Newtownards Road, where all the shops are boarded up and painted over, and we are supposed to pretend that things are better than they are. That is £80 million for dereliction and deprivation. We all signed up to that and thought that it was a great idea to spend that money on the vulnerable in vulnerable and needy areas. What did we discover? How much of the £80 million was spent in the three years to which it was allocated? £1 million. £1 million out of £80 million. If there is a shortage of money for cutting the grass or repairing lights, go and ask Peter Robinson or Martin McGuinness. They have £79 million in their joint bank account. That is a disgrace, and that is the focus that the Chamber should bring to our Executive Government.

The Chairman opened the debate by accusing the Minister of misinterpreting the motion as a personal attack. As Mr Allister has just pointed out, the Chairman then spent the first four minutes launching a personal attack on the Minister. It was four minutes and 22 seconds long. It was four minutes and 22 seconds before the Chairman addressed the motion. That tells you all that we need to know about the motivation of the Member for South Antrim.

Mr McNarry: It is a privilege to serve on the Committee, in deference to which I take great exception to any scurrilous spin that, two weeks ago, we met to gang up on the Department and that resulted in today’s motion. It is not a fantasy motion; it is about real things. In case that realisation has not sunk in, which I suspect is and always was part of the problem, the Department has only itself to blame. The motion is borne out of months of frustration and

bewilderment at listening to evidence from senior officials who fell apart under deep probing and close scrutiny of their decisions and actions. It is not a sudden surprise, and it should not be a sudden surprise to the Minister either. He will recall that, some time ago, I warned him personally that the arrogance of some of his senior officials was causing him to lose his Committee. Nothing changed; it was then and remains a Department out of control.

I say to the pipsqueaks seeking wriggle room with the question, “What would you do?” that it is a silly point. The Committee’s role is to scrutinise policy not make it. What could you do anyway with distorted facts and figures presented that did not stack up? It is not a question of “What would you do?”; it is and will remain a question of “What on earth is being done?”. We have a litany of serious compounded errors as detailed in various Hansard and Committee reports, showing over a lengthy period — not last week or yesterday — how the Committee’s concerns were met by excuses given by officials to exonerate the Department irrespective of how many times their forecasts proved to be inaccurate. Evasion was the name of their game. It was not of the standard expected in managing public money.

In a week when a so-called fantasy Budget is topical, let me say that the Committee has for months been treated to fantasy projects, spending fantasy money on proposed pet projects put together on the canvas of an artist’s impression, projects with guesstimated costs, downloaded on costs. The litany of that record is there for all to read. Yet, the Committee was informed only last Wednesday that there was no money for potholes, gully drains, grass verges, road markings, signage or bridges. It was incredible to hear it. We have a management putting public safety at risk, and it is not good enough. Nor is the proposed solution in June monitoring, which proposes to take us from no money to a skeleton service and then on to a minimum requirement service, none of which allays fears about public safety being at risk.

On that day, the financial director told me that the £6.6 million bid was being undertaken at a risk, when the Department has known for several years of a deepening Budget crisis — not yesterday or last week but for years. Instead of protecting public safety, it has put in immediate danger the Department’s critical routine and statutory legal responsibilities and duties. It has gone for populism at the price of safety.

The Department’s problem is its reliance on and abuse of in-year monitoring, where the guidelines state explicitly that the Department must not plan on the assumption that bids will be met. It is a strategy designed to fail, and it has failed. That has been the problem with the Department. A loss of confidence as a result of today’s motion will not be reversed as long as the Department’s financial management wastes millions of pounds of public money, admits that its monitoring bid is undertaken at a risk —

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

Mr McNarry: — and, in doing so, has emptied the money bank. It is a performance of zero rating.

Mr McCallister: I am sure that the Minister is touched by the number of Executive colleagues who have come out to support him today in the effort to reinforce collective Cabinet government. He is probably thinking to himself, “With friends like these, who needs colleagues?”. Mr

Allister was spot on about the Committee Chair and Member for South Antrim; it is much more to do with an election result in South Antrim. Only a number of weeks ago, DUP colleagues were calling on people in Newry and Armagh to vote for Mr Kennedy; now they want his head on a platter. At least Mr Dallat does not.

11.45 am

Virtually every week in the Chamber the case is made for reforming the Assembly and the Executive. A number of weeks ago, in the water motion, we had the then junior Minister Bell calling on Minister Kennedy to follow Executive policy. That was really an attack on the Alliance Party, which is still in the Executive as well. All the Executive parties gang up on one another. Today's motion — I have to give it to the Committee — is exceptional when you consider where Northern Ireland is heading. Let's all gang up on the Minister for Regional Development — meanwhile, the entire Executive of Northern Ireland are hurtling down the tracks towards practical bankruptcy. We have a fantasy Budget on its way that will, of course, given the title "fantasy", bear no relevance to reality. We could be in a situation by late July or August where the permanent secretary of the Department of Finance and Personnel is running our finances. Yet, we are wondering here about Minister Kennedy getting the grass verges cut while our entire finances go down the plughole. Is there any sense of reality?

On this occasion, because of Sinn Féin's stance on welfare reform, we are haemorrhaging £2 million per week. With no real way of passing a meaningful Budget, the Finance Department will have to step in and take emergency measures. That is putting —

Mr Speaker: The Member should bring his remarks to a close.

Mr McCallister: — a real dent in our confidence in the Executive. What is worse is that the people out there have long since switched off and no longer worry about what this place does. It is not even a crisis. In Mr Nesbitt's words, it is barely a proper crisis.

Mr Kennedy (The Minister for Regional Development): At the outset, I apologise for my slight lateness to the debate. I think that a number of Members were, like me, caught by the rolling forward of business. No discourtesy was intended to you, Mr Speaker, the House or the members of the Regional Development Committee. The delay meant that I missed the four minutes and 22 seconds attributed to the Chairman of the Committee, but I caught enough of the end to hear myself being likened to Oliver Twist. I return the compliment by describing the Chair as the Artful Dodger: he seems to be dodging some of the financial issues that confront the Committee, my Department and me.

I welcome the opportunity to set out how I am managing — I stress the word "managing" — my budget in the difficult circumstances that I find myself in. First, I need to address the inaccuracies in the motion tabled by the Committee for Regional Development. We have a well-established public expenditure system here: the Budget sets the total for each Department, and, through the financial year, adjustments are made by the Executive through the monitoring rounds. That allows reduced requirements to be surrendered and some additional pressures to be met. All Departments make use of it for both purposes.

For my Department, particularly for road maintenance, the Executive adopted a deliberate policy of dampening my opening budget in the recognition that any surplus capital emerging later in the year, as invariably happens, can be soaked up by spend on structural maintenance. I have consistently made it clear that the use of my Department as a sponge militates against sensible planning and actually delivers less value for money, as the investment is best spent in the summer and autumn.

Nonetheless, that has been the pattern in recent years. Now, apparently, it is I who stands accused of over-reliance on in-year monitoring.

The Committees of this Assembly have a vital role. One element is scrutiny of Ministers and Departments. As a member of the House and a former Chair of Statutory Committees in previous mandates, I fully support that role, but another role is to champion Departments' interests and act as an advocate for investment. This must be the first time that a Committee is arguing against investment and has come to the Floor of the House to argue that point. I await with interest the Committee's explanation — hopefully it will come in the winding-up speech — to the many stakeholders who appear before the Committee for why it is somehow opposed to bidding for monitoring moneys. In particular, if it had its wish, we would see an even more marked deterioration in the fabric of our roads network in the years ahead. I have no intention of presiding over that.

I am intrigued by the Committee's position on monitoring. Last week, my officials appeared before the Committee to brief its members on my proposed June monitoring bid. That is a significant and important bid. I have reviewed that session with officials and have yet to find any argument against bidding. Indeed, officials were urged to accord a greater priority to one bid, namely that for community transport. It seems to me that the Committee is arguing for both more and less use of monitoring at the same time. I am confused about its position and wonder what it is.

I turn now to the 2014-15 out-turn —

Mr Lyttle: I thank the Minister for giving way. The motion clearly states that the concern is over-reliance. There is no confusion in that. Of course the Committee will support monitoring round bids, but the concern is over-reliance. Indeed, yesterday, there was a motion supporting the need for additional funds for disability transport schemes.

Mr Kennedy: I am grateful to the Member, but he misses the point that I made in my earlier submission, which is that the Finance Minister in the Executive deems it appropriate that monitoring rounds are how this Department is to be funded in terms of structural maintenance. That is my argument at the Executive. I would be a little bit more glad if the Committee actively supported me in that argument with not only the Executive but the Finance Minister.

I turn now to the 2014-15 out-turn. As part of Budget 2010, it was assumed, wrongly, by Conor Murphy — welcome back — that DRD could extract £20 million per annum from Belfast harbour. Hence, £20 million per annum was deducted from my allocations. It is now clear that no legal mechanism existed to extract funds from the harbour. In recognition of this, the £20 million was restored to me in 2013-14 through monitoring. In 2014-15, against the same context, my bid for £20 million was refused. Despite that, in

response, I made over £20 million of savings and 4.4% of in-year cuts.

It was abundantly clear towards the end of the financial year that there were sufficient reduced requirements, not least from the Justice Department, available to the Executive to cover the Belfast harbour shortfall. No such allocation was made.

There may have been mismanagement of this issue, but it was not on my part. Others can speak for themselves. The shortfall was down to a fundamental erroneous decision in Budget 2010 and it could have been sorted out in 2014-15.

Mr Ó hOisín: Will the Minister give way?

Mr Kennedy: I have to make progress. I will move on to Translink. The Committee's motion refers to:

"Translink's statement that it will cease to trade within the next two years".

Regrettably, that is a highly selective and, perhaps, mischievous interpretation of evidence given to the Committee by the Translink chief executive on the February 2015 fare increase. My Department had extracted £9 million from Translink in 2014-15 to meet the budgetary pressure that I have alluded to. The company faced a further reduction of funding in 2015-16 of £13 million. In that context, the chief executive made clear that, should Translink not take action, the company would cease to exist in its present form. The chief executive went on to set out a programme of action: the fare increase; reductions in management and administration of £3.1 million; and a programme of service adjustments to deliver annual savings of £7 million. The chief executive has written to my Department in recent days to confirm that those measures are being implemented and that the company's future is secure as a result. He has described the reporting of his comments, as exemplified, I might say, in this motion, as, at best, selective and, at worst, misleading. I could not agree more.

In the recently concluded price control process for Northern Ireland Water (NIW), the regulator highlighted that while NIW might have expected to have available £1 billion to invest over the next six years, £1.7 billion was what it could, ideally, spend but, more critically, £2.86 billion is what should be spent.

We face huge challenges in upgrading our water and sewerage infrastructure. If we do not do so and put plans in place, yes, there will be a risk of infraction proceedings, but there will also be constraints on economic development. My Department is leading work approved by the Executive to put together a strategic drainage infrastructure programme of work, but making available the necessary funding is a matter for the Executive to grasp in this and the next mandate. More recently, we have been at risk of infraction because of inadequacies at Ballycastle waste water treatment works. I have ensured that a scheme to upgrade the work is now going ahead, with completion due in late 2017. As a result, infraction proceedings are unlikely. Again, Mr Speaker, reality differs significantly from the sensationalism in the motion.

I will now deal with the motion's call for me to set out my financial strategy for the next financial period. We only have a budget for 2015-16, and it looks vulnerable at present, but I have set out a clear financial strategy to

deal with the £60 million of pressures that I face. I moved funding from roads and from Translink to fund NIW to within £5 million of the regulator's determined requirement. I levied cuts in my Department's staffing budget and had to make cuts in the budget for community transport. All of those decisions were unpalatable but necessary to ensure that I manage my budget. I would argue that the Committee's problem is not that I cannot manage my budget, but that it does not like the consequences of the reduced allocations to DRD. Some people seek to conveniently ignore those harsh financial facts. I do not like those facts either, but governing is about making decisions and standing over them, not cynical political grandstanding.

I and my officials have explained at length the basis of the £60 million of pressures that I face, yet there seems still to be a lack of understanding. If I did not face these pressures, I would not be making cuts. I came into politics, with so many others, to make a positive difference to people's lives. I have rehearsed the issues facing me for months, and I have yet to receive any alternative proposals from the Committee or anyone else.

Finally, Mr Speaker, I need to spell out the decisions that I have made in road maintenance, where I have a duty regarding public health and safety. With the budget available, I am able to put in place only a severely reduced road maintenance service. It is a skeleton service. It is the bare minimum consistent with protecting the public.

That service will cost money that DRD does not have at present. I am therefore providing it at risk. I have bid for the necessary funds in June monitoring. If the funding is not forthcoming, I will face another difficult decision. In that eventuality, I expect the Committee to support the need for investment.

12.00 noon

The issues before us are the consequence of Executive decisions. The services that DRD delivers affect every citizen. The public expect the representatives in this House to stand up for their needs, not to score political points off political opponents. The Committee needs to stand up and be counted. If it is in favour of safeguarding public services, it should support me.

Today's debate has been characterised by conflict, not just between some members of the Committee and my Department but between the comments of some Committee members and the comments of other Committee members. Those who will no doubt support the phantom Budget next week are criticising those who are endeavouring to live within budget this week. Those who call for more capital investment in infrastructure fail to support bids for additional capital. Those who blame a reliance on monitoring rounds fail to ask why DRD is being used as a valve Department by the Executive and why other Departments are able to underspend in a time of austerity yet DRD is being used as a sponge.

The motion fails to acknowledge the impact of the Budget passed by the DUP and Sinn Féin earlier this year and its impact on public services across a number of Departments. More than ever, the debate highlights the fact that our current system allows those in government to behave as though they are absolutely removed from it and as though they are in opposition.

Mr Speaker: The Minister's time is up.

Mr Kennedy: Sadly, for people in Northern Ireland, some here today seem much more comfortable with the character of opposition — a harum-scarum opposition — rather than the responsibility of government.

Mr Clarke: I will summarise Members' contributions before I conclude. Declan McAleer spoke of the cuts to street lighting, gully clearing and pothole repairs, particularly for vulnerable people, despite the Department having a significant budget.

John Dallat spoke of his concerns over infraction proceedings and the possible penalties that will arise from them. He was also critical of board members. He perhaps forgot to mention that, although Translink had its difficulties, the Minister extended the life of its board and did not dispose of its current members. John also mentioned the nine drivers. I do not think that he meant exactly what he said, which was that we should forget about them. I think that he realised, after he sat down, that that was not his intention.

Mr Dallat: Will the Chairman give way?

Mr Clarke: Yes, I will.

Mr Dallat: I am glad that the Chairman mentioned that. I realised after I said it that I had made the wrong choice of words. Of course we should remember the nine drivers who lost their life.

Mr Clarke: I brought that up because I realised, after he sat down, that the Member had made the wrong choice of words.

Ross Hussey spoke of his opposition to the motion, calling it "party political". I emphasise that the motion was supported, as you now know, Mr Speaker, by all the political parties on the Committee, not just my own.

Chris Lyttle spoke of the over-reliance on in-year monitoring, especially for essential services. He also spoke about the risk of infraction proceedings, in particular for Ballycastle and Belfast lough. He called on the Minister to show leadership and not to remain passive.

Alex Easton also spoke about the DRD's over-reliance on in-year monitoring. He queried whether the Department has applied significant rates variation to NI Water. He also covered the issue of Translink's reserves.

Cathal Ó hOisín spoke about the historical lack of investment in the infrastructure of the north-west and the difficulties in trying to get information out of officials.

Joe Byrne spoke of the knock-on impact of the cuts to Departments' budgets. He said that the Department has a false sense of security through its reliance on in-year monitoring.

Roy Beggs said that the Minister was asking Translink to use its reserves. He forgot to say that it was the Minister's Department that propped up that organisation to the tune of £80 million of reserves. It was not until those reserves reached £80 million that the level of reserves was highlighted and the company was pushed on that matter. That relates to what Roy talked about yesterday. He was critical of the reserves held by the community transport sector and Disability Action transport. That is £80 million

versus a few hundred thousand pounds in the community sector.

I also want to point out that, when Roy Beggs was on his feet, he was very supportive — everyone on the Committee has also been supportive — of Translink. The Committee may be critical, but it welcomes the fact that Translink delivers a good service in our constituencies. It is disappointing that he did not say that yesterday about community transport or the Disability Action transport service. Today he was very quick to point out about Translink, a publicly funded body —

Mr Beggs: On a point of order, Mr Speaker. The Member is misquoting me. If he examines Hansard, he will see that I made constructive comments about community transport. *[Interruption.]*

Mr Speaker: Sorry, I cannot hear the point of order. Would you mind repeating that? It was interrupted.

Mr Beggs: The Member is incorrectly quoting what I said. If Hansard is examined, it will show that I made complimentary comments about community transport during my speech yesterday. I ask the Member to withdraw his remarks.

Mr Clarke: Mr Speaker —

Mr Speaker: I accept that the Member feels that Hansard will support his assertion that he recognised that. I ask you to take that on board. You have no more opportunity than I to adjudicate on the issue for now, but if it transpires that Mr Beggs' account is correct, I am sure you will acknowledge that at a suitable opportunity.

Mr Clarke: I am very happy to do that now. If Mr Beggs acknowledged that yesterday, that is good and proper and fine, and I accept it. However, today he did not. He outlined the valuable work that Translink does, but he forgot about disability transport today, he forgot about the community transport and he forgot to mention that they were cut by 33% when his Minister only lost 15% of his budget.

Jim Allister suggested that the Minister was being picked on by his Executive colleagues, and then he went on to talk about elections. This is Jim "runaway" Allister, who did not even run in an election. It is the Jim Allister who talked about how the sky was going to fall in on Northern Ireland years ago. Well, Jim, look outside: the sky is still there. The sky is still there, Jim.

Mike Nesbitt talked about the constructive criticisms in the Committee, but he forgot to mention that the Committee came up with the cycling inquiry, as well as integrated transport, for example. Mike criticised me for talking for four minutes and 22 seconds. I forgot to start the clock when Mike Nesbitt got up, but he criticised the Committee for tabling motions in the House. Woe is us, as a Committee, putting down a motion to talk about DRD. He spent most of his contribution talking about OFMDFM business. Maybe he should table a motion to talk about what he wants to talk about in OFMDFM. I think this Committee is doing a reasonably good job at holding the Minister to account and tabling motions, because that is what it is supposed to do. He used half of his slot to talk about OFMDFM.

Mr Speaker: Remarks through the Chair.

Mr Clarke: Maybe he should follow his processes, rather than being critical of others.

David McNarry spoke of his pride at sitting in the Committee and of the months of frustration caused by the evasive evidence of departmental officials.

I do not really know what John McCallister said, but it seemed that he was cosying up to his ex-partners in the Ulster Unionist Party and jumping to the defence of the Minister. Maybe we are going to see something there over the coming months. Much has been said today about elections. Maybe we will see John try to cast favour to Mike to get back into the wings of the Ulster Unionist Party.

The Minister spoke about the process and blamed the Executive for the over-reliance on in-year monitoring. I have to give it to the Minister that he recognises that. The Committee has said that previously. Our concern today is that, looking at the current budget and this current round, there has been more bid for in this in-year monitoring round, if it is added to what he has already got, than the Minister got in total last year. I think the Minister was being disingenuous as he forgot to say that not one member of the Committee that day spoke against the budgets that were being made. Everyone supported the budgets being made, because we understand the pressures that the Minister is under. When my colleague was on his feet, he forgot to say that we could give an example that, rather than leaving the potholes in disrepair, and instead of taking £10 million off Transport NI to give to NI Water, maybe more of a torch should be shone on NI Water to find out what is going wrong, because it raided the coffers of Transport NI. That is the difficulty that many of us have. It was not about insufficient budget, but about how the Minister and his officials allocated that budget.

The Committee is not opposed to investment. It is opposed to the ad hoc begging-bowl approach that has been adopted by the Department.

That does not lend itself to strategic planning, nor is it good for fundamental planning.

Whilst others want to characterise this as a DUP motion, I am glad that other Members spoke today. It emphasised the fact that this is a Committee motion. We want to see better financial planning in DRD, and we want it to stop raiding the coffers of the most vulnerable, whether it be through community transport, our roads, grass cutting or street lights. I support the motion.

Question put.

The Assembly divided:

Ayes 67; Noes 13.

AYES

Mr Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Douglas, Mr Easton, Mr Eastwood, Ms Fearon, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Mr Ó hOisín,

Mr Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McNarry and Mr Ó hOisín.

NOES

Mr Agnew, Mr Allister, Mr Beggs, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McCallister, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Swann.

Tellers for the Noes: Mr Beggs and Mrs Dobson.

Question accordingly agreed to.

Resolved:

That this Assembly notes that the Committee for Regional Development has lost confidence in the Department for Regional Development's ability to effectively manage and maintain its budgets, as a result of an over-reliance on in-year monitoring, Translink's statement that it will cease to trade within the next two years, the potential for infraction proceedings arising from a lack of investment in waste water treatment plants and the risk of the Department exceeding its 2014-2015 budgetary control limits; and calls on the Minister for Regional Development to explain how he intends to negate these risks and to set out his financial strategy for the next financial period.

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

The sitting was suspended at 12.25 pm.

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

2.00 pm

Oral Answers to Questions

Finance and Personnel

Mr Deputy Speaker (Mr Dallat): Question 3 has been withdrawn.

Accruing Resources: DFP Definition

1. **Mr McCarthy** asked the Minister of Finance and Personnel for her Department's definition of accruing resources. (AQO 8348/11-15)

Mrs Foster (The Minister of Finance and Personnel): "Accruing resources" is the term used to refer to the income received by a Department that it is authorised to retain to offset related expenditure rather than surrender to the Northern Ireland Consolidated Fund. The limits for such income are voted by the Assembly in the Budget Bills associated with the Main and spring Supplementary Estimates.

Mr McCarthy: I am grateful to the Minister for her response. Will the Minister confirm that the prospect of a senior civil servant setting a Budget at the end of July would be catastrophic for our public services? Rather than a so-called phantom Budget, the only sensible and responsible thing to do is for every party in the Assembly to support a real Budget that will balance our books and also provide —

Mr Deputy Speaker (Mr Dallat): Can we have a question, please?

Mr McCarthy: — the continuation of a half-decent service to our population.

Mrs Foster: Thank you for the supplementary. Indeed, it would be, to use the Member's word, "catastrophic" if we had to go into a situation where the permanent secretary of DFP had to act under section 59 of the Northern Ireland Act. That would be absolutely catastrophic for the Northern Ireland public because of the cuts that would have to be made to public services.

I have heard the Budget that I have circulated to Executive colleagues and, indeed, to the Committee being described in various ways: a fantasy Budget, a phantom Budget and whatever it is that the BBC deems to call it at that particular time. In fact, the Budget that I am bringing forward is a Budget that is based on the full implementation of the Stormont House Agreement. Therefore, the people who are not standing by the Stormont House Agreement have to look at themselves and ask themselves why they are not standing by their commitments in the Stormont House Agreement. To do otherwise will cause grave difficulties to public services in Northern Ireland. There are two choices if the Budget goes ahead: either the Westminster Government will have to implement welfare reform or those who have turned their face against welfare reform will have to deal with it. Those are the choices ahead of us.

Mr I McCrea: I can only echo the Minister's comments in respect of ensuring that the Stormont House Agreement

and the Budget that comes out of it are implemented. The Minister will be aware that people in the rural community are concerned about single farm payments. Can the Minister provide any detail on how that will be resolved and how payments will be made if this Budget process is not completed?

Mrs Foster: Obviously, EU funding, including the single farm payment, is provided for specific reasons, and we will do everything in our power to ensure that that funding goes to the intended recipients. With the progression of the Budget Bill, which, as I said, I have already shared with Executive colleagues and the Committee, I anticipate that payments will continue as normal. If the Budget Bill should be rejected, however, I am taking steps, and I am confident that the single farm payment will be paid, although possibly not through the normal processes. I want to ensure that farmers are in receipt of their single farm payment because I know how important that single farm payment is to the rural community.

Mr D Bradley: Go raibh míle maith agat. Is the Minister aware that other legal advice in respect of the spending of accruing resources runs contrary to the view that she has expressed?

Mrs Foster: Yes, I have received correspondence from the Committee. I have studied that correspondence, as the Member would expect me to do. I have to say that it does not lie alongside the very clear legal advice that I have, which indicates that I and the Department have no legal power to set accruing resource limits in the absence of an appropriate limit. That appropriate limit is set by the Budget Act. The Committee's letter in no way negates the legal advice that I have received. I am quite content to have a conversation with the Member as Deputy Chair or with the Chair about that advice, but, as far as I can see, that legal advice does not negate the very clear legal advice that I have received.

Mr Allister: Has the Minister yet met the Treasury to discuss the Budget mayhem? When she does, will she deal with the issue of how she can possibly set a Budget with a £604 million black hole without setting herself on a course of breaching Treasury constraints?

Mrs Foster: I thank the Member for his question. As he probably knows from public commentary, I have asked for a meeting with Her Majesty's Treasury. That meeting was to take place on Thursday of this week. Unfortunately, that clashes with the Executive meeting, so I will not be able to attend. However, I have asked for another meeting date as soon as possible in order to discuss the situation that we find ourselves in.

As to breaching our controls, I am bringing the Budget forward on the premise that the whole of the Stormont House Agreement will be implemented: not parts of it, but all of it. If all of it comes to fruition, the Budget will not have a hole of £604 million.

Voluntary Exit Scheme

2. **Mrs Overend** asked the Minister of Finance and Personnel whether the funding for the voluntary exit scheme is dependent on the Stormont House Agreement being implemented. (AQO 8349/11-15)

11. **Mr Spratt** asked the Minister of Finance and Personnel for an update on the voluntary exit scheme. (AQO 8358/11-15)

12. **Mr Easton** asked the Minister of Finance and Personnel whether funding for the voluntary exit scheme is contingent on a Budget being agreed before summer recess. (AQO 8359/11-15)

Mrs Foster: With your permission, Mr Deputy Speaker, I will answer questions 2, 11 and 12 together, as they all relate to the Northern Ireland Civil Service voluntary exit scheme.

In her St Patrick's day speech, the Secretary of State for Northern Ireland said:

"All the other elements of the Stormont House Agreement would fail if the welfare aspects are not implemented".

The voluntary exit scheme and the £700 million required to fund it are key elements of the Stormont House Agreement, so, at present, we are unable to access that funding. That has significant implications for the Executive's Budget, the budgets of public-sector bodies and, importantly, the individuals affected.

Mrs Overend: I agree that it is a worrying time for those who have applied and have not yet had confirmation of their future. Will the Minister outline how much every month of the delay on the agreement or finalisation of the voluntary exit scheme is costing the Executive?

Mrs Foster: There are two aspects to the voluntary exit scheme. We have been allocated £700 million under the Stormont House Agreement to allow people to apply to the scheme. As the Member will know, over 7,200 people from the Civil Service applied. The head of the Civil Service has sent out the first tranche of conditional letters to 1,200 people. Those letters indicate their offer, that they could leave at the end of September but that that is conditional on our being able to access the £200 million for this year.

It is important that those people be allowed to leave in a timely manner because Departments have factored in savings from the pay bills of those leaving. I do not have the specifics in front of me, but each Department has factored a particular amount of money into its savings plan to allow those people to move on. Pay bill reductions will come into their savings plans, so there are two sides to it. It is very important that we can proceed with the voluntary exit scheme.

Mr Spratt: What interest has there been in the voluntary exit scheme from the Northern Ireland Civil Service? Is the scheme oversubscribed?

Mrs Foster: As I indicated, 7,285 individuals applied to be considered for selection by the closure of the NICS scheme. All Departments provided a profile of the numbers of staff by grade and discipline that they required to exit under the scheme in order to achieve the required pay bill savings. Not all applicants were selected, and we anticipate that not all those selected will choose to leave. They may decide to stay and work on, so it is not necessarily the case that all 1,200 will leave. At this stage, it is not possible to say whether the scheme is oversubscribed. We will know more later in the year.

Mr Easton: Can the Minister outline what other funding is dependent on the Stormont House Agreement being implemented?

Mrs Foster: In addition to the loss of £700 million reinvestment and reform initiative borrowing for the voluntary exit scheme, we would lose £150 million over five years to pay for institutions that help to deal with the past, and we all know how important it is to deal with those very difficult issues; £500 million over 10 years for capital projects in support of shared and integrated education; and certain flexibilities agreed in this year's Budget relating to the scope to continue repaying the £100 million loan taken out in 2014-15 from capital receipts and capital budgets. We would have to pay the full-year cost of not implementing welfare reform, £114 million, and would lose the flexibility to repay that from the capital budget. Very significant issues and funding are dependent on the full implementation of the Stormont House Agreement.

Mr Eastwood: I thank the Minister for her answers thus far. What criteria have been used to determine eligibility for the voluntary exit scheme? Are they based just on finances or is consideration given to departmental needs?

Mrs Foster: Very much so. When Departments were determining their savings, they looked at business needs moving into the future. Business needs are very much part of the selection for the first tranche. As I said, Departments provided a profile of numbers, grades and disciplines of staff. What we do not want is the complete loss of a particular skill to the Civil Service because everyone has left under the voluntary exit scheme. We have seen that happen in other organisations that have run voluntary exit schemes. It is very important that the Civil Service continues to be run in a businesslike fashion.

Mr McCallister: Can the Minister confirm that, had she put a recruitment freeze on the Civil Service four years ago, we would not have needed a voluntary exit scheme and the £700 million of borrowing could have been used in other, more useful areas? Would she care to say which parties in this Chamber she thinks still support the Stormont House Agreement in full?

Mrs Foster: When I attend meetings on the Stormont House Agreement, I am told that all parties in this House support it. It is for others to determine whether that is right or wrong. The party that I represent certainly wants to see full implementation. I say that because it is a balanced agreement; you cannot have one part implemented and not the rest. It has to be implemented in full because it was a balanced agreement that took some considerable time to reach.

As for the other issue he raises, I am afraid that I was not in post four years ago, as I think he realises. I will check with the then Minister of Finance about what he believes is the case.

Rates Revaluation: Rural Business

4. **Mr McElduff** asked the Minister of Finance and Personnel for her assessment of whether the recent non-domestic rates revaluation places excessive financial pressure on rural businesses. (AQO 8351/11-15)

Mrs Foster: The revaluation is a long overdue correction and a help to many businesses that have been facing difficulty. Sectors and locations that have not performed

well since the last revaluation 12 years ago are now paying less. Conversely, those that have fared better are paying more. The revaluation is informed by the property market, and we are not raising more money from it. However, should the correction present individual business with excessive financial pressures, I encourage them to speak to Land and Property Services about the possibility of a payment arrangement.

Mr McElduff: Is there anything that the Minister and her Department can do to assist businesses for which the revaluation exercise could become a tipping point, forcing them to lay off employees or even to close their doors? I am thinking about a number of small rural towns in west Tyrone, where it appears that local businesses have been hammered. One business in the Carrickmore area has seen a rise of 618%.

2.15 pm

Mr Deputy Speaker (Mr Dallat): Can we have a question?

Mrs Foster: The results across Northern Ireland are very much as expected. There may be individual businesses — he referred to one — that stand out, but it is a correction. If the Member watched television last week, he will have seen a report on Belfast city centre and how the correction has really helped to bring developers into the city centre because the rates were much too high in the past and a revaluation was needed.

I accept what he is saying in relation to the scale of the increase in percentage terms, but if you look at the real value of the rates that they are paying, you will see that they are, I would say, tens of times lower than in other places in Northern Ireland. Therefore, the revaluation did need to occur. I think it was the right thing to happen. I have said before that I am happy to speak to Members about individual cases that are at either end of the scale, if you like, in terms of the differences that have been made to them, but we already provide a wide range of reliefs, particularly to the non-domestic sector, so those should be looked at.

I also say to him that the Executive have frozen the regional rate. Actually, because of the revaluation exercise, the regional rate has reduced. Was that the case with the district rate? In many cases, council areas have increased the district rate and have not kept to the very prudent exercise that the Executive have been involved in.

Mr Middleton: I thank the Minister for her answers thus far. Can she outline what she is doing to support the ratepayers who are adversely affected by the revaluation?

Mrs Foster: As I indicated, we have a wide range of reliefs available in Northern Ireland to support ratepayers. We all know that it is a shrinking public purse available to us. Indeed, a package of support worth up to £30 million has seen the impact of rates convergence effectively removed for any business ratepayer through an 80% subsidy in this year. We have small business rate relief still in existence. The empty shops rates concession, industrial derating and an exemption for rural ATMs have all been extended for this financial year, 2015-16, at a time when we are under significant pressures in relation to our funding. I ask Members, when they are asking for rate reliefs to be brought forward, to recall that we have a fixed amount of money. If we are going to give rate relief to businesses, rural businesses, or whatever it is to be, we have to find

the money for that. We already have great constraints from our central government Departments, and we need to bear that in mind.

Ms Sugden: Is the Minister aware of how many successful appeals there have been against the net annual value, and does that suggest that the revaluation process in itself was flawed?

Mrs Foster: I do not have the precise figures in front of me. The draft rate went out in, I think, November last year and there have been a number of appeals since then, but there are many appeals still to be heard. Indeed, there are over 1,000 appeals in, and I encourage anyone who is not content with the rates that have been set to appeal. I do not take it in any way as an error in the revaluation to see appeals coming forward. I think it is actually testing the system to see what happens, because it is evidence-based, and, in many cases, some of the forms that were sent out to ratepayers for evidence before the rates were set were not actually returned. Therefore, the evidence may not have been available. If there is evidence available that was not taken into consideration, they should bring it forward.

Mr Cree: The Minister will be aware that many types of business have been affected quite dramatically, one of them being petrol forecourts. My question is based on the number of appeals that have been lodged. Is any trend emerging from those appeals to suggest, bearing in mind that it is a zero-sum game, that somehow those particular forms of business are suffering more adversely than others?

Mrs Foster: I think that it is a little bit too early to say whether there is a trend in a particular sector. I am aware at a constituency level of the petrol forecourts issue. I understand that there may even be a class action taken concerning their shops. I have already met those people at constituency level. Now that I am Finance Minister, which I was not at the time, I may well meet them again to discuss where their concerns lie. It is important that we be as transparent as we possibly can be. For example, where are the comparators? How did we arrive at a particular rateable valuation? I think that it is important to do that. We owe it to our constituents and, indeed, businesses to allow them to find the answers to those questions.

Scottish Government: Cooperation

5. **Mr Milne** asked the Minister of Finance and Personnel for her assessment of the importance of working closely with the Scottish Government on ensuring the sharing of best practice and information. (AQO 8352/11-15)

Mrs Foster: Of course it is important to work with other Administrations on areas of mutual concern and on where best practice can be shared. My officials are in regular contact with their Scottish counterparts on a broad range of matters that are relevant to the work of my Department.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a freagra go dtí seo. I thank the Minister for her answer thus far.

Following the recent visit by the Committee for Finance and Personnel to Scotland, it was widely perceived that the Scottish Executive have a much more robust approach to dealing with the Treasury in London than the Department here has. Does the Minister believe that it is time to step up her demands for a fair deal from London?

Mrs Foster: I am very pleased to hear the Member use the term “fair deal” because, of course, not so long ago, it was the DUP slogan, in that we would deliver a fair deal for Northern Ireland.

A Member: That worked out well.

A Member: It did not go down well for you.

Mrs Foster: I am hearing that it did not go down well for some Members — exactly.

Since my appointment, I have received correspondence from my counterpart, John Swinney MSP, the Scottish Deputy First Minister and Cabinet Secretary for Finance. I met John in my previous role and very much look forward to meeting him again so that we can discuss issues of mutual interest, including, I have to say, public-sector reform. I am also looking forward to meeting the Welsh Minister for Finance. She has also been in contact. So I look forward to a trilateral with those two Ministers, but I will probably be meeting John on an individual basis as well.

Mr Beggs: I recall a number of years ago, when I was a member of the Committee for Finance and Personnel, that a new Budget process was being arranged that would improve transparency and adopt best practice, but that was ultimately blocked by Sinn Féin Ministers, so I find it rather strange that that question was asked by a Member from that party.

Can the Minister advise the House of the actions that she has taken to ensure that we have a real Budget and, apart from that, to ensure that we have a better process such as the one that was previously approved by the Committee for Finance and Personnel and, indeed, the Assembly?

Mrs Foster: I say to the Member that he is absolutely right to call for more transparency in departmental budgets. That is what Committees need to see. It is what the public need to be aware of as well. I am now engaged in a process on how we can do that and how we can make, dare I say it, the Northern Ireland finances more accessible to the public. I very much want to be able to do that.

Regarding the Budget, I believe that it is a real Budget. I say that because it was agreed on figures that were agreed back on 23 December 2014 under the Stormont House Agreement. That is the process under which I am bringing the Budget forward. Whether it is through Sinn Féin and the SDLP stepping up to the mark on welfare or the Westminster Government taking action to deal with it, those are the options. As far as I am concerned, I am fulfilling my responsibility to bring forward a Budget when it comes to the House next week.

Mr Deputy Speaker (Mr Dallat): Mr Ross Hussey is not in his place.

Social Innovation Fund

7. **Ms Maeve McLaughlin** asked the Minister of Finance and Personnel when she plans to introduce the social innovation fund. (AQO 8354/11-15)

Mrs Foster: I plan to introduce the social innovation fund in the 2015-16 financial year. A consultation will issue shortly inviting views on, amongst other issues, the spending priority and distribution mechanism for the fund. Subject to the outcome of the consultation exercise, the

Northern Ireland spending priorities will be subject to the draft affirmative resolution procedure in the Assembly.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for her response. Is the consultation process likely to include feedback on topping up funds from additional contributions from trusts or sponsors that are supportive of the peace process?

Mrs Foster: We want any organisation that thinks it can help with the fund to become involved in the consultation. As I said, any definitive programme will be laid before the House for affirmative resolution, so the House will also have its role in relation to the fund. This is a good opportunity to be able to access funding, in particular for those organisations that perhaps do not feel that they can apply to the Big Lottery Fund. I welcome that and know that it will be welcomed in the general third sector.

Mr Ramsey: Certainly, Minister, the SDLP warmly welcomes this project. Although it is at an early stage, can you outline what type of social enterprise projects are likely to succeed or be entitled to funding?

Mrs Foster: I think it was my predecessor who decided to widen the scheme out to the wider social economy, and that was absolutely the right thing to do. We do not want to limit access for those involved with the third sector, particularly at a time when — let us be honest about it — they may be facing constraints from other areas of government.

The main benefit of the scheme is that it will give access to funding to organisations such as social enterprises that wish to invest in their activities but have, until now, been unable to access that money, whether through loans or grants. I think it will be broadly welcomed by the third sector, and I very much look forward to bringing it to the House.

Mr Craig: I thank the Minister for her answers. Can the Minister outline the exact purpose of this fund? I am assuming it is not to substitute existing schemes.

Mrs Foster: Absolutely not. This is to be an additional scheme and will not form part of public spending. I think that is why it will be welcomed not just by the third sector but by everyone in the Assembly, who should welcome this as an additional source of money for that sector. It is not a substitute for mainstream government spending but an additional source of funding. Although I do not want to pre-empt the consultation, it will probably be through loans so that they can proceed and develop their particular social enterprise.

Composite Economic Index: Budget Impact

8. **Mr Hazzard** asked the Minister of Finance and Personnel for her assessment of the impact of the Northern Ireland composite economic index on future budgets. (AQO 8355/11-15)

Mrs Foster: The Northern Ireland composite economic index provides information on the state of the Northern Ireland economy and, as such, may be used alongside other data to assist the Executive in determining their priorities.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. The Minister will be aware that the indicator was flat in three of the last four quarters. How do you propose to drive sustainable economic recovery?

Mrs Foster: The Member will have seen the purchasing managers' index (PMI) for this week, which looks back at April and indicates that there has been an increase, particularly in the manufacturing sector — not in the retail sector, not in the construction sector, but in the manufacturing sector — which I warmly welcome. It is about building on those sectors that can bring growth to Northern Ireland, and in particular looking to new export markets. We must be in an export-driven growth situation and, of course, continue to increase the amount of research and development money that is spent in Northern Ireland.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We will now move on to topical questions. The first question on the list has been withdrawn.

2.30 pm

EU: Impact of British Exit

T2. **Ms McCorley** asked the Minister of Finance and Personnel for her analysis of the potential impact on the local economy of a British exit from the EU. (AQT 2622/11-15)

Mrs Foster: As she knows, it is a potential exit. We are at a very early stage of negotiations, and the Prime Minister is engaged in discussing issues with other members of the European Union. It is rather early to be talking about an exit from the European Union when the negotiations have just begun.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister commit to providing a risk assessment of the impact of the in/out referendum on the local economy?

Mrs Foster: I am not quite sure how one could provide a risk assessment for part of a member state when it is the member state that is involved in the negotiations on the European Union and what needs to change with it. We are part of the United Kingdom; it is a member state, and negotiations take place at that level.

Ulster Bank PMI

T3. **Mr Hilditch** asked the Minister of Finance and Personnel to comment on the Ulster Bank purchasing managers' index (PMI) that was realised last week. (AQT 2623/11-15)

Mrs Foster: Yes; absolutely. As indicated by a previous questioner, the Ulster Bank PMI indicates that, following a disappointing start to the year, the private sector has reported significant improvements to business conditions, with firms reporting the fastest rate of growth in business activities and new orders in seven months. That is significant. Furthermore, firms have continued to increase their staffing levels at a faster rate than the long-term average prior to the downturn. Those are very encouraging signs for the Northern Ireland economy.

Mr Hilditch: I thank the Minister for her answers so far. With the potential for further cuts in the public sector, does she accept that the argument for rebalancing the Northern Ireland economy by supporting more jobs in the private sector has never been stronger?

Mrs Foster: That is the other side of public-sector reform. It is important that we proceed with public sector reform,

but, on the other side, we have to ensure that rebalancing occurs. In other words, we have to ensure that jobs are available if, indeed, those civil servants decide that they want to go into the job market. I know that others may have other plans for their futures. Some may want to start their own businesses and some may simply want to retire. For those who want to seek a job, we need to ensure that we continue to grow the private sector.

As the House knows, Invest Northern Ireland had a record year for job promotion last year. I was also delighted that the Enterprise Minister announced 80 new jobs for RLC at Global Point today. That is a very significant announcement, and I am delighted to see those new jobs at Global Point.

Chancellor of the Exchequer's Statement: 4 June 2015

T4. **Mr Weir** asked the Minister of Finance and Personnel for her assessment of the impact that the Chancellor of the Exchequer's statement last week will have on Northern Ireland. (AQT 2624/11-15)

Mrs Foster: As most Members are aware, on 4 June George Osborne announced £4.5 billion of measures that are designed to reduce the public debt in this financial year — 2015-16. Some £1.5 billion relates to the sale of the Government's stake in Royal Mail, with the remaining £3 billion coming from departmental savings in Whitehall. The outworkings of the Barnett formula mean that Northern Ireland's resource departmental expenditure limit (DEL) will be reduced by £33 million and the capital DEL will be reduced by £5 million.

Mr Weir: I thank the Minister for her responses so far. Does she expect further significant cuts to be announced in July?

Mrs Foster: We are all well aware and, indeed, are reminded on numerous occasions by Members across the way, that the Chancellor is to make budgetary announcements on 8 July. We, of course, have no specific input to those announcements, and the Executive's Budget will be impacted again by the Barnett formula adjustments. That is even more reason why we should put our Budget in place at this time so that we have a definitive Budget in place before the Budget announcement on 8 July.

Scotland and Wales have their Budgets in place. I often hear people here talking about getting together with Scotland and Wales and going to the Westminster Government and pushing them. That is fine, and we can do that in relation to the Budgets for 2016-17 and 2017-18. However, we must have a Budget in place for Northern Ireland for 2015-16 and, as yet, we do not have that. If we are to be taken seriously on other matters, we need to get that Budget in place.

Corporation Tax

T5. **Mr Craig** asked the Minister of Finance and Personnel whether she still believes that we are in a position to set our own rate of corporation tax. (AQT 2625/11-15)

Mrs Foster: I do, because it was part of the Stormont House Agreement. As I have said many times during this Question Time, the Stormont House Agreement was a very balanced document, and part of it was to allow

us to proceed with corporation tax. To be fair to Her Majesty's Government, they have taken through the Bill on corporation tax, and it has received Royal Assent. Therefore, it is now a matter for us whether we want to proceed with what would be an incredibly useful tool for Northern Ireland.

Mr Craig: Does the Minister also believe that we should look to devolve further powers? I think in particular of air passenger duty for short-haul flights.

Mrs Foster: I understand the frustration that is expressed by a number of our airports about air passenger duty. I share that frustration. However, I believe that the reduction of air passenger duty should happen on a UK-wide level. It is not just Northern Ireland's airports that struggle as a result of air passenger duty; other regional airports also suffer as a result of the imposition of what is, as far as I am concerned, a very unfair tax. In my role as Finance Minister, I will continue to push Treasury on the reduction of air passenger duty on a UK-wide level.

Expenditure Categories: Definition

T6. **Mr Cree** asked the Minister of Finance and Personnel to define the three categories of expenditure — inescapable, high priority and ministerial priority. (AQT 2626/11-15)

Mrs Foster: I think I know where this is coming from, having had a conversation with one of my colleagues at lunchtime. As far as I am concerned, "inescapable" means that we are contractually committed to expenditure. An example of an inescapable pressure from my previous days in the Department of Enterprise, Trade and Investment is a signed letter of offer to a company, where we have contractually committed to that company that we will give it money to allow it to grow. To me, that is an inescapable pressure; we are legally obliged to provide it. A ministerial priority that does not have a contractual obligation behind it is not an inescapable pressure. It may very much be a priority for that Minister, but it is not an inescapable pressure, as far as I am concerned.

Mr Cree: I thank the Minister for that clarification, and I hope that it used by all Ministers. Minister, bearing that in mind, what is your best estimate of the likely resource and capital that will be returned as reduced requirements in June monitoring?

Mrs Foster: I am currently going through the reduced requirements in June monitoring. All I will say to the Member is that it will not take me very long.

Coleraine to Londonderry Line: DFP Role

T7. **Mr Clarke** asked the Minister of Finance and Personnel what role her Department had in the contract for the Coleraine to Londonderry line, given that she will be aware of last week's good announcement about that service. (AQT 2627/11-15)

Mrs Foster: As the Member knows in his capacity as Chairman of the Committee for Regional Development, DRD announced the award of a contract for phase 2 of the upgrade of the Londonderry to Coleraine railway line on 2 June last year. There were some difficulties in and around that contract, and some errors were made in the original cost estimates for the project. Following receipt of the tenders for the work and confirmation of the revised costs,

I gave approval for it to proceed, because the Minister for Regional Development had to issue a direction to go ahead with the work. It is tremendously good news for the people who live along that line and use that service. We will be able to have hourly services between Coleraine and Londonderry, and that is something that the citizens of that area and, indeed, the many tourists who go to the area will very much welcome.

Mr Clarke: I thank the Minister for that answer, and I welcome it. The Committee visited the area while it was waiting for the long-awaited announcement on the railway line. However, given that the costs have ranged from £20 million to £46 million, are you content, Minister, that the Minister will be able to live within his budget means?

Mrs Foster: Of course, I cannot guarantee that any Minister will live within their budget means. All I can do is monitor the situation and give advice and assistance where I can to any Minister. The case was made to me that this was worth doing. I agree with that, and I very much hope that it benefits the region.

Peace IV: Update

T8. **Mr Easton** asked the Minister of Finance and Personnel for an update on the development of the Peace IV programme. (AQT 2628/11-15)

Mrs Foster: The draft Peace IV programme was submitted to the European Commission on 22 September 2014 in line with our regulatory deadline. The Commission has provided formal comments on the draft programme. Most are requests for clarification, and officials are working to address those. When that work is complete, the Executive will consider the final draft programme. Subject to Commission approval, I anticipate that the programme will be open for applications in late 2015.

Mr Easton: I thank the Minister for her answers so far. When will the new programme be open for applications for youth projects?

Mrs Foster: I hope that the general applications will be open late this year. The Member is right to talk about youth projects because they form a key element of the new Peace IV programme. We are, of course, delighted that there will be a Peace IV programme. A lot of hard work has gone into ensuring that we have it. It will certainly bring additional benefit to Northern Ireland and, indeed, to the Republic of Ireland. We very much welcome the fact that, hopefully, the Peace IV programme will roll out at the end of this year.

Northern Ireland Investment Fund: Update

T9. **Mr Spratt** asked the Minister of Finance and Personnel for an update on the development of the Northern Ireland investment fund. (AQT 2629/11-15)

Mrs Foster: As the Member knows — we have had conversations about this — I am keen to ensure that the Executive do everything they can to support investment in infrastructure and that local project promoters have access to affordable project finance. Because of that, we have put in place the Northern Ireland investment fund. It is still at an early stage, but I hope that it will lever in additional funding that will help to boost investment and promote economic growth in Northern Ireland.

Mr Spratt: Will the Minister tell the House about the kind of projects that the fund will invest in?

Mrs Foster: The Executive have commissioned a feasibility study to find out the optimal scale, structure and investment strategy of the proposed fund. Deloitte has been appointed to advance that study, so it will look at where it would be best to focus the Northern Ireland investment fund. There will be many opportunities to put forward investment projects. I hope that the private sector, as well as the public sector, becomes engaged in the feasibility study so that we can make sure that we have the right mix moving forward for the benefit of the whole of Northern Ireland.

Mr Deputy Speaker (Mr Dallat): Question 10 has been withdrawn. As the next period for questions does not begin until 2.45 pm, I suggest that the House take its ease until then.

2.45 pm

Health, Social Services and Public Safety

Mr Deputy Speaker (Mr Dallat): I call Mr Leslie Cree, who has just arrived.

Bangor Community Hospital: GP Unit

1. **Mr Cree** asked the Minister of Health, Social Services and Public Safety for an update on the future of the 20-bed GP unit in Bangor hospital. (AQO 8363/11-15)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): The South Eastern Health and Social Care Trust's public consultation on the future of intermediate care in north Down and Ards closed on 29 April 2015. The trust is analysing the consultation responses.

The trust's preferred future option is to provide up to 105 intermediate care beds across the area. That would not include the 20-bed GP unit in Bangor Community Hospital, which is temporarily closed. In deciding whether to approve the implementation of that proposal, my Department will take into account the extent to which the proposal is consistent with my priorities as set out in the commissioning plan direction; the impact of the proposal on the quality, sustainability and accessibility of services and assurance on adherence to established standards of service; and the views of public and local community representatives.

Mr Cree: I thank the Minister for that reply. Minister, can you tell me and, indeed, the House whether the proposal to close Northfield House in Donaghadee is likely to have any bearing on the 20-bed unit in Bangor?

Mr Hamilton: I was pretty sure that that issue would come up in this context, because, as the Member will be aware, the consultation on the closure of the 20 GP beds in Bangor Community Hospital was set, as I said, in the context of a wider need to provide 105 intermediate beds across the north Down and Ards area. Fourteen beds had been identified in Northfield House in Donaghadee. A consultation on its proposed closure is due to start soon. Those 14 beds were identified as part of the mix of 105 intermediate care beds. I can understand why the Member wants to raise that in the context of the GP bed

situation in Bangor Community Hospital. Bear in mind that the consultation has been completed only recently. It has not yet come to me in the Department, but I am happy to place on the record to the Member that I will rigorously and robustly examine the proposal, particularly in light of the issue with Northfield House. I am told that the trust believes that those 14 beds can be dealt with through domiciliary care and by keeping people in their homes and out in the community. Whilst it is a factor in the overall mix, it does not have a direct bearing, because the type of patient in the Northfield beds would be very different to those in the 20 GP beds that were previously in Bangor Community Hospital. As I consider the issue, I am happy to examine the evidence that comes forward rigorously and robustly and whatever determination or recommendation the trust makes to me.

Mr Easton: What estimate is made of the cost of beds in the independent sector compared with those in statutory facilities?

Mr Hamilton: The 105 intermediate beds that I mentioned in response to Mr Cree's question have an element of use and greater use of the independent sector, which is quite strong in the Ards and north Down area. The average cost per bed, per annum in the independent sector is just over £30,000. The weekly cost of a bed in Northfield House is £808, which equates to roughly £42,000 per bed, per annum. By contrast, the 20 GP beds in Bangor Community Hospital cost nearly £1.5 million, which equates to roughly £75,000 per bed, per annum. On a direct contrast, you can see that it is considerably more expensive to provide a bed in Bangor Community Hospital than it is in the independent sector. I must point out, however, that the closure of the 20 beds in Bangor Community Hospital would not recover all of that £1.5 million. Some of that cost could not be recovered, but there is an anticipated saving of around £840,000. So on those figures — I appreciate that obviously it is not just those figures that we look at — on a pure value-for-money analysis, it is very clear that the greater use of independent beds is cost effective. If you were procuring more independent sector beds, you could obviously reduce that price further. On a pure value-for-money analysis, the independent sector is obviously much more cost-effective. However, it is not just that that is considered; it is a factor, a considerable one, but not the only thing that will be examined.

Mr McKinney: Following the concerns raised over the Transforming Your Care plan in the Audit Office report and in the Human Rights Commission report last week, does the Minister accept that it is absolutely paramount that community services, however they present themselves, domiciliary or such as those in Bangor and elsewhere, are invested in and bolstered?

Mr Hamilton: Transforming Your Care still represents the cornerstone of my vision for health and social care in Northern Ireland. The Member has been a great supporter of Transforming Your Care in recent times. It is something that he wants to see pushed forward, and I agree with him. I think that he appreciates the resource constraints that I am placed under and my inability to roll out Transforming Your Care at a pace that he, I and others want to see.

The vision of care being wrapped around the patient and the person or service-user being looked after in their community or in their home, with the home as a hub for their care, is something that I very much subscribe to. I

want to see that enhanced and increased, because it is responding appropriately to the needs of the person, and analysis of people's views in our changing population has shown that that is what people want. That is where people want to be looked after and taken care of, and it is clearly, as I pointed out in a slightly different way in response to Mr Easton's question, a more cost-effective use of our resources. It is not always the best use for the person, but, where it is appropriate, I think that that is what we should be going for. That is certainly a vision that I want to see rolled out and progressed as we go along. As I said, Transforming Your Care set that vision out very clearly and it is still something that I want to see achieved progressively over time.

Health Service Reform

2. **Mr Ross** asked the Minister of Health, Social Services and Public Safety to outline his plans for reforming services. (AQO 8364/11-15)

15. **Mr McAleer** asked the Minister of Health, Social Services and Public Safety for his assessment of the Chief Medical Officer's comments that the health service requires reform. (AQO 8377/11-15)

Mr Hamilton: With your permission, Mr Deputy Speaker, I will group questions 2 and 15 together.

There can be no doubt that our health service needs reform. Rising demand for services, a growing and ageing population, an increase in chronic conditions, technological advances and scarce resources create serious challenges for health systems across the world. Addressing those challenges requires innovation and transformation. We need a health and social care sector that constantly challenges itself to be better. I want to make it much easier for health and social care staff to promote innovation, whether it is big or small. To enable that, I have established a new strategic leadership group to help support and drive the culture of change and innovation that we need. The focus of our reforms must remain the delivery of person-centred care, with home as the hub of care wherever possible. To deliver that vision, we need to ensure that organisational boundaries do not limit the effectiveness of care, and we must continue to ensure that people take responsibility for their own health. That was the vision of care set out in Transforming Your Care in 2011. Those remain my priorities for reform.

The Chief Medical Officer and I are in agreement about the need for reform. His comments reflect the findings of reports like Transforming Your Care and, more recently, that by Sir Liam Donaldson. His report is clear that reform of health and social care services is required to meet the future health and social care needs of the citizens of Northern Ireland. The Chief Medical Officer was also, rightly, very clear that "no" and "slow" are not acceptable options in response to the drive for transformation.

Mr Ross: The Minister had a reputation for pushing through reform in his previous role, and I hope that he will be able to continue that in this role. Given the constraints on public finances, more than ever we need to have innovative approaches to old problems. I ask him, in that vein, what assessment he makes of the approaches taken in Antrim Area Hospital, in the measures it is taking not only to reduce the pressure on the emergency department

(ED) but to improve the patient experience when they go to the hospital.

Mr Hamilton: I thank the Member for his question. I visited the emergency department at the Antrim Area Hospital last week. Although it is not in the Member's constituency, many of his constituents avail themselves of the services provided out of that hospital. We are all well aware of the much-publicised problems that the old emergency department, in particular, at Antrim Area Hospital had in the past.

I have to say that the new emergency department is, aesthetically, a very impressive building that has been designed to alleviate some of those problems. I was particularly impressed with several innovations taking place in and around the emergency department. Probably the most impressive was the acute assessment unit, which is located in the old emergency department, where GPs can speak directly to staff, get advice, and arrange for a referral to the acute assessment unit for diagnostics and management. That can help to alleviate pressure on the emergency department because, where people might traditionally have gone directly to the emergency department, they can now go, through their GP, instead to the acute assessment unit. They can even be referred to it from the ED, which helps to relieve pressures.

As a new father, I am sure that the Member would be impressed with the new children's area in the emergency department. I hope that he never has cause to use it, but having had cause to use emergency departments before with children, particularly late at night, it is very good to have a separate area where they can be treated differently and separately. I was also impressed with the telemedicine that is being used there, particularly for stroke patients.

There are a lot of impressive reforms and innovations going on in our health and social care sector. Mr McKinney mentioned Transforming Your Care. Not all of those will be branded or badged as Transforming Your Care, but they are things that are happening day in and day out, right across the health and social care sector. They should be welcomed and celebrated. They are a sign of the way ahead.

Mr McCarthy: The Minister's party and other parties in the Assembly continually speak about protecting the vulnerable in our community when it comes to reforming the health service. Nobody will object to that. However, will the Minister follow the lead of a former Health Minister in the Assembly, namely Mr McGimpsey, who decided to reverse the decision taken by the Health Department to reduce the volume of continence products used by the most vulnerable in our society: those with learning disabilities? Will the Minister undertake to stop that, as it has been advised from this week onwards?

Mr Hamilton: I am not aware of the specifics of the issue that the Member raises. I see Mr McGimpsey rising in his place. He might be able to advise me if he gets called by the Deputy Speaker. I am not aware of the specifics, but I commit to examine the issue and to return to the Member. I will see what is happening, what the current position is, and whether something can be done. The Member knows that I seek always to do my best about these matters. I am happy to look at it and see what is possible.

Mr Deputy Speaker (Mr Dallat): I call Mr McGimpsey for a question. *[Laughter.]*

Mr McGimpsey: It is not in relation to Mr McCarthy.

Mr McCarthy: You did stand up for the vulnerable.

Mr McGimpsey: I did my best, thank you, yes. Absolutely. *[Laughter.]* This is in reference to Antrim A&E. I also had a part to play in delivering that. I remind the Minister that the four-hour waits, which should be at 95%, are down at around 60%, so clearly we need reform. I bring him to Transforming Your Care (TYC). It is a process that we used to call “shift left”, before Edwin Poots changed it to Transforming Your Care. Will we get a published timeline, with money, which is properly benchmarked? There is a lot of confusion in the Health Committee about exactly where we are with the process. It is essential to keep the patient at the centre of care, and, frankly, the Committee, as well as many of the officials, appear to be in the dark —

Mr Deputy Speaker (Mr Dallat): Mr McGimpsey, you have gone beyond the question.

Mr McGimpsey: — about exactly where this is going. Thank you.

Mr Hamilton: I thank the Member for his oration; I think that there were a couple of questions included there. He is right about Antrim Area Hospital. I would not be content, and nor should any of us be, with the figures of four-hour waits in Antrim Area Hospital. It is still short of the target. However, improvements are being made, and I think that many of those improvements are down to the innovations that have been taking place in the Northern Trust and in Antrim Area Hospital. We should welcome those innovations, which are having an impact.

Interestingly, however, they are making those improvements at a time when the number of people coming to the ED at Antrim Area Hospital has risen annually from around 70,000 to around 75,000 in the last year. There has been a significant spike in the number of people presenting themselves to the emergency department, yet it is still making progress in trying to reach that four-hour target.

3.00 pm

The point about a published and funded timeline for TYC comes from the recommendation along those lines in the Donaldson report. The Donaldson report is being considered and will be responded to in due course. It is not fair — I appreciate that the Member did not say this — to say that TYC has not been rolling out. There are many examples of where Transforming Your Care has been implemented in various areas such as new pathways for care through the Northern Ireland Ambulance Service, the establishment of 17 integrated care partnerships and the commencement of the roll-out of primary care infrastructure. There are other examples. So things are happening. Would I like to see more happening? Absolutely, but he hit the nail on the head when he talked about the budget. He will know and understand the difficulties around the budget and the availability of finances. Whilst we have been able to invest a considerable amount in TYC over the last number of years, it has not been enough to do everything that we want, and, on that basis —

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

Mr Hamilton: — I have made a bid through the June monitoring round for more funds to develop and roll out more of TYC.

Mr Rogers: Minister, thank you for your answers thus far. When the trusts review services, they speak about identifying areas for decommissioning. Can you outline the cuts in service provision that are being brought forward by trusts and the Health and Social Care Board (HSCB) through the £105 million in efficiency savings planned by your Department for 2015-16?

Mr Hamilton: I heard the Member talk about decommissioning and I thought that we had gone back in time in this place.

A commissioning plan is being brought forward by the Health and Social Care Board. I believe that it is due to come forward this week, and it will outline what is being commissioned for this year. There are well-publicised pressures that my predecessor and I acknowledge the Department is under. We are short of roughly £30 million to £40 million to enable us almost to keep going on the previous year's position. That is after having made savings and is predicated upon making roughly £157 million of savings in year, but we are still short of that £30 million to £40 million. Understandably, that will result in pressures and perhaps people not getting the services that they want within the time that they want them.

There is an understanding and an acceptance that we are under financial pressure, and that is not helped by the fact that we are continuing to lose £9.5 million a month because of the inability of some in the House to move forward on welfare reform. Even in the four weeks that I have been in post, there is hardly a Member who has not written to me about the need for some service development, including several Members from his party, who want more for this and more for that. The ability of the Executive as a whole to do more is inhibited by the fact that we are losing cash to the tune of £2 million a week because of the welfare reform fines. Members write to me or complain in the House or to their local press, but those who are inhibiting the welfare reform legislation from passing would do well to reflect on their part in our inability, as a Department, to deliver services at the level that they or, more importantly, their constituents want.

Mr McCallister: I am grateful to the Minister for his replies. Minister, Transforming Your Care began three and a half years ago, and it is now three Ministers later. It was originally meant to move £83 million in the idea of a shift left from acute to community. How much money has actually moved from acute to community at this stage? Does he not need to give a very strong signal to the community that Transforming Your Care is still alive? I find that most people I meet in the health sector think that it has gone.

Mr Hamilton: I cannot lay my hands on the exact figures on what has been moved from acute to community. If I cannot find that, I will provide it to the Member. There has been some discussion over the last couple of weeks about the position of Transforming Your Care, not least at the recent Committee meeting.

It is something that you would expect me to reflect on personally as I have come into post. As I said in response to Mr McKinney, whilst it is a cornerstone of a vision for health and social care in Northern Ireland moving forward, it is not the only part of that vision. As I said in response to

Mr Ross, there are many transformations and innovations going on across our health and social care service that we should be immensely proud of, but they are not necessarily part of Transforming Your Care. It is not dead by any means at all. It continues, albeit, as I said previously, not at a pace that perhaps I or many of the rest of us would want to see, but that is something that is affected by resources.

In the current year, we have just over £15 million in the board, which will be spent on transformational projects. I have a bid in, as I mentioned, to the June monitoring round of around £5 million to progress five Transforming Your Care projects, and £1.5 million from the Executive change fund was secured during the Budget to implement three Transforming Your Care projects. There has been considerable investment from 2012-13 to 2014-15. There was £19 million allocated in 2012-13, nearly £10 million in 2013-14 and between £8 million and £10 million in 2014-15. The spend was around or slightly above that. So, money has been spent. It has produced good results around the creation of integrated care partnerships, the roll-out of primary care infrastructure around resettlement and better care pathways for the —

Mr Deputy Speaker (Mr Dallat): Minister, you have gone over the two minutes.

Mr Hamilton: — Ambulance Service. So, there are things happening. It is certainly not dead. It is part of a broader vision for the health service in Northern Ireland.

Suicide Reduction

3. **Mrs Hale** asked the Minister of Health, Social Services and Public Safety what progress is being made in reducing the number of suicides locally. (AQO 8365/11-15)

Mr Hamilton: Since the initial implementation of the Protect Life strategy in late 2006, a wide range of programmes has been put in place to prevent suicide in Northern Ireland. The programmes have been regularly updated and new programmes developed to reflect emerging international evidence of best practice. Suicide prevention services and initiatives include: Lifeline crisis de-escalation; counselling; training and awareness raising; improved in-patient safety; psychiatry services in hospital emergency departments; bereavement support; suicide cluster emergency response; local research; the self-harm registry; mental health crisis response teams; and self-harm intervention.

Suicide rates have not changed substantially since 2006, although the fact that they did not rise during the economic downturn may be an indication that prevention efforts have had some success. Provisional figures for 2014 show an 11% reduction in suicides on the previous year. That is encouraging. However, rates can fluctuate from year to year, and, given the very wide range of influences on suicidal behaviour, it is not possible to assess the impact of a single strategy on suicide rates.

Mrs Hale: I thank the Minister for his answer. Sadly, as we think particularly of Ronan Hughes's family at this time, unfortunately, too many families know how distressing suicide is for those left behind and how the aftermath is incredibly difficult to come to terms with. What actions are being taken to encourage responsible reporting by the media in suspected cases of suicide?

Mr Hamilton: I thank the Member for her question. She is absolutely right. The tragedy and the impact of suicide is particularly in our minds today after the news of the tragic death of Ronan Hughes, and I am sure that I speak for everyone in the House when I say that I pass our condolences on to his family.

Reporting suicide presents a range of challenges for our media. On the one hand, there is an important role to be played by the media in Northern Ireland in raising awareness of suicide, but, on the other hand, sensationalist reporting can distress bereaved families and can run the risk sometimes of encouraging copycat suicidal behaviour. So, it is a balance that the media has to find in reporting.

Media guidelines were issued in 2007 by my Department to our media in Northern Ireland. That was updated last year, and the update took account of advances in technology, particularly around social media and the Internet, over that period. The Public Health Agency conducts media monitoring in conjunction with the Samaritans, and it looks at any reporting of suicides in Northern Ireland and identifies what might be described as insensitive reporting. The guidelines also try to encourage the media to use different, more sensitive terminology around suicides and to talk about "died by suicide" rather than "committed suicide". We can all understand that we get used to using a certain lexicon. It can be hard to change vocabulary. Occasionally, training is also provided for journalists, because some people move in and out of newsrooms, and it is therefore important to keep them updated on the guidelines. I can also report that a new resource, in the form of a pack, has been issued to newsrooms in Northern Ireland to try to encourage sensitive reporting of what are tragic events for families and communities.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. What is the Minister's view on the University of Ulster research that highlighted the fact that 51.7% of people who took their own life had mental health disorders?

Mr Hamilton: I am not familiar with that particular piece of work, but I am happy to familiarise myself with it.

There is no one cause of suicide. There is a range of reasons. Sometimes, we do not even know the reasons for people taking their own life. Obviously, there are many connections, and, as the Member highlighted, there are connections with people's mental health. There can also be connections with alcohol or drug abuse. There is a developing school of thought in Northern Ireland from looking at the spike in the number of suicides in and around 2006 and the evidence that flowed from that, with many people drawing correlations between the Troubles and the end of the Troubles and the latent post-traumatic stress that people may suffer from and saying that that is causing an increase in suicide.

There is no one particular reason, as I said. Mental health obviously plays a significant part, and post-traumatic stress may be associated with it, too. I am happy to go away and look at the research that the Member mentioned. I think that the whole House would acknowledge that it is a problem that we are aware of and one that we have considerable resources applied to, right across the region

and subregionally. Many initiatives are taking place that work in conjunction and in partnership, as came up in a recent Adjournment debate secured by Gary Middleton on suicide in the north-west. There, partnership with community and voluntary sector organisations has greatly helped to improve awareness and, hopefully, to combat suicide right across the Province.

Mrs Dobson: Does the Minister agree that 338 children attending Northern Ireland's emergency care departments for suicidal and self-harming actions or intentions is a shocking statistic? Will he detail specifically what support is available for under-16s with poor mental health?

Mr Hamilton: I agree with the Member that it is a shocking figure and a worrying upward trend. In some ways, it is deeply worrying that that has come about. That young people are able to present themselves is perhaps a sign of better awareness in the community. I suspect that numbers would not have been at that level in the recent past. However, a greater awareness among parents and communities has perhaps resulted in young people being able to present to hospital with suicidal tendencies. Once people enter that environment, the system will kick in and support them through community adolescent mental health services and other services. Again, many of those services are provided through the community and voluntary sector in Northern Ireland, and they will wrap themselves around that individual to help and support them and their family. Clearly, the young people are the most important people in this case, but support will also be given to families to ensure that they get the care that they need.

I agree entirely with the Member that it is a shocking and worryingly high figure, and it is the figure only for the young people who are presenting themselves. The problem is that there are obviously many more who do not call out or ask for help or whose issues are not spotted by their friends or family. It is deeply worrying that so many young people are having suicidal thoughts and, unfortunately, as we are tragically aware of today, taking their own life.

3.15 pm

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We move on to topical questions. Mr Basil McCrea is not in his place. Mr Mike Nesbitt is not in his place. Question 1 was withdrawn.

Minor Injuries Unit: Armagh

T5. **Mr Boylan** asked the Minister of Health, Social Services and Public Safety to encourage all stakeholders with an interest in the minor injuries unit in Armagh city to participate in the ongoing consultation process, given the number of cuts to such facilities in the Armagh area in recent years. (AQT 2635/11-15)

Mr Hamilton: Yes, I am aware of a consultation being conducted by the Southern Health and Social Care Trust in respect of the Armagh minor injuries unit that will run until 11 September. Whilst not wanting to pre-empt the outcome of that consultation, I join the Member in encouraging people who have an interest in the local community to participate in it.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a

fhreagra. I thank the Minister for his answer. Looking to the future, does he have any plans for the future delivery of services in the Armagh city and district area, such as through a health hub? We have seen cuts over recent years and a transfer of jobs out of that area. Maybe a health hub in the central area would facilitate a number of services, including GPs and everything else. Will the Minister encourage or does he have any plans to facilitate a central hub in Armagh city and district?

Mr Hamilton: I assure the Member that, whilst a consultation is being taken forward on the future of the Armagh minor injuries unit, it is proposed that all other services that are on site will remain there. There is no threat to them.

The Member mentioned getting a primary care centre in the Armagh area. I noticed early on in this job that there is a bit of a media fascination with decisions to close hospitals wholesale. That is not on my agenda. In fact, I want to see the further roll-out and progression of what we have seen being done to a very high standard, particularly in cancer care and coronary care, where we have regionalised specialist centres, where, in some cases, world-class care is taking place as we speak, supported by community hospitals such as those in Armagh and elsewhere in Northern Ireland. There is a vital role to be played by those hospitals in supporting the network of acute hospitals across Northern Ireland.

In respect of a primary care centre, I believe that Armagh is earmarked in the Southern Trust area for a primary care centre. However, we are moving forward, as the Member will appreciate, with the centres in Ballymena, Banbridge and Omagh, and then we will move forward with a different procurement model for the ones in Lisburn and Newry, which is in his constituency. We will evaluate that process and, beyond that, the strategic implementation plan, which is there to roll out the remainder, including Armagh. We will assess the future of those, their roll-out, the timing and the budget for all of that on the basis of the outcome of the evaluation of Lisburn and Newry.

Mr Deputy Speaker (Mr Dallat): I should have pointed out that question 4 has been withdrawn. Mr Robin Swann is not in his place.

Fatal Foetal Abnormality: Legal Advice

T7. **Ms Lo** asked the Minister of Health, Social Services and Public Safety on what legal basis he thinks fatal foetal abnormality can be covered by guidance rather than through legislative change, given that the legal advice to the Department, while Edwin Poots was Minister, said that it was not possible. (AQT 2637/11-15)

Mr Hamilton: This is another issue that is in my in tray, and it is one that has to be — I am sure the Member will agree — handled with the greatest sensitivity. That is the approach that I will take to the issue. We are dealing with a small number of cases, but they are very sensitive and difficult cases and they involve individuals and families in some of the most difficult of circumstances. I want to at all times — I hope that the House shares this view — bring that degree of sensitivity and appropriate handling to the issue.

I am very clear on what my concern is, and I have said this publicly already. Whilst I am aware that the Member's colleague and my colleague in the Executive, the Minister

of Justice, is intent on bringing forward legislative change, it is my view and the view of many in the House that there is a risk, because it is always the case with any legislation that is brought forward that it can get changed, altered or amended through the various processes in the House. It may not make it through all the processes in the House. The big concern that I have is that, in a situation where, clearly, something has to be done on the issue and it is not acceptable to continue with nothing being done, the worst possible outcome for the difficult cases that may unfold in the future is to do nothing.

I fear and worry about having no legislative change, and that is not with any prejudice. Nothing has been published, and nothing has been put out there. I am not committing myself to supporting that legislation. In its absence and even with the fact that it might take some time for it to pass, something has to be done, and I believe that the new guidance has the potential to deal with many of the issues that have unfolded in the last number of years. On that basis, I will bring forward guidance to the Executive in the not-too-distant future, and I make the point that it is not my guidance but guidance that has been developed by experts in my Department.

Mr Deputy Speaker (Mr Dallat): The Minister's two minutes are up.

Ms Lo: I thank the Minister for a comprehensive answer. Can I ask the Minister exactly when the guidance will come out?

Mr Hamilton: I cannot say when it will be made public because there is a process to go through. In fact, I was discussing it with officials only this morning, and they hope to have it with me very shortly, this week. Obviously, I will take some time to consider it before forwarding it to Executive colleagues for, hopefully, their agreement. Thereafter, it will be published.

I hope that the House and the Member can see the motivation I have in ensuring that we do not have a situation where nothing is done. The Minister of Justice has a particular view, and others will have different views. Whilst I have a view that it may not pass through the House, I know that legislation takes time. Guidance has the potential to deal with many of the issues. I have been discussing the potential of guidance with leading obstetricians and others in Northern Ireland, and I think that there is an acceptance on their part that guidance may have the potential to resolve many of the issues. It is on that basis that I hope to bring forward the guidance and unite the Executive around it and, hopefully, get the support of the House and, more to the point, the support of the wider community and of people who have been affected.

ADD-NI: Ministerial Meeting

T8. **Mr Ó Muilleoir** asked the Minister of Health, Social Services and Public Safety whether he has given any thought to meeting representatives of NI Attention Deficit and Hyperactivity Disorder (ADD-NI) — a wonderful children's charity based in south Belfast that does wonderful work with children who are living with ADHD — given that its financial difficulties have been raised with the Minister who knows that it is facing some choppy waters, with turbulent times ahead. (AQT 2638/11-15)

Mr Hamilton: I am glad the Member raised this because it gives me an opportunity to speak about it. He may not

have expected to get to his question, but I am glad he was able to raise it nonetheless.

On the question of meeting, I have committed to meeting NICVA — it is in the diary already — as an umbrella organisation for the community and voluntary sector, much of which is affected by the issue that the Member has raised. The Member raises an issue that revolves around something that has been described as core funding. This is core funding that goes to 67 organisations across Northern Ireland. As you would expect in the current climate, every spending line is being looked at across the board, and every Department should be doing that. Mine certainly is doing so, given the pressures that it faces. Those 67 organisations receive many millions of pounds in grants each and every year. It is 67 organisations and not 68, and there is no potential to grow that to 68 or 69. It is exclusively for 67 organisations, and that, in itself, raises some issues for me around procurement, state aid, equity and fairness.

The issue has been around for some time. Previous Ministers in my post have signalled to the sector that reform will happen to the core funding but that they were considering how that might be implemented. I am now doing that. However, from examining the core funding, I also found that it is not going to organisations to pay for services. It is, as I saw in one case last week, contributing towards salaries for the organisations' chief executives and finance directors. Particularly at a time when we have scarce resources, I think that we should be focused on giving that scarce and limited funding to organisations to provide services that have defined outcomes. It is in that context that I will look at the issue.

That is not to say that the work of any of those 67 organisations is not worthwhile, but I hope that the Member and, indeed, others can appreciate the circumstances that we find ourselves in and why I will continue to look at them and to carry on the work of my predecessors.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. While we await that review and reform, the Minister's colleague Mr Girvan and I are united in one aspect of our concerns for ADD-NI. It is that the Belfast Trust has referred over 300 children who have ADHD to that service, but it does not want to pay for it. I think that that is an area where the Minister might be able to use his good offices with the Belfast Trust to tell it that, if it wants and needs the service, which it does, it also has to pay the piper.

Mr Hamilton: That is a different issue, and I am happy to take it away and examine it. While it is first and foremost a matter for the trust, I am happy to examine it and to report back to the Member.

Community and Voluntary Sector: Value for Money

T9. **Mr Girvan** asked the Minister of Health, Social Services and Public Safety whether he believes that we are getting value for money from the grants awarded to the community and voluntary sector, particularly given that he mentioned the 67 groups, not all of which are as needy as each other, with some making a better case than others. (AQT 2639/11-15)

Mr Hamilton: Mr Ó Muilleoir said that he and Mr Girvan were as one, and it seems that they are also in league in asking the same question. At this time, when resources are precious, limited, tight and very scarce, and when my Department's budget is under pressure, like every other Department in the Executive, I think it is very important that we look at the spending that we are doing and ensure that not only is it getting value for money but it is producing outcomes.

The core, infrastructure funding is something that I am keen to look at. As I said, it has been signalled to the organisations that have received it that previous Ministers wanted to move away from the current system. It has been a matter of transition and of how that might be implemented. When there are many organisations, like the aforementioned ADD-NI and others, that need money, there are questions about our giving money to organisations to pay for the salaries of staff, as opposed to getting outcomes and better results for our citizens.

Mr Girvan: I thank the Minister for his answer. I am giving my own view here, but sometimes I feel that the Department tries on many occasions to protect what it delivers, as opposed to trying to get better value for money from the community and voluntary sector. When can these organisations expect to hear about the prospective changes to their funding for the future?

Mr Hamilton: I appreciate the uncertainty that the issues around the infrastructure funding has created for many of these organisations. Whilst we would always like to see speedier decisions in all these things, I have been carefully considering it, because I value the work that the sector does. As I said, it is more that we have limited resources and are ensuring that we are getting good value for money and outcomes for the money that we invest that has delayed a final decision.

Self-harm: Public Health Agency Support

T10. **Mr Cree** asked the Minister of Health, Social Services and Public Safety for an update on what the Public Health Agency, which has a duty to provide advice on care facilities, is doing for those people who self-harm. (AQT 2640/11-15)

Mr Hamilton: My response to Mrs Hale's question outlined a considerable number of ways, particularly on suicide and, indeed, self-harm, in which a lot of work is going on, not just by the Public Health Agency, which does a lot of work to raise awareness and to try to prevent self-harm, but in response to self-harm when it does happen. There is, I feel, an impressive list of services provided in hospitals to people who present and who are at risk of self-harm, including counselling, training, response and intervention.

3.30 pm

I am happy to come back to the Member with greater detail on the specifics of what is being done on self-harm for people across Northern Ireland.

Mr Deputy Speaker (Mr Dallat): We do not have time, unfortunately, for a supplementary because time is up.

Mr Nesbitt: On a point of order, Mr Deputy Speaker. I was not in my place when called for a topical question, as I had popped out to take a call. That explains my absence but

does not excuse it. I meant no disrespect to the House or the Minister.

Mr Swann: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Dallat): There is another point of order from the Ulster Unionists.

Mr Swann: Likewise, I apologise to you, the Minister and the House for not being in my place for topical questions.

Mr Deputy Speaker (Mr Dallat): There is lots of contrition today. Before we move on to the Adjournment debate, I invite Members to take their ease while we change the top Table.

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

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr Beggs).]

Adjournment

Nursery- and Primary-school Provision: East Belfast/South Belfast

Mr Deputy Speaker (Mr Beggs): The proposer of the topic will have 15 minutes to speak, and all other Members who wish to speak will have approximately five minutes. We will try to get as many in as we can.

Mrs Cochrane: I welcome the opportunity to raise this important issue once more in the House. I should probably start by declaring an interest as a mum of children at primary school in East Belfast and as a member of the board of governors at Strandtown Primary School. I also take the opportunity to thank the Minister for attending today and for his previous assistance to preschool and primary education in my constituency. I hope that the debate will be constructive and allow Members for East and South Belfast not only to raise their concerns but to put forward proposals to resolve what appears to be an escalating problem. In recent days, issues with secondary-level provision have been in the press. However, today's focus will be on the primary and preschool sectors.

I will start with preschool provision. Members will be aware that, further to my proposals, there have been a number of changes to the application process in recent years, through the two-step process, which gives priority to those in their immediate preschool year over those in their penultimate year, and through the removal of the July/August criterion. There has also been an increase in the number of places provided by new nursery schools, such as the one in Dundonald, and by some day-care providers. We continue, however, to hear complaints from constituents about the lack of preschool provision. Whilst this may be due partly to parents' unrealistic expectations, it is surely an issue that requires constant review and improvement.

I am sure that the Minister will be able to quote figures showing that only a handful of children are unplaced for the 2015-16 school year. However, I do not believe that that is an accurate reflection of the situation. I have heard of many parents who do not apply for a place or cannot take up a place because it is simply impossible to juggle that with their personal work circumstances. Some parents, for example, pay £48 a day to have children dropped in a day-care environment, which then sends them to an afternoon session for two and a half hours with a preschool provider. There are others who want their child to have the benefit of preschool education but simply cannot afford the expense, and there are no other options to combine it with their work. In reality, therefore, far more children could be unplaced, and I ask the Minister to outline today what he is doing to assess the number of children who will not receive a preschool experience but are not included in his unplaced figures.

That leads me on to ongoing complaints about the social disadvantage criterion. I have spent many hours trying to

explain the rationale behind that approach to constituents. I agree that it is important that those children receive a place. However, given that the Minister has committed to ensuring that every child who wants a place will receive one, there is a question as to whether that criterion is still required. Is it causing more of a headache in the system? I think that all it does is to make it more difficult to explain to constituents why their child has not been allocated a place in their first choice of setting. They see the criterion as being unfair on working parents.

I have analysed intake figures in many of the East Belfast providers, and it appears that the majority of children who are placed under social disadvantage would still receive a place in the same provider if that criterion was removed, because they would get in under the distance criterion. I ask the Minister again to review the ongoing need for that criterion, because it is creating more of a headache than it needs to.

With preschool provision, I ask the Minister what more can be done to provide better information to parents to assist them in making the choices on their application forms. Every year, I see examples of those who have missed out on a more suitable setting because they marked unrealistic choices on their forms. It is clear that more needs to be done to encourage parents to visit the settings in advance and talk through the admissions criteria.

I do not know how many times I have raised this issue, but I continue to see parents being sent lists of options for preschool and nursery settings that are miles away from their homes. If someone lives on the Gilnahirk Road and has applied for a place at Kings Road and Dundonald nurseries but has been unsuccessful in securing a place, does the Minister think that it is appropriate to send a letter to the parents telling them that there are places free in Portavogie but not telling them that there are places in Ballyhackamore? Surely, with the new Education Authority, we should have a more joined-up approach across the old education and library board boundaries, or is that too much to ask for?

Mr McCarthy: What is wrong with Portavogie?

Mrs Cochrane: There is nothing wrong with Portavogie — *[Laughter.]* — apart from the fact that it is a long way from Gilnahirk.

Is the Education Authority simply the same structure as our previous boards, with an additional layer of bureaucracy on top? Perhaps I am being harsh, but the Education Authority needs to do more to ensure that relevant information is provided to parents.

I will move on to primary-sector provision. There has been a distinct rise in the number of my constituents who have been unable to secure a primary 1 place for their child in their first, second, third and, sometimes, fourth preference. As a parent, I know how much interest you take in ensuring the best educational start for your child. Most parents try to select a school based on its educational reputation, location, links with the community, family connections and the quality of leadership shown in that school — indeed, many of the same criteria that are assessed under the sustainable schools model. It is no wonder how distressing it can be for parents when they are asked to list five, six or seven choices for their children.

Parental choice is important, but I appreciate that not everyone will receive their first preference. However, given the increase in population evidenced with the demand for preschool places in recent years, we need to ask what is being done about proper area planning in East and South Belfast. Should we look at the schools that have offered quality education, strong leadership and are financially viable to see whether we should expand some of them, or should we focus on improving the schools that are seen to be failing in order to make them a more acceptable choice for parents? Those are the sorts of questions that need to be asked but do not appear to have been adequately asked in recent years. That is why we are starting to see pressures in the primary sector.

I believe that area planning should, first and foremost, be about developing a network of sustainable schools, raising standards and matching provision with the demand for places, but raising standards should not just be about throwing money at poorly performing schools. In East Belfast, there are few, if any, examples of our successful, popular schools being supported, whilst unpopular schools are receiving high levels of support in the form of subsidy, favourable advice and intensive curriculum support. It appears that the current system simply rewards underachievement. There are massive differentials in the part of the budget being administered by schools, with some receiving £2,400 per pupil in the last funding round while another school in the Belfast area received an average of £3,800. There are also further centrally administered amounts, which bring the pupil difference to one school receiving almost twice as much as another.

Whilst I understand that the centrally administered amounts for certain programmes can be beneficial, they do not always deliver the desired outcomes. For example, the additional funding allocated due to free school meals might be a way of assisting those from a disadvantaged background, but, when it is allocated as a percentage of school population thresholds, it can mean that some schools with more pupils on free school meals receive less than smaller schools. It needs to be addressed. Furthermore, much of the money allocated from central budgets does not actually lead to the rise in school standards that we look for. If we genuinely want to raise standards across the board, there should be more focus on supporting successful schools to provide the support and ambitious targets for clusters of schools. Change needs to be made in terms of self-evaluation, challenging standards and pedagogy. With the greatest respect to our civil servants, it is the school leaders and not the Education Authority who will be able to take this forward.

I also have concerns that the new Education Authority has been created with administrative control of over £400 million of expenditure on schools, whilst the budget that is being controlled by the actual schools is £800 million. The balance between school-administered and centrally administered amounts is already the lowest in most Western countries. I do not think that it is the best way to ensure investment in the classroom. When budgets are so tight, the focus must be on reducing the administrative burden, particularly somewhere as small as Northern Ireland. I ask the Minister to enter into direct dialogue with school principals' representatives to look at the concept of greater autonomy, incentives and disincentives in the system to ensure the reduction of shadow activities in the Education Authority. As a start, the layer of administrative

burden for employment matters, financial transactions and admissions could be removed and those savings directed straight into the classroom.

At the same time, we must continue to focus on area plans, which should not be seen as static. Recent high birth rates in my constituency will have an impact on primary provision in years to come, as will some of the new large housing developments. It is important that the Education Authority and the Department foresee the challenges and are equipped to deal with them. Indeed, last month, at a meeting with the Education Authority, I queried the issue of future primary provision in the Dundonald area, as I have already begun a process of surveying residents in the new housing development in order to ascertain likely future demand. However, I met only the officers who are responsible for the Belfast district, and it would appear that the matter was not on their radar at all. They were focused on other smaller pockets of increased demand further into east Belfast. It could mean that they propose smaller but costly changes there, less than two miles away from a better and more cost-effective solution. If there is one thing that comes out of this debate, could it be that the Minister directs those in the Education Authority to move away from arbitrary lines on a map?

I was given an assurance that future plans would not be drawn up behind closed doors by civil servants and that there would be open and transparent engagement going forward. I welcome that approach as I think that many schools and stakeholders have creative ideas and need to be included in area-based planning. We also need leadership from elected representatives. Some will champion a cause for political gain when they really need to consider the wider educational needs of the whole community. When difficult decisions need to be taken, whether it be a school closure or amalgamation, they need to be honest and focus on actually bringing the community with them, rather than raising fears.

Finally, I would like to specifically raise the issue of Strandtown Primary School. I know that the Minister would be so disappointed if I did not, given the number of times that I have hassled him about it. The Education Authority has finally agreed to submit a development proposal to match the intake number at primary 4 with the admissions numbers for primary 1 in Dundela Infants' School, Greenwood Primary School and Belmont Primary School. I am obviously delighted that the blood, sweat and tears have paid off, although it would have been preferable not to have had to fight so hard for it given that it was always the common-sense approach. I trust that, when the proposal comes before the Minister, he will be swift to approve it, if only to keep me out of his office.

That still leaves the issue of the outstanding capital works required to provide permanent accommodation for all pupils on the Strandtown site. Further to the Minister's visit to Strandtown at my request, plans have been drawn up for new wings, but I am concerned that the plans include a large new kitchen area that would be owned by the Education Authority. Can the Minister confirm that, if money is available for some capital build through the schools enhancement programme, the Strandtown pupils will not be expected to forfeit classrooms at the expense of a kitchen for the Education Authority? Obviously, this may be irrelevant if there is no money at all, so, again, I would

welcome an indication from the Minister of the likelihood of there being money under the programme going forward.

I will leave it at that for the moment. I think that I have asked enough questions. I thank the Minister for his attendance and look forward to his response.

3.45 pm

Mr Newton: I thank the Member for bringing forward a debate on an issue about which there is much concern currently and, indeed, about which there has historically been much concern. There has been an improvement in the situation, but further improvement is required. Many points have already been covered, so I will approach this generally rather than being specific.

There is a need for the Minister to address the issue, which has been going on for some time. The first question that I asked on this was in 2008 or 2009, yet the problem continues. There is a need to build confidence in parents and in school professionals that there is a solution to the problem and that next year we will not face the same situation. There is a need to address the ongoing issues. Parents are concerned initially when they get a letter saying, "Your child has been rejected. Please apply for ...". An example that was given was a facility in Millisle — 25 miles from where those folk live. That needs to be addressed so that we provide stability in our education system for teaching professionals, parents and children.

I think it has been mentioned that the Committee has produced a report on area planning. To my mind — the Minister did not dispute this to any great extent when we debated it in the Chamber — the report suggested a positive approach to area planning and outlined how a rational and professional look at the school estate not just across east Belfast but across Northern Ireland needed to be taken. It was admitted in the report that this is a complex problem because of the disparate nature of our education system and the various sectors that we operate in.

The report indicated that the Minister should not take an approach to area planning that was, as one witness described it, a cut-and-paste exercise. Whether that is valid or not is for the Minister to judge, but that was recorded when the Committee took evidence on the report. The report indicates that there needs to be a holistic approach to area planning and there can be no clauses for schools to opt out of area planning for whatever reason. The benefits of addressing the issues that we are talking about this afternoon can be achieved, providing stability for children, teachers and parents. All the school estate should be included in area planning.

I want to mention a couple of the report's recommendations. The Committee recognised, as the genesis of the report, the critical importance of education for parents and pupils. Indeed, it accepted that extensive costs were associated with the sectors in our education system and that those needed to be managed judiciously to get the maximum benefit for our young people.

Recommendation number one stated:

"... in order to ensure that Area Planning is undertaken in a transparent and consistent manner with clearly communicated sustainability criteria for schools and with Area Plans which are produced and updated within reasonable timescales."

It was the objective of the report to ensure that that recommendation can be taken forward.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. I want to thank my young colleague Mrs Cochrane for bringing the subject forward and, in a remarkable show of generosity, for including South Belfast and East Belfast. It gives me a chance to praise some schools. I think that it would be inappropriate to praise the Minister, because self-praise or praise from a party colleague is no recommendation, but I want to praise some of the wonderful schools, primary schools in particular, that I have had the opportunity to visit.

In East Belfast, Strandtown Primary School strikes me as the most engaged primary school that I have ever visited. I have never seen that level of community and pupil engagement, especially during the Giro d'Italia. If any backing is needed for Mrs Cochrane's request to speed up the project she mentioned, I am happy to give it.

I am also a great fan of Holy Rosary Primary School in South Belfast, which is certainly one of the most diverse schools I have ever visited. It is also one of the most generous schools in reaching out to people who have moved to Belfast in recent times. Every time I visit the school, I come away buoyed up by the enthusiasm not only of the teachers but the pupils.

I also want to mention Scoil an Droichid, scoil lánGhaeilge i ndeisceart Bhéal Feirste. Áit a bhfuil spiorad iontach bríomhar i measc na ndaltaí uilig. Am ar bith a thugaim cuairt ar Scoil an Droichid, bíim iontach dóchasach maidir le toadhchái Bhéal Feirste, mar is léir go bhfuil siad ag tógáil glúin úr atá bríomhar, atá tallannach, agus atá ag smaoineamh ar an am atá le theacht. I was at Scoil an Droichid Irish-medium school this morning and, every time I visit, I come away amazed at how the next generation; this young generation — they are certainly several generations after me — are so focused on the future. They are so vibrant and dynamic, with high aspirations and ambitions. The teachers at Scoil an Droichid also deserve praise, and I got a chance to say that this morning. To give you a little example of why we are so impressed by all our schools, I learned this morning that the pupils at Scoil an Droichid had raised £7,000 to send one of their colleagues who had suffered from leukaemia, with her family, to her father's native country of Turkey in the summer. That struck me as a great testament to the big-hearted nature of the pupils and teachers.

I want to raise one other issue of importance. It is a different issue altogether, namely the expansion of South Belfast to include Carryduff. Of course, that cheers us all, because we want to see our city grow. In particular, the Council for Catholic Maintained Schools (CCMS) has not managed that growth properly. As the Minister knows, on several occasions I have had to implore him to try to find more places at St Ita's Primary School in particular. The growth in that area has been rapid, yet the response of CCMS has not been as efficient as we would have liked. It is my hope that, in the time ahead, we get a plan for that area that accommodates all the parents, particularly those who have had great difficulties and who want a Catholic education for their children but have not been able to receive it.

I endorse some of the comments that my colleague made about the difficulty in getting preschool places. I am also

aware that 99% of those who stick with the process get schools, thankfully, and that — the Minister explained this and will probably explain again — the letters that say that you can go to Portavogie from Dunmurry are not very sensible. That would not be a good way to start your child's education. As the Minister explained, that is not expected of people and, if it is not expected, hopefully the letters will change in the time ahead. I hope that we continue to achieve those sorts of numbers, 99%, in the difficult hotspots around South Belfast such as Finaghy, Malone and Dunmurry, where parents have problems getting preschool places. I hope that we can do even more in the time ahead to facilitate those parents.

Mr McKinney: I, too, would like to thank Judith Cochrane for bringing this important debate to the Assembly. I apologise to the Chamber: I have an urgent meeting that I need to get to after I make my contribution and I will have to leave. Obviously, I would normally stay until the end of the debate.

I would also like to thank all the staff of the schools in South Belfast and East Belfast for their hard work, commitment and dedication.

That dedication, in increasingly difficult circumstances, seeks to provide the best outcomes for children, and they deserve our full gratitude and support. We all recognise the importance of nursery and primary schools for young children. Those schools are at the heart of our community, and they play a vital role in influencing children's attitudes and providing them with all the necessary skills to progress through education and life. Without that strong foundation, many children may suffer greatly in educational development. I will touch on that later.

We all have high expectations of primary schools, but, critically, in Belfast and all across the North, teachers and principals now have to make significant cuts and compromises. I am left in little doubt that those will have a negative impact on the quality and standard of education that children may receive. Worryingly, in the current Budget, we have seen vital funding stripped from early years programmes, nursery schools and nursery units. The impact of the cuts on vulnerable children will be further compounded by drastic cuts to special educational needs provision, early years capacity building and the extended schools budget.

The issues of funding, education standards and future sustainability have all been well rehearsed. As has been outlined, the Bain report recommended area-based planning, which informs sustainable schools. That has been endorsed by the current Minister. They all have the objective of raising educational standards and creating strong school networks. However, we are all aware of the criticisms, with concerns raised about whether such a policy will achieve better educational standards. My colleague referred to it as "cut and paste"; some may have referred to it as just cuts, closure or amalgamation. We all recognise the current budgetary pressure that the Minister faces, but the area plans currently cannot be a slash-and-burn exercise. There must be openness and transparency at all stages, and parents' views have to be given the fullest consideration where robust plans are firmly centred on the children's best interests.

One of the issues that I was about to address has already been touched on. There is a major problem in Carryduff.

I acknowledge what the Minister says about CCMS monitoring that situation, but there is a major problem with the demand for schools in an area that is growing far faster than the educational provision caters for. Of course, that is true for other major facilities in the area, but it is a situation that causes major annual stress for parents and pupils not just when they are picking their schools but subsequently, when people find themselves in schools that are far from where they live. The headlines have also been dominated recently by the issues in south-west Belfast, but it is important to say that, when these proposals were put forward some 15 years ago, the race issue was not the dominating agenda: educational achievement was.

The major headlines underscoring the localised issues are still the unregulated transfer test that continues to cause stress and uncertainty for parents and a system that fails as many pupils as it delivers for. How, otherwise, would we have 400,000 people living in Northern Ireland without any qualifications whatever? Of course, there are headlines around how the system fails many young Protestant boys. Too often, it can be seen that we are actually breeding our children for export. For those for whom the system is delivering and even those for whom it is not, the only option is to leave. This goes to the heart of our economic debate and is the big question: what is our education system delivering for? What more could we do to link its ambition to our overall economic ambition?

Mr McGimpsey: I thank Mrs Cochrane for securing this debate on a very important subject. Like her, my office has had a huge amount of interest from constituents who have expressed concerns about preschool and primary provision.

We should start with a first principle: we are here to provide an education system that is free and specially tailored for the mixed talents and abilities of all our children — not some of them or most of them but all of them. A key part of that education system is, of course, preschool and primary provision. It is clear that some of our children lose out on preschool and nursery provision. I will talk about primary provision in a minute. One of the things that was impressed on me very much when I was Health Minister was how important those early years were for children. It was put to me that that is the time when children's brains are effectively hardwired. It is very difficult for them to catch up if they miss out on the opportunity at that time.

4.00 pm

There are certain conflicts. One of the conflicts, as has been pointed out, is that working parents appear to be disadvantaged in provision compared with parents who are defined as "socially deprived", which appears to be based on the criterion of certain benefits. Working parents who do not derive those benefits are not designated as socially deprived, and their children may lose out. That is not good enough. It is wrong. All children have the right to be treated equally, no matter who their parents are. Those who are socially deprived must, of course, have our support, but no parent should be coming to me and saying, "Because we're not on benefits and not meeting that criterion, our children lose out".

The issue in inner south Belfast has been well pointed out. Máirtín Ó Muilleoir pointed it out, as did Fearghal. Without rehearsing all of that, let me point out the situation in inner south Belfast. At Arellian Nursery School on Sandy Row,

there were 104 applications for, I think, 54 places. I had meetings with the Belfast Education and Library Board (BELB) and the chief executive of the new board. They have found 40 extra part-time places, which has done an awful lot to address the issue this year. I am grateful to them for their support, and the parents clearly are as well. That has gone a long way to addressing the gap, but it is a gap that we knew was coming. It is not rocket science to work out the birth rate and what the needs and demands will be and match those to provision. If we had demand and provision matched, it would avoid an awful lot of angst in schools and, not least, families. That is very important.

A second point concerns the provision of primary schools. In inner south Belfast, we have the issue of the consolidated primary school. That issue has been running for about 15 years. I have been involved in it with various communities, and it just seems to go from one hurdle to another. The latest hurdle is the director of the Council for Ethnic Minorities appearing to say that newcomer children will not go to the new school and that they want to stay in Fane Street Primary School. That would jeopardise the provision of a new school. I will speak to Patrick in due course, and I am quite sure that he did not intend to get the reaction that he did, but that type of situation is most unhelpful. In the society that we are trying to build, in which we are all together, the key thing for us is that we live together, work together and are educated together. This is an absolutely perfect example of how we address the issue. It is about the provision of that new school, which has been so long in the planning. We have hit hurdle after hurdle. We have communities on board. It seems that that is the best way in which to address this.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr McGimpsey: I will draw my remarks to a close by making a plea to the Minister to intervene. Here is another reason that this should be provided: to give our children the best start that we can in the communities that, by any definition, are seriously socially deprived.

Ms Lo: The topic of nursery and primary-school provision in south and east Belfast has been talked about quite a few times. It was only a few weeks ago that I asked the Minister about the issue.

For parents whose children have missed out on nursery placements close to home, it means that they have to attend a nursery school further away and sometimes even one outside a catchment area. That puts additional time and cost pressures on parents.

Another common concern is that failure to secure a place of choice could impact on the child's eligibility when applying for a primary-school place. Of course, that is dependent on particular schools' admissions criteria. I welcomed the Minister's update that the majority of children were placed in the first round and that he has funding to provide extra places, should it be required.

As a governor of Cranmore Integrated Primary School, I understand that the school had 45 applications for its playgroup, with only 24 permitted places available for the coming year. The school has also applied twice, unsuccessfully, to change the playgroup to nursery status, which would give it more places for children.

Recently, I visited Fane Street Primary School. I know that the school's nursery is oversubscribed for this year by 2:1, yet, when the school applied for an additional nursery class for September, the request was turned down, even though it has adequate accommodation within the building to provide for it.

I move now to primary-school provision. The Minister will be familiar with the issues in South Belfast. I have written to him and tabled many questions over the years. There is a continuing increase in demand for places in my constituency, particularly in Carryduff. Demand for Catholic maintained schools such as St Ita's, St Bernard's and St Joseph's primary schools is growing each year, and oversubscription inevitably leads to disappointment for some families. As with nursery schools, parents are concerned about the prospect of being unsuccessful in getting a place in their first-choice school because of oversubscription in popular schools in South Belfast. That also means that many pupils face having to bypass their local schools.

The Department of Education needs to take into account change in demography. Inner south Belfast schools are facing amalgamation due to lower enrolment numbers, but outer Belfast areas, such as Carryduff, with new housing developments, are crying out for more school places.

There is an argument that part of the problem is that integrated schools have not been allowed to grow in the way that they should and that they are still being held back. Over the last few weeks, my office has been contacted by numerous disappointed parents whose children did not get into Lagan College in South Belfast because of oversubscription. Surveys have clearly shown that there is an increase in demand for integrated education. I have said this before: there is still too much focus on established schools. During the recent debate on area planning, my party colleague Trevor Lunn mentioned that the needs model works against the integrated sector, given that the other sectors have to agree before there is any increase or potential increase in the capacity target for integrated schools. There is a need for better forward planning and a vision for integrated education for all children in a shared society.

Mr Douglas: I certainly welcome the debate, and I thank my colleague for East Belfast for bringing it forward. I think she has put forward a very comprehensive argument in a number of areas. I also thank the Minister for attending, because, too often, these Adjournment debates have little or no representation from Departments. So I thank the Minister for being here. I also declare an interest as a member of the board of governors for the Braniel Primary School and, today, I was appointed to Ravenscroft Nursery School.

It is interesting; I was speaking to the principal of Ravenscroft today. It is oversubscribed. It is a very successful nursery, but the problem is that it is too small, so I want to record a bid to the Minister for an extension to that nursery school. Maybe he can keep that in mind for the future.

Seriously, though, I was looking through the mission statement of the Ravenscroft Nursery School today. This is what it says:

"teachers and nursery assistants offer a welcoming, secure, caring and stimulating environment for each

child, with the aim of establishing a lifelong love of learning."

If this debate is about anything, it is about raising the expectations and interests of parents and children so that they will embark upon a lifelong love of learning. What a tremendous mission statement. So, it is building for the future and is an investment in our children and society.

I know that the colleague who brought forward the debate mentioned a number of areas. However, I want to raise some concerns over the next couple of minutes. The first thing that Fearghal McKinney mentioned was the number of children in East Belfast who have additional or special educational needs. I detect that that number is growing across East Belfast. The question is this: how do we protect and support the most vulnerable in our society?

I was speaking to a primary-school teacher earlier today who said that, of 30 children who were assessed, 28 had speech and communication difficulties. The big question is this: why is that happening? I am not quite sure why there is a growing number of children like that.

In the past, some of these children would have been assessed in October. One of my concerns is that they are now talking about January. In fact, I know of some children who have not yet been given a date for assessment. So, they are going into year 1 and already have a big problem in trying to catch up with other children. Hopefully, the Minister will address that problem.

Then, there is the whole issue of parents scrambling to get a place in nurseries and primary schools. It is a big issue. We have all faced those emails, phone calls and letters. My concern is that there seems to be a major problem in communication. I think my colleague mentioned that. Also, people must be given enough time to work out the areas that their children can go to.

I know that the Minister was at the launch of the EastSide Learning Partnership. There was no mention of asking for money; they were just celebrating the importance of lifelong learning. It is their mission to support children at the earliest possible stage, and I just want to let the Minister know that they are meeting the board, along with Early Years, in order to plan for next year. Instead of leaving it to the last minute, they are trying to get things organised. There is a problem with the lack of a strategy. It is the same every year; there seems to be a sense of absolute chaos.

I want to raise another issue. We discussed this recently in connection with support from the community and voluntary sector. The Dee Street Playgroup that I am involved with has just organised a petition, and we have signed up dozens of MLAs and a number of Ministers. Hopefully, during the June monitoring round, that petition will have some sort of influence, because playgroups like this do a tremendous amount of work.

Mr Deputy Speaker (Mr Beggs): Will the Member please draw his remarks to a close?

Mr Douglas: Mr Deputy Speaker, I have heard you mention how such groups in your area do tremendous work. They need support. I have spoken to the Minister about this before, so, hopefully, he will have a bit of good news for us for the future. I welcome this Adjournment debate.

Mr Lyttle: I, too, welcome the opportunity to contribute on the issue of preschool and primary-school provision in East Belfast. I take the opportunity to pay tribute to the teachers and schools in East Belfast that are serving our children and young people so well. I also pay tribute to the parent-teacher associations, which are central to the life and well-being of our schools.

I understand that approximately 15 preschool settings were oversubscribed in East Belfast at the end of stage 1 of the preschool admissions process this year, and that included nursery schools, nursery units attached to primary schools, and voluntary and private settings.

My understanding is that, in our primary school sector, approximately eight primary school settings in East Belfast are oversubscribed and that, whilst we are not discussing it today, there are also schools in our post-primary settings in East Belfast that are oversubscribed. Indeed, my colleague Anna Lo MLA made reference to what seemed to be quite a serious oversubscription issue at Lagan College this year. That, of course, also affects families in East Belfast who have a strong preference to send their children to an integrated school setting.

4.15 pm

That oversubscription has associated consequences, as many MLAs have pointed out today. It raises anxiety and confusion amongst families in our constituency, as well as a sense of a lack of fairness and common sense in the system. The Minister will, of course, respond to that ably and say that parents are advised of alternative options and that eventually most pupils will be placed in an appropriate preschool and primary school setting. The question is this: how reasonably located are some of those alternatives? As my colleague Judith Cochrane MLA suggested, how many parents and children does that exclude who have given up on the process altogether, such has been their frustration with it?

The Minister will also say that he is allocating sufficient funding to the provision of preschool and primary places, but the issue is not just one of finance. As many MLAs have said, not just the Minister but elected representatives, teachers and the community all have a part to play in these issues, particularly in improving area planning. There should also be better coordination of the available resources, and, as has been mentioned, the provision of timely information to parents should be improved to assist them in navigating what is a challenging application process. I do not think that we can overstate that point. As other MLAs said today, we can go a long way to alert parents at the appropriate time about when the applications must be submitted. We can try to provide them with the informal information on oversubscription that they need to improve the order of choices that they make about preschool and nursery provision.

I welcomed a recent opportunity I had with my colleague Judith Cochrane MLA to meet the Education Authority about the need for more places in East Belfast. I was encouraged by the Education Authority's responsiveness to the need to work up development proposals to increase admission numbers in East Belfast, in particular at Strandtown Primary School and, indeed, other primary schools. I, too, hope that the Minister will be able to give his commitment to deal with any such proposal as promptly as possible to ensure a resolution to that issue.

I welcome the Minister of Education's recent attendance at the launch of the EastSide Learning Partnership, and I hope that that will be a collective effort between teachers, parents and elected representatives to work together to ensure that we improve provision in East Belfast and work along the key aims of raising aspiration and the value that we put on education —

Mr Deputy Speaker (Mr Beggs): The Member will draw his remarks to a close.

Mr Lyttle: — for our children and young people.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a LeasCheann Comhairle. Fáilte roimh an deis labhairt sa díospóireacht seo. I welcome the opportunity to respond to the debate and will do my best to respond to as many of the points raised by Members as is possible.

To cover the broader points of the debate, planning education provision in any given area is now the statutory responsibility of the Education Authority working in close conjunction with the Council for Catholic Maintained Schools (CCMS) and actively engaging with other sectors. It will take some time for it to establish itself, but I do not envisage any immediate changes to the area planning process, although I expect them to cross the old borders of the education and library boards and to engage on a regional basis, particularly in areas around south Belfast and east Belfast that cross over between the old boards. Members will be aware that it is an issue that I raised previously in a development proposal relating to post-primary education in the area, so I expect matters to improve there. My officials will, however, liaise closely with the Education Authority to develop comprehensive guidance on the area planning process. It will draw on the experiences of the process to date and build on the lessons learnt.

Area planning will continue to be the process through which the planning authorities examine primary and post-primary provision. It is important for the planning authorities to hear the views of all interested parties so that they can shape the educational provision to meet their needs. Initially, that will be through the local area planning groups, and part of their role will be to bring together all local stakeholders, planning authorities, sectoral bodies and any other interests. One of the tasks of the local group will be to consider the needs of the primary sector at local level.

I noted the comments of Mr Newton about the recent debate and the report of the Education Committee. I will respond formally to the Education Committee on its report, but I assure him that it will play a significant part in shaping the views on area planning going forward and that we will consider the lessons learnt from that report.

The Education Authority can provide details of representatives on local groups, and I encourage representatives from East and South Belfast to make their views known to the relevant schools' planning authority representatives. My Department will continue to scrutinise and challenge area plans and monitor progress towards delivering the changes required.

The statutory development process is the only means by which any significant change to the school estate, such as an increase in a school's capacity, can be made. Members mentioned a number of primary schools, in particular, and nursery units whose numbers should, they

believe, increase. The only way to do that is through the development proposal process. I note that Strandtown was mentioned and that a development proposal is in the making or will be delivered to me very shortly. I will deal with that as I deal with all other development proposals. I cannot comment on any funding that may be aligned to that. The school enhancement programme for this financial year is fully committed. It is an important programme that future Ministers should take forward in planning because it allows the expansion of schools, but that will be for future budgetary rounds.

While statutory nursery provision is not covered by the sustainable schools policy and is not part of the area planning process, any significant changes there require a development process. The preschool advisory groups in each region of the Education Authority are responsible for ensuring that there is sufficient provision in their area to meet the Programme for Government commitment to ensure a preschool place for every child whose parents want it. It has to be said again that 99.8% of children have been placed at this stage of the process, and we continue to work with families. I will go into more detail on south and east Belfast in a moment.

As far as primary school admissions for 2015-16 are concerned, only three children remain unplaced in East Belfast, and one child from the south-east region is still seeking a place in the area. We will continue to work with the parents of those children to secure educational provision for them. No child is unplaced in South Belfast, as far as we are aware. However, the situation will continue to be monitored. It is also worth noting, as many Members did, that great work is going on in the primary schools in south and east Belfast. Mr Ó Muilleoir mentioned a number of schools, though he failed to praise me for my work and that has been noted. Many Members rightly praised the work going on in our primary schools, nursery schools and other providers of preschool provision.

Another way of dealing with an increase in demand — we have used this in south and east Belfast in recent times — is the temporary variation process whereby we can temporarily increase the number a school can take in in recognition of particular demand in the area. The terms are often mixed up: it is not to deal with "parental choice"; the term in legislation is "parental preference". We cannot live up to fulfilling the choice of each parent. We do our best on parental preference, and temporary variation is there to deal with significant demand in an area. A number of years ago, I introduced temporary variations into the nursery school sector, and we have used that again in South Belfast. I believe that we also used it in a number of areas in East Belfast —

Mr Douglas: Will the Minister give way?

Mr O'Dowd: Just give me one second. We used it in East Belfast to deal with the increased demand in a number of settings. I give way to the Member.

Mr Douglas: The Minister mentioned increased provision in some schools. A school principal said to me recently that it is strange that, in her school, over the last 15 years, there have always been empty places, which are often filled by underage children, yet a school up the road has 10 extra new places. There seems to be a lack of strategy.

Mr O'Dowd: I would be concerned if a trend in an area was not being recognised through area planning and sufficient planning was not put in place for that.

When we talk about preschool provision, we often refer to nursery-school places. Members used examples of being lobbied about nursery schools having 54 applications for 26 places and so on, but be careful what you wish for in those circumstances. The community and voluntary sector plays a crucial role in the quality of the provision of preschool places. In a recent Question Time, I mentioned that Members are quite right to lobby me over the early years fund. That fund goes into the community and voluntary sector not the statutory sector, but if I were to remove more preschool places from the community and voluntary sector and put them into the statutory sector, I would not be able to fill the hole with the early years fund, even if I were to get more money for it. I caution Members that it is quite right and proper for the statutory sector to lobby, but all those things have a knock-on domino effect. It is only right and proper that the issue is being moved forward. There will be a mixture of provision from the community and voluntary sector and the statutory sector, and we have to get the balance right in each area.

Members raised a number of matters of concern, one of which was the socio-economic deprivation criterion for preschool provision and how that affects applications. It affects only 25% of applications for preschool places. Mrs Cochrane said that her surveys showed that those children who gained a place through that admissions criterion would have gained a place anyhow. I go back to why the criterion was brought in in the first place. Children from socially deprived backgrounds are less likely to succeed in education than those who are not, and the criterion was brought in in recognition of that. I accept that the criterion is somewhat tight in its remit of the benefits that it refers to, and I have asked my officials to take a look at the matter to try to widen it out to take account of working families on low incomes to see whether we can broaden out the criterion. However, it has a limited impact on preschool admissions.

Mrs Cochrane: Will the Minister give way?

Mr O'Dowd: I will give way in a minute.

It catches the attention of the media and others, and working parents are sometimes frustrated because they believe that it is the reason why they are not gaining a place in a preschool. That may be so in individual cases, but it is not as significant a problem as is sometimes portrayed. It is more of a significant opportunity to rebalance and give opportunities to young people than is portrayed.

Mrs Cochrane: I have argued the point with my concerned constituents and explained the rationale behind it. It was, however, brought in at a time when not as many preschool places were available. It was, therefore, important to make sure that those children got a place. What I am saying to you now is this: if it were to be removed, would it have such a detrimental impact? It is now just providing a headache. It is giving people an excuse to say that that is why they do not have a place when the evidence is starting to show that it is not. There are nearly enough places now, and it should not matter whether people do not get their first preference.

Mr Deputy Speaker (Mr Beggs): I will give the Minister an extra minute.

Mr O'Dowd: Thank you, Mr Deputy Speaker. At this stage, my priority is to look at broadening the criterion. It may be that, in a number of years' time, the criterion will no longer be necessary.

There are a number of specific issues. Members constantly mention Carryduff in the Chamber, and Members mentioned it today. I will continue to raise provision for the Catholic sector in that area with CCMS. If there is a demand in other sectors, we will continue to raise it, move forward and try to ensure that we plan properly for the rise in the population in Carryduff and for facilities to meet those demands.

During Question Time last week, I made a commitment to raise the letters issue with the Education Authority. It may come down to administration and the cost of breaking down those letters into tighter geographical areas, but I recognise fully the angst that it can cause parents when they receive letters listing facilities in a wide geographical area. I will ask the Education Authority to see whether it can take a look at that and do it in a better way without raising administration costs.

I assure Members that I will continue to monitor closely preschool and primary-school provision in South and East Belfast. I am aware of the issue around post-primary provision in the area, and I will continue to monitor that. The only way forward is on an area plan basis to ensure that, whatever decisions we make, we know the impact that they will have on other schools and settings in the area and that no unintentional impact is made by decisions that are taken in isolation of other settings. Thank you, everyone.

Adjourned at 4.30 pm.

Northern Ireland Assembly

Monday 15 June 2015

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

Members observed two minutes' silence.

Assembly Business

Mr Hussey: On a point of order, Mr Speaker. I apologise to you and your Deputy Speakers for my unavoidable absence at Question Time last Tuesday. I apologise for my absence.

Mr Speaker: Thank you for apologising in advance of today's Question Time. However, I want to address the issue of a point of order: it is not actually a point of order. Nevertheless, thank you very much for the apology; it is on the record.

Before we proceed with today's business, I remind Members that, due to unforeseen circumstances, the Minister for Regional Development will be unable to attend Question Time this afternoon. The Minister for Social Development, who was originally listed to answer questions tomorrow, has agreed to take his place. So, questions to the Minister for Social Development on his portfolio will commence at 2.45 pm after questions to the Minister of Justice. All Members were notified of that change last Friday afternoon.

Executive Committee Business

Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015

Mr Durkan (The Minister of the Environment): I beg to move

That the draft Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015 be approved.

A Cheann Comhairle, this statutory rule is being made under powers in the Marine Act (Northern Ireland) 2013, which prescribes that this order must be laid in draft form for approval by affirmative resolution of the Assembly.

As it stands, my Department has two options when there is a contravention of nature conservation by-laws: it can either take no enforcement action, or it can initiate criminal proceedings. There is nothing in between those two positions. This order would improve that situation by providing a more targeted and proportionate response. It would introduce a fixed monetary penalty that could be issued when a low-level offence was committed, but it would not warrant the full weight of the criminal law. That would provide for a more effective system of protection and management of Northern Ireland's marine area.

In saying that, I want to make it clear that my Department would retain the right to initiate criminal proceedings where it considered that a more serious case of environmental damage had occurred. The order would not change that position in any way.

I will now deal with the details. The order would give my Department the power to issue individuals with a fixed monetary penalty of £100, or £200 in the case of commercial enterprises. In each case, a 50% discount for prompt payment of the penalty and a 50% surcharge for late payment have been included. Members will also wish to note that any moneys received would be paid into the Northern Ireland Consolidated Fund and that my Department would be able to recover any unpaid penalties as a civil debt.

Of course, where sanctions are involved, it is essential to include an appeals procedure, and this order would be no different in that respect. Anyone subject to a fixed monetary penalty would be entitled to make written representations to my Department, and, should it still decide to apply the penalty, an appeal could be made to the Water Appeals Commission, which is an independent body. The commission would then have the power to confirm, vary or quash the enforcement decision, in accordance with its existing procedures and without

further referral to the Department. The provisions therefore provide for an independent, transparent and cost-effective appeals mechanism, which should provide members of the public with confidence that enforcement decisions relating to the fixed monetary penalties would be both balanced and robust.

Finally, I am grateful to the Environment Committee for its scrutiny of the draft Marine Conservation (Fixed Monetary Penalties) Order, and I ask the Assembly to approve it.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his explanation of the background to and the purpose of this affirmative statutory rule. The Committee first considered the SL1 proposal at its meeting on 19 March, which was followed by an oral briefing from officials on 23 April. The Committee was advised that the purpose of the legislation is to provide for the level of fixed monetary penalties to be applied to unregulated activities that contravene the provisions of a by-law made for the protection of a marine conservation zone (MCZ). The fixed monetary penalties are low-level fines intended to be used for minor instances of non-compliance with by-laws. The Committee discussed the need to provide information to educate the public in order to raise awareness of the by-laws and the need to work with councils. Officials advised the Committee that there will be consultation on the development of by-laws, which will encourage public buy-in. The Committee also discussed the challenges in enforcing the by-laws and spotting offences, and whether there would be any real impact as a result of applying penalties, particularly if they were considered lenient. Officials assured the Committee that fines would have an impact but that they would be used in conjunction with education and awareness-raising. Accordingly, the Environment Committee has agreed to recommend that the motion be affirmed by the Assembly.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. My intention is to speak briefly in favour of the motion. As has been outlined by the Minister and the Chair of our Statutory Committee, we are dealing with a provision for a level of fixed monetary penalties in minor cases of marine pollution. We are dealing with the less serious type of offence, and that is reflected in the low level of fines.

I will ask a couple of questions of the Minister, if he is in a position to take them. How might public awareness of the new by-laws be raised? Can we be certain that the fines will have an impact?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Ms Lo and Mr McElduff. I reiterate my thanks to the whole Environment Committee for its support of the regulations.

The questions posed by Mr McElduff are indeed pertinent. It is vitally important that we do what is necessary to increase public awareness of the existence of these fixed penalty notices. If any such regime is to be successful, people need to be made aware of it. That will very much be an issue for those managing the MCZs, and in cases where no management body exists, the Department will play an active role. I encourage the Member to do what he can to make people aware, and I look forward to reading his press release on the passage of today's regulations.

Sorry, I forget the second question.

Mr McElduff: How can you be sure the fines will have an impact?

Mr Durkan: Regrettably, we cannot be sure of anything; however, when we look at other jurisdictions where similar measures have been taken, we see that they have proven successful. Obviously, we will continue to monitor the situation and remedy it, if needs be.

This new enforcement tool would benefit the whole of Northern Ireland by helping to ensure that the conservation objectives of Northern Ireland's marine conservation zones and European marine sites are met. I reiterate my thanks to the Chair and other members of the Committee.

Mr Speaker: I am afraid that we do not have a quorum, so I am requesting that the Division Bells be rung to ask Members to attend.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That the draft Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015 be approved.

Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015

Mr Durkan (The Minister of the Environment): I beg to move

That the draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015 be approved.

Go raibh maith agat, a Cheann Comhairle. I am pleased to bring before the Assembly the draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015. These regulations will be made under sections 153(9), 154(9) and 247(1) of the Planning Act (Northern Ireland) 2011. Under section 247(3) of the 2011 Act, the regulations are required to be laid in draft and approved by resolution of the Assembly.

By way of background, the 2011 Act allows for the issuing of an enforcement notice or breach of condition notice by a council in its role as local planning authority responsible for enforcing against all breaches of planning control under the new two-tier planning system. If the offender fails to comply with such a notice, the further enforcement options open to a council would be to initiate court proceedings or to take direct action to remedy the breach of planning control.

12.15 pm

The system of fixed penalty notices introduced by the 2011 Act is an additional enforcement measure and an alternative, at the discretion of a council, to potentially lengthy and costly court proceedings. Where a council might decide to issue a fixed penalty notice, it would give the offender the opportunity to pay a penalty as an alternative to prosecution.

These regulations will assist councils and strengthen their planning enforcement function. The key purpose of the regulations is to set out the level of the relevant fixed penalty. They propose a penalty of £2,000 for failing to comply with an enforcement notice and £300 for failing to comply with a breach of condition notice. Sections 153 and 154 of the 2011 Act provide for a 25% reduction of the amount payable where a fixed penalty is paid within 14 days.

Members may recall that the proposed amounts were part of the phase 2 consultation on planning reform and transfer to local government proposals for subordinate legislation. Overall, there was general support for the introduction of the fixed penalty notices as a discretionary enforcement tool for councils and for the proposed regulations that set out the penalty levels.

I recognise that for more significant breaches of planning control councils may still decide that prosecution through the courts would remain a more appropriate course of action. That will be a matter for an individual council in assessing the nature and scale of a particular breach of planning control and selecting the appropriate enforcement measure available to it. As I have said, the use of fixed penalty notices is discretionary, and councils will therefore exercise judgement as to their use in any particular circumstances.

The levels of £2,000 and £300 mirror exactly the levels applied in relation to similar fixed penalty notices in the planning regime in Scotland. These levels are viewed as being more appropriate for the more minor breaches

that might be used by councils in relation to fixed penalty notice powers.

The Environment Committee considered the SL1 for the draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015 on 16 April this year and confirmed that it was content for the Department to make the statutory rule.

I believe that the legislation will strengthen councils' enforcement powers by providing an additional, discretionary power as part of their enforcement toolkit. I believe that the system of fixed penalties provides a flexible and cost-effective alternative to court action and will act as a further deterrent to those who might consider flouting our planning legislation. I therefore ask the Assembly to approve the draft regulations.

Ms Lo (The Chairperson of the Committee for the Environment): Again, I thank the Minister for his explanation of the affirmative statutory rule.

As the Minister said, the Committee first considered the SL1 proposal at its meeting on 19 March, which was followed by an oral briefing from departmental officials on 16 April. The Committee was advised that the rule sets the fixed monetary penalty for an enforcement notice or a breach of condition notice for breaches in planning control.

Members questioned officials about the rationale for the fixed monetary penalty and processes around the administration of enforcement. The Committee heard that the penalty is a mechanism for strengthening enforcement by offering an alternative to court proceedings for minor breaches and can act as a deterrent. The Committee sought clarification that, in circumstances where a notice is served but the breach is not fixed, local councils can take further action if deemed fit. The Committee also heard that bringing enforcement and building control together is a positive step and that councils will be able to adopt a more proactive approach to enforcement. The Committee also explored the rationale behind the provision of a 25% reduction for early payment, which is based on the Scottish model of enforcement to encourage early payment, and which will be kept under review by the Department.

Accordingly, the Committee for the Environment has agreed to recommend that the motion is affirmed by the Assembly.

Mr McElduff: Thank you, a Cheann Comhairle. Gabhaim buíochas leis an Aire agus le cathaoirleach an Choiste Comhshaoil as an mhíniú. I thank the Minister and the Committee Chair, Anna Lo, for explaining the statutory rule once again and for reminding us that the Committee looked at this earlier in the spring. Most of the issues have been covered in the explanations, but I want to ask the Minister about the incentive for early payment. I think that the figure in the legislation is a 25% reduction. I wonder how that figure was arrived at and whether there is any information based on the Scottish experience of how many people tend to pay early in the process with that reduced figure.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Ms Lo and Mr McElduff again for their support and Mr McElduff for his questions. We did look at other jurisdictions, primarily and chiefly Scotland, when arriving at the amount for these fixed penalty notices and indeed

for the discount that is available to those who pay early. The experience from Scotland is that this is working. Ideally, we want to be in a situation where people do not pay early or late and do not have to pay these at all because they do not breach planning conditions or enforcement notices. These are very much another tool in the planning enforcement toolkit that is aimed at reducing the number of breaches that we have. It will be primarily up to councils how and when they use them. They do have that discretion.

This is another step in the reform and transfer of planning to councils. Through having this new, wider range of enforcement measures available, including, now, fixed penalty notices, I believe that councils will be in a better position to respond appropriately and proportionally to a breach of planning control.

I thank the Chair and other members of the Committee for their support of this motion.

Question put and agreed to.

Resolved:

That the draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015 be approved.

Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015

Mr Storey (The Minister for Social Development): I beg to move

That the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 be approved.

These regulations enable claimants of jobseeker's allowance (JSA) or income support (IS) or partners of a claimant in receipt of these benefits or employment and support allowance (ESA) who are new members of the Reserve forces to attend a maximum of 43 days' training in their first year of service without the need to end their entitlement to benefit.

Existing legislation that was implemented in July 2012 allows claimants and/or their partners who are in receipt of JSA or IS, or the partner of a claimant who is in receipt of ESA, to attend the mandatory 15-day annual training camp without losing entitlement. Income-based claimants also retain any passported benefits, such as housing benefit, during this training. They are treated as available for and actively seeking work, if appropriate, for the duration of this training, and their earnings are disregarded, leaving just 10p of benefit in payment. These changes removed the need for them to reclaim benefits after training has come to an end and to retain any passported benefits, such as housing benefit, during this training.

These amendments impact on claimants and/or their partners in receipt of JSA or IS and also ESA claimants' partners who are members of the Reserve forces. This will mean that they can attend a maximum of 43 days' training in future whilst in their first year of service without the need to terminate their claim to benefit. Once claimants and/or their partners have completed their first year of service, they will then be entitled to the annual continuous training concession of 15 days per calendar year to enable them to attend their mandatory annual training camp. By consolidating their first year's training into three or four blocks totalling up to 43 days, unemployed reservists can be trained more swiftly, thus helping to speed up and increase the number of trained reservists over the next few years.

Members of the lifeboat service, Fire and Rescue Service and others engaged in emergency duties for the benefit of others are also required to undertake training throughout the year. However, that usually takes place at evenings or weekends to fit around volunteers' work and other commitments, and, as a result, there is no adverse effect on their benefit claim.

I believe that it is unnecessarily cumbersome and time-consuming for claimants and my Department to terminate awards of benefit and then require new claims to be made when training has ended. These changes are entirely beneficial and will generate less disruption for reservists, who will no longer be required to end their benefit claim and then make a repeat claim when their training has ended.

Mr Speaker: I call Mr Stewart Dickson, speaking, I understand, on behalf of the Committee.

Mr Dickson: Thank you, Mr Speaker. I am speaking on behalf of the Committee in the absence of the Chair and Deputy Chair for unavoidable reasons.

The Committee for Social Development considered the Department's proposals to make these regulations at its meeting on 12 March 2015, and the resulting statutory rule at its meeting on 16 April 2015. The Committee was supportive of the regulations.

The Committee noted that the regulations will enable claimants of jobseeker's allowance or income support, or partners of a claimant in receipt of those benefits or employment and support allowance, who are new members of the reserve forces, to attend a maximum of 43 days' training in their first year of service without the need to end their entitlement to benefit.

The Committee notes that the rule will reduce the administrative burden and payment delays. Jobseeker's allowance claims will be kept open by treating claimants as available for, and actively seeking, employment for the duration of their training. The Committee notes that the change will move claimants closer towards sustainable employment by allowing them to attend reservist training and encouraging networking within reservist-friendly organisations.

The Committee for Social Development recommends that the statutory rule be approved by the Assembly.

Mr Storey: I thank the representative of the Committee for his comments.

Question put and agreed to.

Resolved:

That the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 be approved.

Jobseeker's Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2015

Mr Storey (The Minister for Social Development): I beg to move

That the Jobseeker's Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2015 be approved.

These regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to allow an extended period of sickness that will enable the claimant to voluntarily remain on jobseeker's allowance (JSA) when they have a short spell of sickness that is expected to last more than two weeks but fewer than 13 weeks or they have exhausted the number of occasions on which they may be treated as capable of work. Claimants will need to provide medical evidence to qualify for the new period of sickness.

This change presents an opportunity for a more proactive jobseeker's allowance regime in helping people to manage health conditions that affect their work capability, whilst allowing them the choice of remaining on JSA and staying in touch with the personalised support available from their adviser, keeping them engaged with the labour market. In practice, if a claimant provides evidence of sickness that is expected to last for more than two weeks, they will be directed to claim employment and support allowance (ESA). In addition, if a claimant has a third period of sickness, however short, during that 12-month period, their JSA award is terminated and they must claim ESA if they have no other source of income.

Being required to claim ESA for short periods can have a number of disadvantages. First, claimants on ESA before the medical assessment — work capability assessment — do not currently have any conditionality requirements and do not generally benefit from the support of advisers as they look for employment.

Secondly, being required to switch benefits for a short period is unnecessarily disruptive to the payment of benefits and can impact the payment of passported benefits, for example housing benefit.

12.30 pm

Under the proposed change, claimants with a temporary medical condition and appropriate medical evidence will have the option of voluntarily remaining on JSA for one period of sickness of up to 13 weeks. During this period, the claimant would not be required to take up paid work but would be treated as being capable of work and as meeting availability requirements, as per the existing JSA sickness provisions. Claimants who take up this opportunity can claim ESA at any point, should they wish.

The extended period of sickness will work as follows: it will be a continuous period for up to 13 weeks in a 12-month period and cannot be split into multiple periods; and claimants with a short spell of sickness of two weeks or less can still make use of the existing sickness provisions under regulation 55 of the JSA regulations. Therefore, it would be possible for a claimant to have two short periods of sickness and, separately, an extended period of sickness. Where a claimant starts on two weeks of sickness and that period extends beyond two weeks, they

can transfer to the extended period of sickness. However, the initial two-week period will count towards the 13-week maximum.

For the purposes of applying the new sickness provisions to a claimant, the first 12 months in a job-seeking period will start from the first day on which the claimant is unable to work on account of the illness or disablement and, if the job-seeking period exceeds 12 months, in each successive 12-month period. That differs from the existing sickness provisions, in which the first 12 months in the job-seeking period start on the first day of the job-seeking period. It will also make it operationally more complex, but the change is being made to avoid, in most circumstances, a situation in which someone has a period of 13 weeks of sickness at the end of a 12-month period and another 13 weeks at the start of the next 12-month period.

Mr Dickson: I again reply on behalf of the Social Development Committee. The Committee for Social Development considered the Department's proposal to make the regulations at its meeting on 26 February 2015 and the resulting statutory rule at its meeting on 12 March 2015. The Committee supported the regulations.

The Committee noted that the regulations will amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to allow an extended period of sickness that will enable claimants to remain on JSA when they have a short spell of sickness that is expected to last more than two weeks but fewer than 13 weeks, or they have exhausted the number of occasions on which they may be treated as being capable of work. The Committee further notes that claimants will need to provide medical evidence to qualify for the new period of sickness.

The Committee notes that the change would also have the effect of reducing the administrative burden that results from requiring claimants to switch to another benefit — JSA to ESA — for a short time. Importantly, it will also have the effect of keeping a claimant in touch with the labour market and treating them as still available for work. The Committee notes that advisers will take account of the easements on conditionality that will apply to the claimants during the extended period of sickness. In conclusion, the Committee for Social Development recommends that the statutory rule be approved by the Assembly.

Mr Storey: I thank Mr Dickson for his comments on behalf of the Committee. I also thank the Committee for the work that it has done on the two issues that I brought to the House today.

The change presents an opportunity for a more proactive JSA regime that will help people to manage health conditions that affect their work capability, whilst allowing them the choice of remaining on JSA and staying in touch with the personalised support available from their adviser to enable them to remain engaged with the labour market. It is a welcome change, and I thank the House for its support.

Question put and agreed to.

Resolved:

That the Jobseeker's Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2015 be approved.

Assembly Business

Standing Orders 10(2) to 10(4): Suspension

Mrs Foster (The Minister of Finance and Personnel): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 15 June 2015.

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 15 June 2015.

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. The motion is agreed.

Executive Committee Business

Supply Resolution for the 2013-14 Excess Votes and Supply Resolution for the Northern Ireland Main Estimates 2015-16

Mr Speaker: The next two motions relate to the Supply resolutions and, as usual, there will be a single debate on the motions. One amendment has been selected for debate regarding the Supply resolution Main Estimates 2015-16 and is published on the Marshalled List. I shall ask the Clerk to read the first motion, on the Supply resolution for the 2013-14 Excess Votes, and call on the Minister to move it. The debate on both motions and the amendment will then begin. When all who wish to speak have done so, or when the time limit is reached, I shall put the Question on the first motion.

The second motion, the Supply resolution for the Northern Ireland Main Estimates 2015-16, will then be read into the record, and I will call the Minister to move it. I will then call Mr Allister to move his amendment. The Question will then be put on the amendment, followed by the Question on the second motion.

The Business Committee has agreed to allow up to four hours for the debate. The Minister will have up to 60 minutes to allocate at her discretion between proposing and making a winding-up speech. The proposer of the amendment will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other contributors will have 10 minutes. If that is clear, I shall proceed.

Mrs Foster (The Minister of Finance and Personnel): I beg to move

That this Assembly approves that resources, not exceeding £7,444,446.68 be authorised for use by the Department of Education and the Department of Health, Social Services and Public Safety, for the year ending 31 March 2014, as summarised for each Department in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 8 June 2015.

The following motion stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £8,336,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £9,004,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body

in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015. — [Mrs Foster (The Minister of Finance and Personnel).]

The following amendment stood on the Marshalled List:

In the second motion leave out all after “exceeding” and insert:

“£7,732,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £8,400,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015, subject to a proportionate reduction for each Department, with the exception of the Department of Health Social Services and Public Safety, and each other public body referred to in columns 3(b) and 3(a) of table 1·3 of the aforesaid Estimates, so as to reflect the £604,000,000 shortfall resulting from the failure to implement the Stormont House Agreement.” — [Mr Allister.]

As just set out, the debate covers the Supply resolution and the Excess Votes in respect of the Department of Education and the Department of Health, Social Services and Public Safety. The Supply resolution seeks the Assembly's approval of the 2015-16 departmental spending plans and that of their associated public bodies, as set out in the Main Estimates. The 2015-16 Main Estimates and the 2013-14 Statement of Excesses were laid in the Assembly on Monday 8 June 2015.

The Supply resolution, therefore, relates to the supply of cash and resources for the remainder of the 2015-16 financial year, as set out in the Main Estimates. A Vote on Account was passed by the Assembly in February, which provided initial legislative cover to ensure the continuation of public services until the Main Estimates could be presented to the Assembly for approval. This resolution, and the Budget Bill that I will introduce tomorrow, now request the balance to complete the total 2015-16 cash and resource requirements for the Departments and other public bodies. This balance amounts to over £8·3 billion of cash and over £9 billion of resources. These requirements have their origins in the Executive's 2015-16 Budget, which was approved by the Assembly earlier this year. It also reflects the demand-led annually managed expenditure (AME) required by our Departments to deliver public services and to pay benefits and pensions.

As Members will be aware, the context of the Budget Bill is far from business as usual. We find ourselves in the position where the Executive's 2015-16 Budget was predicated on agreement to implement welfare reform and the Budget flexibilities secured as part of the Stormont House Agreement. The ongoing uncertainty around welfare reform and the wider Stormont House Agreement is clearly putting the Executive's Budget in jeopardy. I must, therefore, stress that the Main Estimates and the associated Budget Bill are recommended to the Assembly on the assumption that welfare reform is agreed and that the Stormont House Agreement stands.

It is incumbent on all members of the Executive to ensure that we find a way forward on those difficult issues. On behalf of the Executive, and on the basis that welfare reform will be implemented, I request and recommend the levels of Supply set out in the motion under section 63 of the Northern Ireland Act 1998.

As is the norm, accelerated passage is required for the legislation. Indeed, there is a provision for that specific instance in the Assembly's Standing Orders. Owing to the unusual circumstances surrounding this year's Budget (No. 2) Bill, the Committee for Finance and Personnel has not yet been able to grant accelerated passage. I will attend the Committee this Wednesday, 17 June, to seek agreement to accelerated passage, and I hope that the Committee will be in a position to agree the request immediately after that briefing. I will, of course, update the House on the position at Second Stage, which is scheduled for next week. For now, I stress to members of the Finance and Personnel Committee and, in particular, the Committee Chair the critical importance of granting accelerated passage. I hope that the Committee will approach the briefing on Wednesday with that in mind.

I am sure that Members are aware that today's debate is time-limited. I therefore encourage Members to use their limited time to focus on the issues specifically related to the 2015-16 Supply resolution before us. The public-expenditure context facing the Assembly is an extremely difficult one. In their 2015-16 Budget, the Executive had to impose real-terms resource reductions on most Departments. With financial pressures mounting across a range of public services, that has led to difficult decisions across the board. Ministers have had to take decisions about what services to deliver, what services to reduce and, indeed, what activities to cease altogether.

I knew about the financial challenges facing the Northern Ireland Departments when I recently took up this post, and I am fully aware that that does not make my job any easier. Clearly, I would much rather have presided over a Budget in which there were plenty of resources to go around and in which the Executive would have the luxury of deciding what new services to introduce rather than what services to cut. However, we are in an environment of increasingly scarce resources. I am afraid that the immediate public-expenditure outlook is not a positive one.

The latest Office for Budget Responsibility (OBR) projections for the United Kingdom as a whole suggest that further resource departmental expenditure limit (DEL) reductions are to come in the next few years. In fact, the latest projections suggest that the UK resource DEL will reduce by some 9% in cash terms between now and the 2018-19 financial year. That having been said, the outlook for capital

DEL is much more positive, with a projected increase at a UK level of 20% in cash terms over the same period.

As Members will be aware, the Chancellor, George Osborne, has announced that he will present a new UK Budget to Parliament on 8 July. It will set out the immediate Budget changes to be implemented by David Cameron's new Government. We have already had some insight into the direction of travel for the new United Kingdom Government for budget controls in last week's announcement of Whitehall in-year baseline reductions for many Departments. The outworkings of that through the Barnett formula have already had a negative impact on the Northern Ireland block.

Regarding longer-term spending plans, I anticipate that the UK Government will publish their spending review in the autumn, setting out their Budget plans for the period beyond this financial year. Whilst the outcome is uncertain, I expect the general direction of travel to reflect the latest Office for Budget Responsibility projections that I have just outlined.

The budgetary context that we find ourselves in means that we must take difficult decisions, minimise waste, promote the efficient delivery of public services and seek to protect front-line services. The spending priorities agreed by the Executive in the 2015-16 Budget will allow us to do just that. In that context, we cannot delay a decision on implementing welfare reform. The Executive and the Assembly must now move forward on the issue as quickly as possible to ensure that all elements of the Stormont House Agreement can remain in place.

I will say a few words about the second motion before the House today, which concerns two Excess Votes for the Department of Education and the Department of Health, Social Services and Public Safety. I confirm that the Public Accounts Committee has considered those Excess Votes and recommended that the Assembly grant its approval. I am anxious that both Departments ensure that the circumstances leading to the breaches are not repeated, and I note that steps have been taken in both cases to ensure that the risk of a repeat is now minimised.

12.45 pm

Before I conclude my opening speech, I will address the amendment put forward by the Member for North Antrim. It calls for a £604 million reduction to the proposed amounts of cash and resources as set out in the Main Estimates. The Member is trying to use the Main Estimates debate to reopen the final Budget position that was agreed by the Executive. In doing so, he is demonstrating a lack of understanding of our budgeting framework and financial process. The Supply resolution on the Main Estimates cannot be used to propose changes to the Budget position. Only the Executive can agree budget allocations, based on recommendations put forward by me as Finance Minister. The Executive have now agreed their 2015-16 Budget. That was voted through the Assembly in January this year. That Budget stands and is reflected in the Main Estimates here today.

I look forward to debating the Budget Bill and, indeed, the Main Estimates. I request the support of Members to approve further Supply to enable vital public services to continue beyond the current provision in the Vote on Account.

Mr Allister: I have two little grandsons aged four and two. Very occasionally, they come to overnight with us when their parents have to be away. When that happens, the four-year-old will bounce into the house with his little suitcase and say, "I'm here on a pretend holiday." It is quite funny from a four-year-old. There is nothing funny about a Finance Minister coming to the House and putting before us a pretend Budget and pretend Estimates; pretending that she has and will have all the money anticipated in the 2015-16 Budget Bill; pretending that we have not had the reneging on welfare reform; pretending that we do not have a £604 million black hole in our budgetary arrangements; and pretending that we can simply carry on as if none of that had ever happened.

Of course, in doing that, the Minister herself is performing a considerable U-turn, because, during the welfare reform debate back at the end of May and in many public media interviews at that time, she identified the £604 million black hole in the Budget that had resulted. She told the House:

"we will not put our hands to supporting such a Budget".
— [Official Report (Hansard), Bound Volume 105, p60, col 2].

Yet the Budget that she will bring tomorrow and upon which these Estimates are based is precisely that: a Budget with a £604 million black hole.

One of the main functions of the Assembly is financial management. The Minister suggested that I was misguided in my amendment. I refer the Minister to her own Department's guidance manual on Supply Estimates in Northern Ireland. I need go no further than the second paragraph of the foreword, where it says:

"As this manual will endeavour to explain, the Supply Estimates are at the heart of public spending control. It is through the Estimates that the Executive seeks the Assembly's authority for its spending plans".

The exercise in which we are engaged is fundamental to the budgetary arrangements that prevail. Who is to say that this House has not got the sovereign right to amend the Estimates? Of course it has. It is this House and this House alone that can give the imprimatur of approval to the Estimates and the spending plans, so this House is well within its powers in considering that.

Mr Speaker, the reality is that we are being asked to set a Budget, which, as the Minister knows, is not balanced, and which, as the Minister knows, will hit the buffers. If the House and the Executive cannot set a balanced Budget, the Executive cannot govern. That is what it comes down to. Of course, all of this scenario is a product of the failure of the system of government. The crisis that the Minister alludes to is the product of that. In mandatory coalition, parties have vetoes, which Sinn Féin recklessly exercises. It can blow hot and cold, as it has on welfare reform, and hole the budgetary process below the waterline, as it so cavalierly has done. The fact that that can happen is a product of the failure of the system of government. Today is an attempt to ignore that and an attempt to prop that up at the expense of all credibility.

This exercise makes the Assembly and the Executive an even greater laughing stock than it is already. We are going to pass Estimates even though we know the money is not there. We know there is a £604 million black hole, but we are going to pretend that all is well. It has been well

labelled a fantasy Budget — a phantom Budget. When a parliamentary Assembly gets to the point of debating and approving fantasy financial arrangements, it fast loses any remaining shred of credibility. That is where we are.

It also, of course, is folly to totally abandon any sense of financial probity. Yes, these Estimates add up, but they add up to a phantom figure. In that sense, they are an escapade in false accounting, because the Minister knows — we all know — that whatever they say, there is a £604 billion black hole.

I was thinking about what a Sinn Féin Minister would do, if we had one — perish the thought. He or she would probably do pretty much what the Minister is going to do. They would pretend that there was money there that was not there. I would not expect anything better from Sinn Féin in that regard. I would not expect them, on their performance, to have any regard to financial probity. I would not be at all surprised that they would want to spend money that they do not have. They would probably produce a fantasy Budget as well. Of course, in the producing of this fantasy Budget, the Minister is buying time for the Sinn Féin shenanigans on the budgetary front in the hope against hope that something will turn up.

What will happen further down the road? That is a question I would like the Minister to address in her reply. She has set out this fantasy Budget, which is £604 million, in her terms, short. If nothing changes, what happens? What happens when she gets to the spring Supplementary Estimates? What happens when she gets to the Budget Bill, next year? It is quite clear from the guidance that she cannot amend these Estimates without the consent of the Executive. Para 1.8 of her guidance manual states that any significant changes to the Supply Estimates, in terms of content, must be cleared by DFP with the Executive.

So, we are hurtling down the road, spending money we do not have, and we reach the point where, effectively, the money has run out. The Minister wants to revise the Estimates to save the situation and to make budgetary changes to reconcile and remedy the situation. What does she think is going to happen? Does she think that Sinn Féin is simply going to say, "Yes, that's all right? Suddenly, we've had a conversion on financial probity".

Mrs Foster: Will the Member give way?

Mr Allister: Yes.

Mrs Foster: Has the Member not just made the argument for why his amendment should not succeed, when he made reference to the fact that it is only the Executive that can change the Supply resolution?

Mr Allister: I am sorry. When she reflects on what she has said, the Minister may regret that she made that intervention, because the wording of para 1.8 of the manual is:

"Any ... changes to the Supply Estimates".

The Supply Estimates have not yet been made. Any changes after today, after the Assembly approves them, to the Supply Estimates — which are what we are talking about today and which will come with a vote of approval for them — any changes thereafter can only be made with the Executive's approval, but we are not at that point. We are now embarking on the journey to take ourselves to that point. We take ourselves to the folly of holding ourselves

ransom to Sinn Féin saying: “We are quite happy to spend money that we do not have. We block you from making any changes to these Estimates.” That is tough, as far as they are concerned.

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

Mr Allister: The purpose of this amendment is to show what a balanced Budget would look like in the context of the folly of negating welfare reform. The House should be facing up to that folly, rather than pandering to, and practising, the economics of fantasy.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. The Minister and senior DFP officials are due to brief the Committee for Finance and Personnel at its meeting this Wednesday in relation to the Main Estimates and the associated Budget (No. 2) Bill. The Committee, in its scrutiny function, has an important role in deciding whether to grant accelerated passage to Budget Bills under the power in Standing Order 42.2. Importantly, that is on the basis that:

“the committee is satisfied that there has been appropriate consultation with it on the ... expenditure proposals ... in the Bill”.

I thank the Minister for agreeing to come before the Committee to answer any questions that it may have at this week’s meeting.

The Committee will consider whether it is satisfied in that regard, and I will write to the Speaker on the outcome of its deliberations. Normally, the Committee would have received an oral briefing from DFP on the Estimates and Budget Bill before the Supply resolution debate. That did not occur; nonetheless, given that the Estimates and Bill reflect the Executive’s agreed Budget for 2015-16, I can confirm that there was significant engagement between the Committee and DFP on both the draft and final Budgets.

On voluntary exit schemes, the Committee heard from the head of the Civil Service and other senior officials on the overall position across the wider public sector. According to the previous Minister, the schemes will realise estimated annual pay bill savings of £500 million per annum by 2018-19 across the public sector. The Committee has also been advised that the Civil Service pay bill reduction for the second half of this financial year is estimated at £26 million and that the anticipated savings figure for the wider public sector is £70 million. However, the Committee has not received confirmation of the precise figure for projected pay bill savings, which has been included within departmental baselines for this financial year, including the breakdown across Departments and other public bodies, and perhaps that is something that the Minister can provide in closing today’s debate.

Two further points on the schemes require clarification. Given the savings opportunity offered by the voluntary exit schemes in the face of the current difficulties over further budgetary reductions, the Committee questioned officials at last week’s session to establish the scope for decoupling the borrowing power or finding other flexibility to progress the schemes and achieve the projected pay bill reductions in the current financial year. For some months now, we have been seeking a briefing from DFP on the outcome of the validation study of welfare reform costs, which was commissioned last autumn by the previous

Minister. That is a significant delay which has been on the Committee’s books for some time, and it is a further issue on which it would be helpful to receive clarification.

It would also be helpful to receive clarity, at this stage, on the further budgetary reductions resulting from the Chancellor’s recent announcement of £3 billion in reduced spending with the prospect of additional in-year austerity measures by the Conservative Government in the coming weeks. The figure of £38 million has been referred to, and the implications of that and what is down the line are very worrying indeed.

1.00 pm

Given the risks around unresolved issues, the Committee invited the Minister to attend last week’s meeting to discuss scenarios that could arise if no progress is made, and what the available options might be. While the Minister did not take up that particular invitation, the Committee received independent legal advice from the Assembly’s Legal Services on the concern around whether Departments would have the power to use accruing resources in the event of the Budget (No. 2) Bill not being agreed by the end of July. That detailed and robust advice — the gist of which was shared with the Minister — set out a logical and lawful way forward in that scenario, given the Department’s powers of direction. While the Minister has responded with a contrary legal view, focusing more on the setting of limits, I believe the clarification that the Committee has obtained could be a helpful contribution for all concerned, should such circumstances arise in the future.

Today’s Estimates, and the related Bill, present a further scenario in anticipating the full implementation of the Stormont House Agreement. I therefore look forward to receiving further information and clarity on the issues I have highlighted ahead of the Committee’s decision regarding accelerated passage on Wednesday. Given that the Committee will not receive a briefing from the Department about the Supply resolution for the Excess Votes 2013-14 until Wednesday, I am not in a position to reflect a Committee position on that today.

To give a party view on the motion before us today, it is quite clear that there is potentially — indeed there has already been — wave after wave of cuts from London, from an economically incompetent Government blinded by ideology. The crisis, referred to earlier by the proposer of the amendment, does not come from here, but from London and the budgets that have been foisted on us from there. Those financial decisions are ideologically led and, increasingly, economists in Britain are finding it quite difficult to live with the basic economics of them.

As MLAs, we have to ask ourselves whether we are here to stand up for people, local communities and local businesses, or to act as puppets for a Tory Administration who cut budgets so deep that the Executive cannot effectively function. On Friday, 77 of the best-known academic economists outlined huge concern at the British Chancellor, George Osborne’s, new budget surplus law proposal. It ignores basic economics and shifts debt to households, consumers and businesses. The risk of a personal debt crisis to rival 2008 is very real indeed.

The Scottish Finance Minister, John Swinney, has blasted cuts to this year’s Budget as being completely and utterly unacceptable. The Scottish Parliament has already agreed

its Budget. The Welsh Finance Minister also attacked George Osborne for his £50 million cut to their in-year Budget. We need a similar position from the Finance Minister and Executive here. We need a robust position and a defence of our Executive and our planning in relation to the economy, not only for a number of months ahead into the financial year, but for the next four to five years. The British Government make these decisions with little reference to the devolved Administrations. Scotland did not vote for the Tories; Wales did not vote for the Tories; and the North most certainly did not vote for the Tories. Those three jurisdictions most certainly did not vote for the economic policies that are being shoved down our throats year after year.

There is no doubt that there are huge challenges ahead, and I believe that we need to act collectively and to stand shoulder to shoulder with Wales and Scotland, who find themselves in a similar position. All of the Governments concerned — in Belfast, Cardiff and Edinburgh — are being increasingly undermined by a London Administration who ignore the fact that none of those Administrations are interested in the economic ideology being pursued by the Tory Government. Of course, London was in economic crisis four to five years ago. At this point, it was supposed to be out of it, but it is not, so it is quite clear that those economic policies have failed and need to be challenged by all the parties in this Executive.

We do not need a softly-softly approach from some parties in the Assembly. I believe that, if we adopt a collective voice with Scotland and Wales, the Tories will be forced to sit up and take notice. The situation that we are in at the moment is untenable and unsustainable. As locally elected politicians, we have to act in our people's best interests, and that is not about bending the knee to a Tory Administration.

Mr Girvan: I will speak in favour of the Minister's motion. I will deal with the Excess Votes at the outset. One area that we had a concern about was that the cause of the Department of Education's Excess Vote was arm's-length bodies. There is a major concern about accountability in some arm's-length bodies and how they deal with it. As a consequence, they overspend. That came out in the Public Accounts Committee (PAC) report, and we, as a Government, have to look at it and ensure that we are making those arm's-length bodies totally accountable for every penny that they spend.

The motion is to do with a Budget that we agreed on 27 January this year, albeit one that was very much predicated on the full implementation of the Stormont House Agreement and all its outworkings. As a consequence of its non-implementation up to now, there is a potential cost and a loss to our block grant over time, but my ambition is not necessarily to roll over and say that we have not won that war. We intend to fight and continue to see what we can bring back as opposed to saying, "Let us rule out all the moneys that there would have been as a result of the Stormont House Agreement". The figure of £604 million has been mentioned. I appreciate that there are costs associated up to now.

The voluntary exit scheme was one of the programmes put forward, and the savings that it could deliver are on hold until such times as we move forward with those who believe that our paymaster, the United Kingdom Government, will act. We are part of the United Kingdom,

and, therefore, Scotland, Wales and Northern Ireland have to accept the democracy that spoke to set up the Conservative Government. I appreciate that the Chancellor and the Government will put forward their spending plans in the autumn, but that will really reflect upon years further forward.

I will deal with our Supply resolution and the spend that we have for our Supply. We have to work with the Budget that we agreed on 27 January, albeit knowing that there could well be adjustments to it in-year and being aware of the outworkings of it, but the longer we delay in bringing forward —

Mr Allister: Will the Member give way?

Mr Girvan: I will, yes.

Mr Allister: Can the Member, from his experience, explain to the House how, if matters unfold with a continuing deadlock and the £604 million gap becomes a very overt reality, the matter will be rectified? How do you then alter the spending authority of the Estimates or the Budget without the consent of the recalitrants who have put you in that position in the first place?

Mr Speaker: Given the extent of that intervention, I want to make it clear that, as Members have 10 minutes to contribute, there is no extra time. So, if you are taking interventions in future, remember that.

Mr Girvan: Thank you, Mr Speaker.

I appreciate that that leaves us in a very difficult position, but, as the Minister stated, should we not get implementation of the way forward, we cannot continue to move forward when we cannot balance our books at the end of the year, and that is where the difficulty arises. Ultimately, it is vital to push forward and continue the work to try to get a resolution, but the longer we leave it, the more in-year cuts we will have to make to balance the books, and that is a difficulty.

We have been very successful in ensuring that we held down our regional rate. Northern Ireland has held its regional rate for the last number of years and has just had an inflationary rise over that period to such an extent that we have a 1.4% rise in the current year — other regions of the United Kingdom have worked out at an average of 1.9% — and that has been a great help. The implementation of the small business rate relief scheme has also been a great help and ensured that almost 50% of businesses in Northern Ireland were able to avail themselves of some form of rate relief. That message was given to us as elected representatives, and we have had to take that on board.

We have to cut our cloth according to the amount that we are given, and it is vital that we do so. For the Estimates, we have a cash sum of £8.3 billion and a resource of just over £9 billion, and we will have to work within that amount for the forthcoming year. We have some difficulty in trying to ensure that the economics of the whole issue are brought forward. Mention was made of what the Scottish Executive have done and how they have agreed a Budget, albeit a Budget that has not taken a major hit for the non-implementation of welfare reform. We have concerns about many aspects of welfare reform, but, ultimately, they are not taking that hit.

Those who say that they are here to protect the most vulnerable in our community are removing money from vital budgets that would deliver health and education throughout our Province. A very interesting piece of graffiti appeared on a wall in west Belfast: "We don't want the IRA, we just want our DLA". That is quite interesting, and some of these people come up with wonderful ideas. The graffiti did not appear to stay very long, but that is the sort of thing that some people have been putting forward. That says more about what is going on here than anything else, because it is important that the most vulnerable are protected.

At the end of the day, everybody is suffering as a consequence of the non-implementation of the Stormont House Agreement, and it is vital that we get the work done. We are not rolling over and saying that we will just accept those hits. We will fight to try to ensure that we can move forward, balance our Budget and deliver for Northern Ireland.

Mr McKinney: I am sorry that I was not in for the Minister's opening remarks. I apologise that my colleague Dominic Bradley MLA, our finance spokesman, is unable to attend today.

During the last debate on the Supply resolution, Dominic Bradley reflected on how we were in a challenging financial situation, and the position has not got any better, of course; it has got worse. The SDLP has a long-standing view on the 2015 Budget, a Budget that is backed by parties here, including Sinn Féin, which called it the best deal possible. However, my colleagues and I recognise that this Budget was not a great deal and further realised that, if a Conservative Government were elected, it would mean further cuts. I recognise that many people did not expect a majority Conservative Government after the election, so we may have been blindsided — I think that we have — by the prospect of in-year cuts.

The Minister of Finance and Personnel said that Mr Osborne announced that a further £38 million of cuts could be made to the 2015-16 Budget. I welcome some comment from the Minister on whether there are flexibilities around that. However, it seems that we have no choice but to wait with bated breath until 8 July. Also, we will be opposing Mr Allister's amendment.

1.15 pm

We have been, and continue to be, extremely concerned by the budgetary pressure faced by the Northern Ireland Executive and the impact on front-line services. The Budget settlement is, without doubt, the most severe that Northern Ireland has faced in recent times, and the prospect of more in-year cuts would further affect departmental allocations. Frankly, it is not the way to stimulate an economy.

As Mr Girvan said, we welcome the Supply resolution for the Excess Vote, which provides further funding for Education and Health. Every Department has severe budget restraints, but I welcome the money that is being provided to those two vital Departments. It is in this context, as SDLP health spokesperson, that the remainder of my contribution will focus on health spend.

In that regard, today's debate is an important one. It is essential to recognise the job of the health service here. It serves two million people and costs almost £5 billion a year. It is vital, therefore, that every pound is spent

productively; but today's subject is around the money and, in the health service context, how we are delivering for the money that we have or do not have.

We all know that the narrative we are facing at the moment is that we are facing ever-increasing waiting times; issues with hospital deaths and non-reporting A&E crises; incomprehensible breaches in 12-hour and four-hour targets; we are paying twice because of operations brought in through another system; our health staff are increasingly under significant stress and pressure; cancer drugs are being denied to our most vulnerable; and the service is witnessing massive wastage with bank and agency staff spend, among others. The public rightly have a genuine concern for how the system is being run.

The SDLP has indicated these failures in the health service time and again, and it is clearly very much in the public mind; but, remember, our current health financial situation has not yet been impacted on by welfare reform. It is brought into the argument all the time, but an important point to remember is that Health was protected in this year's Budget and was given an additional £204 million to protect front-line health services; but that has not stopped our series of Health Ministers seeking to hide behind the welfare issue.

The service here employs almost 55,000 people, who are dedicated professional staff working to the highest standards; but it is concerning to see the ongoing pressures suffered by staff on the front line and the numerous escalation measures in crisis management protocols that have been instigated. These are clear symptoms of the problem; they are not the cause. I think that the cause lies in policy and strategic direction.

We all know about the major change agenda in the system called Transforming Your Care (TYC). That represents, in essence, a number of things: first, a consensus about what is wrong with the system, and, secondly, a plan about how to deal with it. The SDLP has had suspicions about a privatisation agenda, but few have disagreed with the concept of taking care closer to the home and that that was the way to go. The plan was to shift healthcare provision from centralised institutions and into the community. If it was about anything, it was about the future strategic direction of health provision here. It was meant to be a three-year to five-year plan. It was anticipated that it would cost over £70 million and that we would see a stabilisation of health spend by now because, remember, that was in 2011, and we would see savings of £50 million per annum. If we had implemented it, we would not be in the state we are in today. That was the TYC business case endorsed by the Executive.

In light of the recent monumental healthcare failures and financial crises, we have to ask ourselves whether the health service is reforming for the better and whether the plan is still valid. As I said, that was four years ago. We would have had reasonable expectation of progress; but the SDLP has been asking questions about the plan, its budget, implementation, measurement and targets. In the end, we have a patchwork of targets, with trusts making decisions in silos, cutting community services, creating health inequalities, and with no central strategic plan.

As you know, during the tail end of last year, the five health and social care (HSC) trusts made a number of supposedly temporary service cuts as a result of financial

crisis. We would like to know whether those are still temporary or not.

However, these cuts will be further compounded in this financial year, especially if the leaked commissioning plans published by the 'Irish News' are anything to go by.

Financial crisis or not, these cuts are completely counter-strategic to the TYC plan and do nothing but increase pressure on the system and negatively impact on the care that patients receive. It is the SDLP that has been saying that, and it has become increasingly clear that more people are beginning to accept the narrative, none more so than the recent Liam Donaldson review, the Audit Office's general report and the Northern Ireland Human Rights Commission's report into health and social care. Remember, we have asked some very basic questions over the last two years. Where was the plan? What were the targets? How were they being implemented? We have had two years of obfuscation, and now we are hearing something different. Now, the plan is not so much about a plan —

Mr Wilson: Will the Member give way?

Mr McKinney: I am going to take the Speaker's advice, Mr Wilson, because there is no extra minute for giving way.

Now, the plan is not so much a plan: according to some departmental officials, it is a "philosophy"; according to the Health Minister, it is about the "principles" of TYC; according to the new Health Board chief, TYC was in the "context" of 2011. The context of 2011 has increased in 2015. You can see where they are going here. Is the plan still a plan? In that context we should all be worried that the concept of measurable change has been diluted and that millions of pounds have already been spent with questionable noticeable change.

I have already, in the midst of the headlines around that issue, approached the Audit Office to investigate TYC. I am deeply worried that what we are hearing now is an attempt to throw a smokescreen around a failed plan. We have heard the Minister talk a lot about reform since taking his post. He says that he wants a world-class health service and that he wants health staff to embrace reform to tackle resistance to change. I am sorry that that is where the Minister finds himself: appealing to staff for change.

The TYC document made one very important point at its core. It said that failing to plan for the future would lead to unplanned and haphazard change that would not be in the best interests of patients. That is exactly what we have been seeing. We have also heard Simon Hamilton say that he has established a regional leadership group to drive transformational change, but he had all that in the plan: he had a consensus ahead of the plan, which developed into the targets that were never implemented. He had a plan, but he is rapidly turning into a man with no plan. In light of that, the Minister must re-evaluate the Transforming Your Care model so that the system does not further deteriorate and staff are not placed under further pressure. I will accept an intervention at this point.

Mr Wilson: I thank the Member for giving way. He talks about vagueness and there being no plan etc. What is the SDLP's plan for the issue before us: how we ensure that there are sufficient resources to keep on the business of government in the Health Department and in all other Departments for the rest of the year?

Mr McKinney: In the context of what I have been saying, we want money spent properly; we want a proper Budget. We said from the outset in 2011 that there were insufficient funds. We need to see proper funding for government here.

Mr Cree: I am pleased to speak to the House on the Supply resolution. However, the situation is quite different from those in the past. We are not aware of the 2014-15 provision out-turn and therefore have no idea of the departmental budget management performance during the last financial year. We do not know the amount of the resources that the Executive can carry forward through the Budget exchange scheme, and we have not yet had sight of the June monitoring round and its outworkings. Has any money been returned to the Treasury, and has our financial transaction capital budget been fully expended? What is the situation with respect to moneys in the centre? Have all the Barnett consequentialities been received and have all welfare penalties been paid?

This time last year, I once again asked the then Minister for an update on the progress — I was being optimistic — of the review of the financial process, because that matter had been stalled since 2012. He very kindly did so and undertook to have further discussions with the Minister of Education, with a view to delivering a significant positive reform of the direct rule inherited publications and financial processes. I would like to know what the current situation is.

We all know that the elephant in the room is the failure of Sinn Féin to honour the agreement that it made at Stormont House last year. Welfare reform and its cost have not been agreed, and that is a major unknown. The Estimates need to take that significant fact into account.

The Stormont House Agreement included provision for £50 million of additional capital DEL for education. At this time, it cannot be included in the Budget because of the disagreement. The voluntary exit scheme is dependent on £700 million of borrowing from the reinvestment and reform initiative. It is also part of the Stormont House Agreement. In the absence of agreement, the money is simply not there, and £200 million of it has been anticipated for the current year. Thirty million pounds is planned to deal with the past, £100 million to repay the loan from the United Kingdom reserve, £114 million for welfare penalties and a further £100 million to cover extra capital projects. That equates to a black hole of some £600 million. How then can we possibly approve a Budget that does not stack up? Mr Allister's amendment attempts to address that issue.

We all recognise the tight fiscal framework. This year's resource budget has been reduced by 1.6% in real terms. I am sorry to say that the future does not look any better. The Minister referred to that. The Office for Budget Responsibility projections suggest that Northern Ireland could see its resource DEL being cut back by 13% in real terms by 2020.

Mr Wilson: Will the Member give way?

Mr Cree: Are you itching to go?

Mr Wilson: I thank the Member for giving way. He indicated that he believes that the amendment from Mr Allister addresses the problem, but, first, the amendment does not state where the £600 million comes off, so we are voting in the dark on that one. Secondly, the pressure on those

whom the Member has quite rightly condemned for not implementing the Stormont House Agreement would be lifted if we were to remove the £600 million from the Budget.

Mr Cree: I agree with the Member —

Mr Allister: Will the Member give way?

Mr Cree: I will certainly. I agree with the second point that the former Minister makes, but Mr Allister is better equipped to answer the first one.

Mr Allister: Maybe the Member will suggest to Mr Wilson that he read the last five or six lines of the amendment to see where it is coming off of necessity. On the point about keeping on the pressure, surely the Minister's approach is to take the pressure off Sinn Féin and merely kick the can down the road.

Mr Cree: Thank you for that. I will go back to where I was at.

The days of handouts are over, and we have to manage devolution and move the Assembly forward. In January of this year, the former Minister of Finance and Personnel announced his intention to create a Northern Ireland investment fund. Its purpose was to lever additional finance to be used for investment in infrastructure. Some £40.9 million was forecast to be in the fund this year. Perhaps Minister Foster will update Members on the current situation with the fund. On the subject of funds, it was also announced that a social innovation fund would be created to provide specific groups with access to loan financing. Again, an update from the Minister would be appreciated.

In January, the former Minister, in addressing his final Budget, chided those of us who did not support the Budget. He said that although the Budget was:

"infinitely better for our public services and our economy than we could have hoped for, tough times lie ahead."
— [Official Report (Hansard), Bound Volume 101, p7, col 1].

It is certainly a lot tougher now with a £600 million shortfall. The Estimates and the resultant Budget are not now sustainable, thanks to Sinn Féin, assisted by the SDLP. This is now make-your-mind-up time for the Assembly. We need to move forward and demonstrate to the Northern Ireland public that the Assembly is capable of delivering. We are currently haemorrhaging £2 million a week because of the lack of welfare reform. I hope that today will prove that, in political terms, we can turn the corner for the betterment of all in Northern Ireland.

Mr Attwood: Will the Member give way?

Mr Cree: You are just in time.

1.30 pm

Mr Attwood: I anticipated your speech coming to an end. Do the Member and his party agree or not agree that, on the face of it, the British Government are in breach of the Stormont House Agreement, in that, last week, they announced £38 million of cuts to the 2015-16 Budget, when Stormont House says — the Minister may wish to respond to this in due course — that the Budget that the DUP and Sinn Féin brought forward was "a final ... budget"? Does your party agree or not agree that a final Budget, which the British Government said had to be presented to the House, was then unpicked by the

British Chancellor of the Exchequer last week when "final" became final less £38 million?

Mr Cree: The Member raises a very interesting point, but there is a lot more to it than that. In fact, we really have to say focused on the issue today. The issue today is that a Budget has been presented, but it does not stack up because of the failure of the Stormont House Agreement and the parties that have changed their minds about it. That is it.

Mr Wilson: Will the Member give way?

Mr Cree: Go ahead. Yes.

Mr Speaker: The Member is finished. I call Mrs Judith Cochrane.

Mr Cree: I will give way to the Member if he wants to say sorry — [Laughter.]

Mr Speaker: That was a very interesting contribution and cocktail of interventions. Mrs Judith Cochrane.

Mrs Cochrane: I will give way to Mr Wilson if he wants. [Laughter.]

Mr Wilson: I thank the Member for giving way. I do not even know what she was going to say. Would she agree with me that, regardless of how the SDLP tries to wriggle out of the embarrassment that it clearly finds itself in, having put public services in jeopardy, the final Budget referred to in the Stormont House Agreement was for 2014-15? Of course, we are now into a new financial year. Had it acted, we would have had the final Budget through and Departments would have had surety about the money that they would have available for this year.

Mrs Cochrane: I concur with the Member.

Mr Attwood: Will the Member give way?

Mrs Cochrane: No, I will not give way, thank you. I want to move on.

I support the motion, albeit with a degree of reluctance.

Mr Attwood: On a point of order, Mr Speaker. Would you review the comments just made by Mr Wilson? He referred to the final Budget in Stormont House as the 2014-15 Budget, when everybody knows that it is the 2015-16 Budget.

Mr Wilson: Sorry.

Mr Speaker: I accept his apology from a sedentary position. I am really looking forward to hearing what Mrs Cochrane has to tell us.

Mrs Cochrane: I knew that Mr Wilson was referring to 2015-16.

I call on the House to show responsibility today by passing the Supply resolution and the Budget legislation to begin the process of recovering financial sustainability. At this moment in time, the Northern Ireland Executive and Assembly collectively are acting in an irresponsible and irrational manner, and it is easy to understand why many people are cynical and frustrated with us all and their support for devolution is being tested. At present, there is no clear financial framework in place. No financial decisions are being taken to ensure that the Northern Ireland Government remain in budget, and the absence of delivery on welfare reform brings considerable financial consequences and risks the Stormont House Agreement, including the financial assistance opportunities for

progressing a shared future, dealing with the past and rebalancing the economy.

It is clear that proceeding with the Supply resolution and the remaining Budget legislation is the least irresponsible option before us. I say that even though Alliance opposed the current Budget at the Executive in January. We did that because we believed it was not sufficiently strategic and because some difficult yet necessary reforms were not being pursued. We subsequently supported, however, the Supply resolution in February to give the Departments the legal authority to begin to spend in the new financial year. I suppose you could say that we opposed the Executive policy on the Budget, but, as the decisions had been taken democratically, we then faced up to our responsibility in government and supported the mechanisms to turn the previous policy decision into reality. We are now in June, and the second Supply resolution and Budget (No. 2) Bill need to be passed to put in place the remainder of the Supply decisions and legal spending power. Without that, we will be subject to even greater pressures.

Our central objective must be to do whatever we can to reduce the scale of cuts to public services and to the various levers for economic development. The consequences of not passing the legislation are a complete financial vacuum, no decisions on the way forward, financial uncertainty and likelihood of very severe cuts to follow. Avoiding or minimising that eventuality is of primary importance.

I believe that Mr Allister's amendment could actually stop any process that accepts the implementation of welfare reform, the Stormont House Agreement or any unilateral action by the UK Government to continue with other aspects of the Stormont House Agreement, so Alliance will oppose the amendment.

Of course, passing the Supply resolution does not in itself change any of the underlying financial and political challenges, but it will at the very least provide some space and opportunity where agreement can be found on implementing welfare reform, delivering the Stormont House Agreement and working towards balancing our books. This is now the time for all MLAs to show maturity and responsibility, to rise above narrow party politics and to show a willingness to confront difficult challenges.

Actions in recent weeks by the nationalist parties and the Greens are making Northern Ireland ungovernable and threatening the survival of the institutions. Indeed, it was quite ironic to hear a Sinn Féin MLA talk earlier about others as being "blinded by ideology". Those who oppose the Supply resolution and Budget Bill are, in effect, voting for bigger cuts, and I have yet to hear a credible alternative. I have heard talk of a fantasy Budget, but I think that the bigger issue is the fantasy economics from some Members of the House. The fact is that Northern Ireland is in a major hole. I therefore urge all Members today to be part of a solution and vote for the motion, so that we can continue to work towards a resolution and recover financial sustainability.

Mr Clarke (The Chairperson of the Committee for Regional Development): I welcome the opportunity to contribute to the debate in my capacity as Chair of the Committee for Regional Development. I thank my colleague the Minister of Finance for bringing the motion to the House today. I note that the role of the Estimates is set out the detailed spending plans for the Northern

Ireland Departments. I welcome the detail, as it is proving more and more difficult — as we debated last week — to get that level of detail from the Department for Regional Development.

I acknowledge that this financial year is going to be a difficult one for the Department for Regional Development and, indeed, for all Executive Departments, as the austerity measures coming from Westminster make themselves even more known to us. However, it is therefore imperative that the Department manages those budgets effectively in order to achieve its aim; namely, improving the quality of life for everyone in Northern Ireland through the provision, maintenance and enhancement of a range of essential infrastructure services. That role will, in the coming months, also be enhanced to ensure that the Department continues to shape Northern Ireland's long-term strategic development.

The resources being committed today are not insignificant: table 1.3 (a) and (b) of the Estimates, as referred to in the motion, shows sums of just under £306 million for resources and £414 million in cash. That represents approximately 45% of the total resource requirement and 50% of the net cash requirement. As I said, those are not insignificant totals; totals that may be supported through in-year monitoring rounds. It is worth noting that, whilst the Department continues to bemoan the reductions to its budgets and bandies about figures of 15% reductions, that provision is only 1.04% lower than the final net provision for 2014-15.

It is imperative that the Department for Regional Development manages these totals in a prudent yet imaginative fashion. It is encouraging, for example, to see allocations in respect of the EU INTERREG programme, because the Committee has for a long time encouraged the Department to make best use of the funding available through that and other EU programmes, such as the Trans-European Transport Network (TEN-T). I commend the Department for being very successful in acquiring funding through those programmes. Equally, I commend the Executive and the Minister of Finance for providing the match funding for those allocations. It would be remiss of me if I did not commend the Committee for the work that it does in encouraging departmental applications for funding and, indeed, as it has done in the past and will continue to do, negotiating and supporting those applications directly in the European Parliament and the EU Commission.

Last week, we had the opportunity to debate in the House, and indeed at the Committee, the impact of the current departmental budget allocations. We were critical of the Department's over-reliance on the in-year monitoring, and, subsequently, the Committee agreed to write to the Minister of Finance to ask whether a balance can be achieved between establishing appropriate baseline allocations and in-year monitoring bids.

During the plenary debates and in Committee last week, a great deal of attention focused on the lack of investment in roads and water infrastructure. It is worth noting, therefore, that the net total DEL is significantly higher in these two areas. The Committee would therefore expect the Department to put these to the best and most effective use to delay or defer adding to the roads structural backlog and the risk of infraction proceedings, particularly in respect of the Ballycastle waste water treatment works.

Of course, a large proportion of the allocation to Northern Ireland Water is in respect of the Executive's Programme for Government commitment to ensure that there are no domestic water charges during this mandate. I note from tomorrow's Order Paper that the Minister for Regional Development will introduce the Water and Sewerage Services Bill. It is intended that the Second Stage will be scheduled shortly, allowing the Committee to receive it before the summer recess. The Bill will extend the Executive's Programme for Government commitment towards non-domestic water charges and also seeks means to reduce the risk of flooding through the use of sustainable drainage systems. As the House will be aware, the Executive have previously had to invest significant amounts in compensation to homeowners who were impacted by the flash floods of recent years. It is therefore important that we re-examine the means to reduce or negate the risk of flooding. I look forward to receiving the Bill into the Committee shortly.

The next two highest allocations are in respect of railway services and road-passenger services. I would like to make a couple of points on these areas. First, we welcome the announcement of a new Translink chief executive and wish the current chief executive, David Strahan, all the best in his future endeavours. David brought a great deal of propriety and much-needed transparency to the role. I would hope that his successor, Chris Conway, will continue in the same vein as David. We look forward to working with Chris to ensure that we have a transport operator that is efficient and fit for purpose.

Secondly, the Committee is unanimous in its support of the Coleraine to Londonderry rail project and has shown its support over the years. This track is essential to the continued economic and social development of the north-west, and it is imperative that connectivity between the two largest cities in Northern Ireland is maintained and enhanced. However, whilst we continue to be supportive of the project and look forward to seeing it completed, as a scrutiny Committee, we cannot ignore the doubling of the budget through the incompetence of officials in the Department for Regional Development and Translink.

The Committee will soon complete its inquiry into the mishandling of this exercise and would hope that the House will support the conclusions that it has made to date. It will also continue to scrutinise Translink, as indeed it will scrutinise NIW, to ensure that the public purse is being used to the most appropriate means. We are scheduled to receive the Translink accounts very soon and will forensically examine these as we have in the past. It is no secret that we will focus in on the level of reserves — reserves, which, unlike those of the community transport sector and Disability Action, have continually, over the years, been bolstered by public funds. If it is right and proper for the Department to tell rural community transport providers to use their reserves, it is equally correct that private organisations that are supported by public funding are asked to do likewise.

I briefly referred to Disability Action and community transport. It is only right and proper that I congratulate the Minister for Regional Development on his decision to re-categorise his bid in June monitoring as "inescapable" in respect of the essential role that these organisations play. In debates last week, the Committee attracted some criticism for not offering alternatives to departmental decisions. This is yet another example of where the

Committee has offered alternative solutions, and it is one which we as a Committee very much support.

The money in these Estimates is required to allow the Department for Regional Development to plan, develop and manage sustainable transportation networks and continue to contribute to the health and well-being of communities through the provision of clean and safe water and sewerage works. They are necessary for the economic, environmental and social development of the Northern Ireland economy. I therefore welcome and support the motion.

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. We can and must create a wealthier, more equal society. We can do it on a foundation of participation, prosperity and fairness. Fairness does not follow after growth: fairness delivers growth. We want to build sustainable economic growth. To achieve that, we must explore every potential avenue for economic growth, but we also must deliver for our people.

1.45 pm

In this current economic and financial climate, in which the Conservative Administration have cut £1.5 billion from our local budget and are intent on delivering further cuts, we must also ensure that we here try to balance our books and protect local public services. Our people and business have had to face the challenges brought about by the economic mismanagement of successive Westminster Governments. We have a vision in Sinn Féin for a local economy that will drive quicker, more sustainable and more equal economic growth, with opportunities for all our people to flourish. We want to build a public sector and an economy that reflect the unique character, skills and values of our people.

Mr Wilson: Will the Member give way?

Ms Boyle: No, I will not give way, Mr Wilson, if you do not mind.

The current economic position demonstrates why we must deliver that vision. Right now, we face an unprecedented economic challenge of the no-growth austerity agenda from Westminster, without the powers at our disposal to fully drive economic growth and prosperity. The new Tory Government cuts are equal to 5.2% of GDP. If those cuts progress unchallenged, the local impact will be severe. The Tories have no coherent economic plan. Everyone from Paul Krugman to the IMF's Christine Lagarde have called for a plan B around this.

Sinn Féin has argued for an approach that puts investment at the heart of the solution. What makes the situation truly tragic is that the Chancellor's actions are, in themselves, self-defeating. I call on Sir George Osborne to end his obsession with austerity. It is time he listened and time he learned. If he will not, it is time he left us; it is time he left it to the people in this Assembly and Executive to shape a better economic future using the limited powers that we have. We are focused on helping local households and businesses through this economic crisis. That must be our job here in this Assembly. The economic challenges facing us are serious. Uniting to help our businesses and people to flourish, and uniting to build the next generation of economic success, will deliver for our people. We can build a new economic future for this island, North and South.

I want to, if you will allow me, Cheann Comhairle, refer to the financial pressures that have already been mentioned in

health. The recent Audit Office report on the health and social care sector and the financial pressures in our health care system notes the scale of the financial difficulty facing our health and social care trusts. They were so severe in 2013 and 2014, despite receiving additional funding of over £115 million. The HSC bodies have found it increasingly difficult to balance their budgets in the face of rising inflationary costs and pressure. That adds to waiting times and clinical and social negligence claims around patients and safety.

We could do so much more if we had full control of our resources and economic decision-making. If you are unsure of that, Westminster's economic record is there for us all to see. The economic difficulties that we face are a product of the failed economic management of successive Westminster Governments. The Tories' economic strategy has "Made in London" stamped all over it. What we want is the opportunity to create a sustainable economy for our people, not the residents of London. Local people and businesses must be at the heart of all our decision-making here. We must invest in improving people's lives to improve the economy and society, not just because it will deliver better services or is the right thing to do, but because it is also the smart thing to do to achieve and secure a future for all our people.

There is a fundamental difference between the vision that we have for our people and that which is painted by the Tories. Do we go forward to an economy that flourishes, with economic powers and in charge of our own resources and decision-making, or do we allow all our achievements to be rolled back by London cuts?

Our opponents are content to argue about how the economic and financial cake is divided. They are content to accept a future in which cuts and austerity stretch on for years to come, but we in Sinn Féin are not. Access to economic powers will allow us to tailor economic policies to the priorities of our people, extend competitive advantages and address the challenges and opportunities presented by the local and island economy. It will help us to build a more dynamic economy. It will allow expenditure and tax policy to work together in harmony and enable us to use welfare to protect the most vulnerable. It will also allow us to end the economic mismanagement of successive London Governments and give us the tools to build the economy that we all want — one that is compassionate, prosperous and progressive. It will give us the powers to flourish.

I want to make a point today. On Friday, other West Tyrone MLAs and I met a group of individuals from Glenside and Knockavoe schools. Members from every Assembly party were at the meeting and heard how schools face cuts to their day care and residential services in my area of Strabane and West Tyrone and, indeed, the wider north-west. They told us that they face the daily challenge of having to turn away patients with adult learning disabilities because of the financial pressures on their budgets.

Mr Wilson: Which you have added to.

Mr Speaker: Order.

Mr Hilditch (The Deputy Chairperson of the Audit Committee): I will be very brief. On behalf of the Audit Committee, I wish to confirm that the provision for the Northern Ireland Audit Office in the Main Estimates corresponds with the amount agreed by the Audit Committee and laid before the Assembly earlier this year. The Estimate, therefore, provides for a net resource requirement of £7.686 million, which is a 6.3% reduction

from the agreed net resource requirement of £8.2 million for 2014-15. The reduction is consistent with the figures for the Audit Office in the Executive's Budget for 2015-16. The Committee expressed its unease in agreeing the Estimate. It would much prefer to be in a position in which the reduction was significantly less. The Committee recognises, and the Assembly should be aware, that the reduction to the Audit Office's budget has the potential to impact the services that it delivers.

The Committee does not want to see a situation in which the Audit Office lacks the necessary resources to provide effective backup to the Assembly in its task of holding Departments and others to account for the use of public money. That would not be in the public interest. However, the reality of the current financial position must not be overlooked. Cuts are being made across the public sector, and the Audit Office needs to accept its fair share of those.

The Committee wants the Audit Office to sustain, as far as possible, a similar service to that provided at present through continued efficiencies in its audit methodologies. However, given the risks that the Comptroller and Auditor General (C&AG) has identified, it is vital that the Audit Office receives sufficient funding from the Executive's transformation fund at the earliest opportunity to allow it to reduce its number of permanent staff by 10% and make the savings required by the Estimate.

It may be the case that there will not be a voluntary exit scheme or that it does not allow the Audit Office to make the savings necessary to live within the Estimate. If so, there will be a funding deficit and a gap between the work that the Committee wants the Audit Office to carry out and the resources that it has to make that happen. Understandably, the C&AG prioritises avoiding a situation in which the Audit Office has an Excess Vote, and the Committee respects that position. However, the Committee also recognises, particularly in light of the significant savings that the Audit Office identifies across the public sector every year, that our public finances would be worse off if the NIAO had to scale back its value for money work.

The Committee has been assured that the Executive respect the independence of the Audit Office. In order to give effect to that assurance, the Committee expects that, should a shortfall arise as a result of savings not being made from a voluntary exit scheme, the Finance Minister and the Executive will ensure that this is addressed during monitoring rounds. The funds required to do that would be relatively minimal but could have a significant impact.

The Audit Office has made significant savings in recent years, and it must continue to pursue efficiencies and cost reductions when possible, including through restructuring and reducing its permanent staff numbers. The Estimate that the Audit Committee has agreed reflects that. However, should it not prove possible to make sufficient savings from the voluntary exit scheme, it is crucial that the Audit Office receive the shortfall at the monitoring rounds. The Committee believes that we must not lose sight of what could be lost were the Audit Office not to be provided with adequate resources to serve the Assembly properly.

Mr Speaker: As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will resume after Question Time.

The debate stood suspended.

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

2.00 pm

Oral Answers to Questions

Justice

Mr Deputy Speaker (Mr Dallat): We will start with listed questions.

HMP Magilligan: Redevelopment

1. **Mr G Robinson** asked the Minister of Justice for an update on the redevelopment of HMP Magilligan. (AQO 8378/11-15)

Mr Ford (The Minister of Justice): An outline business case for the redevelopment of Magilligan prison was approved by DFP on 9 January this year. I met the then Minister of Finance and Personnel on 28 April to discuss capital funding for delivery of the prison estate strategy. Until there is certainty on the capital available in the next spending review, it is not possible to give a commitment to deliver an eight-year construction programme. Securing the necessary capital will determine the timeline for the development of the new prison at Magilligan. My officials will complete the necessary bid to DFP to secure capital funding this summer.

Mr G Robinson: Does the Minister agree, given the continuing rise in the prisoner population at HMP Magilligan to near-maximum levels, that it is essential that redevelopment at the prison is concluded at the earliest possible date for prisoner and staff well-being?

Mr Ford: I certainly understand that it is important that we proceed with the programme for Magilligan. It is also important that we proceed with some of the capital work that is required at Maghaberry, including a facility for women, in the context of the difficult financial circumstances that the Executive, as a whole, face.

Mr Ramsey: Further to the Member's question, is there any intent to carry out a phased introduction of development, taking in the security and educational needs of prisoners, at Magilligan?

Mr Ford: Mr Ramsey makes a valid point on the scale of the redevelopment that is planned, which will be over a significant timescale; potentially up to eight years. The issues, frankly, are that some residential accommodation is probably the most urgent priority, given things like the lack of sanitation. It is possible to do some of the learning and skills operations in less than ideal buildings, but, frankly, we cannot continue to expect people to live in temporary buildings and Nissen huts.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answers. The Department was to engage with stakeholders in the area. Will the Minister give us an update on progress there?

Mr Ford: Mr Ó hOisín is right: the Department was to engage with stakeholders, and it did so, including with local businesses and local councils in terms of providing opportunities for rehabilitation.

My understanding is that 30 prisoners from Foyleview, the semi-open unit, are out working regularly in the community with charities such as Barnardo's and the Riding for the Disabled Association, businesses, churches and with a variety of other bodies. There are placements with the health and social care trusts in Coleraine and Greysteel. There are also three current prisoner placements with Causeway Coast and Glens Borough Council, which builds on the work done originally with Limavady, Coleraine and Ballymoney councils, as they then were. All of these are good examples of work being done. One of the key factors in keeping the prison at Magilligan was to build on those local opportunities. I am pleased to see that we have made progress over the last couple of years.

Mr Swann: How much have the finance figures changed for the redevelopment since the initial costs were put in for the project?

Mr Ford: The answer to any capital programme in terms of things starting at an early phase and being considered over a period of years is that costs will increase. Part of the issue is because of the higher expectations of the facilities that would be provided. I do not have the figures immediately before me, but I will certainly write to the Member and give the current update on the figures. It is certainly a very significant programme, but it is required to ensure that Magilligan can fulfil its responsibility to rehabilitate prisoners and not merely incarcerate them.

Mr Allister: Within the priorities of the Department as to capital spend on prisons, will the Minister tell us where the Magilligan project ranks?

Mr Ford: The reality is that, as I have just said — and I will repeat for Mr Allister — there are requirements in all three prison units. There is a specific requirement for a proper facility for women, which will build on the work currently being done in Ash House in Hydebank Wood and the step-down facility being built elsewhere on the Hydebank Wood site.

There is a specific need for more residential accommodation and a plan for a significant cell block at Maghaberry. There is a need for a complete rehabilitation of Magilligan, which has, effectively, only one modern residential block with the rest of it still largely based on temporary buildings that were put up in the 1970s. All of those have to be considered together, and the Prison Service has a plan for phasing all three of those operations. However, what funding is available is clearly a significant issue for DFP and the Executive.

Social Investment Bonds

2. **Mr Wilson** asked the Minister of Justice to outline any discussions he has had regarding the use of social investment bonds as a means of attracting private funds to finance initiatives designed to deal with interdepartmental community-based projects targeted at vulnerable young people in interface areas. (AQO 8379/11-15)

Mr Ford: I have had no meetings specifically on social investment bonds, but my officials continue to explore potential options in this area. DFP is working with Departments to explore opportunities to pilot alternative financing models for public service delivery, including social impact bonds and the development of suitable procurement models. Social impact bonds are indeed a

means of attracting private funds to finance interventions designed to achieve social outcomes. As the expected output of a social impact bond is success in improving social outcomes, there would be a requirement to meet outcome payments to private-sector investors if outcomes are achieved. The next step for relevant organisations is to consider the outcomes and affordability. My officials will continue to liaise with officials in DFP and elsewhere to further explore opportunities in this area.

Mr Wilson: I welcome the positive response from the Minister. Finding ways of attracting private investment will be very important, especially at a time when public budgets are under pressure. One of the groups that would benefit if such impact bonds were introduced would be Sport Changes Life, which has had a dramatic impact on problems at interface areas. However, there is a requirement for gap funding for that group until such time as impact bonds are in place. Can the Minister give us an assurance that, given the good work and the response from the PSNI, he will seek in the monitoring round to ensure that sufficient funds are made available to keep those projects going in the interim?

Mr Ford: I appreciate entirely the point that Mr Wilson makes about Sport Changes Life. Of course, he should declare an interest, as it is based in his constituency. One of its key projects was done in my constituency and no doubt had a significant effect. The unfortunate reality is that, given all the other pressures on core services of the Department, I am not sure that it is possible to prioritise even such positive and worthwhile community projects as we look at the June monitoring round. However, I will certainly look to see how we relate not just to Sport Changes Life but to our other NGO partners.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. What initiatives is the Minister progressing towards the taking down of interface walls?

Mr Ford: I am really not sure how that sits in with social investment bonds, but I will happily explain to the House that work continues between officials in my Department and community groups in interface areas in Belfast, Derry and the Lurgan/Portadown area, all of which is seeking to build confidence in the communities on either side of interfaces to allow the removal or opening up of structures. We continue to make progress in that respect with things like the longer opening hours of gates and the fact that there are now seven fewer structures under the control of the Department of Justice than when justice was devolved.

Reducing Offending

3. **Mrs Cochrane** asked the Minister of Justice for an update on the approaches his Department is taking to reduce offending. (AQO 8380/11-15)

Mr Ford: My Department is engaged in a wide range of work to reduce offending by working to rehabilitate people who have offended in order to build a safer society. In September last year, I approved the creation of the new reducing offending directorate to focus on ensuring effective collaboration and partnership-working across the justice system in order to reduce offending. Establishing effective ways in which we can support desistance is central to the work of the new directorate. I will shortly publish a strategy that outlines my Department's commitment to promoting desistance from crime. Research

indicates that there are several factors that can support the process of desistance, including securing and engaging in employment, maintaining relationships with family and community, and having hope and motivation to change.

In prison custody, the needs of the individual are balanced alongside their risks to create a dynamic personal development plan that focuses on improving their motivation and capacity to address their offending behaviour. Complementary to that ongoing work is the establishment of a partnership between the Prison Service, Belfast Met and North West Regional College, which will work to improve educational attainment and the employment prospects of prisoners.

The opening of the Burren House facility has also provided a low-security pre-release facility to test the capacity to work in the community and engage with employment or learning opportunities.

My Department is also thinking innovatively about the best ways to support offenders in gaining future employment. In recent weeks, we have seen the creation of an in-house cafe in Hydebank and the establishment of a social enterprise to employ young parents who have offended.

That is just a flavour of the significant work that my Department has been undertaking to reduce offending and to protect the public. However, I recognise that more can still be done, and my Department will continue to explore innovative and effective ways of reducing offending and making Northern Ireland safer.

Mrs Cochrane: I thank the Minister for his answer. He referred to the partnership between the Prison Service and Belfast Met and the North West Regional College: is that a new model for the delivery of learning and skills?

Mr Ford: Yes, it is a significant new model. In a sense, it is similar to the work that is being done around healthcare, where the expectation is being delivered that healthcare is better provided by the South Eastern Trust, a specialist health and social care provider, than by the Prison Service in-house. On exactly the same basis, the new contract, which will result in the creation of 33 new jobs to provide learning and skills opportunities with the two colleges in the three prisons, is a key way of building on the skills that exist in FE colleges and putting them to the best use of those who are in the care and custody of the Prison Service. A range of issues is being covered, including academic and vocational training, from numeracy and literacy essential skills through to degree-level work. Those are now being done in the prisons. Some of the practical issues are showing positive results, even at this early stage.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answers up to this point.

Has any valuation been done of the potential detrimental impact of the financial cutbacks in his Department on key stakeholder organisations such as NIACRO and on its programmes to help reduce offending?

Mr Ford: Mr McGlone highlights yet another effect of the difficult financial circumstances that we are in. There is no doubt that the cutbacks in grant funding have a detrimental effect on the services provided by some of our NGO partners, with NIACRO and Extern being two of the key ones in the rehabilitation of offenders. That comes after

four years in which grants to the voluntary sector were, by and large, protected and in circumstances in which the most significant cuts from this point, as I frequently say, will be made to the core of the Department. Nonetheless, it has not been possible this year to continue to fund at the level that we were funding at last year. Of course, that was also complicated by the issue of European social funding, with NIACRO not being successful in its bid for its ongoing work.

Mr Campbell: Reducing offending and, indeed, reoffending can often be achieved by reviewing the severity of the sentences available to the judiciary. How regularly does the Minister do that?

Mr Ford: It is probably safe to say that, on virtually every occasion that a Minister produces the possibility of further offences being created, the appropriate sentences for the new offences are a consideration for my Department, in order to ensure that matters are kept in balance between offences of a broadly similar nature. There is ongoing work in the Department to keep an eye on that and to review those kinds of issues as they relate to other jurisdictions, particularly those within these islands, to ensure that there is broad comparability. I stress the words "broad comparability", not necessarily absolute equivalence.

Mr Lynch: Can the Minister give an update on what wider work has been done across government on reoffending? Go raibh maith agat.

Mr Ford: Mr Lynch correctly highlights the point that reducing reoffending is not an issue that can be handled by my Department alone. As I pointed out, housing, health and social care and employment and training are all key issues. We seek to work in partnership with other Departments, as, for example, we have done with DEL and the two colleges over the issue of job skills training and routes into further employment. That requires a joined-up approach, and that is an issue on which the Department is seeking to work alongside other Departments that have direct responsibility for providing those services.

2.15 pm

Mr Elliott: I thank the Minister for that. Does he agree that it is difficult to get the level of offending now, due to the number of crimes going unreported because of the lack of bringing criminal cases to a conclusion?

Mr Ford: I am not sure that there is necessarily a great issue about reporting or, as Mr Elliott in essence suggested, of the reporting getting worse. It is no doubt the case that some criminal offences have historically gone significantly under-reported, domestic violence being the most obvious example. In recent years, hate crimes have clearly been under-reported, which is why we have been seeking to encourage increased reporting to ensure that they are addressed appropriately. However, as far as the generality of crimes is concerned, I am not sure that there is any greater under-reporting now than was the case a few years ago.

Integrated Domestic Abuse Programme

4. **Mrs Cameron** asked the Minister of Justice for his assessment of the integrated domestic abuse programme that is being delivered by the Probation Board for Northern Ireland. (AQO 8381/11-15)

Mr Ford: It is important to offer appropriate interventions aimed at changing the behaviour of those committing domestic abuse. The integrated domestic abuse programme (IDAP) ensures a consistent approach in providing interventions for perpetrators of domestic violence. IDAP has been delivered by the Probation Board since 2009. The primary aims of the programme are to identify, challenge and change men's abusive behaviour. IDAP is currently delivered at five sites: Armagh, Ballymena, Belfast, Derry and Omagh.

In providing the programme, the Probation Board works in close collaboration with the Police Service, social services and Women's Aid to manage risk constructively. Importantly, the programme also offers safety and support services to victims through women's safety services provided by Women's Aid. I understand that a full evaluation of the IDAP programme by the Probation Board is under way, and I look forward to receiving the report.

I am aware that in England the National Offender Management Service (NOMS) has replaced IDAP with the new accredited programme, Building Better Relationships. To achieve accreditation, programmes must be evidence-based to ensure that they are targeting the right people, focusing on the right things and being delivered in a way that is most likely to reduce reoffending. All NOMS-accredited programmes are monitored to ensure programme integrity. I understand that the Probation Board is committed to delivering accredited programmes and, as a result, plans to follow the same approach.

Mrs Cameron: I thank the Minister for his answers so far. Given that funding for the women's safety work for perpetrators, associated with IDAP, has been withdrawn without notice, how will the programme continue to be accredited? Do you, as Minister, recognise that that totally unsafe practice places victims of domestic violence at an increased risk?

Mr Ford: I appreciate the point that Mrs Cameron makes. Sadly, it seems to be the case that, for virtually every question I answer these days, I point out the realities of the financial circumstances that we live in. Despite those difficulties, I certainly believe that the Probation Board, which has the specific responsibility in this area, is doing its best in the financial circumstances to manage programmes such as IDAP and, indeed, to look at the potential transformation across. Whilst there are undoubtedly challenges because of the budget reductions, I believe that there is also a lot of very good work being done by professionals right across the justice system that we ought to support, while recognising the pressures that this sometimes places on individual members of staff.

Mrs Overend: I thank the Minister for his answers thus far. Does he support minimum sentencing for those found guilty of domestic abuse-related crimes?

Mr Ford: I stick to the general position on virtually every offence. The reason why we have judges producing sentencing decisions after court hearings at whatever level of court they take place is so that all the relevant factors can be taken into account. On that basis, legislating for minimum sentences can be an incredibly blunt instrument that does not actually meet the needs of providing a safer society and protecting our people. On that basis, I am not in support of mandatory minimum sentences.

Ms Boyle: Go raibh maith agat. Minister, I appreciate the answers that you have given thus far. Are you satisfied that there are sufficient resources to deal with the programmes related to domestic violence?

Mr Ford: I do not have any suggestion that there are specific problems around the issue of resources for these particular programmes. What is absolutely clear is that there are resource issues for the justice system as a whole, and, in the Department, we seek to manage resources across different programmes within different agencies as best we can, given the problems that we are falling under. Frankly, as long as the House fails to take a realistic attitude to some of the difficult decisions that need to be taken over funding generally, Ministers will continue to answer questions about difficulties with particular programmes.

Mrs D Kelly: Minister, do you share my concern that many women who have experienced domestic violence at the hands of former paramilitaries feel coerced into silence because they are being told, by other paramilitaries in their community, that if they report the crime to the police, it will have an impact on the early release that many of them are subject to? Therefore, Minister, will you undertake to write to the Secretary of State to clarify whether a conviction of domestic abuse would put their early release under threat?

Mr Ford: While Mrs Kelly makes some valid points about how issues are treated, and particularly about how we support victims of a variety of offences and those who would carry out activities that threaten people in general, we need to be slightly cautious about giving specific commitments on that. I am certainly happy to discuss the issue more widely with her, because there are issues that need to be discussed. They are, frankly, issues about the behaviour of paramilitaries, which have rather hit the headlines in recent weeks and months. There is a wider issue to address, and I am quite happy to have a discussion that is a bit longer than just giving a quick, snap answer now.

Parades and Protests: Public Disorder

5. **Mr Lunn** asked the Minister of Justice whether he has discussed with the Chief Constable the social and financial implications of public disorder arising from disputed parades and related protests this summer. (AQO 8382/11-15)

Mr Ford: I have regular discussions with the Chief Constable about a range of issues, including parading and protests and their implications. I met the Chief Constable and his senior colleagues last month and plan to review the situation with him again before the 12 July parades. I recognise and welcome the fact that the vast majority of parades in Northern Ireland pass off without any difficulty. I recognise the rights of those who seek to parade within the law, and of those who wish to protest peacefully, but there is no cause, dispute or disagreement that justifies the use of violence or public disorder. Those who are involved in such behaviour need to recognise and understand the potential consequences of their behaviour, including through the courts. I hope that wise heads will prevail this year, that true leadership will be shown, and that we all see a peaceful summer.

Mr Lunn: I thank the Minister for his answer. Does he agree with me that, in the absence of political agreement

to establish mechanisms for the regulation of parades, all parties and political leaders should encourage people to abide by Parades Commission decisions whether they agree with them or not, thereby upholding the law?

Mr Ford: Yes, I certainly agree with my colleague. The reality is that the Parades Commission is the body established by Parliament to deal with issues of parades and protests. The parties in the Assembly have been unable to agree any appropriate replacement for the Parades Commission, and therefore the Parades Commission remains the body established by law to take the difficult decisions that we have been unable to take on, for institutions established by the Assembly. I therefore believe it is incumbent upon every MLA, as it is upon every citizen, to uphold the determinations of the Parades Commission; to accept them, whether or not they like them; and to live within them, to ensure that we can have a peaceful society and a peaceful summer marching season.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for looking forward to the summer with some optimism. I share that optimism, but will he look back and tell us the financial cost, to his Department and to the community, of policing the flags protests and the demonstration at Twaddell Avenue in north Belfast?

Mr Ford: I cannot give Mr Ó Muilleoir the full statistics for policing flags protests. It was certainly the case, not that long ago, that it was costing close to £1 million per month to police 10 metres at the top of Twaddell Avenue every evening. As there has been some reduction in resources, it is now running at something less than that: I believe it is in the region of a third of £1 million per month. All of that is money that is either being spent in additional overtime, which creates pressure on police officers and the police budget, or it is a cost caused by officers being redeployed from other duties, including the basic everyday crime-fighting and public reassurance that Members frequently tell me they wish to see in their constituencies. It may only be an opportunity cost, but it is a significant cost nonetheless.

Mr A Maginness: Will the Minister agree that the recent visit by Prince Charles to Saint Patrick's Church in Donegall Street was a recognition by Prince Charles that such an institution and such a building should be respected by all, including the loyal orders? Does he agree that people, not just those involved in parades but those who protest, should learn the lesson from the Prince that there should be mutual respect in our society?

Mr Ford: I certainly agree with the tenor of Mr Maginness's comments. I am not sure that it should require a visit by a member of the royal family for people in this society to respect places of worship, but the very fact that he visited it should surely encapsulate the historic nature of the church and the specific issues. I have attended services there on two or three occasions related to different aspects of the justice system, including, most recently, for Prisons Week last November, and I believe that any place of worship that is providing a service to the community, as well as pastoral care and concern for its parish or congregation, should be respected by everybody in this society. In particular, recent determinations of the Parades Commission regarding respect for that place of worship should be upheld.

Mr Cree: The Minister refers to the Ardoyne/Twaddell area. Does he not accept that it is very difficult to get a localised agreement in that area when the two residents' groups apparently will not meet in the same room?

Mr Ford: Regardless of whether there is a difficulty in getting agreement in the area, the question that I was asked was about upholding Parades Commission determinations, and that was the point that I made absolutely clear. Matters might be easier in the Ardoyne/Twaddell area if those in the different factions and elements on both sides of that dispute were to engage constructively, but the fundamental issue is that people should uphold the law, especially those who belong to organisations that claim to be committed to upholding the law and the constitutional arrangements.

Prisons: Staffing and Morale

6. **Mr Swann** asked the Minister of Justice what discussions he has had with the Prison Officers' Association regarding staffing levels and morale. (AQO 8383/11-15)

Mr Ford: I met the Prison Officers' Association (POA) chair and a number of his colleagues in December 2014 to discuss a range of issues, including staffing levels and staff safety. Officials in the Prison Service continue to meet staff representatives through the formal Whitley structures and informally engage with trade unions and staff via a range of communication and engagement strategies. The Northern Ireland Prison Service keeps staffing levels under review, and a re-profiling exercise to look comprehensively at operational staffing levels across the service is nearing completion. As part of that exercise, there is an agreed process to consult with representatives of the POA prior to the introduction of the new profiles. There is a range of ways in which staff morale is kept under review, including mechanisms that facilitate staff engagement with senior management. That is done at a local level through full staff briefings and as part of the front-line forum meetings. The director general and the director of HR visit each prison specifically for front-line forum meetings, which bring together a cross section of staff. In addition, there are regular visits to the prisons by the leadership team.

Mr Swann: I thank the Minister for that. What practical measures has he put in place over the last year to resolve the low staffing complement and the high number of staff who are off on sick leave?

Mr Ford: There are two specific issues there. On the first question, to ensure that there are appropriate staffing ratios, a certain amount of overtime has been worked. There are also issues such as, at times, managing controlled lockdowns, which would not otherwise have been anticipated, to ensure safety for staff and prisoners. It is the job of managers in each part of the prison, in conjunction with their colleagues in HR, to ensure that the general issue of sickness absence is addressed. Indeed, as Members are well aware, that issue applies right across the Northern Ireland Civil Service.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We will now move on to 15 minutes of topical questions. Question 1 has been withdrawn.

2.30 pm

Legal Aid: Withdrawal Impact

T2. **Mr Dunne** asked the Minister of Justice for an update on the impact of the withdrawal of professional legal aid services on the justice system in Northern Ireland. (AQT 2642/11-15)

Mr Ford: The answer, at this stage, is that there has been a very limited impact from the withdrawal of legal aid services. The current period of withdrawal only commenced at the beginning of May, and therefore relatively few cases have been affected. I know of one case where an individual who was not represented in court succeeded in achieving bail on her own account by being invited by the judge hearing the application for bail to make her own representations, so it certainly did not have any effect on her. The number of cases being affected is relatively limited and will not kick on until the autumn term, when we will see. I hope that those who have currently said that they are withdrawing their services will reconsider the issue, especially when it comes at a time when the two professional bodies are judicially reviewing the decision that I took.

Mr Dunne: Has the Minister made any progress on the use of the proposed legal defender service for the management of legal cases in Northern Ireland?

Mr Ford: I am not sure what the proposed use of a legal defender service is. It is an issue that is potentially available in our legislative provision. I have sought all along to ensure that we maintain the existing system that allows individuals to choose their legal team from those who work in private practice, and that is the current position.

HMP Maghaberry: Maintenance Spend

T3. **Mr Anderson** asked the Minister of Justice, given that it has recently come to his attention in answers to questions for written answer that over £10 million has been spent in repair and maintenance work at HMP Maghaberry in the last four years, to provide a clear explanation as to why this £10 million was needed. (AQT 2643/11-15)

Mr Ford: I was aware that Mr Anderson was aware of this, given the way he ran to the press to talk about what he described as a fairly excessive budget spend on the issue. Sadly, he did not check up on the facts in the first place. Compare, for example, the maintenance spend at Maghaberry with that in modern Scottish prisons: we find that, in 2014-15, Maghaberry spent £22-50 per square metre on general property maintenance, and the Scottish prison spent £28 per square metre. Indeed, since devolution, we have seen the overall cost of maintenance at Maghaberry reduced by over 38%. Perhaps Mr Anderson might like to ask his colleague the MP for Upper Bann to ask the Secretary of State for Northern Ireland what went wrong before devolution.

Mr Anderson: OK, I am being asked questions now. Minister, there was £400,000 also spent, which was termed by the Department as "a small amount", and I do not think that that was a small amount by any stretch of the imagination. We need to know how and why it was spent. Minister, do you agree with me that those high costs highlight an even bigger problem in the service, which

is that the prisons are seriously understaffed? If you do agree, many feel that the safety of prison officers has been compromised.

Mr Ford: Sorry, Mr Deputy Speaker. I have just told Mr Anderson that costs are going down, and now he has asked me to agree with him that the high costs mean that there is a problem. I will accept his logic entirely and accept that the Prison Service is getting better.

Mr Deputy Speaker (Mr Dallat): I call Mr William Irwin for a topical question.

Mr Irwin: Thank you, Mr Deputy Speaker. *[Interruption.]*

Mr Deputy Speaker (Mr Dallat): Order, please. Mr Irwin, will you resume your seat? Sorry, some Members to my right are insisting on speaking from a sedentary position. That means that I cannot hear the Member who is asking the question and, perhaps more importantly, that I cannot hear the Minister.

Victims of Crime Fund: Elderly Victims

T4. **Mr Irwin** asked the Minister of Justice, whilst welcoming his recent announcement on increased support for victims of crime through the victims of crime fund, what portion of the fund will be allocated specifically to support and help elderly and vulnerable victims of crime, particularly those whose homes have been burgled. (AQT 2644/11-15)

Mr Ford: It is not possible to give the figures at that level of detail, given that the funding is delivered through some of our voluntary sector partners that deal with this issue, particularly Victim Support and the NSPCC. Therefore, I cannot say how we could possibly break that down. It would be a requirement to find it from the voluntary groups. I am not sure that it would be a terribly good use of their resources to chase up that level of detail rather than asking them to provide the services.

Mr Irwin: I thank the Minister for his response. Does the Minister accept that the elderly and vulnerable who have been victims of crime in their home feel very vulnerable and should be worthy of funding?

Mr Ford: I accept that a number of older people feel vulnerable, even though the statistic is that 2% of violent crime is directed against older people, who constitute 16% of the population, but there is no doubt that there are fears of issues like domestic burglary. That is why a lot of work has been done, principally under the auspices of policing and community safety partnerships (PCSPs) across Northern Ireland, to provide various security aids. I visited some of those schemes in a number of different areas. Good work is being done, and I am keen to encourage that, including using the proceeds of criminal assets to help to fight crime. Where appropriate, local organisations can assist in installing and providing the kind of equipment that can help to provide reassurance. People should be aware that the risk to older people in this society is very low, but there is no doubt that the fear of crime amongst older people remains at a fairly high level.

Youth Justice Agency: Strategic Partnerships

T5. **Mr Douglas** asked the Minister of Justice to outline the work the Youth Justice Agency has done to date to develop strategic partnerships with the Department of Education,

particularly for under-18s, following his earlier mention of the Prison Service and the further education colleges. (AQT 2645/11-15)

Mr Ford: Mr Douglas raises an entirely valid point. Very similar work is going on at Woodlands Juvenile Justice Centre. A few weeks ago, I met the Education Minister, John O'Dowd, at Woodlands, and we looked at how we can improve the quality of teaching provided there. There is no doubt that there are difficulties for the Youth Justice Agency in employing teachers, specifically the external services that they are unable to access because they are not teachers in a recognised institution. Officials from the two Departments have been looking at that. I do not yet have a conclusion, but I hope that we will see something fairly speedily.

Mr Douglas: I am sure that the Minister will agree that we are talking about some of the most vulnerable young people. Will he agree to keep the House informed of developments with Woodlands?

Mr Ford: I certainly will. Probably one of the best opportunities that we have is the use of the education other than at school scheme, which, potentially, would allow Woodlands to be recognised as an education provider. That would mean that, for example, staff there would have access to professional training courses, which they do not currently because they are not employed in an appropriate place, but I will keep the House in general and Mr Douglas in particular informed.

Mr Deputy Speaker (Mr Dallat): Question 6 has been withdrawn.

Policing: Banbridge and Craigavon

T7. **Mr Gardiner** asked the Minister of Justice whether he accepts that, through changes to neighbourhood policing in the ABC council area, policing in the Banbridge and Craigavon areas has been run down. (AQT 2647/11-15)

Mr Ford: I have two difficulties in responding to that, the first of which is the fundamental one: this is an issue for the Chief Constable, the Policing Board and the new PCSP that will shortly be established in the Armagh, Banbridge and Craigavon (ABC) council. That will be the appropriate place to discuss those issues rather than from my part as Minister, because I suspect that, if I engaged in too much of that conversation, I would be seen by the Chief Constable and others to be interfering in his responsibilities and those of the Policing Board, and I would not wish to come across members of the Policing Board, especially those in the House.

Mr Deputy Speaker (Mr Dallat): Perhaps the supplementary will be a bit more direct, Mr Gardiner.

Mr Gardiner: I hope so. The Minister needs to accept some accountability for this: he works with the PSNI daily. Does the Minister accept that neighbourhood policing connects the police with the population on the ground and that his decision has only put greater distance between the police officers and the community that they are here to serve?

Mr Ford: I am slightly perturbed by the phrase "his decision", because the Member appears to refer to a decision of mine. The only decision that I have taken about the provision of resources for neighbourhood policing in Banbridge, Craigavon or anywhere else in Northern

Ireland has been to protect the budget of the Police Service as much as I can by making cuts of only 5·7% in the policing budget this year against the 22% cuts being made in the core Department of Justice. I have not taken any decision that has made those matters worse, but there is no doubt, as I said earlier and will doubtless say on future occasions, that the difficult financial situation makes it difficult for a range of public agencies to provide the service that the public are used to.

Internet Safety: DOJ Actions

T8. **Mr McAleer** asked the Minister of Justice, in light of the tragic death of Tyrone teenager Ronan Hughes, to outline what measures his Department is taking to highlight the dangers faced by young people who use the Internet and social media sites. (AQT 2648/11-15)

Mr Ford: Given that tragic death, we should certainly be concerned about the issue. A lot of work has been done on Internet-related issues, although, because of the telecommunications aspect, they are principally reserved matters. Good work has been done involving the Police Service, and a lot of educational work is being done through a variety of organisations. I certainly trust that that tragic death will, as Ronan's parents have made it, become an issue that can be used to ensure that young people are made aware of the dangers of the Internet and are protected from those who would harm them on it.

Mr McAleer: Does the Minister share the view that fake accounts, which are believed to be operated by international criminal gangs, need to be tackled?

Mr Ford: Yes, they most certainly need to be tackled. When we are talking about gangs that are operating from other jurisdictions, as Mr McAleer highlighted, and targeting young people in these islands, it is very difficult to ensure that they are tackled easily. However, there are wider issues. Given the specialist nature of the matter, there is limited expertise in Northern Ireland. We at least now benefit from the input of the National Crime Agency in helping us to fight these criminals.

Sexual Abuse and Terrorism Cases: Sir Keir Starmer Report

T9. **Mr Cree** asked the Minister of Justice for his assessment of Sir Keir Starmer's report on the independent review of the prosecution of related sexual abuse and terrorism cases. (AQT 2649/11-15)

Mr Ford: It is not entirely for me to give an assessment of the Keir Starmer report; it is an issue for the Director of Public Prosecutions to follow through. I welcome the fact that he has accepted the report in full. I welcome the fact that he has apologised to the victims and I welcome that he is clearly putting actions in train in the Public Prosecution Service to make those necessary changes. I had a brief discussion with the DPP before the report was published and I had a subsequent discussion with him last week. I have no doubt that he is taking the report seriously and ensuring that the Public Prosecution Service learns from it.

Mr Cree: I thank the Minister for that. Bearing in mind the outcome of the report, does the Minister not think that the Director of Public Prosecutions should have resigned?

Mr Ford: No, I do not, for the very simple reason that he was not in post when those issues first came up and was not the person taking the decisions. Rather than calling for resignations, it is far more important to ensure that organisations learn lessons from reports such as this.

Policing: Public Confidence

T10. **Ms Ruane** asked the Minister of Justice whether he believes that revelations from the 'Panorama' programme will affect confidence in policing, given that a further 'Prime Time' programme will air tonight. (AQT 2650/11-15)

Mr Ford: I would be in serious danger of pre-empting a debate that we are due to have in the House shortly if I went too far into that detail. There is no doubt that the revelations in 'Panorama', the subsequent local programme and, potentially, 'Prime Time' will cause people to have concerns about the behaviour of a number of organisations in the past. They should not have any effect on confidence in policing today, because we see a very different police service, which is fully accountable to the Policing Board, of which Ms Ruane is a member, has the highest human rights standards and is operating in a way and in a very different place from the circumstances that applied in the 1970s and 1980s.

2.45 pm

Social Development

DSD: Asset Disposal

1. **Mrs Overend** asked the Minister for Social Development for an update on the disposal of surplus assets from his Department and its arm's-length bodies. (AQO 8406/11-15)

Mr Storey (The Minister for Social Development): My Department adheres to best practice in identifying and disposing of surplus assets. This best practice is set out in the Department of Finance and Personnel's guidance, 'Disposal of Surplus Public Property In Northern Ireland'. Last year, for example, my Department achieved £3·38 million of receipts from the sale of surplus assets, and has a target to achieve £5 million in the current financial year. I am pleased to report that we are well on course to achieving this target.

In the broader context, the Executive approved their asset management strategy in June 2013. One of the recommendations was to establish a central disposal unit in DFP properties division by April 2017 for the processing of all surplus assets from all Departments. This is being taken forward under the reform of property management programme, which is a DFP project supported by the Strategic Investment Board. My Department is fully engaged in that process.

The Housing Executive has advised that it has 21 sites on its land disposal programme 2015-16 for sale on the open market, valued at £1·9 million. Offers have been received on seven sites, totalling almost £0·57 million, but no sales have yet been completed. The value of the undeveloped land schedule surplus sites sold in 2014-15 was £160,450, and in 2013-14 it was £117,500. The Housing Executive has advised that the figures at two above do not include

land transfers to housing associations, which are at nil consideration as they do not represent the total of all land disposals, for example open space lands and leases.

Mrs Overend: I thank the Minister for the vast figures he outlined there. While I recognise that, on paper, his Department does well on capital receipts, does he accept that much of it comes from the Northern Ireland Housing Executive using public funds to pay his Department, so it is not true revenue in people's eyes? Given the extent of surplus lands owned by the Housing Executive, for instance, does the Minister believe that the target he referred to, and which he is well under way to reaching, is possibly too low?

Mr Storey: I thank the Member for her supplementary question. Obviously, in any of these, I would like to be in a position where we disposing of assets in a way that is generating more revenue for us, given the debate we are having in the House today on the Budget. However, I think that the targets have to be realistic, and, if you look at the past record on this, you will see that there has been an attempt to ensure that we did not overestimate what was achievable. As a result, the amount of money that has come in has been realistic. The Member made the point that this is all public money, and she is right. This is all under the responsibility and due diligence of the public purse, and I think that that is all the more reason why we have to ensure that, when we possibly can, we get the best possible outcome for the sales we enter into.

Mr Rogers: Minister, has your Department bought any new buildings either in the last financial year or this year?

Mr Storey: I have not got the detail on the particular issue that the Member raises. I will provide him with the specific detail.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. How many district councils have requested the transfer of DSD staff to support the transfer of regeneration powers and functions to local government?

Mr Storey: As the Member is aware, we are specifically talking about land purchase and land disposal, but I am quite happy to refer to the issue of staff. I have continued to have discussions with the councils about the potential success of the Regeneration Bill, which will come up later on in questions for oral answer.

If the Bill is passed and the transfer of functions takes place, it will be an issue for the individual councils. To date, a small number of councils have expressed an interest. We will continue to work with councils to maximise the benefit for them and agree the ultimate complement. I am quite happy to provide the Member with the actual numbers for all the councils, but they are relatively small.

Urban Regeneration Projects: Resources

2. **Mr Hilditch** asked the Minister for Social Development to outline the resources available to continue with urban regeneration projects. (AQO 8407/11-15)

Mr Storey: As you are aware, under the reform of local government my Department will confer powers and budgets to enable councils to decide how best to take forward regeneration and community development in their areas.

The financial allocation to local government from 1 April 2016 is £56.5 million. In order to determine the percentage of the £56.5 million that should be allocated to each council, the Department devised a funding allocation model. The allocation to each council is determined largely on the basis of income-deprived population settlement bands for tackling disadvantage; total population for physical development; income-deprived population of district for community development; and programme costs, excluding the Laganside, for salaries.

In terms of human resources, arrangements are in place to allow the new councils access, on a voluntary secondment basis, to staff from my Department with regeneration and community development expertise. My officials will continue to liaise with councils to determine their requirements, as I mentioned in answer to the previous question.

In terms of general assistance, my officials are working closely with councils to assist them in putting in place effective arrangements to meet the needs of their communities. Officials recently reviewed all existing projects for support in 2015-16, and the outcome of these reviews is being made available to councils to enable them to take informed decisions about the arrangements that they wish to put in place. Indeed, I recently met my officials in connection with the community planning element of all of this. I had some concerns about how we were implementing this and wanted to be absolutely sure that the functions for which my Department is responsible —

Mr Deputy Speaker (Mr Dallat): The Minister's two minutes are up.

Mr Storey: — are being exercised with the councils.

Mr Hilditch: I thank the Minister for his detailed answer. I am glad to hear that the Department will continue to liaise with councils. Can he give us an overview of how the financial allocation to each council was determined?

Mr Storey: I thank the Member for his supplementary. This issue caused concern and raised questions. I endeavoured during conversations with councils to explain it to them as well as I could so that they are absolutely sure that we endeavoured to do everything possible to make a fair allocation across the 11 councils.

The development of the methodology for the distribution of funds for urban regeneration and community development was the outworking of the Executive's policy decision to transfer the functions in the first place. The model is designed to provide local government with objectively based allocations that take into account both population and deprivation. DSD can transfer to new councils only the relevant budgets and the physical assets associated with the delivery.

The budget being transferred is mostly what is being used for the current implementation of urban policies by the Department. As the Member knows, those policies currently applied only to settlements of 4,500 persons and above, the number recommended by the Northern Ireland Statistical Research Agency in its report in 2005. However, the Department recognised that the new councils may want to deliver regeneration programmes in smaller settlements, and for this reason the proposed distribution of funding is based on population figures down to settlements of 1,000 persons, resulting overall in councils with more rural populations receiving a greater

share of the budget than would have been the case if we had decided to apply the 4,500 urban cut-off rigidly. This has resulted in a skewing of resources from largely urban councils to their more rural counterparts in places such as Fermanagh and the west. That was welcomed by those councils, which had felt that smaller councils were left with a lesser amount from the allocation process.

Mr Ramsey: Acknowledging the serious importance of urban regeneration, I ask the Minister whether he can assure the House that targeting social need will still be the priority in the allocation of that funding?

Mr Storey: Of course, if the Bill is successful and the powers are transferred in 2016, it will ultimately be for the councils to determine how they use that money. I have said that to councils that I have met. There is a concern now growing among some councils across Northern Ireland that members of those authorities may have different priorities and a different focus. What I am ensuring is that it is entirely an issue for the councils as to how they use that money, but I am also ensuring that they take into account the needs of the community that they serve. If we believe that all council is local, surely those at the grass roots of our political process should be best placed to be able to identify the needs in their locality.

The other element is that councils now have a responsibility for community planning, so there has to be a joined-up approach. It is something that I have a concern about and something that I want to ensure is done in a way that maximises the best possible outcome for the councils, but they, as the lead authority when they have the power and the resource, will have to determine, in conjunction with their elected representatives and the information and guidance that is issued by my Department and that comes out of the community planning process, that they are doing it in a way that is best tailored to meet the needs of their community.

Mr Beggs: Will the Minister confirm that it would be inequitable if he were to restrict funding to, say, groups larger than 4,000? In fact, it was for equality reasons that smaller pockets of deprivation were not excluded in the past. Will he confirm that they will continue to be assisted in the future?

Mr Storey: The aim is to ensure that this is equitable, as far as we can make it so, within the resources that are available. Obviously, there was an issue in the past, where there was a cut-off point of 4,500. There was a view that funding should be for smaller conurbations. Councils have made representations — I have had discussions now with most of them. I think that there are two councils that I still have to meet, but there was certainly a clear indication from local authorities that they wanted to be in a position in which they were able to be of help and assistance where there was a smaller number of persons within their particular community. However, given the amount of money that we are talking about here, it is a limited resource, and there are many needs, whether they are in conurbations of 1,000 persons or beyond 4,500. The council will have to ensure that it does this in the best way possible, and in a way that does not create the situation that the Member outlined.

Mr Allister: On the public realm scheme's contribution to urban regeneration, can the Minister respond to the concerns of traders in Church Street in Ballymena that, at the onset of the scheme a couple of weeks ago, the

pavements were dug up, after which everything was at a standstill for days on end with no further work done, much in contradiction of the assurances given to the traders in advance of the work starting? Can the Minister seek to address and tighten up that situation?

Mr Storey: Although the Member's question is slightly beyond the remit of the original question, I am quite happy to answer it.

The money that is being invested in Ballymena is somewhere in the region of £4.6 million, which is very welcome by the traders and the town. I am sure that the Member, like me, would have been the first to complain if we did not have an investment in Ballymena, which is a premier town in Northern Ireland for retail and many of the other shopping experiences that people enjoy when they go there.

On the specifics, I have met individual traders, and I am going back again this week to meet the council on the issue, because it will have responsibility for the management of the works. The work on the Ballymena public realm scheme actually commenced on the ground on 18 May. It is anticipated to last some 80 weeks and to be completed by November 2016. I take on board the concerns that have been raised and continue to be raised. I am asking the council and the contractor to ensure that everything is done to minimise the disruption, because an 80-week project of this magnitude will undoubtedly have particular challenges. It is important that we work with the traders. I have received correspondence from my colleague the MP for the area on compensation for traders. Other requests have come in on specifics, and we are working our way through those so that we do all that we can.

The other point is that we have learned from other public realm schemes that have been carried out in this way so that we can avoid some of their issues. I trust that that will be the case with Ballymena.

3.00 pm

Social Housing

3. **Lord Morrow** asked the Minister for Social Development to outline his Department's social housing provision. (AQO 8408/11-15)

Mr Storey: In the four-year period just ended, my Department funded registered housing associations to provide over 6,100 new high-quality, energy-efficient social homes in areas of need across Northern Ireland. The Programme for Government target set by the Northern Ireland Executive was to deliver 6,000 houses, so the overachievement was a good result for those on the housing waiting list. Plans are to deliver at least 1,500 more new homes in the current year.

At this point, I acknowledge the contribution made by the housing association sector, not least the £315 million of private finance that was levered in to part fund the building programme. That makes a tremendous addition to the work that we can do every year to help those in housing need. Housing associations build some of the very best housing to be found in Northern Ireland. They provide not only housing for families but supported housing for some of our most vulnerable citizens. We can be rightly proud

that our social housing standards are very much the envy of other jurisdictions.

In fact, if we look at output in the rest of the UK, we see that we are doing much better. Recent figures show that in England one new social house was being provided for every 60 applicants on the waiting list. The figures for Scotland and Wales were better, but the figure for Northern Ireland was best, with one social house being built for every 30 or so applicants. In relative terms, therefore, we are outperforming the rest of the United Kingdom on this issue.

Lord Morrow: I thank the Minister for that comprehensive reply. I am sure that he, like everyone else here, recognises that there is a considerable waiting list. Can the Minister tell us whether he and his Department are on target with all its housing provision, or is there a miss or a lack here?

Mr Storey: In relation to whether the targets for the delivery of social and affordable housing have been met, I think the answer is yes. A total of 10,066 homes have been delivered in Northern Ireland under the current Programme for Government. As I said, 6,101 of those were social homes and 3,965 were affordable homes. Believe it or not, that is over 2,000 more homes than were promised. It is not often that Ministers stand in the House and are able to say that something has exceeded a Programme for Government target. The individual targets for all four years were exceeded each year, with 1,410 homes delivered in 2011-12; 1,379 delivered in 2012-13; almost 1,300 delivered in 2013-14; and 2,013 delivered in 2014-15. That all goes well for how we plan in the future. It is a good news story, particularly for those who are now in receipt of good homes. I look forward to ensuring that we continue to do the same in the future.

Mrs D Kelly: I listened carefully to what the Minister had to say. There is no doubt that there have been some achievements. Nonetheless, Minister, would you not acknowledge that we are in a housing crisis and have been for some time? To compare us with GB is to compare one crisis with another. Did you give further thought in your review of the Housing Executive to whether it would be able to put in a submission to the European Investment Bank to build houses again?

Mr Storey: I thank the Member for her question and for the work she does on the issue on the Committee for Social Development. Obviously, she has a particular interest in this.

I would like to see the Housing Executive again at the forefront of building and providing homes. However, over the last number of years, we have seen the challenges that have been created. Since I have been in post, I have seen the variety of housing provision. It cannot be one-size-fits-all, so it has to be a multiplicity of providers. That will come from the Housing Executive being a good landlord and ensuring that its properties are kept up to the standard that they should be. We have fallen behind on that. Very soon, I will announce the outcome of the Savills stock condition survey, which will clearly indicate the huge investment needed. We have seen progress made with housing associations. I am having ongoing discussions with them on how we can improve our relationships, and they are key. There are also issues that Members have raised in the House about tower blocks and the way in which the Housing Executive needs to address those. All

those matters are under consideration in a variety of ways. However, the focus must remain for me, as the Minister, and the Department to continue to work with all providers to get the best possible outcome and delivery for the people of Northern Ireland.

Mr McGimpsey: I agree with the Minister that we provide good public housing. The problem, of course, is that there is simply not enough of it. What effect will the projected 2,000 properties for this year being reduced to 1,500 — a 25% reduction — have on the waiting list, particularly for the provision of vital family-sized housing?

Mr Storey: When you have to cut your cloth according to the amount of money you have, it will obviously have an impact. I would like to be exceeding the plan and doing more than we intended. Much has been achieved, and no doubt much more needs to be done, but, in the current circumstances of a reduced overall amount of money, we have to do the best we can with the money that is available. However, there is no doubt that that has an impact on communities and locations where there is a greater need or demand. That is the challenge for my Department and everybody, which follows on from my comments to the previous Member about all those involved in the provision of housing in Northern Ireland.

I attended a meeting recently with the CBI and had a useful exchange with a variety of providers from co-ownership providers to bankers. It was an open discussion around how we could continue to provide good homes in Northern Ireland. Let us not leave out the private sector, which continues to build houses and is showing some recovery in Northern Ireland. It has to be an all-round provision, not focusing solely on one element. However, there is no doubt that challenges remain for us in the budget.

Ms Lo: Of the social homes built in the last few years, how many were under the shared housing scheme?

Mr Storey: I do not have the exact figures to give the Member, so I am happy to come back and give her a detailed breakdown.

Housing Associations: Service Charges

4. **Mr Hazzard** asked the Minister for Social Development to outline how his Department regulates service charges levied on tenants by housing associations. (AQO 8409/11-15)

Mr Storey: My Department has no authority to control the level of service charges that are set by housing associations. However, the Department reviews service charges through the inspection regime and quarterly financial monitoring. The inspection reviews the appropriateness of the arrangements that housing associations have in place to determine the level of service charges and the processes for collecting those costs. The monitoring team receives and reviews quarterly financial information relating to service charge income and costs.

My Department is developing comprehensive proposals for a social housing rent policy. The proposals will also look at the fairness, consistency and transparency of service charges.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I welcome the report and the process that he has spoken about

bringing forward. Is a timeline available for that? When could tenants expect that to kick into action?

Mr Storey: I thank the Member for the supplementary question. It is my intention to put this out for consultation over the summer. That always raises the question of whether it is being done over the summer because people are away on holidays. However, I assure the Member and the House that the issue will generate considerable debate. It has already done so. Housing associations have made representations to me and the Department on the issue of a rent policy, and I think that they even raised that issue when they were with the Committee recently. I am also aware of concerns that have been raised across the piece about the particular way that we ensure that we do not have excessive rents but, equally, that people can live in homes in which they get value for money for the rent that they are charged. That goes right across the piece, whether it is Housing Executive properties or those in the control of housing associations.

I trust that I have taken a pragmatic view of the issue. I do not want to scare the horses or create alarm. I want to have an informed discussion about how we get the best possible outcome that secures tenure for people in their homes and gives them the assurance that they are not being overcharged for services that are not being provided.

Mr Dunne: I thank the Minister for his answers. Following on from what he said, does he recognise the very real concerns among housing association tenants about the management of service charges and what they really relate to?

Mr Storey: Yes, in answer to the question that the Minister — the Member — asked. That might be a prophecy: he may be a Minister one of these days.

You are not long in post in any of the positions in the House before you realise the particular issues that are prevalent and the particular concerns that various groups and interests raise. One of those concerns is rent. We also get some very good feedback and some positive messages from a variety of sources in the Housing Executive and housing association provisions and from those who are involved in co-ownership.

It goes back to the point that I made earlier. We have a patchwork quilt of provision and a variety of providers. I want to ensure that, in whatever sector the homes are provided, they are provided in a way that is fair and equitable and gives quality of provision to those who live in them.

Lagan Footbridge

5. **Mr Girvan** asked the Minister for Social Development whether the Lagan footbridge will be ready in time for the Tall Ships event in July 2015. (AQO 8410/11-15)

Mr Storey: I thank the Member for his question. I am glad that he has an interest in what goes on in our Maiden City. The Lagan Weir pedestrian and cycle bridge is on programme to be opened to the public before the Tall Ships event, which is due to take place in July.

Mr Girvan: I thank the Minister for his answer. Will he outline what benefits the Lagan footbridge and cycle path will bring to Belfast city centre?

3.15 pm

Mr Storey: I thank the Member for his supplementary question. My colleague has reminded me that Belfast is the capital city; I may have been referring to another city in the west, which is the Maiden City. The new bridge will provide improved connections across the River Lagan between Belfast city centre and the Titanic Quarter. The bridge will also help to promote the Queen's Quay area to potential developers. In only the second event that I attended after taking up office, I went to see the commencement of the works. At that stage, people were raising concerns as to why there was a huge investment of £5.5 million. It is a good investment that will provide tremendous connectivity between the Titanic Quarter and Queen's Quay —

Mr Humphrey: And north Belfast.

Mr Storey: — the Member mentions north Belfast — and the rest of our city. There is already anticipation in the lead-up to the bridge being handed over. I look forward to being in a position by the end of this month to officially open the bridge. It will be another added asset to this great city and to the River Lagan, which it crosses.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We will now move on to topical questions.

Pavement Furniture: Pedestrian Access

T1. **Mr McKay** asked the Minister for Social Development what work his Department is doing in conjunction with the community, voluntary and charity sectors to address issues presented by pavement furniture blocking pedestrian access. (AQT 2661/11-15)

Mr Storey: This issue is always raised in regard to public realm schemes. When public realm schemes are taken on board, as far as I am concerned and, I trust, for those who are involved in the delivery of these schemes, every concern is heeded, whether in relation to those who have particular physical disabilities or some other disability. In particular, we have had issues in the past with guide dogs for the blind. All those issues are taken on board in a very practical way. In fact, just a few days ago, I was made aware of a particular scheme that had not been followed in a way that gave us a good outcome. I have asked for that particular issue to be looked at again.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Will he and his Department fully support recommendations made by disability groups in relation to the development of the regulation of pavement cafes?

Mr Storey: Yes. Again, we are aware of those particular recommendations. They are being considered, and I trust that we will be able to give a positive response in a way that is equitable and tries to strike a balance between the needs of the traders, who have expressed their particular concerns, and the needs of pedestrians.

Independent Advice Sector: Funding

T2. **Mr McElduff** asked the Minister for Social Development whether he appreciates that, although independent advice organisations are facing much greater demand for their services at this time than ever before, very many of them have seen their funding remain static for the past 10 years or more. (AQT 2662/11-15)

Mr Storey: Yes. Obviously, I value very much the work that the independent advice sector does for us. The Member will be well aware of the challenges that we have in the House in relation to the Budget and in making difficult decisions. In fact, because of requests from his party, we have had to take some money from the block grant and divert it into other needs that he and his colleagues have seen as being a priority, particularly in relation to welfare. We did that in the comprehensive agreement but, unfortunately, the Member and his party are stalling the implementation of that agreement that we made.

I continue to support the independent advice sector and, through the various funding arrangements that we have, I give them the support and the financial assistance that they need so that they can continue to deliver the service in the expert way that they have done to date.

Mr McElduff: I will zone in on the current needs of Omagh Independent Advice Services. Will the Minister ensure that senior officials from his Department work closely and directly with Omagh Independent Advice Services to fix a hole in its finances? I understand that the deficit runs to £12,000 for the current year.

Mr Storey: This is the benefit of the House, because all politics is local. I appreciate the fact that the Member has a particular issue in relation to the matter that he raised. I am quite happy, now that the Member has given the details of the matter to the House, for my officials to look at the particular need and see what help can be given to the service in Omagh that is currently under stress.

Welfare Reform: DSD Problems

T3. **Mr McCallister** asked the Minister for Social Development at what point the ongoing welfare reform and Budget issues will cause his Department to hit the problems of being unable to pay people benefits and having to replace outdated IT equipment to avoid running two different systems. (AQT 2663/11-15)

Mr Storey: I thank the Member. Obviously, this issue is part of the problems that we currently face. In fact, correspondence some time ago from the previous Chief Secretary and from the previous Deputy Prime Minister, Mr Clegg, indicated to the Executive that they needed to make decisions on how they wanted to provide social security when DWP started to withdraw from its IT contracts in mid-2016.

That is one element of the issue. The other is that, if we cannot find an agreed solution to the Budget and were to find ourselves in the position that the finances of the House were under the control of the permanent secretary at the Finance Department, it would certainly create a huge challenge for us. By August of this year, which is not that many weeks away, we would be in a very difficult and challenging position that could result in a situation in which some element of the annually managed expenditure (AME) delivered on the ground, specifically in the form of certain benefits, could be put in jeopardy, and some benefits might not be paid.

Mr McCallister: I am grateful to the Minister for his reply. On that point, if some benefits will not be paid, would the Minister care to elaborate on how exactly the ongoing fight on welfare and the Budget, if it gets to the situation that he outlined, will help the vulnerable?

Mr Storey: The Member is absolutely right: it does not help. By constantly delaying it, we are ratcheting up problems that affect everybody in Northern Ireland. At Stormont House, we endeavoured in good faith to ensure that we had a comprehensive agreement, to which five parties made a contribution and signed up. We then began the process of implementing it.

Despite all the smokescreens and diversions over the last number of weeks, and despite all the misinformation about papers not being given and people acting in bad faith, I cannot understand why, when we had an agreement at the beginning of this year that was sold by the parties opposite and advocated as being a new dawn and a new day — it was a process that would help the vulnerable and one whereby we were getting to terms with dealing with issues — all of a sudden, on that fateful weekend in March, something dramatically changed. We know, of course, what it was. It was not the focus on the people of Northern Ireland. A party was looking two ways, and its focus was on an election that it hopes will come in the Irish Republic.

My call and challenge to the party opposite and to the SDLP, which, unfortunately, along with the single Green Party Member, became a conspirator on this issue, when it signed the petition of concern, is this: let us implement the agreement that we made; let us ensure that we do not create any more vulnerable people; and let us deal with the issues that will give to the people of Northern Ireland clarity and certainty in a way that does not create more vulnerability for those saying that they have lost all confidence in the House.

Markets Area: Environmental Improvement Scheme

T4. **Mr Ó Muilleoir** asked the Minister for Social Development to return to thinking about the Lagan, the inner city and the Markets area and give an update on the planned environmental improvement scheme for the Markets, and, without giving away his supplementary, to consider the fact that there has been more planning than action. (AQT 2664/11-15)

Mr Storey: I do not have specific details about that scheme with me, but I am quite happy to give the Member an update on it. In that scheme, as in others, I want to ensure that we continue to make progress. However, progress can be made only when all the agencies concerned work together and when we have the overall budget that will be made available to deliver these schemes.

Mr Ó Muilleoir: Go raibh maith agat. Thank you, Minister. The problem is that phases 3 and 4 of the environmental improvement scheme never happened. The Minister has been in Sandy Row, which is almost a partner area of the Markets in this development. We invited you in before Christmas. There was a crisis in government, then there was another crisis. We will probably not make it before the summer, but I hope, Minister, that you will take up the invite to visit the Markets to see the great work that is being done there in partnership with surrounding communities. The environmental improvement scheme will be a key part of that.

Mr Storey: The Member rightly refers to phases 3 and 4. It is certainly a challenge to ensure delivery. The crises that he referred to were not of my making and are no reflection on my goodwill in trying to see delivery of a project that

would undoubtedly have a huge impact on the well-being and quality of life of people in the Markets area.

Whether it is this scheme or others — my Department and I have been involved with a myriad and multiplicity of schemes over the last number of months and years — we need to ensure that we do not lose the focus of the importance of these projects for the communities that want them delivered. Other Members have the very cavalier attitude that we should not spend this amount of money and should spend it on other things. However, we sometimes need to take cognisance of the communities that we are delivering these projects in, listen to their voices and concerns, and try as much as we possibly can to deliver for them.

Benefits Uptake Programme

T5. **Mr Moutray** asked the Minister for Social Development how much money the benefits uptake programme has generated in the past year. (AQT 2665/11-15)

Mr Storey: I thank the Member for his question on benefits uptake. Of all the benefits — excuse the pun — benefits uptake has been one of the most successful schemes that we have engaged in. I continue to be committed to promoting the uptake of benefits in an effort to tackle poverty and improve the lives of the most vulnerable. In 2013-14, over 4,000 people, many from our older generation, gained some £14.2 million in new and additional benefits. In fact, since 2005, benefit uptake work has generated over £81 million in additional income for people in Northern Ireland.

Mr Moutray: I thank the Minister for that very positive answer. What plans are in place to improve further the uptake of benefits in this financial year?

Mr Storey: The Department is entering into the final year of Maximising Incomes and Outcomes, which is a three-year strategy to improve the uptake of benefits. An action plan for 2015-16 is in place. It continues to prioritise and invest resources in programmes and activities aimed at encouraging the uptake of benefit services and supports. Officials are due to present the action plan to the Social Development Committee on 18 June. That will give the Committee and Members of the House an insight into how we intend to address this issue over the next three years.

3.30 pm

May I say to the Member, and to Members across the House, that they should continue to encourage people in their constituencies to ensure that they have made the call so that they can see what may be available to them? Given the fact that we are talking about a considerable amount of money over a number of years, I think it is well worth making the effort to make that call, because it will, undoubtedly, bring a reward.

Welfare Mitigation Scheme: Papers

T6. **Mr Elliott** asked the Minister for Social Development how many papers he and his Department have produced on the welfare mitigation scheme since the Stormont House Agreement proposals were made, given that a number of other papers have been issued. (AQT 2666/11-15)

Mr Storey: The Department has produced five papers since the Stormont House Agreement.

Mr Deputy Speaker (Mr Dallat): I am afraid that time has beaten us. Members, we can return to the debate on the Supply resolutions.

Executive Committee Business

Supply Resolution for the 2013-14 Excess Votes and Supply Resolution for the Northern Ireland Main Estimates 2015-16

Debate resumed on motion:

That this Assembly approves that resources, not exceeding £7,444,446.68 be authorised for use by the Department of Education and the Department of Health, Social Services and Public Safety, for the year ending 31 March 2014, as summarised for each Department in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 8 June 2015. — [Mrs Foster (The Minister of Finance and Personnel).]

The following motion stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £8,336,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £9,004,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015. — [Mrs Foster (The Minister of Finance and Personnel).]

The following amendment stood on the Marshalled List:

In the second motion leave out all after “exceeding” and insert:

“£7,732,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £8,400,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as

summarised for each Department or other public body in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015, subject to a proportionate reduction for each Department, with the exception of the Department of Health Social Services and Public Safety, and each other public body referred to in columns 3(b) and 3(a) of table 1·3 of the aforesaid Estimates, so as to reflect the £604,000,000 shortfall resulting from the failure to implement the Stormont House Agreement.” — [Mr Allister.]

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. I will give our friends time to move across.

I want to return to some of the topics that we tackled earlier today. In brief, and in summary, our belief is that we need to have a more robust attitude and challenge to the cuts juggernaut that is coming at us from London. It disappoints those of us on this side of the Chamber that our colleagues on the other side of the Chamber are willing to accept, willy-nilly, the nature and severity of those cuts. They take it as read that there should be no resistance, protest, demand to, or explanation from, the British that it is the wrong way forward, that it will not benefit anyone in this community and that it will not help our economy. We are divided on the approach; I understand that. Despite that, the evidence shows that the ideology of austerity has not been the springboard for the improvement of our economy, and will not be in the time ahead.

The amount of money that has been taken from our block grant has been well rehearsed in the Chamber. At times, some of our colleagues across the Chamber are more critical of the British Government with regard to the £1·5 billion that has been taken out of our Budget since 2011. They have the attitude that it is done and that there is no merit in saying to the British that it needs to be reversed. That is not my attitude. It is my view that the £1·5 billion that has been taken out is equivalent to 0·002% of the British Budget, yet, of course, it has been a hammer blow to our budgets and has meant real hardship for ordinary people. If we want to continue the progress that we have made in the last two decades, we need to have that grant restored. We need to be able to provide the services that our people are crying out for.

Of course, we are at this crisis point because our friends in London are back in power. I was going to refer to the Lib Dem/Conservative coalition, but the Conservatives are back, on their own, in power, and have wasted no time in telling the public and us that further cuts will be our lot in the time ahead. We were fresh out of the election when we were told that cuts in the region of £30 million would come immediately, in-year. We also know that the £25 billion reduction that is being talked about will mean swingeing cuts to our budgets.

At some point, all of this will become unsustainable. Is it our role as politicians, civic leaders — people who have a stake in this land, in this community, and who are fighting for our neighbours, families and society — to go back to our community, time out of number, especially in the years ahead, and say that we have less money, that we will have to continue to cut back, and that we will have to continue to make a detrimental impact on public services because that is what the British are insisting on? If that is our entire role in politics, it places a huge question mark over why we should continue in that matter. I am not here to carry water

for English Ministers. I believe that, if we are masters of our own destiny and have the ability to raise from our own people the resources needed to pay for public services, we should be allowed to do that. However, the British want it both ways. They do not want to allow us that right, except in very restrained circumstances, where they say that we can have corporation tax powers, but, at the same time, the income tax, the PAYE revenue, raised through the extra jobs, would go to London only. And so it is with all the other fiscal levers.

In the time ahead, our objective must be to have a response from the entire community right across the board. Last week, as part of a Sinn Féin delegation, I met the Institute of Directors (IOD) and the CBI. It heartened me to find that their attitude is not that of the Tory Government; they do not agree with the Tory Government when they say, "It is our way or the highway." They believe that there is a strong and special case to be made for our community as to why we cannot continue to suffer this blizzard of cutbacks. I am particularly heartened by the CBI's insistence that, to inflict further cuts on this society will make it even more difficult for us to do the essential things if we are to build the economy, not least provide jobs to our young people and make sure that our universities have the ability to turn out the many talented and qualified graduates that industry calls for.

My call today is that, as we look to the future, we have a vision for a society that is fair and prosperous. I do not believe that that is impossible. I believe that we are united, right across the Chamber, in the belief that a fair and prosperous economy is good for everyone. That is one of the visions that unites us.

At this stage, we are divided because some of us are willing to accept the agenda from London and some of us are not. It is my feeling that continuing to slash public services and to accept, without protest, the continued cuts to our Budget is not the way forward. We will not be thanked for that, either by the electorate or the community.

I hope that, in the time ahead, as negotiations continue with the Treasury on the way forward and the austerity ideologues sit down and take out their pencil and decide what budgets to cut, our representatives on the Executive will bring to them a united voice and insist that we need the resources to build this society and to provide first-class public services to our people. We will continue to work in the interests of ordinary people to create jobs for all and to build the economy. It is my hope that, as we emerge from discussions in this Chamber and outside it, we can get a united approach from us all around the Chamber to the British Government in the time ahead.

I am someone who likes to say yes, but, if we are to say no to anything, now is the time to say no to the austerity ideologues and English Ministers and say that we will not accept their mission or plan to make our institutions untenable and unsustainable. Be sure of this: if they continue to cut as they plan — taking another £800 million out of our Budgets between now and 2018 — they will have dealt a hammer blow and a death knell to the institutions that we are all fighting to keep up and sustain in this part of the world.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to

speak on behalf of the Committee for Enterprise, Trade and Investment on the Main Estimates. The former Minister briefed the Committee on 10 February 2015 on the draft Budget proposals.

DETI's baseline position consisted of an overall 15·1% reduction distributed pro rata across the Department and its arm's-length bodies. The Committee noted that the assessment provided little indication of any prioritisation of expenditure in DETI. The Committee would like to have seen further analysis to ensure that the impact of reductions is lessened on areas of strategic priority for the Executive. Unfortunately, that does not seem to have occurred.

More than 90% of Invest NI's budget for 2015-16 was already committed when the Committee was briefed in February. DETI officials informed the Committee that that meant that Invest NI would be unable to support its current level of activity, resulting in fewer jobs being promoted, and presumably leading to fewer jobs being created. On a future Programme for Government (PFG) and economic strategy, officials stated that Invest NI would have to scale back its targets. That is of considerable concern to the Committee, especially at a time when Invest NI is performing very well against most of its PFG targets. The growth of Northern Ireland's export base is the one key area in which Invest NI has not met its targets, yet there seems to be no provision in the Budget to address it. Northern Ireland has a small internal market; therefore, the growth in exports is essential to economic growth.

Assurance provided previously that no worthwhile inward investment for job creation will be rejected owing to budgetary constraints remains in place. The Committee sought and received an assurance from the former Minister of Finance and Personnel that that remains the case. However, reduced activity by Invest NI will undoubtedly result in fewer opportunities being identified, leading to fewer worthwhile proposals for inward investment and, as such, fewer jobs being created. At a time when we are looking to reduce corporation tax and promote the North as a place to do business, that has to be a concern for the Executive.

DETI officials briefed the Committee on the June monitoring round on 2 June 2015. The Department outlined key monitoring round bids of £4 million to Invest NI for the Bombardier nacelles project and £1 million to Tourism NI for feasibility studies around maximising current tourism initiatives. The economy is the Executive's number one priority, and the Committee has always believed that it is important that Invest NI be resourced to meet current commitments, and to deliver for future opportunities that present themselves. The Bombardier nacelles project is a high-value research and development project. That DETI's GB counterparts are also topping up the £110 million project shows its significance, with an estimated 115 R&D jobs, 168 production jobs and the potential for subsequent work to emanate from the project.

Invest NI bid for £4·3 million in capital for Seagate Technology (Ireland) for R&D assistance into leading-edge technology. That will be an important project for the site in Derry, with the company itself spending £34·7 million on it.

The Committee welcomes the initiatives in the June monitoring round that aim to maximise on money already spent by the Department. A bid of £1 million by Tourism NI for feasibility studies includes exploring the potential for

future spin-offs from the high-profile 'Game of Thrones' and further footfall opportunities for the Gobbins path. The Committee looks forward to reviewing the results of the feasibility studies and any future work on the projects. It will continue to scrutinise the benefits, and whether they outweigh any spending.

There is slippage on the Waterfront convention centre, the Railway Preservation Society of Ireland and the SS Nomadic. The £1 million for that will be met by reallocation of funds. The Committee recognises the importance of those projects, not least the benefits of the Waterfront convention centre to visitor numbers and to putting Belfast on the map as a major conference destination.

The Committee is awaiting further information from the Department on the voluntary exit scheme for the Health and Safety Executive for Northern Ireland (HSENI). DETI core has registered £2.4 million and HSENI £0.5 million of requirements for the voluntary exit scheme. Those were considered in the first tranche of bids under the scheme. The Health and Safety Executive plays an extremely important role in ensuring and promoting health and safety in the workplace, not least with its recent advertising campaign for farm safety, which resonates very sadly and soundly with us all.

The Committee asked what impact the voluntary exit scheme will have on the most vital HSENI services — including, of course, farm safety — considering that, just over 18 months ago, the Health and Safety Executive appointed eight trainee inspectors to address a shortage in staff and bring the organisation up to full complement. The Committee has noted a reduction of half a million pounds owing to construction work not commencing on the gas extension project to the west and north-west until later in 2015. Again, that is an important construction project that will bring jobs in itself but also provide long-term economic benefits.

I will now speak for a moment in my capacity as a member of the SDLP. I wish to discuss the processes around the Northern Ireland Executive Budget. The most recent Assembly Budget Bill debate was only four months ago. I will reiterate a point that my SDLP colleagues have made many times.

An annual budgetary process used in other jurisdictions causes participation and robust process and brings ideas to the forefront. We in the Northern Ireland Assembly should and could have a significant budgetary process to discuss, but this is simply a financial management process — or mismanagement, as some might argue. There are so many things that we could be discussing, as well as legislation and allocation of funds that we could be bringing forward.

3.45 pm

I have been out and about quite a bit in the last while, and a key issue that has been raised with me by members of the community, particularly young families, is childcare. I know that my colleague Seán Rogers has raised that on a number of occasions. The costs of childcare are exorbitant, and it is essential that I put this on the record. Aviva did a survey at the tail end of last year into childcare costs for parents of children up to five years of age. Many of them are working for less than £100 a month after childcare costs are paid. That is the situation that many people are facing. Indeed, many of them, mostly but

not exclusively young mums, are having to face choices about whether they should or should not work. Those exorbitant costs are providing a barrier to employment, especially for young mums, and that deprives the labour market of key and very well-educated people with skills, who are being forced because of those pressures and the costs of childcare to remove themselves from the labour market. Childcare is also ultimately a key element in the development of the academic and intellectual skills of the child. We need to identify early on whether there are any shortcomings or problems that might need to be addressed in the development of the child. It has huge, huge social and economic value.

We have had a debate in the last while on welfare reform. I think that it is time we moved the focus. It needs to be on people who face difficulty. We need to move the focus of our debate from welfare reform to welfare and work reform, especially when those high childcare costs mean that one in five parents are considering either reducing their hours or giving up work altogether, thereby depriving the labour market of key people at a time when we are talking about investing in skills for our young people and reskilling people of a more advanced age. As a consequence of lack of proper investment in childcare, that key element of the skills sector is being withdrawn from the labour market. We talked about corporation tax. I think that a big attraction for any FDI coming here — yes, reduced taxation levels helps — is to come to a society that is caring and supportive towards its employees.

As my colleague Fearghal McKinney mentioned, we in the SDLP welcome the Supply resolution for 2013-14 Excess Vote, which provides further funding for the Department of Education and the Department of Health. The Main Estimates for DFP state that it will be unable to quantify the liability faced due the voluntary exit scheme and that it will become clear only in-year. I am concerned that that will affect the ability of not only the Department of Finance and Personnel but other Departments to work effectively. It appears that the Departments have not yet been able to forward plan to deal with that. I know that many civil servants are looking ahead, trying to plan ahead and trying to work their way through this, so it is important that they, too, have clarity on what their circumstances will be.

I will conclude at that, Mr Deputy Speaker. Thank you very much for the opportunity to put that on record.

Mr Swann (The Chairperson of the Committee for Employment and Learning): I welcome the opportunity to outline the Committee for Employment and Learning's consideration and views on the Supply resolution Main Estimates 2015-16. As it is one of the Executive's largest spenders, scrutiny of the DEL budget is taken very seriously by the Committee, and, to that extent, Minister Farry briefed it on the budget on 26 November, 10 December, 3 February and 18 March to provide details of the changing situation with his Department's budget.

During his briefing on 3 February, the Minister informed the Committee that the original total for the reductions that he had to find was £82 million. However, due to a reallocation of £20 million from the Executive, the total reductions to be found fell to £62 million.

I also welcome the fact that the Executive have listened to Committee and others' warnings about the Department for Employment and Learning's spending and provided £13.2

million of change fund money to bring the Department's opening baseline budget cut to £48.3 million.

In dealing with the pressures, the Employment and Learning Minister outlined his way forward to the Committee. The Minister provided detail of £33.2 million reductions made up of £18 million of cuts rolling forward from the 2014-15 budget and £3.5 million of efficiency savings from the employment service.

The main issue that exercised the minds of the Committee during the Minister's briefings was the impact on student places in our universities and colleges and the knock-on impact on the Northern Ireland economy. In detailing what the impact will be, the Minister outlined that the remaining £30.1 million pressure on the budget will be managed by a reduction to the universities of £16 million, a reduction to the further education (FE) colleges of £12 million and further departmental efficiencies of £4.1 million. The Minister accepted that the remaining £6 million of savings to be found by the universities will most likely result in a cut in university places and jobs. This is at a time when the Minister has warned that even no reduction in jobs or places is not a positive option and that an increase in places is needed for the sake of the future of Northern Ireland as a growing economy. On that issue, the Committee welcomed the commitment by the universities that there will be a protection of the narrow STEM subjects, given their importance to the economy.

The Committee welcomed the allocation of £7.5 million from the change fund to enable the Department to proceed with piloting the new apprenticeship strategy and the youth training strategy, but it is concerned that those new initiatives may not cover the shortfall found elsewhere. The Committee has also noted with concern that the Minister has been unable to guarantee committing extra funding to vocational skills and apprenticeship programmes to meet the demand that will result from a shortfall in places at colleges and universities.

The Committee welcomed the fact that the Minister is not cutting the further education and higher education support that it gives to students with disabilities, and also that it is not cutting its disability employment programme. The Committee was also content to note that the Department is also protecting the hobby and leisure provision for people who have learning disabilities.

At its meeting on 20 May 2015, the Committee was briefed on the June monitoring round by departmental officials and welcomed the fact that the Department is making four non-ring-fenced bids.

The first bid is in relation to £6 million end-year flexibility to ensure that inescapable pressures are met across the further education sector. Departmental officials advised the Committee that it is absolutely critical that the Department receives that money, as failure to do so would mean that the money would have to be found elsewhere in the Department and create further pressures in the Department.

The second bid is for £5.5 million to meet inescapable contractual obligations or residual costs after the pausing of the youth employment scheme in December 2014 and the costs of the remodelled employer subsidy for 18- to 24-year-olds: £4 million of this bid relates to the youth employment scheme and the remaining £1.5 million relates to the remodelled element. Again, the bid for the

youth employment scheme is a committed amount, and, if the bid is unsuccessful, the money will have to be found elsewhere in the Department.

The third bid is for £2.6 million of match funding for the European social fund to meet the match funding requirements of that programme. This is required to bridge the gap in the departmental match funding element, and, if not met, the money would have to be found elsewhere as it is already committed.

The fourth bid is for £1 million for the economic inactivity strategy to develop a range of pilots to see what works best to tackle economic inactivity. However, the Committee noted that this bid is not inescapable and could be delayed. The Committee has already expressed concern regarding the timelines for some of the projects that would not commence until 2016 or 2017, and even some as detailed as 2019. Therefore, if the strategy is delayed now, some projects may not commence until well into the new mandate in 2021.

The Committee also noted that the Department has submitted two capital bids — one for the further education colleges of £5.9 million, which is to ensure that colleges meet their legal and statutory obligations on health and safety and disability.

The Committee for Employment and Learning will continue its scrutiny of the Department for Employment and Learning's budget and especially the Minister's efforts to mitigate the impact of the cuts.

I now wish to make a few comments as a member of the Ulster Unionist Party and as a Member of the House. With regard to the Employment and Learning budget, I believe that the removal of the education maintenance allowance for the Pathways to Success programme has caused severe problems to many young people. The latest position from the Minister was that it was still on his desk. I hope that the Minister makes a positive decision and makes it soon. The Include Youth Give and Take online video that was posted recently will explain the importance of that funding.

With regard to the European social fund and the match funding, many organisations are still in limbo over the current programme and are waiting for money to be delivered from the Department so that they can finish off the last programme.

As chair of the all-party group on congenital heart disease, I will seek the confirmation of the allocation of moneys to provide the promised cardiac centre of excellence for children in Belfast, as recommended in the international working group report. I want to express my disappointment that the moneys — namely £1 million — promised a number of years ago by John Compton during the review of cardiac surgery in Belfast was utilised by the Minister of Health to send children across to England to have their surgery done there. The £1 million that was promised to revitalise the centre in Belfast was utilised elsewhere. So, I would like the financial commitment that that money will be promised in the incoming Budget.

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I am speaking today as Chairperson of the Committee for Agriculture and Rural Development and will represent the views of that Committee.

The Committee received material and documentation from DARD on the Main Estimates and took oral evidence from officials on 2 June 2015. In carrying out its scrutiny of the Main Estimates, the Committee noted the following issues and concerns. First, and most importantly, the Department is the paying agency for EU grants to farmers. The Main Estimates that DARD presented to us on 2 June show a figure of just over £245 million for CAP. The administration and payment of CAP funds is DARD's single biggest task and responsibility. It is no surprise, therefore, that when we examined the Main Estimates, that is where the Committee focused its attention.

The Committee is adamant that the main priority for DARD should be its front-line services to farmers and the wider rural communities and, specifically, the payment of the EU grant. The Committee recently received a separate written briefing on the numbers applying for the EU grant through the single application form. We are aware that this year is a time of great change and flux for DARD. The system has changed, and, instead of a single payment of an EU grant to a farmer, there are now up to five separate areas where the farmer can claim payments. All those new areas need to be checked, inspected and verified, and some of those inspections are new and different from what went before. For example, all applicants to the fund now need to meet a new criterion called the active farmer. All applicants need to provide proof that they are an active farmer, and that proof needs to be checked and verified by DARD.

In the past, the Committee has received assurances from the Minister and DARD officials that the basic payment system is the number one priority for the Minister and the Department. The Committee acknowledges that the system has changed and is more complex to administer, but there has also been a fall in the number of applications. This year, we have seen an increase in the number of applications made online, which makes the administration easier. Those two factors — the falling number of applications and more applications made online — plus the additional support that DARD has requested for IT systems in the June monitoring round should counter any proposed increase in complexity. We, therefore, fully expect that DARD will be able to meet the same payment timetable as last year.

There has also been some speculation in the media regarding the legalities around the payment of the EU grant in the event that no Budget can be agreed and the permanent secretary of DFP takes over the Budget for Northern Ireland. This is the issue of accruing of resources. I was, therefore, pleased to note that the Minister of Finance and Personnel stated during Question Time on 9 June that she was taking steps and was confident that the basic farm payment would be paid, even if it is not through the normal processes. Northern Ireland farmers will take some assurances from that.

In its further scrutiny of the Main Estimates, members of the Committee questioned officials on the voluntary exit scheme. The Committee is aware that DARD is expected to make savings in salaries of £5.9 million from the exit of staff. The Committee was interested to explore the firmed-up figures and any assessment the Department has made regarding the figure of £5.9 million. The Committee was interested in DARD's assessment of whether it would make that saving and what impact it would have on its Main Estimates if it did not. Unfortunately, the officials were

unable to tell us very much, other than that DARD staff who had applied had received letters that morning. That was 2 June.

The Committee also questioned DARD on the budget provision for TB compensation. As the Assembly and Members are aware, TB compensation has been very costly to the public purse. As a result, the Committee keeps a very close eye on the costs of TB, including not just compensation paid to farmers but the costs associated with testing and research.

4.00 pm

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

This year, for the first time, we see the full costs for TB built into the Main Estimates. Previously, there had been a structural deficit in the Main Estimates in that only around £5 million was allowed for TB. That meant that the Department had to constantly seek additional funding for TB in the monitoring rounds. Our Deputy Chairperson, Joe Byrne, referred to the Department's reliance on the monitoring round for TB compensation as being like relying on a slush fund. He was not too far wrong.

This year, for the first time, we saw a baseline of £12.5 million in the Main Estimates for TB. You can imagine the Committee's disappointment when it was informed that that line in the Estimates was incorrect and that an additional £4.5 million bid was being made in the June monitoring round.

Testing for TB in cattle and the payment of compensation are statutory responsibilities: they must be done. Given the uncertainties over the Budget process, we, as a Committee, had to ask the "What if?" question. Mr Poots directly asked the DARD officials:

"What happens when you do not get the money?"

The answer was not reassuring. The Department basically told us that it was exploring contingencies, that none of them were palatable and that difficult decisions would have to be made. A final point to make on the issue of TB compensation is that the additional bid is due to a spike in TB incidence. That is something that we are not happy with, and we have called for additional information.

The final issue that I want to cover, which was raised at the Committee, is the upward trend in departmental administration costs. Those costs have risen from £54 million in 2013-14 to nearly £58 million in 2014-15, and the Main Estimates show a further increase to just over £60 million in 2015-16. On top of that, programme costs over that same period have dropped considerably. We, as a Committee, cannot understand that, and we are not happy with the explanation that we have been provided with. We questioned DARD officials on 2 June, and we will be keeping a very close eye on administration expenditure in the future.

That concludes my remarks as Chairperson of the Committee for Agriculture and Rural Development.

Dr Farry: I am speaking as an ordinary MLA, and I will resist the temptation to respond to some of the comments made by Mr Swann in his capacity as Chair of the Employment and Learning Committee.

Mr Allister: Oh, go on.

Dr Farry: All in good time.

At this stage, it is important that we understand and recognise what we are doing today and what we are being asked to do today and over the next couple of weeks, namely to pass a Supply resolution to authorise the supply of resource and pass a Budget Bill to give legal authority to Departments to spend that money. That should be the normal course of action during any financial year. The Executive and Assembly take policy decisions in terms of the Budget resolution, and then there is a responsibility on the Assembly to ensure that that money flows.

As people know, my party opposed the Budget in the Executive for a host of reasons, including a lack of strategic thinking for the future and difficult decisions not being taken, including a fair and balanced approach to revenue-raising issues and issues around the cost of division. Those are all issues that are big structural difficulties within our Budget. Once that debate happened this year and a democratic agreement was made, we all had a duty to ensure that we follow through with the supply of the necessary resource. So, as we find ourselves in June, our duty is to ensure that we follow through with that Budget, albeit one that we believe was flawed in a number of respects. That is our responsibility as legislators in this context.

As we meet today, that context takes on a certain air of unreality, because we all know that there are some major financial challenges facing Northern Ireland, most of which are self-inflicted wounds due to our lack of ability to agree on the politics of the way forward. Northern Ireland is in a bad place financially and politically, in the sense that we do not have a sustainable framework of public finances. The immediate issue, above and beyond those wider structural difficulties that I have alluded to, lies in the non-implementation of the Stormont Castle agreement and the Stormont House Agreement, including the thorny and difficult but inescapable issue of welfare reform.

Obviously, we would not wish to start from this place, but the least irresponsible thing to do is to proceed and ensure that we have some sort of legal framework in place around money. We have a duty to ensure that the money does not run out, and anyone who is thinking of voting against the Supply resolution this evening needs to think very long and hard about what the consequences would be of a no vote and, indeed, if the Assembly were to follow suit and endorse their perspective on a no vote. That would mean that, in the absence of an intervention from the DFP permanent secretary, the money would run out. In that eventuality, there would be not only a political problem but a financial problem, in that we would be facing much deeper cuts even than those that we wrestle with at present, with all of the pain that has been articulated not just by MLAs but by people across society over the past number of weeks and months.

At the very best, agreeing the motion does not in itself resolve any of those political and financial issues, but it buys us a little time. I have to confess that I have a slight reservation about proceeding on this basis because, true to form, there is a danger of people sitting back and becoming complacent: somehow, having got over one hurdle, money can be spent regardless. We have to use the time that we buy wisely, and time is not a luxury that we have. We have to act quickly to resolve the outstanding issues because, if we keep putting off their resolution until the late summer and into the autumn, when we finally

reach a conclusion on the way forward, we may well face even steeper cuts than those that we have had to face so far. Much less time will be available to deliver those cuts, meaning that the options available to Ministers and Departments will be much more constrained and the pain across society even deeper. We have a duty to give those whom we serve a degree of financial certainty as early as we possibly can.

There was a degree of unreality in some of the remarks that I heard from Members from all Benches, particularly from the two nationalist parties. I know that the Green Party will join in later. The two nationalist parties articulated concerns about the cuts and talked about how terrible it is that this is happening, that that is happening and that we are missing out on opportunities. If they had any sense of joining the dots, they would recognise that the failure to deliver the agreements at Stormont House and Stormont Castle and the failure to face up to the realities of welfare reform are plunging Northern Ireland into financial uncertainty, and that is making the pressures on public services and on the economic levers that transform our economy even more acute. Every time individuals stand up and talk about cuts, they need to look at themselves in the mirror and ask what they are doing to help or hinder that particular situation. Are they part of the problem or part of the solution?

If we drill even more deeply, we find troubling issues that need to be teased out. I appreciate that a lot of people have very deep concerns about the cuts made to the Northern Ireland block grant over the past number of years. Also, there is uncertainty about the future, with the very real prospect of cuts to welfare payments and the Northern Ireland block grant in the immediate years to come. If we are to fight that process and join forces with Scotland and Wales to present a common front, surely our position will be strengthened if we are able to show that we are capable of acting in a responsible manner through having resolved the financial pressures facing us this year. By contrast, if we go into that process with those issues unresolved, our credibility will be so much weaker. I do not see how having an understanding of this year's financial framework will, in any way, shape or form, prejudice our ability to argue our case — our special case and our special circumstances — in any process of dialogue with the Treasury over the years to come. Those who are deliberately holding out on providing financial certainty because of their stated concerns about what may happen in the future need fundamentally to reassess their position.

Perhaps even more fundamental political and constitutional questions are being raised. We hear talk, particularly from Sinn Féin but echoed implicitly by the SDLP, that they want to be masters of their destiny in Northern Ireland and that they are not here to administer cuts on behalf of the UK Government.

That is not what they were elected into politics for. Certainly, I do not want to be in a situation in which I am cutting budgets; I find it incredibly difficult, and it pains me every time that I am forced to make a cut. However, we have to recognise the wider constitutional reality: we are part of a UK framework, and that is where our public spending comes from. We do not have the resources to go it alone and have a free-standing situation. Insofar as tax-varying powers can be considered, it has to be in a framework in which we are still dependent to a

very large extent on the Treasury. Indeed, if we were to imagine a future united Ireland, unless there were a major change of circumstances, Northern Ireland or a devolved Administration in the northern part of the island would be very heavily dependent on a fiscal transfer from the Irish Government as a whole, which themselves have gone through a process of austerity and spending cuts. They could then put a lot of pressure on public spending in Northern Ireland, and the same arguments would be voiced again.

The approach also does a great disservice to the creativity and innovation that has been shown under devolution. We are not simply here to dole out money on behalf of others. We are here to add value and make a difference, not always by spending money in different ways but by showing creativity in policy and the type of projects we put in place and ensuring that those projects are much more in keeping with our set of affairs.

Most troublingly, if you join the dots in what Conor Murphy said implicitly on 'The Stephen Nolan Show' last week, Sinn Féin not only insists that it be immune from what happens in the UK as a whole, bypassing entirely the principle of consent, but believes that Northern Ireland must have the ability to determine its own future and that, because in itself Northern Ireland is not sustainable, there needs to be an all-Ireland framework. If Sinn Féin is essentially linking delivery of a united Ireland in the short run and as a precondition to progress on all these issues, it is obviously erecting a bar that is —

Mr Deputy Speaker (Mr Beggs): Could the Member bring his remarks to a close?

Dr Farry: — beyond anyone's reach, not least because we have to respect the democratic wishes of the people of Northern Ireland. There are a lot of not only political and constitutional but financial and economic issues that we have to square if we are to make progress over the coming days.

Mr Wilson: None of us wants to be in the situation we are in today of the Finance Minister bringing forward this proposal. It is not an ideal situation, but it is the only solution available if Departments are to have the authority to keep on spending after July to deliver all the services people expect in Northern Ireland, to pay public-sector wages and to pay grants to groups that depend on government. This Supply resolution has to be passed today, and Stephen Farry is right: those who wish to vote against it ought to consider the consequences, which will be that every one of their constituents will be affected when, after July, the ability to spend money is no longer there.

As was pointed out, the Finance Minister is asking us to authorise the expenditure of more money than we know will be available. Eventually, Departments, if they keep spending at the rate this Supply resolution would authorise, will be overspent, and there will be consequences. I suspect that the Treasury will not permit it. The Treasury will certainly not want that to happen in Northern Ireland, because it would have implications for Scotland, Wales and other parts of GB as a whole. Nevertheless, we have to move forward and have certainty that Departments will be able to spend.

There have been three reactions. One was from Mr Allister, who said, "Let us not have the black hole in the Budget; let us cut £600 million from these Supply resolutions". I have two issues with that. It ignores the fact that the Finance

Minister is trying to get the Assembly and the parties that have buried their heads in the sand to address the whole issue of the Stormont House Agreement. It ignores that issue. The one way of either getting the parties here to focus on the problem or to get the Government at Westminster to focus on the problem is to have a Supply resolution that clearly leaves the problem unresolved and forces people to pay attention to it.

4.15 pm

If Mr Allister wants to let Sinn Féin and the SDLP off the hook on the decision they have taken, then the way to go is to vote for his amendment. I will give way.

Mr Allister: I suggest that the Member is proposing a course that kicks the can down the road and gives Sinn Féin more time to play the games it loves to play, instead of facing reality. My amendment would pull everyone up short and cause the parties to face reality, rather than kicking the can even further down the road to the point where the Minister inevitably breaks Treasury controls and we are in an absolutely irreparable crisis.

Mr Wilson: Of course, it does not. First of all, although I suspect his amendment will not be carried by the Assembly, we would immediately be in the situation, not where we have a black hole, but where we would be throwing ourselves over the cliff, because there would not be any spending power available for Departments after the end of July. The second issue, of course, is that the reductions are unspecified. He will argue, of course, that he has covered them in his amendment, but all that does is give general terms. It actually works, in effect, on a 15% annual reduction in the budgets of all other Departments apart from the Department of Health. I would have thought that, if he wanted the Assembly to make that decision, we would have had at least some indications as to what that means for schools, housing, roads and all of the other budgets. Of course, that is not specified.

At least there was some construction in his amendment. SDLP Members have taken a totally different view. They have simply buried their heads. Listen to them. They have prattled on today about the need for annual Budgets, the need for more money on childcare and the need for more money on health, as Mr McKinney told us, as if there was not a problem and we did not have a shortfall — a shortfall caused by their party and the fact that it joined Sinn Féin in the blocking mechanism of the Stormont House Agreement and welfare reform. They cannot pretend that they have not caused a problem. They certainly cannot then go and blame the Government at Westminster, as Alex Attwood tried to do, and say, "Well, we were promised the final Budget".

The Budget that I voted on at Westminster earlier in the year was the final Budget for this year, but, as the Conservative Government won a majority, they are now going to revise that Budget. It is the right of a Government to do that. They have decided to revise the Budget for the whole of the United Kingdom, with financial implications for here. We cannot just run away and say, "Well, it's the Government's fault". It is the parties in this House that have refused to implement the agreement that they made in December, which would have given the Finance Minister the resources to do all the things she wants to do over the next year. It is their fault that we have not got it. We cannot bury our heads in the sand and then just prattle on about

what we want to spend money on. I noticed, of course, that, although SDLP Members talked about those extra things, they did not suggest one way in which we could get the money.

If we come to the other end of the spectrum — total irresponsibility — then of course we have Sinn Féin's attitude to it. "We simply resist it all." How they resist it is unspecified. "The cuts juggernaut should be resisted. We will stand in front of it." Well, you are going to get run over. "We will not carry water for British Ministers, though we will pour cold water all over economic recovery in Northern Ireland by our irresponsible behaviour." Of course, the ultimate threat that we got from Mr Ó Muilleoir at the very end of his speech was that, if the Government insist that Northern Ireland, as part of the United Kingdom, bears its part of the United Kingdom budgetary cuts, that will be the death knell of the Assembly.

Now, that is really constructive. Of course, if it spells the death knell for the Assembly, will the juggernaut stop? No. Will the cold water of austerity not affect Northern Ireland? No. It will simply be done by Westminster. That is Sinn Féin's solution: resist it in some unspecified manner and, if not successful, close the Assembly down. I take it that that is what Mr Ó Muilleoir meant when he talked about the death knell for the Assembly: "We will walk out and let those evil Ministers from Westminster do the job anyway".

It is significant that no other part of the United Kingdom has adopted that immature attitude. Despite all their rhetoric, the Scottish nationalists have still introduced budgets commensurate with the reductions that have come from Westminster. Despite the opposition in Wales, the Welsh Labour Government, with all their rhetoric against austerity, have introduced a budget that reflects the cuts that have come from Westminster. It appears that only in Northern Ireland is there a group of politicians who are so immature that they cannot see that, as part of the United Kingdom, there are considerable benefits for us — £10,000 million worth of benefits each year for us. They simply ignore reality and, first, cause uncertainty for those who want the economy to work and, secondly, bring disrepute upon politics. That side of the House has been almost entirely responsible for that.

The Finance Minister, in the absence of any construction from other parties in the House, has done the best job she can. Yes, there are implications for it and it may lead to intervention from the Treasury, but —

Mr Deputy Speaker (Mr Beggs): The Member must draw his remarks to a close.

Mr Wilson: — the important thing is this: we have it, and it will keep public services running in Northern Ireland after July. Therefore, I believe that the Supply resolution that she has tabled should command the support of the House.

Mr Rogers: I welcome the motion today and the opportunity to speak on it.

The Supply resolution for the Northern Ireland Main Estimates 2015-16 provides us with another opportunity to assess the areas of greatest need in the education sector. I have consistently argued that the main priority for the Assembly in its approach to education should be delivery in the classroom. Northern Ireland must consistently raise standards in the proper provision of education and, in

order to do that, there must be a consistent strategy and balanced funding for all levels of a child's development.

Let me say to begin with that I fully appreciate and welcome the additional £6 million being provided to the Department. I recognise that not all Departments have been so lucky. I note, however, that this was a wise move, as, ultimately, the proper provision of education for the region will have a lasting impact for generations to come. Education forms the building blocks of our society and economy. It is primarily through education that children and young people will develop their attitudes and their views of the world. Education remains essential for gaining the tools necessary to build a fulfilling future. I call on the Minister to use the money wisely and effectively. When I say "wisely", I mean through sound financial management that empowers schools and other institutions to meet the educational needs of all young people.

The term "subsidiarity" comes to mind. The Oxford dictionary's definition of the term is that it is the idea that:

"a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level".

Through the local management of schools (LMS), the large majority of schools have demonstrated that they are capable of sound financial management. I have no doubt that, if other aspects of their budgets were delegated, they could do a very good job and ensure value for money. I have spoken many times about the procurement process for general maintenance. I have no doubt that schools could save thousands of pounds and redirect this to where the need is in the classroom.

With less money tied up in education administration in the Department and at authority level, primary schools could deploy resources in areas of curricular need. Science, in *The World Around Us*, is the birthplace of STEM. The SDLP believes there must be a more robust focus on attainment in STEM subjects and degrees to provide our young people and, as a consequence, our businesses with the necessary skills base to excel in this era of global competition.

Education funding must make proper provision for young people in order to help them reach the highest possible standards of educational achievement and, as outlined by the Estimates, to grant them a secure foundation not only for lifelong learning and employment but to develop their values and attitudes so that they may help bring new prosperity into Northern Ireland.

To allow our children to grow and develop in the most beneficial way, it is crucial that there be investment in a long-term early years strategy, as it remains essential if we are to create the building blocks for our children's educational future. Underinvestment and the lack of a long-term strategy in education not only fails our children and young people but is detrimental to our economy and to social justice. Early years funding now stands at £26.9 million, representing a noticeable drop from last year. I am once again dismayed that even the most critical years of a child's development are underfunded. The proposed reduction of £1.7 million in the early years fund creates a serious risk to 170 jobs and up to 2,500 early childhood places. Particularly worrying is the effect that such proposals will have on 620 special needs children who

rely heavily on such funding to help meet their specific learning needs. The early years fund has proved vital to the development of children across Northern Ireland, by sustaining high-quality services in areas of greatest need and supporting initiatives across the region. Not only is an effective early years plan right for the development of our young people but it will help improve our local economy in the long term.

As I noted earlier, a well-educated population can bring innovation, creativity and ingenuity to the local economy. Therefore, the SDLP recognises that a child's development hinges on high-quality early childhood education. I urge the Minister to use excess resources to fund early years learning. It is at that base level that increasing investment is essential to addressing poor rates of literacy and numeracy.

Mr McCallister: Will the Member give way?

Mr Rogers: I took the advice of the Speaker earlier that I do not get an extra minute.

I wish to make a couple of points on literacy and numeracy. In 2010-11, 9,000 pupils left full-time education having failed to reach the required standards in literacy and numeracy. An Audit Office report in February 2013 stated that thousands of Northern Ireland's young people leave school unable to read and write. Northern Ireland's global education position for literacy and numeracy has been on the decline since 2006. Although we need emergency measures to address the issue in late primary and early secondary school, we need to adopt a strategic approach that gets to grips with it early in a child's education — in primary school.

Youth services are another critical aspect of the personal development of young people, with the issues of proper provision and funding needing to be addressed. The Estimates state that the primary goals for youth services should be:

"Promoting ... the personal and social development of children and young people and assisting them to gain knowledge ... and, through community relations measures for young people, encouraging the development of mutual understanding and promoting recognition of, and respect for, cultural diversity".

To that end, it is crucial that youth services, from voluntary and community organisations to our very libraries, be properly and consistently funded.

When reviewing the figures, I made particular note of the almost £27,000 provided to the Department of Education by the European Union Programme for Peace and Reconciliation. I ask Members to recognise how EU membership benefits Northern Ireland, especially given the uncertain future that lies ahead. I listened carefully to the Chair of the Agriculture Committee and thought, "What would the farming community do without EU funding?".

If we are to see our economic outlook improve, we need to address the skill imbalances that characterise our island economy. Critically, those imbalances lead to lacklustre productivity and stifle levels of foreign direct investment and business start-up. Skill gaps act as an impediment to productivity and, as such, can generate lags in growth. Skills shortages refer to an imbalance between demand and supply in our labour market. Labour demands may not

be fully met if the labour supply does not possess the skills to meet those needs.

We also need to address the imbalance in employment opportunities. All Departments have the opportunity to decentralise public-sector jobs. I understand the pressure that the Invest NI budget is under, but smaller, indigenous business needs a greater share of the cake.

4.30 pm

The SDLP is only too aware of the finite nature of the resources that are available for education services and of the ongoing impasse in welfare reform. However, increased budgetary restrictions and severe Tory cuts in schools will result only in more expensive problems in school maintenance and future provision.

I have said this before and will today reiterate that sound financial planning and balanced funding are intrinsic to improving our education system. I urge the Minister of Education to allocate funding to strengthen the educational prospects of all our young children.

Mr Weir (The Chairperson of the Committee for Education): I will begin with a few remarks in my capacity as Chair of the Education Committee. The two votes on the Supply resolution for the Excess Votes for 2013-14 and the Supply resolution for the Main Estimates for 2015-16 are obviously interlinked.

I will first address the Excess Vote. Most of the excess — £6.28 million — is associated with the Department of Education and refers to a larger than expected cash drawdown in 2013-14. As the House is aware, the Public Accounts Committee has produced a useful summary report of all the excesses. The Education Committee questioned the Department on that in September 2014. The problem in question occurred in the education and library boards, and the Department has subsequently instituted an enhanced control framework to prevent reoccurrence. I understand that the new controls are operating well. We are obviously now also into a new scenario with the Education Authority.

Although £6.28 million is a very small amount when compared with the overall Budget or even with the £2 billion budget for Education, it is nonetheless very important that excesses of that type are avoided. I believe that the Education Committee is generally content that matters are now appropriately under control and that it will support the relevant Supply resolution.

Turning to the Main Estimates for 2015-16, the Committee has studied the budget for Education and appreciates the difficult choices that the Minister has had to make. While the Committee welcomes support for schools, it is concerned about a number of significant funding cutbacks, including, as mentioned by the Member who spoke previously, the early years fund, as well as the Sentinus STEM promotion programmes, the primary-school modern languages programme, the Book Trust Bookstart scheme and the community education initiatives. In addition, there are other challenges to the Education budget in 2015-16 and beyond.

The Committee expects that the level of uptake for teaching and non-teaching voluntary exit will be considerably lower than the target. The Department recently helpfully clarified that it never actually had a

target for voluntary exit and that it was, in fact, simply “an extrapolation”, as it called it. Notwithstanding the unusual semantics of redundancy, suppression and voluntary exit schemes, it appears that the failure to meet the imaginary target, or the “extrapolation” as the Department would call it, will lead to real pressures on school budgets. Indeed, the failure to meet that extrapolation is by a considerable margin; it is not something that is relatively minor.

The Department has prudently planned to make additional savings in other areas. However, it is not clear what will happen to individual schools if they do not take proper advantage of the exit scheme — indeed, if they are not given the opportunity — and consequently significantly overspend their budget. It is also not clear what the implications for school transport, school meals and other issues might be if the planned salary savings are not achieved.

The Committee was also surprised to learn of possible additional voluntary exits from the Education Authority. The Department has yet to clarify how many of those posts will be non-school based. I mention that, as the business case for the Education Authority indicated that the resource and staffing depletion had been such that the predecessor organisations, the education and library boards, had been operating at “the extremities of corporate risk”. It therefore seems strange that we seem to be contemplating reducing non-school-based staffing at all. From that point of view, I suppose the issue is also whether the figures were got right by the education and library boards in the first place.

In these times of constrained budgets, an important consideration will be the impact not only on services but on risk. It is, therefore, important that spending is planned and scrutinised and that, perhaps, mitigation measures are included against inevitable additional challenges. At the risk of understatement, I suspect that this may be a very difficult year for budgets, even in the best case scenario. By that I mean that there are a few unwelcome surprises, followed by unpopular revisions. We can all agree that what will be required by schools and the education-related public sector is the minimisation of risk to services.

Having made those remarks as Chair of the Committee for Education, I will move on to some remarks in my capacity as a DUP Member, but I will concentrate on the broader level of education. We have heard, particularly from the previous contributor, about a number of areas where there should be a shift in spending in the education sector. Although I would not share his concerns over Europe, I would broadly share a lot of his concerns about education. There has been, for instance, a lack of strategic direction in early years provision to ensure that there is that level of intervention.

The only problem with that is that while we agree on all those things, unless we get the broader picture right — there are certain parties here that would take us down a different road — dealing with the margins in education will be very much dwarfed by the £600 million black hole that potentially is there in the Budget. Are we to take the advice of Mr Allister, who has, at least, indicated that these are illustrative figures? The Department of Finance and Personnel has already produced illustrative figures, so, quite frankly, why he has a desire to act as a sort of catch-up with the Minister a month later is slightly beyond me. The cynic might say that, as he is not advocating £600 million in cuts, he put down his amendment simply to gain additional speaking time.

Mr Allister: I thank the Member for the additional speaking time. The reason for the amendment is to focus attention on the fact that we need to face reality. We cannot keep kicking the can down the road because that will just be exploited by those who love to do that. I wish to remind the House that what the Minister is doing today is precisely what, for weeks, she said she would not and could not do, which was to put her hand to a Budget with a £600 million hole in it. Yet today, that is exactly what she is doing.

Mr Weir: That is not what the Minister is doing. She will be able to respond to that in greater detail. This did not need to be illustrated because it has already been fairly heavily illustrated. In the Department of Education, the implications of a failure to grasp this issue will, pro rata, be about £114 million. Before and since I became Chair of the Committee for Education, I have met representatives of a wide range of groups who put forward very good cases for a lot of the good work that is being done in education. I do not doubt that for a moment, and I want to see that work supported. The implication, if we ignore the elephant in the room of the £600 million, will be devastating to education.

A year ago, when we had the draft Budget, changes were made by the Department of Education and the Department of Finance and Personnel. We were staring at a reduction in the aggregated schools budget of something in the region of £78 million. The reality is that if there is an in-year gap of £114 million, that will, largely speaking, be faced directly by schools. Sixty per cent of the expenditure goes directly to schools and a lot of other areas are things that, in a very short-term context, cannot be adjusted. This will be an in-year cut. We are not debating next year's Budget today; we are debating the Supply resolution for money going directly into this year's Budget. We are going to be left with a situation where, if we do not get this correct, or people do not allow us to get it correct, instead of the nightmare scenario that was painted a year ago of the implications for teachers of redundancies and the failure to provide levels of education, it will be greater than double that, because that is £114 million in-year. That is the abyss into which we are staring.

I believe in the positive value of education. I believe that it provides opportunities to be a life changer or game changer for many individuals. However, if some people in the House get their way, that game will be changed for people massively to their detriment. We will have a meltdown of the education system and that is the stark reality that needs to be faced up to in the wider context.

This is not some long-term issue that is going to be faced, as the situation in 2016-17 is going to be; it is about what is happening now and what is going to happen in the next couple of months if things are not got right. It will have real impact on the vulnerable in our society. It will destroy life chances. It will destroy schools. It will destroy children's lives. That is what we are faced with. The Minister has brought this forward to try to protect front-line services and do what she can to bring the matter to a head in a sensible fashion. That is why I support the proposal that has been put forward by the Minister and reject the proposal that Mr Allister put forward to cut £600 million from the Budget.

Mr Ross (The Chairperson of the Committee for Justice): In relation to the 2014-15 provisional out-turn, the Department's non-ring-fenced resource DEL underspend of £18.3 million represents 1.7% of the budget, or 0.9 % if

PSNI underspend is excluded. The capital underspend of £4.9 million represents 7.8% of the budget.

The Committee discussed the underspends with Department officials, particularly the PSNI underspend of £14.9 million, given the very clear budgetary pressures that the Police Service is facing, as were articulated not so long ago by the Chief Constable on a number of occasions. Whilst there are a number of explanations for the underspend, including legal aid challenges, the cost of which did not materialise during the 2014-15 financial year, and the actions that the PSNI has taken to reduce costs, which focus on planning for the longer term, it is disappointing that such underspends occur and were not identified and declared earlier to enable the money to be used, if not by the PSNI then elsewhere, particularly when there are clear budgetary pressures on front-line services in other parts of the Department.

The Committee fully expects the Department to work more closely with the PSNI during this financial year to ensure that there is transparency and adequate information around its budget, which accounts for over 60% of the overall Justice budget, and spending plans to identify any emerging pressures or easements so that action can be taken to quickly address those issues. The Committee has also advised officials that the Department must proactively identify and manage all emerging underspends to ensure that the budget allocated is fully utilised to support the delivery of its objectives and priorities.

The Committee was also very concerned to learn from officials that Treasury has indicated that the £53 million that was intended to be carried over, under end-year flexibility, for the Desertcreat community safety training college is not available and that, assuming that the college goes ahead, the entire funding will have to come from the block grant. The Committee is of the view that, the sooner a decision is made on how and, indeed, whether it should proceed, the better for all concerned.

In respect of the 2015-16 Budget and some of the key pressures that the Department of Justice is facing, the Minister has had to prioritise funding allocations to protect the delivery of front-line services. The result is severely reduced budgets in many areas of the Department. I previously highlighted the Committee's concerns regarding an approach to cutting spending that does not include a cost-benefit analysis or an analysis of the impact on and cost to other areas of the criminal justice system or other Departments, such as Health. The Committee still has concerns that, by reducing funding to projects that aim to prevent offending and rehabilitate offenders, such as those provided by NIACRO and other voluntary organisations, it will increase costs in the longer term for not just the police but the Courts and Tribunals Service and, ultimately, the Prison Service, thus negating, at least in some part, any savings that may be made in the short term.

Whilst it is clearly difficult to live within reducing budgets, the Finance Minister will know from her previous role that, much in the same way that the private sector used the financial downturn to make its businesses more efficient and look for innovative ways in which to do things so that they are in better shape coming out the other end, reductions in public spending should be used by government as a springboard for change. We should look at how we do things and whether new, innovative

approaches could be brought forward to save money and improve outcomes for service users.

That is why I instigated a series of Justice Committee seminars that looked at approaches that could be adopted here in Northern Ireland. The first three seminars that we hosted focused on youth justice issues. Three more will take place in the autumn, covering early intervention projects and other initiatives that we believe could be implemented here in Northern Ireland. The seminars bring together key representatives in the justice system — the judiciary, the PSNI, the Department, the Probation Board, the Youth Justice Agency, the legal professions and, of course, voluntary organisations — to discuss areas for improvement and new initiatives. We, as a Committee, intend to assess the information gathered and identify ideas and new ways of working that could be implemented in the justice system here to deliver more efficient services whilst maintaining the standards that we require.

4.45 pm

The Committee is also considering initiatives being taken forward in other jurisdictions and will undertake a visit to London before summer recess to meet the Lord Chief Justice, the Centre for Justice Innovation, the Civil Justice Council and Sir Brian Leveson, who has completed a review of efficiency in criminal proceedings in England and Wales. The purpose of the visit is to explore innovative ways to speed up the justice system and make it more efficient through increased use of digitisation in areas such as court listings, online courts and online dispute resolution. The Lord Chief Justice in Northern Ireland has welcomed the approach that the Committee has taken in these areas.

While the Committee will carefully scrutinise the Department's budget and spending plans, as I have outlined, we also intend to identify possible new approaches that, if adopted, could assist in delivering efficiencies in both the short term and, crucially, the longer term.

Specific in-year pressures that have already been identified by the Department include a range of potential pressures in relation to pensions, including increased employer contribution rates for the main unfunded public service pension schemes from April 2015, for which the Department intends to bid for £7.4 million in the June monitoring round. The creation of the Legal Services Agency and the associated transfer of staff from the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) to the Principal Civil Service Pension Scheme (PCSPS), and the costs associated with the transfer of Youth Justice Agency staff to those two schemes, are also creating pressures, although the extent is not yet clear. There is also the potential for a very significant pressure in relation to fine default imprisonment, depending on the outcome of test cases which the Department has indicated it cannot fund within existing resources.

Unfortunately, yet again, the main pressure faced by the Department, even at this early stage of the financial year, centres on the cost of legal aid. Despite the fact that the Department increased the baseline for the Legal Services Agency by using some of the Executive's 2015-16 allocation and implementing larger-scale reductions to other budget allocations, a legal aid pressure of approximately £20 million is already being forecast. The

Minister of Justice, when he appeared at the Justice Committee meeting on 28 January, indicated that the key risk to the Department being able to live within its budget is legal aid spend. At that time, he stated that he would be proposing a range of further reforms to manage the pressures on an in-year basis, and it is clear that action is required to address the cost of legal aid on both a short-term and, crucially, a longer-term basis. A failure to find resolution to the legal aid issue will result in impacts on the funding for front-line areas such as the Prison Service, the Court Service and the Probation Board.

Turning very briefly to the Department's savings delivery plans, it is clear that a wide range of savings have had to be made, many of which will impact on the service provided to the public. One example is the relocation of the tribunal hearing centre to the Royal Courts of Justice. Given that the dedicated tribunal centre provided an informal environment for appellants who are often unrepresented and vulnerable and that the Royal Courts of Justice presents a very formal setting that is not in keeping with the original ethos of tribunals, this is far from ideal.

Other examples include reductions in staff in youth justice services, and the operational capacity of the Probation Board is being affected, which will have a direct impact on its delivery of front-line services including the supervision and monitoring of offenders.

The Justice Department is facing substantial budgetary pressures during 2015-16 that will have to be carefully managed to ensure that key priorities and targets continue to be delivered to the required standard. As I said earlier, this does, however, provide a driver and a challenge to look at doing things differently and more innovatively. The Committee intends to play a key role in doing just that.

I now want to speak very briefly as Chairman of the Ad Hoc Joint Committee on the Mental Capacity Bill and highlight the cost that will need to be met if this Bill becomes law. We will have the Second Stage of that Bill tomorrow, and I hope that Members will significantly interrogate the costings that would be required if we were to pass it.

The Department of Health, Social Services and Public Safety and the Department of Justice have estimated that somewhere between £75 million and £129 million will be required in the first year to implement the legislation, with the associated annual costs estimated at between £68 million and £102 million. These are substantial costs that are currently not budgeted for and that will, even at the lower end of the estimates, represent a significant pressure on the budgets of both Departments, both in the first year of implementation and then on a recurring basis. In my view, the magnitude of the cost is concerning, particularly given the pressures already being faced by both Health and Justice and the other competing priorities that they face. It would be remiss of me not to highlight that at this stage.

Mrs Cameron: I welcome the opportunity to contribute to the debate on the Supply resolution and Main Estimates 2015-16. The Environment Committee was first briefed on the draft Budget by officials from the Department of the Environment in November 2014. That was followed by a further briefing from officials in February 2015. In March, the Minister also agreed to attend the Committee to brief it on the final Budget and the consequences that it will have

on the Department and the services that it provides. There is no doubt that, as a result of the parties opposite deciding to hold each other's hand in the economic wilderness, we face not just a tsunami of financial consequences and penalties but a threat to the very institutions of government. Departments now find themselves in the almost impossible position of delivering services whilst barely knowing from one week to the next what further cuts they will be asked to make or what further penalties might be imposed on them.

Perhaps, when the members of Sinn Féin next travel to America with their fundraising begging bowl, they might consider telling their audience about the millions of pounds of taxpayers' money they throw away every week back at home. Their economic strategy, it appears, leaves much to be desired.

The Environment Minister can turn to his colleagues around him, and to his partners in denial in Sinn Féin, and thank them for allowing his Department to suffer the hardest budget hit of any Department, a headline reduction of 10.7%.

As the Chair and Committee members acknowledged, there are existing obligations that the Department is statutorily obliged to pay, such as the derating grant to councils. The Department received an additional £2 million in the draft Budget and £1.9 million in the final Budget to restore that grant to its opening baseline position, but there remains a £1.3 million shortfall, which the Department is bidding for in the June monitoring round. That, coupled with the fact that 60% of the DOE's budget covers salaries, means that other areas in the Department will receive a larger percentage reduction.

Of particular concern to me is the uncertainty now felt by the Environment Department's NGO sector. Those organisations consist of thousands of people who are passionately committed to every aspect of our environment and carry out such valuable work on behalf of us all. If the DOE is taking its responsibilities seriously, those organisations and the work that they do should be described as vital. I welcome the fact that the Minister has finally seen sense and engaged with them, leading to the creation of the £1.25 million natural environment fund. My fear is that whilst that fund may provide some easement, it does not go nearly far enough. Once the groups cease to exist, their expertise will be lost, and we may never get them back. The consequences for the environment in that scenario do not bear thinking about. The loss of valuable services may lead to EU infringement fines and the loss of valuable research into our biodiversity and historic environment. I am aware that the Department has bid for an additional £2 million for environmental programmes in June monitoring and that that is one of its preferred bids.

I have further concerns about the impact of budget reductions in other areas, such as road safety. In recent weeks, our country has witnessed absolute carnage on our roads, with horrendous loss of life and many lives subsequently destroyed through the suffering of the families left behind after a tragedy. It is an absolute travesty to say that we can no longer afford to raise awareness or take preventative action. Those in the Chamber who fail to support Budget reform will, no doubt, be called to explain their reasons to the heartbroken victims of road tragedies. With the number of road fatalities rising, the Department's bid for £1 million in June

monitoring to restore the level of funding for road safety communications in line with 2014-15 levels is particularly important. It is also important that the Department of the Environment looks carefully at how it plans to deal with the ever-increasing road fatalities and injuries in Northern Ireland and at more effective and creative ways of delivering road safety messages.

With such a large proportion of DOE's budget relating to salaries, I am pleased that the Committee has pressed the Department, at every opportunity, to determine the exact saving should money become available from the voluntary exit scheme. The Department has a target to reduce its staff by around 400 posts, which will go some way to addressing the other pressures. The Committee is keen that the Department act swiftly and strategically to reallocate savings to priority areas, if and when that money becomes available. I ask the parties opposite to consider how they plan to reform public services should the voluntary exit scheme not have sufficient funding to proceed.

Finally, I turn to the £58 million of capital allocated to the Department. Some £50.5 million is for financial transactions capital funding for the Arc21 development in my constituency. I seek assurance from the Finance Minister that, should the Arc21 planning application for Mallusk not be granted, that loan money can be handed back and allocated, if need be, to another project or even to another project in another Department. It is worth pointing out the fact that here is mass public opposition to the project in Mallusk and more viable and non-controversial options exist.

Mr McCallister: I could join colleagues by getting up and completely ignoring the countless elephants in the room. I wonder about the sheer credibility gap, as it used to be known in American politics, between the politics of what we are discussing and the realities of where we actually are.

I look at and listen to colleagues with great respect. I must say that, for many months, those sitting on the SDLP and Sinn Féin Benches clung to the great hope that Labour was going to win the election. I must say to them that I have some upsetting news: last time I looked, the Tories won. If you do not like it, that is too bad; the Tories won, and they are the elected Government of the United Kingdom.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

Those who thought that, under Labour, it would all have been so different should perhaps read the interview given by the shadow Secretary of State for Northern Ireland in 'The Irish Times'. I will quote a couple of highlights. He makes it emphatically clear that neither Sinn Féin nor the SDLP would have had an ally in the battle to compel the British Government to row back on welfare reform in Northern Ireland. He makes that quite clear:

"All the parties, including Sinn Féin and the SDLP, have to demonstrate a willingness to make responsible, tough choices and not to look at the Westminster government and expect blank cheques".

He goes on to ask why there should be in Northern Ireland:

"a far more generous scheme' than was available to his own Bury South constituents in England"

— and so on and so forth. It is quite clear that Labour policy would have been no different, or would have differed

very little, from that of the Tories. During the election campaign, the First Minister estimated that the difference between the future plans of a Conservative Government and a Labour one was as little as £1 million.

Look across the water to our colleagues in Scotland and listen to them on welfare. They are held up as a great example of fighting the Tories. Alex Neil, the SNP Cabinet Secretary for Social Justice, talked about three things he would change about welfare: the bedroom tax, fortnightly payments and housing benefit to be paid directly to landlords. Does any of that sound familiar? It would suggest that we have done or were about to do exactly what our Scottish friends would like to do.

However, we are in the process of driving the Northern Ireland Assembly and the Executive into crisis. As was pointed out by Dr Farry and Mr Wilson, the Scots and the Welsh are talking about taking on the majority Conservative Government, but they are not plunging their institutions into crisis. No one is talking about taking powers away from Cardiff Bay or Holyrood; they are talking about increasing the powers of those institutions. We have Sinn Féin talking about getting more powers over tax and saying, "If only we had control of this, we could change it". In broad terms, I am a supporter of more tax-raising powers being devolved to this Assembly and Executive but only in the context of a reformed Assembly that has a functioning Executive arm, which could make some of this work.

We seem to have completely closed down the debate and the realities on welfare. We have moved so far away from the broad principle that work should pay that many families who have people in work are worse off than those on benefits, and that situation should not be sustainable.

5.00 pm

I listened to Mr Rogers talk about early years and I agree entirely. During one of the welfare debates, I spoke at length, saying that the idea that we are spending £564 million over the next six years, and cutting early years intervention to pay for it, is absolute madness. Yet that is exactly what we are doing by not dealing with welfare. We are neither fish nor fowl, effectively: we are not doing welfare and we have no budget. So, how are we going to pay for any of this? A key part of any Government is delivering Supply and a Budget. In normal parliamentary democracies, if a Government cannot do that, that Government fall and you have an election. Our difficulty is that we do not know what an election would solve. Would it bring back the same people with the same problems, with no alternative and no viable opposition in place as an alternative Government?

I agree with colleagues who point out that it is incumbent upon all members of the Executive to vote for this, because they are bound into the Executive. In some of the previous Budget debates I quoted from John Fitzgerald Kennedy. I am going to quote, now, from another Kennedy, but this one is from Bessbrook. I want to quote Minister Danny Kennedy from last week:

"More than ever, the debate highlights the fact that our current system allows those in government to behave as though they are absolutely removed from it and as though they are in opposition ... Sadly, for people in Northern Ireland, some here today seem much more comfortable with the character of opposition

— a harum-scarum opposition — rather than the responsibility of government.” — [Official Report (Hansard), Bound Volume 105, p279, col 1].

The parties that are in the Government should step up and act like they are in the Government. Those of us who are in opposition are free to make those choices, because we do not bear the responsibility of government, and do not get extra speaking rights, ministerial cars and the perks of being members of the Executive.

The real tragedy is the impact that all of this is having on Northern Ireland. We look like we are lurching from crisis to crisis: and we are. During recent weeks, I attended an Invest NI event in South Down — at the very successful Irish Open — and I was away with the Assembly and Business Trust at Mr Ó Muilleoir’s conference, New York-New Belfast. The one message we got, in all of those places, was about stability, and yet we are expecting Invest NI to go out and sell Northern Ireland on stability and corporation tax, neither of which this Minister, nor the economy Minister can guarantee. None of that can be made to happen. There is a disconnect from the realities of finance and welfare here, all bogged down in the idea of a Dáil election and what would happen with that.

As I pointed out before, if this place were a sovereign government, the IMF would be running it, not anyone else. We are in the fortunate position that we get a huge fiscal transfer from Westminster. The Greeks were held up by Sinn Féin as a model, as comrades and as an example, but now they are finding it increasingly difficult. They are trapped in a monetary union with no fiscal transfer from the Germans to help them out. We are very fortunate that we are in a political, monetary and fiscal union in the United Kingdom and that we enjoy a £10 billion a year subvention that props this place up.

Meanwhile, we put off all the difficult decisions. We have delayed on public-sector reform. If we had implemented recruitment freezes four years ago, we would not have needed to borrow £700 million to deal with that. We could have borrowed £700 million and made the case for infrastructure. There are many things in the Stormont House Agreement, and, when the Minister responds to the debate, she might want to comment on who all she thinks still supports the Stormont House Agreement. Where does this leave the £700 million for the voluntary exit scheme? If she did get that over the line, would it be enough to ease her financial problems? Where does it leave the £350 million of borrowing for other infrastructure problems? Where does it leave the asset sales? Have we commenced with any asset sales?

Mr Principal Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr McCallister: Can any of that be used to offset the £100 million loan and the £114 of welfare reductions?

Mr Principal Deputy Speaker: Time is up.

Mr McCallister: All those questions remain unanswered.

Ms Lo (The Chairperson of the Committee for the Environment): I welcome the opportunity to outline the Committee for the Environment’s views on the Supply resolution Main Estimates 2015-16. The Committee was first briefed by officials from the Department of the Environment in November 2014 on the draft Budget,

followed by a further briefing in February outlining changes. The Minister briefed the Committee, at its request, in March on the final Budget and the impact that it will have on the protection of the environment.

The Committee is aware that DOE has been the hardest-hit Department, with a headline reduction of 10.7%; therefore, it is particularly important that the Committee scrutinise and challenge the Minister on his priorities and budget allocation. Committee members challenged the Minister on his allocation to necessary expenditure. The Committee acknowledges that the Department is obliged to pay the derating grant to councils. Having received an additional £2 million in the draft Budget and £1.9 million in the final Budget to restore that grant to its opening baseline position, there remains a £1.3 million shortfall, which the Department is bidding for in the June monitoring round. That, coupled with the fact that 60% of DOE’s budget covers salaries, means that other areas in the Department will receive a larger percentage reduction.

That has certainly been felt by the Department’s NGO sector, many of whom now face an uncertain future. Towards the end of March, many organisations received letters from the Department advising that their funding will cease in June. Indeed, some were given notice that funding would not be available after March. The Minister has, late in the process, engaged with those organisations and has created a new natural environment fund of £1.25 million, replacing the well-established natural heritage grant programme. While that may alleviate some of the pressure, it does not go nearly far enough, and concerns remain for the longer-term stability of the sector.

An unrealistic budget for environment programmes will ultimately have implications on the protection of the environment, the retention of skills, and the sector’s ability to leverage other funding. It might lead to EU infringement fines and a loss of valuable research into our biodiversity and historic environment. The Committee is aware that the Department has bid for an additional £2 million for environmental programmes in June monitoring and that that is one of the Department’s priority bids. The Committee will keep a watchful brief on that matter.

The Committee also raised concerns regarding the impact of budget reductions in other areas. Members encouraged the Minister to look at alternative and innovative ways of communicating messages on road safety more effectively to a targeted audience to make a bigger impact. With the number of road fatalities rising, the Department’s bid of £1 million in June monitoring to restore the level of funding for road safety communications in line with 2014-15 levels is particularly important.

Mr Principal Deputy Speaker, 1 April saw the implementation of a significant change to how Northern Ireland is governed, following the transfer of many functions to local councils. The Committee had previously expressed concerns that a reduction in the rate support grant for less well-off councils would lead to a reduction in service delivery or an increase in rates. The Department’s largest resource bid in June monitoring, £2.8 million, will bring the grant back in line with previous levels of funding.

With such a large proportion of DOE’s budget relating to salaries, the Committee has pressed the Department at every opportunity to determine exact savings should money become available for voluntary exit. The

Department has a target to reduce its staff by around 400 posts, which will go some way to addressing its other pressures. The Committee is keen that the Department act strategically to reallocate savings to priority areas if and when that money becomes available.

I will now speak about capital. Of the £58 million allocated to the Department, £50.5 million is for financial transactions capital funding for the Arc21 development. Committee members expressed reservations about the allocation of that money, particularly as planning permission has not yet been granted for the development. The Committee sought reassurances that funding would not influence the outcome of the planning decision.

The Committee is aware that the Department is bidding for a total of £3.41 billion of capital and £12.65 billion of resource in the June monitoring round. Much of the resource bid is either to restore funding to previous levels or to cover unfunded commitments. The Committee will continue its scrutiny role to ensure that the Minister allocates any additional funding that he might receive to priority areas.

Mr Allister: Patently, there is a major crisis in the public finances of Northern Ireland and in the governmental institutional arrangements in Northern Ireland. Else we would not have reached the ridiculous level of proposals being brought for public spending, where those who bring them know that the money that they are voting to spend, they do not have and will not have, because of the logjam created over welfare reform. It is clear that there is a crisis, but it is equally clear that this is a crisis made in Stormont. It is not anyone else's fault: it is made in Stormont. It is a crisis made because of the inevitable consequences of the form of government that we have. It is a crisis epitomising the failure of mandatory coalition in this Province, and it has come to the point at which it looks as though it could well perish on the rock of financial issues. Whether it is now or later, that is the reality because, at the heart of government, there is a party that does not want to make Northern Ireland work; that is quite happy to bankrupt Northern Ireland; and that has no interest in fiscal probity or in making sure that we pay our way, that we have the money to pay our bills or that we meet our national obligations. Now that it has the ball at its toe, it is taking full advantage of the situation. Today, we are giving an opportunity for more of the same. Kick the can down the road rather than face the reality and the fact that the system is grinding to that inevitable halt. Of course, the kicking of the can down the road gives those best experienced in exploiting every situation more opportunity to twist and turn and to do all the things that they do best.

From this fantasy Budget discussion, I suppose it is no great surprise that we have had fantasy-plus in the debate, most particularly from Sinn Féin Members, who talked in wild, extravagant, crazy terms about what needs to be done. When you strip it down, you find that the sophistication of the Sinn Féin message to the British Government was this: "Butt out, but leave your chequebook." That really is the lamentable sum and substance of Sinn Féin's approach to our governmental finances. Little wonder, with a veto —

Mr Wilson: Will the Member give way?

Mr Allister: If I have time. Little wonder, with a veto bestowed on such a party, that we would get to this point. I will give way very quickly.

5.15 pm

Mr Wilson: Will he accept that no chequebook will be left when the Government know that they have people who will continue to write cheques ad nauseam in the irresponsible way that Sinn Féin will, even though they cannot even stick by the agreements that they made?

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

Mr Allister: Sinn Féin is very happy to spend other people's money, and if it is the British Government's money, so much the happier it will be. That is the situation we have got to.

This really brings to a crystallising point the failure of these institutions. In a way, it is indicative of the oblivion that these institutions deserve if we have got to the point of playing pretend with the public finances. That game of pretence speaks of a dismal, failed Executive deserving only of oblivion. In fact, it reminds me of some well-known words from Shakespeare that might be the epitaph of this Executive:

"Last scene of all, that ends this strange eventful history, is second childishness and mere oblivion".

Of this Executive it could be said, "sans Budget, sans credibility, sans legitimacy, sans everything".

Mr Principal Deputy Speaker: I call the Minister of Finance and Personnel, Mrs Arlene Foster, to conclude and make a winding-up speech on the debate. The time allocated to the Minister is 52 minutes.

Mrs Foster (The Minister of Finance and Personnel): There you are — 52 minutes. Excellent. The debate has covered many aspects relating to public expenditure, as well as many aspects not relating to public expenditure, it has to be said. Nevertheless, I will endeavour to address as many points raised as I possibly can in the time very generously allocated to me.

There are three categories of people who have spoken today in the debate. The first is those who are imbued with a sense of realism. They have spoken to support the motion with varying levels of enthusiasm. I accept that, and I understand it. This is certainly not the set of circumstances that I would have chosen for my first substantive debate on the Supply resolutions, but, of course, that is not of my making. It was not my party that reneged on the welfare Bill at the very last stage, thereby causing the difficulties that we find ourselves in today.

However, just to be clear, especially for Mr Allister, this Budget is predicated on welfare being dealt with. His argument that I have in some way moved my position is a fallacy, as I am consistent with what I have said all along, which is that we in my party would certainly not put our hand to a cut of the kind that he is advocating today. The only way that this Budget works is if welfare reform is enacted. I cannot be clearer than that, and, as far as I am concerned, the sooner the better.

The second category of people —

Mr Allister: Will the Minister give way?

Mrs Foster: Yes, I will give way.

Mr Allister: The Minister is on record many times in the public media saying that, if welfare reform is not addressed, we would be in a situation where we could not produce a Budget because we could not balance the books and she would bring only a balanced Budget. Today, she is bringing what is effectively an unbalanced Budget. It is in that respect that she has done the U-turn in kicking the can further down the road.

Mrs Foster: I have not — I wish the Member would listen to what I have said: it is predicated on welfare reform being enacted, and therefore it is a balanced Budget. The second category is his category, namely those who know that they can put forward proposals safe in the knowledge that they will not pass. Mr Allister can put forward a 15% year-on-year cut to the Budget safely knowing that it will not happen. We have not heard from Mr Allister today — he has had ample opportunity to tell us — on where he would cut in the Department of Education in terms of schools or the Health Department in terms of nurses. We have not heard any of that today from the Member, who is looking straight at me and wants to get in.

Mr Allister: Thank you very much. I have made it very clear that the purpose of the amendment is to bring the issue to a head. The Minister thinks that by kicking it down the road some day we will pull in the Secretary of State and she will have to do something. I am saying — it is patently obvious — that there has been more than enough time to sort this failure of the Executive. Bring it to a head now by demonstrating that the Budget is unworkable and force the hand of the Secretary of State to do the things that the Minister really wants her to do.

Mrs Foster: I notice that the Member did not take the opportunity to tell us where the 15% cuts would be enacted.

Anyway, I move on to the third category of people who have spoken today: what I call the “you couldn’t-make-it-up group”. That group has two subsections. First of all, we have the SDLP, who continue to ask ad nauseum for more money without any indication as to where it is coming from. Of course, the second subsection of that group is Sinn Féin, who have absolutely no sense of irony when they seek to lecture the Westminster Government on their “economic incompetence”. The party that advocated clearing people’s credit cards as a policy platform at the Westminster election is lecturing others about economic incompetence.

According to Mr Ó Muilleoir, he is not here to carry water for English Ministers, but frankly, if Sinn Féin and the SDLP get their way, that is exactly what we will be doing — if even that — in the utopia that they are driving us towards. Neither the SDLP nor Sinn Féin has given us any indication as to how we pay for what they are advocating. I am not surprised by that, because throughout this process we have asked for alternatives and different ways of doing things, but no solutions have been brought forward. It is my party that has to always come forward with solutions to the problems that we find ourselves in.

I want to move on to the particular issues that have been raised by Members. Mr Allister took the time to read the DFP Estimates manual. I am not sure that there are too many other Members who have taken the time to read the Estimates manual and quote from it. He highlighted

that the manual explains that the Supply Estimates are a critical part of public spending control, which is absolutely right. The key point is that the Assembly can only vote on spending plans agreed by the Executive and brought forward by me, as Finance Minister. The Assembly cannot propose new figures, as the Member suggested. That does not make this vote any less important: it is vital. However, only I, as Finance Minister acting on behalf of the Executive, can bring forward the figures.

Mr Allister also made the point —

Mr Allister: On a point of order, Mr Principal Deputy Speaker. If what the Minister just said is correct, would it not be so that the Speaker, in permitting this amendment to be on the Marshalled List, is failing? I believe that the Minister is wrong and that this Assembly has the power, and indeed the requirement, to approve the Estimates in the manner in which it wishes to approve them.

Mrs Foster: That is not a matter for me to comment on, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: It would be useful if you could comment on that as you continue into the depth of your speech, Minister.

Mrs Foster: It is my belief that only the spending that comes from the Executive can be voted on. That is not just my belief; it is the legal opinion of my departmental solicitors.

Mr Allister also made the point that the Estimates that are being taken through now are too high and that any changes must be agreed by the Executive after today. I am acutely aware that we need to have, as I have indicated, the implementation of welfare reform to ensure that the Budget is sustainable, not just this year but into the future. The alternative is completely unpalatable, with significant reductions required in-year. It is certainly not about kicking the can down the road. The SDLP and Sinn Féin need to sign up to welfare reform, as agreed at Stormont House, or Westminster needs to act. Either of those two elements need to be dealt with sooner rather than later.

It is not unusual to take through Main Estimates that need to be amended through the financial year; the Finance Minister brings proposals to the Executive through the monitoring rounds, and, once agreement has been reached, these changes will ultimately be reflected in the spring Supplementary Estimates for endorsement by the Assembly. This year is no different in that respect, although I do accept that the uncertainties are more severe.

Mr McKay mentioned the welfare reform study that has been conducted. The report is helpful in understanding the context of welfare reform, and it is my intention to release it to the Committee for its perusal in the next few days. Mr McKay also raised the legal position of the use of accruing resources, and I am confident that the legal advice that I have received is robust. I have taken into account the position taken by the Committee, but hopefully the progression of this Budget Bill will ensure that neither legal position needs to be tested.

The expected quantum and spread of savings across Departments from the voluntary exit scheme is being calculated by the working group under the direction of the head of the Civil Service, and hopefully those figures will be available shortly as well. However, before those figures can have any meaning at all, the Stormont House

Agreement needs to be implemented in full because, of course, all of those things are part of the same agreement.

Paul Girvan mentioned the Excess Vote for the Department of Education. I entirely agree with the Member that arm's-length bodies need to be accountable for their expenditure and that they need to deliver value for money for the taxpayer. To be clear, the Excess Votes relate to the 2013-14 financial year, when the Department of Education breached its Vote's amount. I note that steps have been taken by the Department that there will not be a repeat of this situation, and that has been confirmed by the Public Accounts Committee's recommendation.

I am sure that my colleague the Minister of Health will have been interested to hear what Mr McKinney said. He indicated that welfare reform had no impact on the Department of Health. I find this amazing. As Finance Minister, I completely refute that claim. The failure to implement welfare reform has resulted in substantial financial losses for Northern Ireland. For example, this year alone, the block will lose some £114 million in welfare reform penalties. The House will know only too well the financial pressures that our health service faces. Undoubtedly, the Health Minister could have made significant use of an additional £114 million. I have no doubt about that at all. When you listen to people saying that they are protecting the vulnerable, think of the use that that £114 million could have been put to. Think of what it could have been used for. Think of the difference that we could have made to people's lives by £114 million going into the health budget.

Mr Poots: I thank the Minister for giving way. Of that £114 million, the Department of Health's allocation is well over 40%, equating to roughly £1 million each week that the health service is being starved of. That is money that should be spent on increasing nurses' wages and increasing midwives' wages. It is money that should be spent on people's hip operations and knee operations. It should be spent on domiciliary care for the elderly, but, as a result of the actions of the parties opposite, we are in a situation where those people are being denied that service and the health service is being starved of money as a consequence of their grossly bad behaviour.

Mrs Foster: I thank the Member for his comments. I do not know whether he was in the House when Mr McKinney made comments about Transforming Your Care (TYC), which I know that the Member has a particular interest in. Mr McKinney indicated that implementing TYC is about implementing a new model of care. That is right. It will see the home as the hub of care, and, to achieve that, it is important that we build the right services to achieve the vision and that services are sustainable. I do welcome the progress that has been made to date. That progress has seen the creation of 17 new integrated care partnerships across Northern Ireland, which are working to improve the coordination of care and support in key areas such as the care of the elderly and the treatment of chronic conditions, such as diabetes, stroke and respiratory conditions.

Clearly, more has to be done. More will be done, but the Member should note that transition to the new model of care is a long-term process. It will not happen overnight. It takes time to change a health service to deal with a new model of care. I welcome the savings that the Department of Health has made to date. This year alone, the Minister has committed to delivering savings of some £164 million.

5.30 pm

Mr McKinney also raised the issue of the Chancellor's in-year reductions. I can confirm that the Executive's Budget will be reduced by £33 million in resource DEL and £5 million in capital DEL. Her Majesty's Treasury has given us some flexibility in the timing of the reductions, and I will bring proposals to the Executive as part of June monitoring and will, of course, report the outcome of June monitoring to the House in due course.

Michaela Boyle raised the issue of more powers to manage the economy and criticised the United Kingdom Government. The Member conveniently failed to mention that the fiscal deficit is in the region of £9.6 billion, and she did not provide any strategy to reduce it. She did, however, give a knighthood to George Osborne, which I found very interesting, referring to him as "Sir George Osborne". Sinn Féin is now in the business of giving people knighthoods. Moreover, reneging on the Stormont House Agreement has put the devolution of corporation tax in the balance, and we heard the comments made by her colleagues over the weekend in that regard.

Mr McGlone, speaking about the DETI budget allocation for 2015-16 in his capacity as Chair of the Committee for Enterprise, Trade and Investment, referenced the 15.1% reduction in DETI's baseline and expressed concerns about the impact on Invest Northern Ireland's activities. I reassure the Member that the final Budget settlement agreed by the House in January resulted in a net increase of £18.6 million in the 2015-16 DETI resource budget, enabling Invest NI to create legally binding commitments that have resulted in unprecedented success, as we have seen from their recently published results. We know that that will continue under the leadership of the new Minister and Alastair Hamilton in Invest NI. We have allowed them to promote new jobs, drive investment in research and development and support companies to grow export sales.

Mr Irvine — Irwin, rather; I nearly gave him a new name. Mr William Irwin gave the view of the ARD Committee and mentioned bovine TB as one of the key challenges facing the sector. I am aware that, whilst the most recent figures report a reduction in the number of TB herd breakdowns, there has been an increase in the number of reactor animals. While we cannot lose sight of the negative impact of bovine TB on our local farmers, we must also be cognisant of the cost to the taxpayer, particularly given our current budgetary position. The total cost of TB compensation payments in 2014-15 was £14 million. As the Member highlighted, the Agriculture Minister has already flagged up the need for additional funding in this financial year. There is, therefore, a clear need to explore all means of eradicating bovine TB, including the modernisation of our compensation regime.

(Mr Speaker in the Chair)

Mr Irwin also, along with a number of other Members, raised concerns about the use of accruing resources. The accruing resources that a Department may use are subject to a limit set by the Budget Act. As I said in response to the Chair of the Finance Committee, I have received legal advice from the Departmental Solicitor's Office that accruing resources cannot be used in the absence of a Budget Bill, because the limit has not been set. If there is no limit, we cannot use the accruing resources. That would have serious consequences for items such as the

single farm payment, and that is why I very much want to progress the Budget Bill to avoid such a situation. I encourage Members to think carefully about how they vote today, bearing in mind the huge issues out there, particularly, in this case, for our farmers.

Mr McCallister: Will the Minister give way?

Mrs Foster: Yes, I will.

Mr McCallister: I declare an interest as a recipient of single farm payment, Mr Speaker. Will that not be hugely worrying to a sector and an industry that you are trying to promote through the agrifood strategy? Adding to very poor trading prices — particularly in the milk sector but also for beef and lamb — difficulties or uncertainty about whether single farm payments will be paid either on time or in full is a hugely detrimental place to be.

Mrs Foster: I understand the Member's concern, not just from a personal point of view but as someone representing his constituents. It is one of the reasons why I have already looked into whether there are other ways in which we could deal with that matter. I hope that we do not have to go down that road. I hope that the Budget Bill will be passed and that we will, therefore, have access to accruing resources, but we have looked at whether we can put the money through the Rural Payments Agency, for example, instead of it going to DARD. I am hopeful that we will not get to that point.

Mr Hilditch, speaking on behalf of the Audit Committee, raised the issues of Audit Office savings and voluntary exit. I welcome the commitment of the Audit Office and, indeed, the Audit Committee to find efficiency savings to ensure that the Audit Office remains within its agreed budgetary settlement. I can confirm that the transformation fund will be open to bids from the Audit Office. However, it must be recognised that the Audit Office is not alone in seeking transformation funding and that all applications to the fund must be strictly assessed on merit. The Member must also be aware that, as Finance Minister, I cannot give a commitment that any funding bids received during in-year monitoring will be met. Such decisions are, ultimately, a matter for the Executive and are dependent on the financial pressures faced and the funding that may or may not become available.

Mr Cree raised a number of issues around the 2014-15 financial year. Whilst the provisional out-turn is not strictly related to the Supply resolution before us today, I confirm that I will report it to the House with the conclusion of the June monitoring round. However, I can reassure the Member that I expect the out-turn to come within the Budget exchange scheme limits set out by the Treasury, so there will be no money returned.

Mr Cree also raised the review of financial processes. I share his concern that that has not been progressed. The Member asked for an update on the Northern Ireland investment fund. I confirm that the fund is still at the formative stage, but I hope that it will lever in additional funding that will help to boost investment and promote economic growth in Northern Ireland. As a first step, the Executive have agreed to commission a feasibility study that will help to determine the optimal structure, scale and investment strategy of the fund. I am pleased that the consultants, Deloitte, have been appointed to advance the study, which I expect to conclude in the next few weeks. The feasibility study will also inform the ideal scale of the

fund, but, in the interim, the Executive have decided to set aside an initial £40.9 million of financial transactions capital. We can further review the funding requirements once the feasibility study has concluded.

The social innovation fund has been established to utilise dormant account moneys in Northern Ireland. It was announced as part of the final Budget in 2015-16. There is some £6.4 million available to us. Those funds are in addition to our public expenditure. There has been significant interest in the fund from public representatives since the final Budget announcement, and a public consultation will be launched as soon as possible to seek views on the proposed spending priority of social investment. In addition, the consultation will test options for utilising the fund that will ensure that the fund can be recycled into other social investment schemes. That will include the consideration of match funding.

Mr Clarke, on behalf of the Regional Development Committee, mentioned the Coleraine to Londonderry railway line. I, too, am very pleased that work on phase 2 of the line is going ahead and that it will facilitate hourly services. Like him, I was concerned about the escalation of the costs of the project, which resulted in the Minister for Regional Development having to make a statement to the Assembly back in November acknowledging the errors that had been made with the cost estimates. The project is proceeding at a cost of £46.4 million, and, given the history of the project, the onus is very much on the Regional Development Minister to ensure that the costs are kept under review.

I agree entirely that, in the current financial climate, it is only right that an organisation such as Translink, which receives a substantial subsidy from the taxpayer every year, shares the burden of public expenditure pressures. I understand that, while Translink's results for 2014-15 have not been finalised, its reserves will be reduced considerably compared with previous years.

As far as the current year is concerned, I understand that the company is being required to work to an increased deficit of around £15 million, which is being funded from its reserves. That can reflect DRD's assessment of what Translink can contribute.

Mr Clarke also commented on the funding that the Executive have secured from the European Union, particularly for investment in road infrastructure. One such road project that has benefited from such funding is the A8 Belfast to Larne dual carriageway scheme. That work is almost complete and is expected to be open to traffic shortly. We are looking forward to DRD, hopefully — I think that it is confident — securing up to 40% EU funding for the proposed York Street interchange scheme, which, of course, is also vital.

Pam Cameron mentioned Arc21 and asked what will happen to the financial transactions capital that was allocated to it if the project does not proceed, because, as we know, it does not yet have planning permission. If that is the case, that money can be transferred into the proposed Northern Ireland investment fund. It will not be lost, and we hope that it can be used for further investment.

Mrs Cameron and Anna Lo also praised the work of the voluntary and community sector organisations that are involved in environmental work. Both mentioned the

recently launched natural environment fund, which will allocate £1.2 million to environmental groups to help them to deliver on key environmental outcomes. It is worth highlighting the role that the carrier bag levy has had in that fund, thanks to the agreement that my Department secured from the UK Government to retain the income from that levy for use in funding. It has provided a secure income stream that is forecast to be £4.75 million this year, which can be used by the Department of the Environment to fund the sort of organisations and programmes that the Chair and Mrs Cameron spoke about.

Finally, I want to mention Mr Ó Muilleoir, who again talked about fiscal levers and wanted fiscal autonomy. Mr McCallister's point about the credibility gap was very well made. How can we possibly argue for more fiscal powers to come to Northern Ireland when we cannot deal with the powers that are already devolved? We all share a vision of our economy supporting our people, but you cannot simply ignore the fiscal deficit of £9.6 billion. We have to acknowledge the reality of where we are, what that means for the economy and Budget rather than pretending that that simply does not exist.

Mr McKay: I thank the Minister for giving way. She refers to the £9.6 billion. Indeed, other members of her party referred to a £10 billion deficit. That figure comes from a report by her Department and her predecessor. Obviously, we have a great deal of difficulty accepting it as a credible report. The London Government and their Office for National Statistics clearly do not accept that it is credible either.

Mrs Foster: I will tell you what is not credible: the current Sinn Féin economic policy. I listened with incredulity to some Sinn Féin Members' comments, whether Mr Hazzard or Mr Murphy, who is back in the House. I listened to them and cannot believe what is coming out of their mouths. How can they possibly argue for further fiscal powers to be devolved here when we cannot even deal with the powers that we have in front of us? It is just an incredible situation. There is no credibility to go and argue that point. They seem to think that the British people got it wrong in the general election. The arrogance of telling the British people whom they should have put into Westminster is quite incredible. *[Interruption.]* I do not know what is being said across the way. I cannot hear because I am still talking. It is just incredible to think of the arrogance of Sinn Féin that it will tell the British people whom to put into our national Parliament. Even if that party had got its way and Labour was now in power at Westminster — Mr McCallister made the point — Ivan Lewis was very clear in 'The Irish Times' over the weekend about where he thinks the problems are coming from at present.

5.45 pm

He said that Sinn Féin and the SDLP should accept the current political realities and agree an accommodation on welfare reform. He said that what was being offered in Northern Ireland was a far more generous scheme than was available to his own constituents and that no extra money was coming from Westminster.

Mr McCallister made reference to the voluntary exit scheme, and I hope I answered the point in relation to the £700 million. That is all tied in with the Stormont House Agreement and, therefore, if welfare reform does not happen, none of the other parts of the Stormont House

Agreement happens either. That was indicated by the Secretary of State on many occasions.

Mr Speaker, I will draw my remarks to a close. I thank you for your patience. Assembly approval of the Supply motion, and the associated departmental expenditure plans laid out in the 2015-16 Main Estimates, is a crucial stage of the public expenditure cycle. Failure to pass the 2015-16 Supply resolution at this juncture would put at risk the smooth continuation of public services into the remainder of this financial year. Equally, as I have repeatedly outlined, failure of the Executive and the Assembly to find a way forward on welfare reform would put our spending plans at risk and present Ministers and the Assembly with the unenviable task of imposing further spending reductions on our already hard-pressed departmental budgets. That is something that we as a party have already indicated that we are not prepared to do to the people of Northern Ireland.

So, it is in that context that I commend the motion to the House.

Mr Speaker: Thank you, Minister. 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 this Assembly approves that resources, not exceeding £7,444,446.68 be authorised for use by the Department of Education and the Department of Health, Social Services and Public Safety, for the year ending 31 March 2014, as summarised for each Department in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 8 June 2015.

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.

I now move to the motion on the Main Estimates, which has already been debated.

Motion proposed:

That this Assembly approves that a sum, not exceeding £8,336,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £9,004,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(b) and 3(a) of table 1.3 in the volume of the Northern Ireland Estimates 2015-16 that was laid

before the Assembly on 8 June 2015. — [Mrs Foster (The Minister of Finance and Personnel).]

Amendment proposed:

Leave out all after “exceeding” and insert:

“£7,732,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £8,400,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015, subject to a proportionate reduction for each Department, with the exception of the Department of Health Social Services and Public Safety, and each other public body referred to in columns 3(b) and 3(a) of table 1·3 of the aforesaid Estimates, so as to reflect the £604,000,000 shortfall resulting from the failure to implement the Stormont House Agreement.” — [Mr Allister.]

Mr Speaker: Before we proceed to the Question, I remind Members that the vote on the motion, whether or not amended, requires cross-community support. The vote in relation to the amendment will be on a simple majority basis.

Question, That the amendment be made, put and negatived.

Main Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £8,336,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £9,004,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as

summarised for each Department or other public body in columns 3(b) and 3(a) of table 1·3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015.

Mr Speaker: As there are Ayes from all sides of the House, I am satisfied that cross-community support has been demonstrated. I have clearly identified the No vote, so the motion is carried.

Private Members' Business

BBC 'Panorama': 28 May 2015

Mr Speaker: Members, just leave quietly, please. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion 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 wish to speak will have five minutes.

Ms Ruane: I beg to move

That this Assembly shares the serious concerns about collusion, as reported in the BBC 'Panorama' programme broadcast on 28 May; calls for a thorough and independent investigation of these matters; and further calls for the legacy institutions, agreed in the Stormont House Agreement, to be set up as a matter of urgency so that victims and survivors are given real hope of achieving truth and justice in the near future.

Go raibh maith agat, a Cheann Comhairle. As I ask for support for the motion, I am conscious that the debate is taking place as people continue to grieve. I understand that that grieving is happening across the political spectrum, and I want to acknowledge the pain and suffering that our society has come through over decades. I hope that we will have a good and respectful debate; I ask all Members for that.

The debate is about collusion. I have no doubt that some in the House will be opportunistic and try to bring up killings by the IRA. We have had many debates about that, and I am sure that we will have again in the future. As we speak today about state involvement, I understand that many people have also suffered at the hands of the IRA and that their grief is no less than the grief of the families who have suffered through state violence.

Today is about the collusion of state forces and their use of loyalist paramilitaries. That is nothing new for the British Government: they used the same tactics wherever they colonised, whether it was in Aden, Africa, Latin America or in Europe.

The last 12 months have been very difficult for families who have been victims of collusion; they have had long court battles, and more and more truth is coming out. Collusion was a deliberate policy that was designed to use unionist paramilitaries as a method of killing Irish citizens or, indeed, anyone who got in their way — those in opposition to the state. There was a particular focus on Irish republicans and nationalists. They did it to subvert the rule of law and to avoid responsibilities in international courts. I was a human rights worker at the time, and we carried out a number of public inquiries into state killings, into the shoot-to-kill policy. The British Government were coming under a lot of international scrutiny, and international courts were clogged up with cases, so the use of unionist paramilitaries was a very deliberate strategy for the state to pretend that it had nothing to do with it.

I pay tribute to the families who have done sterling work to expose it: the family of Pat Finucane and the Loughinisland families. You just need to look at what happened in Loughinisland. Agents were used to drive getaway cars,

and cars were destroyed whilst being held by the RUC. Evidence was destroyed by the RUC, and agents, many of whom had serious criminal records and got money for their services, were protected.

Collusion was only one of a number of policies. I remember being a member of the committee for the truth about collusion in the late 1990s. We were laughed at and called conspiracy theorists; now it is generally accepted by all that there is collusion. We are beginning to see the extent of it, but I would argue that it is the tip of the iceberg. That is what 'Panorama' exposed, and I have no doubt that that is what 'Prime Time' will expose tonight.

In this part of Ireland, we have had paramilitary policing, Diplock courts, emergency legislation and judges congratulating the RUC for sending people to "the final court of justice", effectively endorsing the RUC shoot-to-kill policy. We have also had the targeting of defence lawyers. The British Government are still trying to present themselves as neutral peacekeepers between the warring tribes.

Collusion was about suppressing dissent, terrorising communities and telling the croppies to lie down. We have seen cases in which families thought, for decades, that their loved ones had been killed by the IRA, only to discover that it was the state. We have not yet heard all the truth about the biggest loss of life in the conflict — the Dublin and Monaghan bombings — and the British state's involvement in those south of the border.

A number of our Members will speak in the debate, but I want to focus on gender, and on the particular role of women when loved ones were lost. We all know in the House that, in many instances, women would fulfil the primary role of family carers and homemakers. The violation of the safety of their home and the ensuing trauma was a harm in its own right.

Mr Humphrey: Will the Member give way?

Ms Ruane: No, I will not give way. You will have an opportunity to speak.

Following the importation of South African weapons, 12 women — Katrina Rennie, Eileen Duffy, Teresa Fox, Teresa Dowds De Mogollon, Sharon McKenna, Philomena Hanna, Sheena Campbell, Karen Thompson, Moira Duddy, Theresa Clinton, Roseanne Mallon and Kathleen O'Hagan — were murdered.

Mr Allister: Caroline Moreland.

Mr Humphrey: Jean McConville.

Mr Speaker: Order.

Ms Ruane: All those killings point to state collusion. We also had the murder of tireless human rights lawyer Rosemary Nelson. I have no doubt that I have missed other names, and if I have, I apologise to those families in advance. What we had was a state policy that targeted family homes and family members. The civilian women and children of those homes deserve an independent and thorough investigation that is article 2-compliant.

In many cases, the paramilitaries that went in doing the shooting for the state had maps of the houses provided to them by state forces. Any agency charged with investigating our past must apply a gender lens to ensure that the full complexion of experience and arising need is identified. I am not in any way trying to belittle the

killings of men, but we will all agree that, when a woman is murdered in a conflict, there are extra dimensions to it. *[Interruption.]* The Stormont House Agreement is the appointed way forward that all the parties here negotiated. All the investigations must be article 2-compliant. We cannot have a situation in which those involved in murders, in overseeing murders and in overseeing investigations are carrying out those investigations. George Hamilton has an enormous responsibility in relation to those matters, given what happened in the past. I have no doubt that he understands that confidence in policing is at stake here. He needs to avoid the mistakes of his predecessors.

We will not support the DUP amendment. It is an attempt to separate those killed by the British state and an attempt to create a hierarchy of victims. I have yet to hear from the other side of the House — today is an opportunity to do this — a critique of state killings and of the extent and level of involvement of the RUC, the RIR, and layers and layers of the British Army.

Mr Allister: Will the Member give way?

Ms Ruane: No, I will not give way.

We know that the British Government have been found guilty, unanimously, by 12 judges in the European Court. I was privileged to be at that hearing. To move forward, we need to ensure that there is proper truth for all relatives. We should never try to say that there is a hierarchy of victims. That is the greatest insult to people who lost their life in this conflict and to their family. They deserve truth and justice, and, to date, they have got very, very little of it. I commend the motion to the Assembly.

Mr Speaker: Before I call the next contributor, I remind Members about the guidance that I issued on respect. This is a very important debate, but it is a debate cannot happen only in this Chamber. It is already very difficult for such a debate to happen in wider society. Our behaviour can either make it more difficult or more possible for that important debate to happen in the wider community. I remind Members of their responsibility in that regard.

Mr Poots: I beg to move

Leave out all after "May" and insert

"as well as the 'Spotlight' programme broadcast on 9 June 2015 and the criminal actions of paramilitary organisations highlighted in both programmes; and calls for the implementation of the Stormont House Agreement, in full, as a matter of urgency to afford victims and survivors the opportunity to pursue justice in the near future."

I thank the Speaker for reminding us of that. It is just a pity that he did not do so at the outset, before Ms Ruane asked for respect and then gave a grossly disrespectful speech to the House. When I first read the Sinn Féin motion, I was somewhat incredulous at its wording. I will deal with that. When I listened to Ms Ruane, a greater degree of incredulity arose.

People might think that we are living in some sort of parallel universe. I think that Ms Ruane's speech came from some sort of paramilitary universe where people want to rewrite history, whitewash the past of the IRA and implicate others as the main perpetrators in the Troubles, when, in fact, the IRA was responsible for over 60% of the murders in Northern Ireland. If no collusion took place with

that organisation, where did it get the information from for many of the murders that it carried out?

6.00 pm

Look at the bombings, for example, that took place in Claudy and Enniskillen and the activities that took place in south Armagh. Where did the people go when those murders took place? They took refuge and were harboured in the Republic of Ireland. When information was sought on the murders of Superintendent Buchanan and Chief Superintendent Breen, it was not forthcoming. That inquiry was held back and delayed as a result of information not coming from the Republic of Ireland Government.

Even now as we speak, the Kingsmills people are still waiting for information so that they know what happened in the situation involving their loved ones. We will not have —

Mr Humphrey: Will the Member give way?

Mr Poots: I will in a moment.

We will not have a situation where Sinn Féin can come to the House and attempt to whitewash its way and rewrite history. That will not be tolerated.

Mr Humphrey: I am grateful to the Member for giving way. The Member talks about the Republic of Ireland Government and Administration. Does he agree with me that it was not until we had the foot-and-mouth disease that the border was sealed, which unionist politicians called for to protect people in Northern Ireland, whatever their religion or political background? That could not be done until we a situation with foot-and-mouth disease along the border.

Mr Poots: That is absolutely true.

When you look at circumstances where you had the ethnic cleansing of a community in County Fermanagh, you see that some 111 people were murdered in that county, 110 of them from the Protestant faith. How can that be described as anything other than ethnic cleansing? Who were the people responsible for it? The IRA.

Look at villages like Castlederg, where 20 people were murdered. Look at places like south Armagh, where hundreds of people were murdered. Those actions were carried out by none other than the IRA. I have to say that the authorities in the Republic of Ireland showed considerable degrees of complicity with it, as those people were allowed to stay in the Republic of Ireland. They were not extradited; they were harboured and given safe haven to carry out their activities and to live in that country after they conducted their activities.

My incredulity at the outset related to Sinn Féin's reference to Stormont House. Here we have Sinn Féin wanting the Stormont House Agreement to be implemented, yet it is the single party that is holding back the implementation of Stormont House. Let me be very clear about this: you will not be getting a partial implementation of the Stormont House Agreement; it will be implemented in full or not at all. Sinn Féin needs to realise very clearly that, if it does a deal, it needs to stand over it. Do not expect others to implement what it wishes to be carried out, while Sinn Féin does not implement the bits that it does not like.

The second part of my incredulity was because, in the motion, Sinn Féin refers to victims and survivors. I touched

on this, but Sinn Féin is hardly the best advocate to represent victims and survivors. I note the names on the list, one of which is Mr Raymond McCartney. Representing victims and survivors? He was convicted of murder — the murder of Jeffrey Agate.

Mr McCartney: On a point of order, Mr Speaker. Those convictions were quashed. I fought a very successful campaign to have those convictions quashed. I ask Mr Poots to withdraw those remarks.

Mr Campbell: How much money was paid?

Mr Speaker: The Member has the opportunity to withdraw those remarks in the light of that information.

Mr Poots: I accept what Mr McCartney is telling us about that element of it being quashed.

Mr McCartney: Further to that point of order, Mr Speaker, it is not a matter of accepting what Mr McCartney said; it was said by the Court of Appeal and, indeed, the Supreme Court in London.

Mr Campbell: What was the amount of money that was paid?

Mr Poots: I am happy to accept what Mr McCartney says —

Mr Speaker: Order. Sorry, Mr Poots. I am not going to have people shouting across the Floor. Mr Poots has the Floor. You have a piece of updated information, and it seems that you are prepared to accept it. If so, I think we should move on.

Mr Poots: Thank you for that.

We then have Mr Kelly, who was found guilty of bombing and of explosives charges. We have Mr Lynch, who was caught in possession of firearms and explosives. They are hardly the people to be representing the voice of victims. In truth, none of this was justified. No single murder that took place in Northern Ireland was justified or justifiable, yet we have the people who are associated with the organisation that carried out the vast majority of the murders coming to the House today seeking to implicate others as the baddies.

Amongst the targets were soldiers, RUC men, part-time UDR men, ordinary farmers, businesspeople and female census collectors. They were men, women and children in Bloody Friday, Claudy, La Mon, Kingsmill, Enniskillen, Shankill and many more. Ms Ruane started to lecture us about the women who were killed in the Troubles. Women were killed in many of those instances by the organisation called the IRA. If Ms Ruane wants to condemn the murder of those women by the IRA, I will be very happy to give way to her — but her silence is deafening. Her silence is deafening because it is all right for women to be murdered when they are just Protestants or some form of legitimate target of the IRA. That is an absolute disgrace.

They were young women like Gillian Johnston, who was shot dead by the IRA while getting out of the car after her boyfriend had left her home. She was not involved in anything other than that she was a young Protestant woman living on the border. There was the murder of Jean McConville, the mother of 10 children who had already lost her husband, which left those 10 children orphans. In the murder of Caroline Moreland, Sinn Féin or IRA women took her away in the car. It was women who took Caroline Moreland away. It was women who interrogated her. It was women who questioned her. I am happy to condemn

all these murders; all the ones that were referred to by Ms Ruane and these ones. Joanne Mathers was a young mother out collecting the census. Heidi Hazell was a young woman killed over in Germany. Here we have, over and over and over again, lives taken and Sinn Féin coming here making some sort of suggestion —

Mr Givan: Will the Member give way?

Mr Poots: Yes.

Mr Givan: Does the Member agree that, while the murder of women was utterly condemnable, we are only now starting to hear the true findings of the sexual abuse of republicans by republicans that took place?

Mr Poots: Yes. Then we had a special adviser appointed to this House who was convicted of being involved in the murder of another young woman, Mary Travers, and her father. We are not going to take lectures about people being misogynist from Ms Ruane when she is supporting an organisation that killed women left, right and centre, namely the IRA, and is unable to stand up and condemn those murders today.

I do not believe that collusion was associated exclusively with loyalists. I believe that there were elements who engaged in collusion, but that was not the security forces that we know. Had there been the widespread collusion that people opposite seem to suggest that there was, I believe that there would have been many, many thousands of people killed as a result. If that information flow had been such, there would have been thousands of people, thousands of republicans, killed in a very short space of time. Yes, there may be the odd rotten apple in a barrel, but no systematic collusion took place. I want to nail that very, very clearly. What some individuals did was one thing, but it was not an organisational thing.

I should be grateful to some of the Members opposite. It is quite clear to me that the informers helped to end the Troubles, and the informers did not stop at Freddie Scappaticci or Denis Donaldson. There are much higher-placed informers in the republican movement than those individuals. I suspect that some of those high-level informers could be in places of great authority, even as we speak.

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

Mr Poots: I have not named anybody. You are all getting very edgy and uppity —

Mr Speaker: The Member's time is up.

Mr Poots: — but I have not named anybody. Let me be clear that informers did not stop there.

Mrs D Kelly: Ms Ruane commenced her speech by saying that we should be mindful of the fact that people are still hurting and grieving, that there are many victims out there and that it is very regrettable that, 17 years on from the signing of the Good Friday Agreement, commitments made to victims have yet to be fully realised in their search for truth and justice. Unfortunately, however, Ms Ruane went on to say that she was confining this debate to the evident collusion, described in the 'Panorama' programme, between the British security services, the RUC and loyalist/unionist paramilitaries, and she failed, utterly, to recognise the collusion that existed between republicans and the security services. She almost airbrushed, certainly from her memory, the contribution made on 'Panorama' by Shauna Moreland, who spoke from the heart and very

eloquently said what it meant to her to lose her mother at such a young age. She also spoke of the travesty of justice and of trying to remain in such a community where, as the daughter of an alleged informer, you are at the bottom of the pile. Ms Ruane has said that there should not be a hierarchy of victims, but, in her contribution, she created the hierarchy by confining and restraining her remarks to finger-pointing at the collusion that existed elsewhere.

I also have to take exception to Mr Poots's contribution. He fails to recognise the evidence compiled in report after report, from Stevens and Stalker/Samson to the Police Ombudsman and numerous others, that point to systematic collusion. I understand that there is a further documentary tonight on RTÉ, on which former head of Special Branch Mr Raymond White will be saying that he raised the handling of agents with the then Prime Minister, Margaret Thatcher. He, very clearly, is firing a shot across the bow of those who would reveal the truth and is saying that he will not go down on his own in relation to how high up and how systematic the collusion was in respect of state-sponsored killings.

Mr A Maginness: I thank the Member for giving way. Given the lack of balance that has been exhibited by Ms Ruane and, indeed, Mr Poots, and given the fact that we have so much information now that involves republicans and loyalists, British intelligence services and the RUC, is it now more necessary for there to be a firm and established process that establishes the balance of truth here in Northern Ireland and that we work towards that as soon as we can?

Mr Speaker: The Member has an extra minute.

Mrs D Kelly: Thank you, Mr Speaker. I agree entirely with my colleague's comments. It is regrettable that both contributors thus far have underscored the concerns raised in the Secretary of State's "Moving politics forward" speech of April 2014. In that speech, she said that there was:

"concern that new structures and processes could lead to a one sided approach which focuses on the minority of deaths in which the state was involved rather than the great majority which were solely the responsibility of the terrorists".

Having listened to some of the contributions today, I can understand why the Secretary of State said that.

The SDLP is very clear that all of the truth must come out. Certainly, many people are not going to get justice, and many victims and their families are reconciled to that fact, but they want to know how it happened and why it happened. I do not know of any other western democracy where state-sponsored killings and collusion would be allowed on such a scale without an outcry in the Parliament of that nation.

It is regrettable that the responsibilities and vested interests have taken primacy over the needs of the victims and survivors and even, I think, Mr Speaker, arguably, of society in trying to reconcile the people on the island and between these islands. So, it is not just about meeting the needs of victims; it is about trying to build reconciliation and telling the truth about the past, because a lot of people are very keen to rewrite history and their role in it. Ms Ruane demonstrated that most eloquently when she failed to mention the Jean McConville or Caroline Morelands of this world.

6.15 pm

In my party, we have colleagues also hurting. Councillor Denise Fox's own father, Denis Mullen, was murdered by the Glenanne gang. He was one of 120 people thought to have been murdered who were named in that excellent investigative report by Anne Cadwallader, 'Lethal Allies'. So it is very clear that the truth about the scale and nature of what happened in our past must come out so that people who are building up themselves and their colleagues as heroes have a lot of explaining to do as to why they took the route of violence. The SDLP has always been a peaceful, constitutional party and it has never explained away the requirement for violence, unlike others who, once again today, are attempting to rewrite history.

Mr Hussey: Today we see Sinn Féin members attempting to cite the BBC and media investigations as evidence of widespread collusion between police and loyalist paramilitaries. They stoically refuse to recognise the role of agents and informers within republican ranks who may have survived the Troubles and may now be in key positions. Stevens, Stalker, Sampson etc, plus de Silva, Nelson and Ballast indicate that something was indeed going on between elements of the security services and some loyalist gangs. Given that the state faced a mass insurrection in the early 1970s and the fact that the use of informants and undercover agents has been a tactic used for hundreds of years, it is not surprising that the state had agents in loyalist and republican groupings.

Let us look at the context of life in Northern Ireland in the Troubles—

Mr A Maginness: Will the Member give way?

Mr Hussey: I will.

Mr A Maginness: Just in relation to agents, of course there will be agents, but what we are talking about here is allowing those agents to commit criminal offences, and in particular murder, on a systematic basis. That is the problem, and that is what needs to be examined.

Mr Speaker: The Member has an extra minute.

Mr Hussey: That is what I intend to deal with and, as has already been mentioned by others, this has been a practice for many years. It was used by the loyalist and republican groupings.

Let us look at the context of life in Northern Ireland. During the Troubles, we endured 3,500 deaths, 47,000 injured, 16,000 bombings and 36,000 shooting incidents. The RUC was stretched to breaking point, and it is entirely unfair to judge actions at that time from the relative comfort and safety of the present day. The state did what it did to end violence. It sought to penetrate terror gangs to gather intelligence and thwart their ability to mount operations and take lives. Agents and informers were a necessary part of that, just as they were a necessary part of the FBI's efforts to bring down organised crime in the USA. Terror groups, in contrast, had hundreds of members who, on a daily basis, set out to try to kill people.

Mrs D Kelly: Will the Member give way?

Mr Hussey: No.

The existence of files created and held by the state with regard to the police, army and intelligence services means that the media and formal inquiries can gain access

to them. The IRA, INLA, UVF and UDA, being illegal terrorist gangs, did not keep records or files — or, as far as we know, they did not. This very fact means that any attempt to investigate the past will inevitably be skewed to investigate the actions of the state, the police and the army. This completely misses the point that in the early 1970s thousands of terrorists spent their waking hours seeking to murder policemen, soldiers and civilians. The focus needs to be on the terrorist godfathers who sent young men and women out on murder missions, rather than on the police and security services who were doing their damndest to stop them.

However, just imagine for a moment that there was a conspiracy. If the might of the British state, ranging from the intelligence services such as MI5, acting alongside the SAS and many regiments comprising tens of thousands of well-trained and well-armed troops, backed up by the RUC, including the famous Special Branch, was indeed able to call on and direct thousands of loyalist paramilitaries to take on the IRA, some questions arise. The first is: how were they so ineffective? How did this vast array of forces managed to miss virtually everyone in the IRA and Sinn Féin leadership? How did so many senior figures manage to avoid jail or death? Some of them, it must be remembered, led curiously charmed lives for over 30 years. Surely the SAS, MI5 and Special Branch would have had ample opportunity to remove key players from the pitch.

If they could not arrest and jail them, what about the allegations of shoot to kill by the security forces? Surely, if collusion was in operation, loyalist terrorists could have been directed to murder high-value targets in the IRA and the wider republican movement, rather than killing so many innocent people when there was no strategic military or political value. Why would the state risk so much for so little reward?

One answer may be that there was no great conspiracy and that loyalist murder gangs were acting under their own direction when they targeted low-level republicans and innocent Catholics. Another explanation may be rather unpalatable to republicans: the IRA and Sinn Féin contained a large number of informants and state agents, and, as a result, the security services were protecting their men and women at the heart of the republican terror machine by directing loyalist killer gangs away from highly placed and valued British agents in the IRA and Sinn Féin. Certainly, if the state was able to direct and facilitate the UDA and the UVF, you would have expected loyalist gunmen in the 1970s and 1980s to manage to take out IRA and Sinn Féin leaders and bring terror to their door, rather than wasting time and effort killing innocent nationalists or the odd IRA foot soldier. The success in prosecuting loyalist terrorists also suggests that they were not acting in concert with the state. After all, if collusion with loyalists was widespread, surely the state would not have wanted their agents removed from the stage.

Would Sinn Féin recognise the truth? Sinn Féin has proven in the past that it is selective in what it believes. What about collusion between the Republic of Ireland and republicans: the murder of the RUC officers, Mr Breen and Mr Buchanan; the murder of Lord Justice Gibson; the arms trial in the 1970s; the foundation of the Provisionals; the blind eye turned to on-the-runs, training camps etc in the Republic's jurisdiction; and the border campaign, particularly in my constituency of West Tyrone and the

Castleberg area, and the relative ease with which the IRA could come and go across the entire region?

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

Mr Hussey: What of the collusion between the IRA and the civilians who identified part-time members of the security forces? Ms Ruane made a comment about truth for all victims: that is what we want. I would love there to be truth for all victims, but as long as people on your side of the House remain silent, Ms Ruane, we will not get it.

Mr Dickson: I welcome the opportunity to speak on an issue that has poisoned political discourse but, most importantly, has destroyed and poisoned the lives of those directly affected. They include citizens from all communities in Northern Ireland. Since the late 1980s, suspicions that the state worked with agents in paramilitary organisations have been widely established.

Mr A Maginness: I thank the Member for giving way. Quite rightly, he says that the issue has poisoned political discourse, but would a proper truth recovery process not liberate the political process and allow it to get better and be more constructive?

Mr Speaker: The Member has an extra minute.

Mr Dickson: I thank Mr Maginness for his intervention and wholeheartedly agree with him.

Numerous investigations have proven, beyond a doubt, that that was the case, and many agents from all quarters have been implicated in the murder of people across Northern Ireland. It appears that these were murders that could have been prevented had the state intervened, rather than passively watching, turning a blind eye or even sanctioning them at the highest level.

The Stevens inquiries highlighted the characteristics of the collusion, which include:

“the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured.”

In a liberal, democratic and open society, that is an intolerable situation. However, what makes it worse is the continuing lack of action on the issue in the House and in the Executive. Victims and survivors deserve, demand and require our support. We must give them our support. More than that, they deserve action: action to deliver the truth; action to deliver justice.

Today, I believe that all that the families want is the truth. Many will want more, but some will require just the simple truth. Therefore, the Alliance Party wholeheartedly supports the creation of legacy institutions to deal with the past, as we agreed in the Stormont House Agreement.

Those institutions will include an oral history archive, which will provide a place for people from all backgrounds to share experiences and narratives. Crucially, that will be free from political interference, and all of us in the House must ensure that that freedom is maintained. A historical investigations unit will be set up to carry out the unfinished work of the Historical Enquiries Team. That will be crucial for victims and survivors who have not yet had their case investigated or for whom new evidence comes to light.

To secure those prospective institutions, we must, as a matter of urgency, return to the pathway set out by the Stormont House Agreement. That means that we implement all parts of the agreement as previously agreed or risk unravelling it all. Although it requires the difficult implementation of welfare reform, Sinn Féin and, indeed, the SDLP must face up to their responsibilities in government. To put it simply, the House cannot implement only the parts of the agreement that it likes and forget about the commitments that we have made, for example, to welfare reform. We cannot provide justice and deal with the past in an insolvent, unstable environment. We all need to work together to build the foundations for truth and justice by first securing a Budget, the living standards and the basic necessities for all our citizens in Northern Ireland.

If, however, we are ever truly to establish the truth through those institutions, people need to disclose what they know. The day of speeches like Ms Ruane's has to come to an end. She has to step out of the world of denial that she and her party live in. For that reason, I propose an amendment to the debate this evening that calls on all the actors to share with the new institutions any information that they hold. Sinn Féin cannot demand a higher standard of truth from state actors who caused harm without delivering the same actions and the same truth itself. The Stormont House Agreement made progress in those areas, and we must not throw it away. The victims and survivors deserve that from us. Sinn Féin and the SDLP cannot have their cake and eat it either. They must be responsible parties in government and implement the Stormont House Agreement in full.

Mr Frew: I rise in angst at the behaviour of the party opposite and at the way in which, at every opportunity, whether in the House or in the media, they apply hurt and pain on the victims and survivors each time they open their mouths with their selective memories and their forked tongues. Tonight was no different. Ms Ruane, in her opening speech, wanted to be selective and to confine the debate to murders that may involve collusion between our security forces only. Ms Ruane, I have a message for you: we will not let you. You and your colleagues are living in a world of denial. We will not allow that to take place. We will not allow you to do that, and we will make sure that, if it is the last thing we do, the truth will come out.

Given that 60% of murders were committed by the IRA and 30% by loyalist terrorists, there is absolutely no doubt that that is where the blame must lie for the Troubles and for the pain and the hurt on all our people. No matter what religion you are, what church you worshipped in or what background you came from, murder is murder, and it was committed by terrorist actions. Ten per cent of those killings were committed by security services, but many of them were committed by bringing terrorists down as they were active and on their way to murder innocent victims.

Mrs D Kelly: I thank the Member for giving way. Will he acknowledge that there is evidence that some murders could have been prevented had the security services not allowed agents to get up to acts, including murder?

Mr Speaker: The Member has an extra minute.

6.30 pm

Mr Frew: Thank you, Mr Speaker.

Yes, any collusion should be investigated, but you have to remember that whilst we talk about collusion, Sinn Féin talks about informers as being in collusion, and that is not the case. The use of informants is a tried and tested means of helping to protect people in a security threat and in a security environment, and that is what our security forces and security services had to do. I have no doubt that the use of informers saved many hundreds of lives.

Mr Hazzard: Will the Member give way?

Mr Frew: No, I will not, because your party did not have the good grace to give way to other Members of the House.

We need to find out the truth about the IRA and other terrorist organisations. We need to find out everything about their murders and their activities in murders. We have the Kingsmills victims and families, and we have the Teebane victims and families. Every time they hear Sinn Féin talk in a forked tongue, in a confined environment, it pours more pain and more hurt on those people, and that will be echoed across the spectrum of victims — across everyone in Northern Ireland.

Look at what the terrorist organisations did to our people. They ethnically cleansed large communities in our border counties; they worked in the shadows, hid in the hedges and shot people in the back, at their place of work, or at their front door with their children around their knees. They blew them to bits in their cars, in their vans, and even in the school buses they were driving that day. We will never allow this peace process or this truth recognition process to be one-sided. We will never ever allow that to happen.

When I think about the use of informants, I have no doubt that it actually strangled the republican movement to a halt. I believe that it eventually led to the defeat of the IRA and all other terrorist organisations. You may laugh and scorn at that statement, but I know for sure that there are many today in the ranks of political parties who were and are informers, which led to the defeat of the IRA. Many of you sitting in the room tonight may also have been informers and gave information to the police. Let us remember what that statement means, because the IRA murdered people and "disappeared" them because they gave information to the police — not even for informing or being an informant, but just for giving information to the police. You murdered them; the IRA murdered them; and that will never be forgotten by our people.

I have no doubt that the use of informants means that we have peace, or relative peace, in our towns, in our cities and on our country's streets. It is very important, when we come to truth, that it is the whole truth and nothing but the truth, because that is what our people deserve. Our people have been butchered and murdered and blown to bits long enough —

Mr Speaker: Thank you.

Mr Frew: It is time that they heard the truth from the Members opposite.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. The revelations in the 'Spotlight' and 'Panorama' programmes triggered this important debate today. What is, perhaps, surprising for those who have long known that state collusion took place, and it did take place on a systematic basis, is that we are still calling them revelations.

There is now a volume of evidence out in open view, not done by the media, that can surely leave no one in doubt — even those who, ostrich-like, do not want to see what the British Government did through their forces in the military, the police, the intelligence services, their state agents and informants — that state killings caused the death of hundreds of innocent citizens. That is the truth, if we are talking about the truth, and I am for the truth coming out all over. That is what the truth process that Sinn Féin has been arguing for for at least 15 years has been about and has been resisted, up till now, by those opposite.

Mr Allister: Will the Member give way?

Mr G Kelly: Not to you, Jim.

Whether you read the various reports by Stevens, Judge Cory, de Silva, or Nuala O'Loan or whether you read Anne Cadwallader's book, 'Lethal Allies', it is obvious that collusion was not random; it was part of a policy by British Government forces. We do not know how far up it went, although there is at least some evidence that, over many years, it went as far as the British Cabinet. Its purpose was to intimidate, demoralise and terrorise the nationalist community.

It is important to state that Ireland was not the only, or, indeed, the first, place where such a policy was enacted. If you want to read it from the British point of view, you will find it in General Kitson's book 'Low Intensity Operations' and also in his second book, which was called, I believe, 'Bunch of Five'. The first laid out the strategy, and the second gave examples of its implementation in many other places where the British had their colonies before here.

It is also important to say that the policy and practice did not work and was never going to work. Instead, it welded the nationalist community together in the face of such an onslaught. It certainly welded the families of victims together, and we all owe them a debt of gratitude for their tenacity and determination, sometimes into a second and third generation in searching out the truth from behind a maze of obstruction and obstacles put in front of them — also as a policy to prevent the truth coming out.

That culture of the impunity of state actors still prevails today, even amongst those in government and state agencies, who may not themselves have been involved in collusion leading to those deaths. It is perhaps one of the things that is most difficult for victims, survivors and their families to understand that people — even those across the Benches here — are defending things that they might not have had anything to do with. That is hard for victims to understand in their grief and in their search.

Let us be clear: holding back information, lack of disclosure, refusals to investigate, obstructing inquiries, destroying or losing evidence is the new collusion. Colluding in the cover-up makes those who do it as guilty as those who participated in the deaths and injuries of the collusion that we are discussing here during the very long conflict.

Victims of state collusion are so numerous that it is difficult to single out any one above the others, but let me speak just for a moment about the death of Pat Finucane because he stands out for two other reasons. An inquiry was agreed at Weston Park by the British and Irish Governments, yet that inquiry never took place. What the British did instead was to bring in legislation in the

Inquiries Act to prevent an open and independent inquiry. That was their way of dealing with the truth: to prevent it.

Secondly, although it is on record that a number of state agents were involved in his murder, not one member of any state force who handled those agents has ever been charged, even though it is not disputed, I would argue, on any side of the House.

Another case from north Belfast was one of the biggest losses of life, that is the McGurk's Bar bombings. It is documented that state forces knew that loyalists were involved in the bombings that killed so many people and that those same forces set about blaming republicans for the deaths, knowing not only that loyalists were involved but that state agents were involved.

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

Mr G Kelly: The motion states that the legacy — just let me finish with this because Mr Poots and Mr Dickson have linked this. They say that they are up for the whole truth coming out —

Mr Speaker: The Member's time is up.

Mr G Kelly: Yet they have linked this to others. *[Interruption.]*

Mr Speaker: Mr Robin Newton.

Mr G Kelly: Surely, they would agree *[Interruption.]* that the truth comes out no matter from where.

Mr Newton: I looked at this motion and the underlying principles, and what has prompted Sinn Féin to bring the motion forward; what it signed up for as general principles in the Stormont House Agreement is what it is basing its motion on. The four aspects that I want to highlight are that it signed up to promoting reconciliation; it signed up to upholding the rule of law; it signed up to acknowledging and addressing the suffering of victims and survivors; and it signed up to facilitating the pursuit of justice and information recovery. Of course, Ms Ruane, in proposing the motion, wanted only to limit the motion, and as she read out her list of names, she limited them to ones that are perceived by her to be more favourable to her case.

That indicates that this is not a motion of concern but only a motion of Sinn Féin propaganda. There is no respect — no respect — for those who suffered at the hands of terrorists, from whatever source the terrorism came. Ms Ruane has tried, by the words of the motion, to limit the debate to that aspect that she sees her case resting on: the 'Panorama' programme. She calls in the motion for a "thorough and independent investigation" and for legacy institutions to be set up as:

"a matter of urgency so victims and survivors are given real hope of achieving truth and justice in the near future."

There can be no doubt that this is a motion based on hypocrisy, pretence and duplicity. Those are the foundations of the motion.

Mr Kelly said that it is hard for innocent victims to understand. Yes, it is hard for innocent victims to understand the motivation of Sinn Féin and this motion. Actions speak louder than words. If they mean what they say in the motion, actions speak louder than the words that are down in the Order Paper. Many will believe that it is by

their deeds that you know them. If they are not prepared to come forward with all the information that they have about all the cases, it is by their deeds that you know them.

Mr Frew: Will the Member give way?

Mr Newton: I will give way.

Mr Frew: The Member will realise, having lived through all the Troubles, that when the IRA were murdering people for giving information to the police and the security forces, Sinn Féin and the IRA were speaking to and negotiating with the British Government. However, they were still murdering people. Even today, they are sitting here as British agents and as British Ministers administering British law.

Mr Newton: Many might see that as them having a conscience seared by a hot iron.

Slowly and surely, the real picture of the IRA is being revealed. As time goes on, more and more information will come out. Many of us on this side of the Chamber look forward to the revelations in the Boston tapes as they come out. The one interview that has come out is that of Brendan Hughes, who was referred to as "Darkie" Hughes. Of course, we all know about the double life of Freddie Scappaticci.

Reference has been made to the 17 cases of the disappeared, particularly that of Jean McConville. Gerry Adams has long denied being a member of the IRA. However, his former compatriots in the IRA claim that he authorised murder. That is not something being said by the DUP. It is his former compatriots who say that he, the president of Sinn Féin, authorised murder.

The case of Jean McConville was the most high-profile case, and one of the most infamous cases of the Troubles. There is information within Sinn Féin on the case. Sinn Féin has a knowledge of everything that happened around the murder of Jean McConville. If they want to use the high and mighty words that they have used in their motion, let them apply them and reveal the information around the murder of Jean McConville. Let them say who dragged Jean McConville from her crying children. Who kidnapped her? Who tortured her? Who disappeared her?

Mr Speaker: Before I call Chris Hazzard, I say to him that, if he decides to take any interventions, I will not award any additional time, because I am going to try to get in another Member to speak.

6.45 pm

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. At the outset, let me say that I know that a lot has been made of this point by those across the Benches. My heart goes out to absolutely any family, from all sides and none, who lost a loved one. However, the issue today is collusion and the killing of civilians and others by state actors. That is exactly what we are looking at today. The tsunami of evidence that has been provided in recent cases suggests and proves to us that collusion is no longer an illusion. Collusion was a practice that was:

"endemic and tacitly approved at the highest levels of Government."

Those are not Sinn Féin's words but the words of an editorial in the 'Belfast Telegraph' this week. Edwin Poots took issue with Sinn Féin lecturing. Again, I will use other people's words. After his reports, Sir John Stevens

recommended the arrest and prosecution of 24 RUC Special Branch and British Army officers. Sir Hugh Orde said that Gordon Kerr should have faced trial. The de Silva review revealed that 85% of all intelligence in the hands of loyalists was provided by the British Army and the RUC. Former RUC CID officer Jonty Brown said that, when solving a crime, he feared RUC Special Branch more than he feared the IRA. Former head of the RUC Special Branch Raymond White will tonight reveal, I think somewhat alarmingly to some people across the House, that, when sitting down with the British Prime Minister Margaret Thatcher, he was more or less told to carry on and not get caught. Those are not Sinn Féin's words, Mr Poots; they are the words of a lot of people who have looked at this issue. The only logical conclusion to this is to have an independent inquiry into collusion, and, if unionists are confident that British military and security forces are not up to their eyes in this policy, they have absolutely nothing to fear in a public inquiry. Indeed, they should themselves be calling for that.

That we are today talking about this policy is positive proof that the policy of collusion failed and failed miserably. Sadly, though, it came at a very high human cost, and many were killed and injured as a result. It is to the memory of those people and their families that we owe this debate this evening. I want to make specific reference to the case of the Loughinisland families. Paul Frew said that agents and informers saved lives. Brian Nelson and the Ministry of Defence brought vz. 58 rifles into this island, killing more than 200 people. They did nothing to save any lives in Loughinisland in June 1994. They killed people. They killed Adrian Rogan. They killed Barney Greene. They killed Dan McCreanor. They killed Eamon Byrne. They killed Malcom Jenkinson, and they killed Patsy O'Hare. They did not save lives in Loughinisland. Guns used on the night were brought in by the Ministry of Defence. The getaway car was provided by an RUC agent and was driven by unmasked RUC agent. When the car was found only hours later, the same RUC agent had already been into a Belfast police station and received his get-out-of-jail-free statement. The RUC destroyed the car within 10 months. *[Interruption.]* The RUC failed to apply DNA testing to any of the 177 recovered exhibits, including all the balaclavas, boiler suits, gloves, guns and, indeed, the car. The RUC proactively destroyed all interview notes of those arrested in the first two years. There have been 22 arrests since 1994, 13 of those in the first two years. All those notes have now been destroyed. The police have actively ignored, disregarded and destroyed vital evidence, all of which, might I add, was given to them by the public. Senior police figures know exactly who was responsible for Loughinisland. That is why they have never been charged.

Today, it is less about who pulled the trigger and more about who was pulling the strings. The twisted logic of collusion meant that every nationalist was a target and every Catholic was a suspect. Agencies of the British Government, such as the British Army and the RUC Special Branch, the UDR, their intelligence services MI5 and MI6, the Military Reaction Force, the Force Research Unit and, of course, the UDA and the UVF, were quite literally up to their necks in summary executions.

As I mentioned before about the Stevens investigations, the reports spanned a 14-year period. That was then the largest investigation in British police history, but the British Government blocked its publication and allowed only a

miniscule portion of the report to be published. Even that sample makes for shocking reading. Stevens interviewed 210 loyalists, and he found that 207 were either agents of the British Army or the RUC. Of the 120 killings of the Glenanne gang, every single one had a former or serving member of the British Army, the UDR, the RUC or the former B-Specials actively involved. In the massacre at the Ormeau Road bookies, the guns were used under the control of RUC Special Branch.

Mr Speaker: Thank you.

Mr Hazzard: It is time for a public inquiry —

Mr Speaker: Thank you.

Mr Hazzard: We have nothing to fear.

Mr Speaker: I call Mr Alban Maginness. I am afraid that I have only three minutes until I call the Minister.

Mr A Maginness: Thank you, Mr Speaker, I appreciate that. There is nothing wrong with the Sinn Féin motion, but there was plenty wrong with Ms Ruane's address to this Assembly. She abandoned any attempt to look at the truth. She abandoned any attempt to be objective.

It behoves us all in this Chamber to be objective about what happened. Yes, there was collusion — Stevens says there was; other reports have said there was; future reports will say there was — but the narrative that is put forward is of collusion only between loyalists and the British Army and the police. The reality is that there was collusion between agents in the republican movement and British intelligence and the RUC Special Branch. The same people who were involved in collusion were also involved in criminal activity — *[Interruption.]* — in murder. That is unacceptable; unacceptable in a civilised democratic society. That is what we in the SDLP hold dear —

A Member: Will the Member give way?

Mr A Maginness: I cannot — the value that should underpin any democracy, which is the rule of law. That is what is required, and that is why we support the legacy institutions under the Stormont House Agreement, but they do not go far enough in our opinion. They are only half of what Haass proposed. We believe that there should be a thorough process.

Let me say this to Ms Ruane and the other Sinn Féin Members: there is a blindness in what they say and in their view of what happened. What about Freddie Scappaticci? What happened to Caroline Moreland? What happened to Joe Mulhern? They were murdered by the IRA, by people acting within the IRA — acting, one would suggest, on behalf of a British agent. It was accepted that Mr Scappaticci was an agent, but what does Sinn Féin say about that? What does the IRA say? They turn a blind eye. They are totally silent about his activities. Indeed, when he was revealed as an agent, they said that he was a republican in good standing. Is he still a republican in good standing?

A Member: Denis Donaldson.

Mr A Maginness: Yes, there were other agents as well.

It is important, if we are going to get at the truth, that there is a truth. Mr Kelly has talked about Sinn Féin wanting the truth. Well, tell us the truth about those people who were in the IRA and acted in such a manner, carrying out murders, perhaps to cover up —

Mr Speaker: Thank you.

Mr A Maginness: Perhaps to cover up their own roles in that organisation.

Mr Speaker: Thank you. I call the Minister of Justice, Mr David Ford.

Mr Ford (The Minister of Justice): Thank you, Mr Speaker. I was going to start by saying that I agree with the wording of the motion, although, like Alban Maginness, I find myself in total disagreement with the way in which it was proposed. I also have no problem with the wording of the amendment, which creates a slightly more balanced approach.

There is no doubt that the recent 'Panorama' and 'Spotlight' programmes, and indeed the prime-time programme tonight, provide further poignant reminders of the toxic effect that the past continues to have on our society and of the pressing need to deal, effectively and comprehensively, with the legacy of our troubled past. I trust that, once we get the heat out of this type of debate, it will be possible to start to look at some of the ways in which we can do that. The way in which the motion was proposed, and the fact that the proposer refused to take a single intervention, shows something of the confidence she had in the speech she was making. To listen to her speech, you really would think that the majority of deaths in the Troubles were caused by the RUC and not by terrorists from different backgrounds.

The events outlined in the two programmes we have seen so far occurred a considerable time ago, in the decades long before the establishment of a devolved Department of Justice. Thankfully, they in no way reflect the current nature of policing in Northern Ireland. Clearly, in the past, there were examples of collusion. They involved state actors from both North and South.

They involved people from terrorist groups of different backgrounds. For either side of the Chamber to suggest that it was only the other side would be entirely incorrect. A focus on collusion does absolutely nothing to recognise what the reality was and does a significant disservice to those who sought to uphold the law when they were given responsibility, whether they were in the RUC or the army, the Garda Síochána or the Irish armed forces or were civilians throughout these islands. Yes, there was collusion, but let us not suggest that the majority of deaths arose because of that.

Those deaths cannot be brushed aside and ignored. We need to ensure that we investigate, we need to resolve those issues and we need to acknowledge the role that the institutions, including my Department, have today. Resolution involves treating all deaths as worthy of investigation, and all victims have rights to information and justice where that is possible. The claims that were detailed in those programmes are very serious, and complaints relating to several of the incidents are already under investigation by the Police Ombudsman. It would therefore not be proper to detail anything to do with that or for me to comment on them at this point, but, when those reports are completed, I will give the ombudsman's considerations very careful consideration on my part in the Department of Justice.

The Chief Constable, George Hamilton, recently stated clearly that:

“where people have operated outside of the law, where people have been involved in crimes such as murder, that is utterly unacceptable and those people should be investigated, no matter how long ago those crimes were committed.”

When the Chief Constable said that, he meant all those who operated outside the law, and I entirely agree with him that those crimes must be investigated. However, the practices described in the 'Panorama' programme in particular occurred at a time when there was no regulatory framework governing the handling of intelligence sources. Since the PSNI policy on covert human intelligence sources became governed by the Regulation of Investigatory Powers Act 2000, it is now fully compliant with human rights legislation and in a very different place.

It is the case that such programmes make us stop and think. They require us to question how justice was dispensed in the past, but they are tethered to the past and have to be seen in the context of the huge and very significant changes that have happened in Northern Ireland since those times, changes involving, of course, the devolution of policing and justice powers to the Assembly, significant progress in ensuring greater accountability of the police and significant progress in building confidence in the Police Service right across the community.

The past has been an area where the justice system could go only so far without a wider political solution. That has to be what now comes from the Stormont House Agreement, which is the best vehicle to take forward a thorough and independent investigation of matters falling to it under the agreement. Otherwise, we are condemned to an endless cycle of “whataboutery”. Whilst some Members of the House may be content with that, I, as Minister of Justice, am not content. I am committed to implementing the elements of the agreement that fall to my Department as quickly as possible. Given the urgency of establishing the new institutions, I look forward to seeing that carried forward through a Westminster Bill this autumn. Otherwise, there is a danger that the past will continue to create huge difficulties for the justice system of the present.

It is important to emphasise the necessity of creating systems that are fully compliant with article 2 of the ECHR. The historical investigations unit is being set up as just such an independent organisation. It will be vital to ensure that that independence is maintained and it is seen to fully deliver on article 2 investigations. Work has already begun in preparation for the recruitment of a director designate for the HIU to ensure that the director is fully involved in key decisions on the operational workings of it. The justice system is committed to learning from both the best and the worst of our previous attempts to deal with these issues. We must learn from the mistakes of our past. We must also move forward in a positive, transparent, just and human rights-compliant manner. When Gerry Kelly said that that impunity still exists today, I believe that he was fundamentally wrong and that it is not a recognition of reality as applies in the justice sphere in 2015.

I am clear that solutions must be built on cooperation and partnership with all the relevant interests. That applies today, and it applies as we look at the past. My Department will consult on the key aspects of the Stormont House Agreement that fall to the justice system as soon as possible in advance of the legislation being laid.

That commitment to engage is reflected in the ongoing engagement and dialogue that my officials have already had with key stakeholders, the victims' forum, a variety of victims groups, the voluntary sector and academic interests. That is very much in keeping with the spirit of the Stormont House Agreement and the importance that it gives to a victim-centred approach.

7.00 pm

I believe that the new bodies that will come out of the Stormont House Agreement represent a real and genuine opportunity to deliver information, justice and support services to victims and survivors. We all know that it will not be possible to get justice for all. At the very least, we should be able to ensure that we get as much information as possible and that the necessary support services are provided. Inevitably, the passage of time will mean that it will be difficult in many cases to give victims all that they want, but we owe to them to provide that resolution as soon as possible.

The inquest system also has a crucial role to play in dealing with the past. We recognise the huge challenges that are faced by coroners. In that respect, Mr Poots suggested that the Kingsmills families were still waiting for documents from the Republic of Ireland. My understanding is that the first batch of information was supplied by the Irish authorities to the coroner last week. Therefore, a degree of progress is now being made in that respect. No doubt, Mr Poots would say that it is rather late — better late than never.

The Stormont House Agreement recognises that we need to look at how the legacy inquest function is conducted to comply with article 2 of ECHR. In conjunction with the Chief Justice, my Department is taking steps to do so. Improvements are being progressed to enhance the way in which legacy inquests are conducted. The Legal Aid and Coroners' Court Act (Northern Ireland) 2014 provides for the Lord Chief Justice to be present at the Coroners' Courts. We are working on the planning for that to improve leadership and direction for the Coroners Service. As president of the Coroners' Courts, the Lord Chief Justice will be able to introduce improved judicial case management for legacy inquests and to allocate the most complex inquest cases to more senior judges than has been the case heretofore. It has already been agreed that the existing County Court judicial complement will be increased for that purpose.

Work is also under way to establish a legacy inquest unit in the Coroners Service with additional legal, investigative and administrative support. Taken together, these reforms will provide significantly improved arrangements for dealing with legacy inquests. We should consider that there are currently over 50 legacy inquest cases relating to a significant number of deaths that are still outstanding. The victims — the bereaved in those cases — deserve to see the institutions established and the Coroners Service working better and better resourced around inquests in the past to ensure that some measure of comfort can be delivered to those who have suffered from that.

Some of the developments that I have outlined will take time to put in place and become fully operational. Progressing these developments is a key priority for my Department, and I am committed to seeing them through to their delivery. That requires agreement by the parties in

this Chamber. It requires detailed work to ensure that the Westminster Bill is correct. It requires that we deal with the impasse over finance and welfare reform and actually put into practice the commitments that so often come from all parts of the House about our concern for dealing with victims of crime, whether past or recent, to ensure that we actually deliver for them, live up to the deal to make a deal that we agreed in December 2014 at Stormont House, put that in place and show that the House, instead of engaging in "whataboutery" across the Chamber, can actually put the needs of victims and the bereaved first.

Mr Craig: I rise to support the amendment that we have proposed. I listened with interest to what the proposer of the motion actually had to say: it was all about collusion. More importantly, it was all about their version of collusion and the fallacy that the only people involved in collusion were state forces. I have bad news for that individual: it was not just "state forces", as she calls them. Every paramilitary grouping that was out there was buried up to its neck in collusion. There was collusion with state forces and the police. Worse still, that Member will also have to face up to the reality that the IRA had a lot of collusion as well. It was up to its neck in it with the Garda Síochána in the Republic of Ireland, as was clearly pointed out by the Smithwick inquiry.

So, collusion did take place. Was it systematic, as Mr Kelly alleges? He also makes the allegation that it was not only systematic but that the evidence is out there. That raises loads of questions in my mind.

First, when the former Police Ombudsman, Dame Nuala O'Loan, made allegations that hundreds of people in the former RUC and other organisations were in collusion with paramilitaries, I have to ask the question: what on earth was Dame Nuala O'Loan doing as Police Ombudsman? How many of those people were brought to book when she was in position as Police Ombudsman in Northern Ireland? It was her duty to investigate them.

It is easy to make allegations; it is very difficult to investigate, find evidence and prosecute. The simple truth is that, during her years as Police Ombudsman, they did not find that evidence. Other ombudsmen since have not found that evidence either. However, as my colleague, quite rightly, pointed out, that does not mean that there was no collusion. There were bad apples out there. If they are out there, they deserve to be investigated and, with whatever evidence can be found, brought to book.

I have spoken to families from all sides of Northern Ireland who feel that collusion in some shape or form played a part in the death or murder of their family member. The House will be surprised to learn that it does not come from just republican households. There are loyalists out there who feel that collusion played a part in their loved one's death. Oddly enough, there are republicans who feel very strongly that collusion between the Provisional IRA and state forces led to the death of their loved one. I do not hear Sinn Féin jumping up and down about those allegations and demanding inquiries and investigations.

The difference is that, if we look at what the RUC, the army and others did down the years, we will find that the truth is out there. It is buried in the 6.3 million documents held by the security forces in Northern Ireland. It can be found and looked at, and anyone who was involved in something that they should not have been can be brought

to justice, but let us look at collusion on the paramilitary side. Where do we find the evidence for that? It is certainly not in documents kept securely in Northern Ireland or any other part of Ireland. The simple truth is that the evidence of the outcomes of their collusion was buried in the bogs of Ireland, North and South. We all saw the consequences of that for the families involved — an absolute disgrace.

Cherry-picking the agreement will not work. It is the whole agreement or no agreement. Get that into your heads.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt i bhfabhar an rúin. When Cairtriona Ruane opened the debate, she, quite correctly, reminded us all that there are many families — I am talking about all families — still grieving and in a grieving process. We have to be very sensitive to their feelings. I leave it up to those who spoke to decide whether they lived up to that standard.

On a number of occasions, parties have, quite correctly, tabled motions on a single incident, a collection of incidents or a theme. That is appropriate. It would have been churlish had any of us got up and said, "You are singling out one over the other", because that is not the way to proceed. It is also churlish for anybody to suggest that British state collusion with loyalist paramilitaries, or, indeed, unionist militias, is not worthy of discussion. I do not know where they are living, given the recent commentary. The debate was very interesting. It seemed that a number of contributors had failed to read the motion. That is for them to decide.

There is absolutely no doubt that the families who are striving very hard to expose collusion and search for the truth have had a very difficult year. I have no doubt that part of that has been the result of the legal processes that they have gone through, which have been obstructively slow. There is no doubt that the recent 'Spotlight' and 'Panorama' programmes have added to that. Indeed, the RTÉ programme tonight will no doubt be part of that process as well. That documentary has been trailed on a variety of media outlets over the last number of days, and I think that we are increasingly dealing with the reality that there was collusion. Some are still in denial and are just not dealing with the fact that collusion existed. Most accept that there was collusion and that we are now dealing with its extent.

Whoever was involved in collusion — any form of collusion — should be exposed. There should be no hiding place for them, and they should all be held to account. In the debate, we had the opportunity to decide what we want to do, as an Assembly, to take it forward, and that was through the institutions that were agreed at Stormont House last December. We have to do what we have to do to make them work in the way that they are designed. That will not be without challenges, and Gerry Kelly and others talked about those challenges. There will be challenges for republicans, for other people and for other combatants, but we must face those challenges. If we do not, the families who are seeking the truth will not get the truth.

Sinn Féin has long contended that collusion was a policy that was central to the British Government's approach to dealing with the political conflict in Ireland. It was a policy that was sanctioned at the highest level of the British Government. It was a policy that was used as a form of repression, and it came along with many other policies of

repression, such as internment, torture, Castlereagh and emergency legislation. Those were all denied at the time, we had all the theories about rotten apples in the barrel, and every one of those was exposed.

Alongside that form of repression came the culture and apparatus of denial and impunity. We have seen how that had many guises and how it was particularly facilitated by policing and justice agencies. Thankfully, the damage that was done by that has, in some way, been restored or addressed through the Good Friday Agreement. We have also seen the political denial, which was very obvious today.

To understand the nature and extent of the culture, you have only to read the Stevens report number 3 — even much of that was redacted — Judge Cory's report after the Weston Park Agreement and the de Silva review, a lot of which focused on the killing of Pat Finucane. In themselves, those reports were perhaps far from complete and do not give us the full picture, but they certainly highlight how collusion as a policy was initiated, nurtured and employed by the British state and its agencies.

John Stevens informed us all that 210 people were arrested, 207 of whom were paid British agents. When the de Silva report referred to Brian Nelson and the fact that he was a paid agent, it described him as an employee of the state. People have said that it was not systematic, but 207 people take a lot of handling and organisation, so people really need to realise the fallacy of the idea that it was not systematic.

In case people believe that collusion started and ended with the Brian Nelson affair, one only has to read Nuala O'Loan's report on the Mount Vernon UVF — others referred to it — and look at Operation Ballast. It is all there to be seen. It did not just take place in the 1980s and 1990s. There was the Glenanne gang and McGurk's Bar, and it stretched right across the island with the Dublin and Monaghan bombings and the killing of Eddie Fullerton. They are all there.

In the aftermath of the de Silva review, which most people accept was only a surface investigation with no powers of questioning or rebuttal, it was so obvious that collusion was endemic that no less than the British Prime Minister David Cameron was compelled to admit liability in the British House of Commons. He said that there were "shocking levels" of collusion between unionist paramilitaries and the British state and that that was demonstrated "beyond ...doubt". All those who talk about collusion being alleged or not proven should quote and read the British Prime Minister.

He went on to state areas such as identifying Pat Finucane as a target, supplying the weapon that killed him, facilitating its disappearance and deliberately obstructing the subsequent RUC investigation, and that British Army officers lied to the investigators. So, when people ask, "Did collusion exist?", David Cameron certainly believed that it did. Indeed, he apologised on behalf of the British Government and, in his words, on behalf of his country.

7.15 pm

Having read the Hansard report of that speech, I note that there was not a single dissenting voice. All the MPs present seemed to accept what David Cameron said. Not one of them ever accused him of misleading the House and we all know the consequences of that. Indeed, many

observers have commented that in any other place, indeed, even in Britain in the past, Governments have fallen for far less. That is what we are dealing with.

The families of those who were affected by collusion have stated that their focus is on the truth and that, for them, that can only come about through an independent and thorough investigation process. Confidence has been dented because of the way in which the agencies of the British state have responded to date. The culture of denial and delay is an attempt to slow down that process. I was a bit perturbed that the Minister referred to the lack of regulatory impact. You do not need any regulatory impact to decide what is right and wrong, and to try to defend what happened then through the lack of regulatory impact is a bit rich. *[Interruption.]* The families are to be commended for their dignity and the resolute manner in which they have confronted that culture of silence and denial. The challenge was made and people said that they would not relent to Sinn Féin and that Sinn Féin will not get its way on this particular issue. Take Sinn Féin out of it; the people you are dealing with are the families of those affected. They will not be going away, because they have exposed the nature of the British state in relation to collusion.

I was a bit annoyed — maybe that is too strong a word — that Stewart Dickson linked this to welfare reform. It is absolutely outrageous that we are going to have a process where people are trying to identify and seek the truth and they are going to be told that they cannot have it until the rest of us deal with welfare reform. That is a bit silly. The accusation was made in the past — and the Minister needs to be careful about this — that his Department was the NIO in drag, and some of the statements that were made today give some credence to that.

We all remember the arrogance and dismissive attitude that was displayed to families when they were told that collusion was an illusion. We can all look to those families and say that they disproved that collusion was an illusion. It was a reality in everyday life and a reality in their lives that saw their loved ones being assassinated by a unionist militia that was paid and controlled by the British state.

That is why this motion is important and it is why we focused on the issue. We can have an issue about the causes of the conflict and who was involved in the conflict; that is what the Stormont House Agreement will allow us all to do, but it was wrong for anyone to say here today that British state collusion in relation to unionist paramilitaries was not an issue worth discussing. Anybody who tried to sidetrack it with another issue was doing a disservice not just to the truth but to the families who are sitting in the Public Gallery and who are looking for leadership from this institution to ensure that they get the truth. We pledge our support to them and we will continue on in that search.

Question put, That the amendment be made.

The Assembly divided:

Ayes 49; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Ms Lo,

Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Anderson and Mr G Robinson.

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr G Kelly and Ms Ruane.

Question accordingly agreed to.

7.30 pm

Mr Speaker: The Whips have advised me that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to the Division. Do we have Tellers?

Main Question, as amended, put.

The Assembly divided:

Ayes 48; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Anderson and Mr G Robinson.

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr G Kelly and Ms Ruane.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr B McCrea

Main Question, as amended, accordingly agreed to.

Resolved:

That this Assembly shares the serious concerns about collusion, as reported in the BBC 'Panorama' programme broadcast on 28 May; as well as the 'Spotlight' programme broadcast on 9 June 2015 and the criminal actions of paramilitary organisations highlighted in both programmes; and calls for the implementation of the Stormont House Agreement, in full, as a matter of urgency to afford victims and survivors the opportunity to pursue justice in the near future.

Adjourned at 7.40 pm.

Northern Ireland Assembly

Tuesday 16 June 2015

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Before we proceed to today's business, I remind Members that, due to unforeseen circumstances, the Minister for Regional Development was not able to attend Question Time yesterday. The Minister for Social Development, who was due to answer questions today, took his place, and questions to the Minister for Regional Development will commence at 2.00 pm. All Members were notified of that change last Friday.

Ministerial Statements

North/South Ministerial Council: Plenary

Mr M McGuinness (The deputy First Minister): Go raibh maith agat, a Cheann Comhairle. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the twentieth meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in Dublin on Friday 5 June 2015. The Ministers who attended the meeting have agreed that we can make this report on their behalf.

Our delegation was led by the Finance Minister, Arlene Foster MLA, and me. In addition, the following Ministers were in attendance: Minister Durkan; Minister Farry; Minister Ford; Minister Hamilton; Minister Kennedy; Minister Ní Chuilín; Minister O'Dowd; Minister Storey; junior Minister McIlveen; and junior Minister McCann

The Irish Government delegation was led by the Taoiseach, Enda Kenny TD. The following Irish Government Ministers were also in attendance: Tánaiste and Minister for Social Protection, Joan Burton; Minister for Foreign Affairs and Trade, Charles Flanagan; Minister Noonan; Minister Howlin; Minister Fitzgerald; Minister Reilly; Minister Varadkar; Minister White; Minister Donohoe; Minister Humphreys; Minister of State Hayes; and Minister of State Sherlock.

The meeting started with a discussion on the challenges facing both Administrations and the policies being implemented to support economic growth and job creation and to improve living standards. That included discussions on foreign direct investment (FDI) and working together to build trade links with key developing markets. I think that we are all pleased with the positive signs in both economies, but, of course, it is important that we work to support the recovery.

We then had a good discussion on the various EU funding opportunities that are available. Ministers noted the discussions that have taken place across all NSMC sectors in relation to EU funding opportunities and the identification of relevant programmes that are available for collaborative funding applications. There is a real opportunity for us to work together in this area, and Ministers agreed to continue to examine opportunities and progress in drawing down collaborative EU funding.

Approval of the INTERREG V programme by the European Commission was welcomed, and the Council looked forward to the early finalisation of the Peace IV programme. Ministers welcomed the early indications of good progress towards reaching the joint target of

€175 million in cross-border collaborative drawdown under the Horizon 2020 programme and the work of InterTradelreland and the all-island steering group in raising awareness of the programme. The Council agreed that a further update on EU funding opportunities will be brought to the next plenary meeting.

The next item on the agenda was sectoral priorities. The Council noted that sectoral priorities were discussed at the NSMC institutional meeting on 25 February 2015 and that new sectoral priorities will be an agenda item at future institutional meetings. The Council also noted the decision that was agreed at the NSMC institutional meeting that Ministers would review their current work programmes and that endorsement of any changes will be sought at a future NSMC plenary meeting. Ministers agreed that the matter of sectoral priorities and the current review of work programmes will be kept under active review.

Ministers then went on to have an extensive discussion on cross-border smuggling and fuel laundering. The issue had been raised at previous plenary meetings and at recent NSMC environment, agriculture and transport meetings. Ministers noted the ongoing efforts by both jurisdictions to tackle the serious issue and noted the introduction of the new fuel marker in both jurisdictions. The Council noted that the issue is also of concern at EU level. The Commissioner for Environment, Maritime Affairs and Fisheries has been in correspondence with Environment Ministers, North and South, concerning latest developments and actions taken to address the issue. The Council recognised the importance of closer cooperation between agencies in tackling and combating cross-border smuggling and fuel laundering and agreed that the topic be revisited at a future meeting.

An update was then provided on the north-west gateway initiative. The Council noted the continued engagement between officials from the Department of Foreign Affairs and Trade and the Office of the First Minister and deputy First Minister with stakeholders concerning the future development of the north-west gateway initiative and the ongoing discussions on arrangements to hold a meeting of relevant Ministers in the north-west. The Council further noted the current work by Donegal County Council and Derry City and Strabane District Council to develop new and collaborative cross-border arrangements at local government level to promote the development of the north-west region consistent with the aims of the north-west gateway initiative. Ministers noted that these arrangements aim to place cross-border cooperation in the north-west on a more formal basis in local government-led structures and will allow for the development of the future direction and priorities for the region in cooperation with central government and other stakeholders. Ministers also noted the ongoing work on the A5.

The Council then noted that, in line with the decision taken at the NSMC institutional meeting on 25 February 2015, the joint secretariat has consulted sponsor Departments and board members of the implementation bodies and Tourism Ireland Limited regarding the proposal to extend the existing terms of appointment of board members for 12 months. This consultation is ongoing. The Council agreed that decisions on board appointments will be made before the expiry of the current board members' terms of office in December 2015.

Next, the Council noted the progress report prepared by the NSMC joint secretaries on the work of the North/South bodies and in the other NSMC areas for cooperation and welcomed the following key developments. Cooperation continues with regard to EU-related transport issues. At their recent meeting in April 2015, Ministers noted the opportunity to strengthen the Trans-European Transport Network (TEN-T) application process through the development of cooperation statement templates that will support project applications.

Ministers also noted the position with regard to the INTERREG programmes, including the update on the INTERREG IV funding of the Belfast-Dublin Enterprise service upgrade and Drogheda viaduct works.

At the NSMC health and food safety meeting held at Altnagelvin Area Hospital on 15 April 2015, Ministers discussed ongoing cooperation in healthcare. They welcomed the presentation by the Western Health and Social Care Trust representatives on the radiotherapy unit and had the opportunity to view the construction under way on the unit, which they were advised is on target for completion within the agreed time frame.

At the NSMC agriculture meeting on 25 February 2015, Ministers noted the recent developments in plans for the implementation of the Common Agricultural Policy reforms agreed in 2013, including administrative measures for direct payment schemes.

The Middletown Centre for Autism successfully hosted a major international conference on the theme of enabling education, targeted at professionals and parents of children with autism. The event, attended by in excess of one thousand delegates, was opened by both Education Ministers and featured a range of eminent speakers from across the globe. Progress continues to be made by the two Departments and the centre in facilitating the expansion of the centre's range of services.

At the NSMC environment meeting on 13 May 2015, Ministers received an update on the agreed repatriation of waste programme for 2015, under which two illegal waste landfill sites will be addressed. The issue of fuel laundering was discussed, and Ministers expressed concern at the impact of fuel laundering and stressed the importance of closer cooperation between agencies to tackle the issue.

At their meeting in January 2015, Ministers noted the various support structures put in place by InterTradelreland to assist with the jointly agreed €175 million target for cross-border applications under the Horizon 2020 research and innovation programme. Ministers also noted that early results were positive, with 45 cross-border applications to the programme and an economic value of €8.8 million for successful cross-border Horizon 2020 collaboration at that time.

The draft Peace IV and INTERREG programmes 2014-2020 were submitted to the European Commission on 22 September 2014, in line with the regulatory deadline. The INTERREG programme was formally adopted on 13 February 2015, with calls expected to launch in early summer. A number of outstanding issues still remain in the Peace IV programme, and high-level discussions are ongoing between the member states and the EU Commission. It is hoped that the Peace IV programme will be approved shortly and be open for calls later in the year.

At the NSMC health and food safety meeting in April 2015, Professor Chris Elliott of Queen's University Belfast gave a presentation on the topic of "Food safety and traceability: an all-island imperative", which provided Ministers with valuable insight into this important subject.

Ministers welcomed reports on the activities of the Loughs Agency in promoting and marketing Foyle and Carlingford loughs, in particular marine leisure infrastructural developments, outreach and community activity, and promotion of local seafood products.

Progress continues on the publication of the new English-Irish dictionary flagship project, and an app for the new English-Irish dictionary will be available in the near future. Progress continues on the Ulster-Scots community impact programme, which has been extended for a second year following a positive evaluation.

In February 2015, Minister Heather Humphreys announced the approval of the restoration by Waterways Ireland of a 2.5 kilometre stretch of the Ulster canal, connecting Castle Saunderson International Scout Centre to the Erne basin at an expected cost of approximately €2 million.

Finally, the Council noted that last year was another great year for tourism. Total overseas visitors to the North for the first nine months of 2014 grew by 3% year on year. Overseas visitors to the island of Ireland increased by 14% in the January to March 2015 period when compared to the same three-month period a year earlier. The council also noted the very successful greenways and blueways information-sharing and networking event hosted by the joint secretariat on 30 April 2015.

10.45 am

Ministers then noted the current position on a North/South consultative forum.

The meeting ended with the Council approving a schedule of NSMC meetings proposed by the joint secretariat, including a NSMC institutional meeting in Autumn 2015 and the next NSMC plenary meeting in November 2015.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I thank the First Minister for that update. Paragraph 6 states that there was a "discussion", paragraph 7 states that there was a "good discussion" and paragraph 14 states that there was "an extensive discussion". Are those officially defined terms? With regard to the discussion that was neither good nor extensive, what were the positive signs in both economies.

Mr M McGuinness: I think that a bit of nitpicking is going on. Obviously, we had a very thorough discussion in relation to the ongoing economic situation North and South. We were able to record what is good news for us, the fact that we have had steadily decreasing unemployment figures over the last 28 months.

At the same time, we recognise that we are facing huge challenges in relation to the difficulties we are having to deal with as regards the austerity agenda that is coming at us from London. Effectively, something like £1.5 billion was taken out of our Budget over the lifetime of the last Conservative Government, and further cuts are predicted by the Chancellor of the Exchequer. That leaves us with a very challenging situation. The fact that, even against that

backdrop, we have been able to record unprecedented levels of foreign direct investment is obviously good news.

The South were also amplifying their decreasing unemployment figures. During the meeting, they made the case that their economic situation was steadily improving, to which I asked, "When is the election?". All I got was a smile in return and fingers pointing towards the Taoiseach.

Overall, the economic discussions that take place at these meetings are of great importance to all of us.

Mr Moutray: The deputy First Minister is no doubt aware that many of those involved in fuel smuggling, especially along the south Armagh border, are former IRA members. Many, like me, believe that they act with relative impunity to this day. What tougher measures would the deputy First Minister like to see introduced to help tackle this crime, given that, to date, no one has served a custodial sentence for it?

Mr M McGuinness: As far as I am concerned, the people involved in fuel smuggling and fuel laundering in south Armagh are criminals who need to be arrested and brought before the courts. My party fully supports the authorities North and South that are charged with the responsibility for tackling this.

Quite apart from everything else, people involved in fuel laundering are endangering the lives of the people who live in the community. The environmental fallout from the activity is disastrous for the local community, endangering people's health and animal health. During the meeting, we were very encouraged by the fact that there is a new marker in the fuel, which makes it much more difficult for people to be involved in fuel laundering. We welcome that very much. We also welcome the fact that in the region of 100 illegal fuel-laundering plants have been detected and put out of business.

So, my party is absolutely of the view that anybody involved in this type of illegal activity is a criminal who needs to be arrested and brought before the courts.

Ms McGahan: Go raibh maith agat. What discussions took place regarding the efforts to resume the A5 project?

Mr M McGuinness: We had a useful discussion on the prospects for the A5. The issue comes up at all of the meetings that we have and at the margins of the meetings. As I said, we did have a useful discussion on the prospects for the A5 project being resumed.

The next step is now for the Regional Development Minister to publish the draft orders. I understand that, in response to a question for written answer on 24 April, the Minister stated that he would be bringing a new Executive paper on the way forward for the A5 within weeks. I also met the Minister on 30 April, when he confirmed his intention to publish the draft orders imminently. I welcome that commitment and, given the time frame that he has outlined, expect to see the new Executive paper in advance of the summer recess.

This is a vital project for the west and for all of the counties in the west from Derry right through Tyrone into County Fermanagh. It is a project that will not just supply a first-class route in the northern stretch to link up with a first-class route in the southern end to Dublin; it is also a vital route for people in County Tyrone travelling to Belfast to link up with the M1 at Ballygawley. The sooner that we see

this project moving forward the better, and I look forward to the early announcement of the draft orders.

Mr Ramsey: I thank the deputy First Minister for the statement to the House, and I very warmly welcome the more determined approach in terms of the north-west gateway initiative. I want to ask the deputy First Minister about the apathy felt in the north-west and Derry and Strabane, which have the highest levels of unemployment and economic inactivity. Will the economic development of the north-west, including third level education and access to more employment opportunities, be the focus of any future deliberations?

Mr M McGuinness: I absolutely agree with the Member. That is one of the reasons why the First Minister and I agreed that we would form a subgroup of Ministers to deal with the very strong perception — it is more than a perception — that there are areas of the North that are not getting their fair share. Quite clearly, that was a declaration of both his and my intent to ensure that the subgroup would tackle the unacceptable, high levels of unemployment that exist, particularly in the Derry and Strabane area. There was to be a meeting of the north-west gateway initiative, but it did not happen for unforeseen reasons, and the health of the First Minister intervened on the second occasion. We are hoping that that meeting will happen very shortly.

Obviously, we accept that the combined efforts of the Ministers involved in the north-west gateway initiative and the ministerial subgroup that we have formed need to tackle the whole of issue of, for example, Magee university and the numbers of students there. The expansion of the university is absolutely critical for the importance of future economic development in the city. Of course, the whole issue of infrastructure is of major importance, so the A5 and the A6 are very much in the forefront of all our minds. Obviously, these contribute to the ability to attract foreign direct investment.

Mr Lyttle: Can I ask the deputy First Minister what the outstanding issues with the EU Peace and Reconciliation Programme IV are? How will those be overcome, when will the programme open and how will it be linked with the OFMDFM regional good relations strategy, Together: Building a United Community?

Mr M McGuinness: Obviously, this is something that has contributed tremendously for all of us in recent years. The new Peace programme has not yet been finalised, and officials, North and South, are making every effort to reach agreement. Minister Foster and Minister Howlin had a bilateral meeting on the morning of the NSMC plenary to discuss the Peace IV programme, and I know that there is a strong desire on both sides to get the programme agreed as quickly as possible. Delays at the start of the programme will place us under pressure to meet spending targets later, so it is very important that we reach agreement as soon as possible.

As I recorded in the initial statement that I made, it is also very important for us to continue the work of maximising the success of Horizon 2020.

Good progress has been made by officials and Ministers, North and South, on that issue in relation to drawdown.

Mr Spratt: I thank the deputy First Minister for his statement. I notice from the joint secretaries' progress report that cooperation on transport issues and

opportunities to strengthen TEN-T applications continues. Exactly what progress has been made and what project applications are being considered for TEN-T?

Mr M McGuinness: The Minister for Regional Development advises that his Department submitted four applications under the Connecting Europe Facility call for funding, launched in October 2014. Two of the applications submitted are for rail projects: track refurbishment and upgrade work on the Belfast to Dublin lines and upgrading work on the Coleraine to Derry line. The other two are road projects: works relating to the A26 dualling scheme and studies for the Newry southern relief road. In total, those projects are seeking up to £34 million of co-funding.

The upgrade to the Enterprise service is important to improve rail services between Dublin and Belfast, and we understand that the supply issues that had the potential to delay the project have been resolved, and NIR and Irish Rail are confident that the lost time can be recovered. The total cost of the project, which is funded by INTERREG, is approximately £17 million, including the refurbishment of the Drogheda viaduct. Once completed, this project will be a further positive example of North/South cooperation and will be of real benefit to rail users from both jurisdictions.

As many people know, there is a lot of focus on the Juncker plan, which has been much discussed recently, and we are continuing to explore how that can be exploited in our interests.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the deputy First Minister for his statement. I noted, Minister, that you alluded to a meeting of the north-west gateway initiative. How soon do you think it can take place?

Mr M McGuinness: It should take place before recess. It did not happen, due to unforeseen circumstances, but there is a strong commitment that the meeting should take place. There is clear recognition that the north-west gateway initiative and the work of the ministerial subgroup is a priority in beginning the process of redressing the difficulties faced by people west of the Bann.

Mr D McIlveen: I, too, thank the deputy First Minister for his statement. Deputy First Minister, of the projects in this list, some are aspirational, some have commenced, and all have a degree of cost attached to them. On the basis that the Assembly continues to haemorrhage over £10 million a month due to the failure to implement welfare reform, did the Ministers of the Irish Republic offer to pay for these projects?

Mr M McGuinness: The Member will be as aware as we are that we had a commitment from the Irish Government on shared funding for the development of the A5. Their commitment was to something in the region of £400 million in match funding for our side of the bargain. Of course, the offer was withdrawn due to economic circumstances. That was apart from the difficulties that the A5 then faced from the fallout of the judicial review, which we hope will be remedied shortly.

The challenges we face with the issues and the projects that we deal with on the North/South Ministerial Council are real. Although some may be described as aspirational, they are very important for future development on the island, for the benefit of everyone on the island.

There was a bit of political point scoring in relation to funding. People have to remember that this is about protecting the most vulnerable, marginalised and disabled in our society, and, yes, that comes at a cost.

11.00 am

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. My question follows on from those raised by Bronwyn McGahan and David McIlveen. Is the deputy First Minister satisfied that Minister Paschal Donohoe and an Taoiseach, Enda Kenny, remain fully committed to the A5 project from the Dublin Government side? I note the comments by the deputy First Minister on the expectation that a paper from Minister Kennedy on taking the project forward will come to the Executive in the coming weeks.

Mr M McGuinness: The next stage in the process is the publication of the draft orders. As the Minister for Regional Development indicated, both in an answer to a question from a Member and in a meeting that he participated in with me, he intends to do that within weeks. For us, that is the next stage of the process.

How we will fund the road obviously represents a challenge for us, North and South, but the £50 million commitment that the Taoiseach made, which, of course, falls short of the £400 million, is still on the table. I hope that, in the context of, as the Irish Government describe it, an improving economic situation in the South, if we can get the green light to proceed with the road, they will recognise their responsibilities to come up with their side of the bargain. It is a commitment of the North/South Ministerial Council.

Mrs D Kelly: I thank the deputy First Minister for his statement. Were any specific measures discussed or opportunities identified for EU funding to provide better high-end job opportunities and real employment opportunities and/or training for our young people to address the high levels of youth unemployment across the island?

Mr M McGuinness: We are all very conscious of the challenges that most European countries face in addressing what are unacceptable levels of youth unemployment. The key to all of that is for all of us to continue to bear down on the unacceptable unemployment figures out there. Given the report that I gave earlier to the Assembly and the improving economic situation recorded at the meeting by Irish Government representatives and by us, based on a steady decrease in unemployment figures over 28 months, there is a big focus North and South, and, indeed, in the rest of western Europe, to recognise that young people are disproportionately affected by the unacceptable unemployment levels.

So, yes, there are projects that both Governments are pursuing, through DEL and DETI at our end and the relevant Departments in the South, to ensure that we continue to bear down on the figures with some degree of success, but we have to accelerate that success over the coming period.

Mr Campbell: The deputy First Minister referred to extensive discussions on cross-border smuggling and fuel laundering. Given that, over the past number of years, I and others have endeavoured to get the deputy First Minister to own up to having known people or to personal involvement that he would have had in terror-related activities in the distant past, is he now prepared

to own up to knowing any former colleagues, whom he is bound to know of, who would be involved in fuel smuggling and laundering in border areas? His denials are quite implausible.

Mr M McGuinness: I do not think that that is a question that featured in the course of the North/South Ministerial Council meeting.

Mr Allister: Will the deputy First Minister elaborate on the reference to the EU's interest and involvement in the fuel smuggling issue? What exactly does that amount to, and are infraction proceedings a possibility on foot of that? Given the inextricable links between fuel smuggling and the republican movement, does the deputy First Minister know any fuel smugglers, and has he identified any to the authorities?

Mr M McGuinness: No, I do not personally know any fuel smugglers. In my earlier answer, I described any people involved in fuel smuggling or fuel laundering as criminals. That is what I regard them as. I believe that people who are involved in that type of activity need to be arrested and brought before the courts. I give my wholehearted support to the authorities North and South in that endeavour. As I said, I welcome very much the new marker that has gone into fuel, as it will make it very difficult for anybody to continue with fuel laundering. I very much welcome that over 100 illegal fuel laundering plants have been shut down.

At the end of the day, in my opinion, the authorities North and South are well aware of who the fuel launderers and smugglers are. It is not my job as the deputy First Minister to investigate that. It is certainly my job to support the authorities in apprehending those criminals.

Dr McDonnell: I note that paragraph 9 mentions Horizon 2020. Can the deputy First Minister perhaps elaborate on the all-island steering group or how we might gain more from the Horizon 2020 programme? It has long been a bugbear of mine that we are drawing down only a fraction of the amount of research and development money in that context and that only three or four major players, like Queen's, the Ulster University and Shorts, were drawing down that money. To my mind and in my opinion, it is vitally important that we exploit that opportunity to ensure further economic development here.

Mr M McGuinness: As indicated, we had a discussion at the meeting on the opportunities that are presented by the Horizon 2020 funding programme. We are committed to increasing our success in Horizon 2020, and we have agreed a joint target of €175 million with the Irish Government for projects that have a cross-border element.

We recognise that this is a very competitive programme, but we see real opportunities for increased cooperation between companies and universities from both jurisdictions to drive greater success. Between January and September 2014, there were 12 successful cross-border proposals. The economic value of that cooperation is €14.9 million. The average award per partner for a cross-border project is €450,805, which is higher than that for a Northern project partner at €330,509 or a Southern project partner at €373,432. The current focus is on establishing, developing and extending cross-border partnerships to ensure that we achieve the target of €175 million. I share the Member's view that we need to continually examine how we can exploit those opportunities for our mutual benefit.

Mr Swann: I thank the deputy First Minister for his statement. He covered quite a number of topics. I note that both Health Ministers were there. Were any updates either sought or given on the recommendation that was made by the international working group on children's cardiac surgery? Are we still on track to being able to provide those surgeries in Dublin for Northern Ireland children, as recommended in that working group's report?

Mr M McGuinness: I absolutely understand the Member's interest in this issue. We all recognise the challenges that we face in ensuring that we provide first-class services for children who are affected by this medical condition. I understand that good progress is being made with implementing the international working group's recommendations. The Executive have allocated £1 million from their change fund towards the cost of establishing the all-island congenital heart disease network.

The network board has met twice since 1 April 2015. It has formed subgroups to plan and implement the phased transfer of surgery and cardiac catheterisation to Dublin from Belfast and to strengthen the cardiology hub in the network at Belfast children's hospital. However, we remain reliant on the majority of elective procedures being carried out by specialist heart centres in England until sufficient capacity has been developed in Dublin to accommodate our patients. Therefore, we look forward to the expansion of the service in Dublin. Once in place, like the new radiotherapy centre at Altnagelvin, it will be a further example of how close cooperation can deliver improvements to public services North and South.

Mr Speaker: Thank you, deputy First Minister. That concludes questions on the statement.

Before we move to the next item of business, I would like to inform Members that as today's sitting is likely to be quite late, the Whips have agreed to a shorter lunchtime suspension. We will, by leave of the Assembly, be suspending at 12.30 pm until 1.30 pm.

North/South Ministerial Council: Aquaculture and Marine

Mr McCarthy: On a point of order, Mr Speaker. I am sorry for intervening, but I was looking for a statement earlier on. Has it been published? Where is it? We know nothing about what is going to be said. Did anybody get it?

Mr Speaker: I am informed that the statements were, in fact, lodged in time. I just cannot explain if you have not been able to access it at this point in time.

Mr McCarthy: So they are available, Mr Speaker?

Mr Speaker: Yes, they are indeed.

Mr McCarthy: Thank you.

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. I can confirm that the statements are in the pigeonholes. Apologies if maybe they were late into the pigeonholes but, as you said, they were there on time.

With your permission, a Cheann Comhairle, I wish to make a statement in compliance with section 52 of the 1998 Act regarding the twenty-seventh meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format, in Armagh on Wednesday 27 May. The Executive were represented by Minister Mervyn Storey and myself. The Irish Dublin Government were represented by Joe McHugh TD, Minister of State at the Department of Communications, Energy and Natural Resources. We received apologies from Minister Alex White, who was unable to attend. I chaired the meeting. Minister McHugh offered his best wishes to the First Minister and wished him a speedy recovery. This statement has been agreed with Minister Storey and I am making it on behalf of us both.

Ministers received a progress report on the work of the Loughs Agency from its chairperson, Winston Patterson, and its chief executive, John Pollock. We welcomed the report on the activities of the agency and noted its ongoing conservation and protection efforts and continued participation in the climate change adaptation initiative. We were pleased to learn that the Loughs Agency has successfully prosecuted across a range of offences, including illegal fishing, pollution and removal of gravel. Thankfully, enforcement staff have not faced any violent threats.

The Council was given an update on the survival of the native Lough Foyle flat oyster. The spring stock assessment has been completed. All oyster beds in Lough Foyle were surveyed. Initial findings suggest that the spat that settled last autumn has survived well, with very little evidence of mortality. We were pleased to note that there was no evidence of any unusual mortality in the adult oyster stocks last winter. We were also pleased to hear that the Loughs Agency has already engaged with local fishermen in the run-up to the opening of the fishery and that further communication with these stakeholders is planned. Tribute was paid to the chair, the chief executive and their team for making the decision to partially reopen the oyster beds at the end of last year.

We were provided with an update on the management agreement. The ongoing jurisdictional issue has been discussed with the Foreign and Commonwealth Office (FCO), and an exchange of views has occurred. Further communication from the FCO is awaited. Minister McHugh

undertook to raise the matter with the Minister for Foreign Affairs and Trade. Minister Storey and I offered our support in an attempt to expedite the outstanding issues.

In parallel with the ongoing discussions on the jurisdictional issue, the Loughs Agency continues to engage with other relevant agencies in developing an implementation plan that will address the operational issues. The Council noted the progress made in relation to the agency's financial statement for 2013 and its business plan for 2016.

The NSMC welcomed the successful completion of the €8 million EU INTERREG IVa-funded IBIS project. That was marked with a two-day event in Newry hosted by the agency and its project partners the University of Glasgow and Queen's University Belfast. Students presented their research findings, which covered a wide range of topics, such as aquaculture and fisheries management.

Ministers received a very informative presentation on the sustainable development fund. This small grants scheme provides support for small-scale capital investment, training and events. The Council acknowledged the significant contribution that the scheme has made in providing sustainable social, economic and environmental benefits to the communities of the Foyle and Carlingford areas. We were impressed with the detailed report that was given on the activities of the Loughs Agency in promoting and marketing the Foyle and Carlingford areas, including angling development initiatives, marine tourism, education and outreach events.

We paid tribute to the agency for its efforts and the partnerships that it has developed with funding partners and others to promote and develop the Foyle and Carlingford areas. We also noted its success in securing EU funding and its plans to avail itself of future funding initiatives.

11.15 am

The Council noted the Loughs Agency's annual report and draft financial statements for 2014. It also noted that, following certification of the financial statements by the Comptrollers and Auditors General, they will be laid before the Assembly and both Houses of the Oireachtas. Ministers approved the continuation of the framework that is designed to support the Loughs Agency in dealing with emergencies, such as a serious pollution incident, for a further period of one year with effect from 20 July this year. Ministers agreed to review the operation of that procedure, including its possible renewal, based on a report from the Loughs Agency and the sponsor Departments, before 20 July next year.

The Council agreed to meet again in aquaculture and marine sectoral format in the autumn.

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I refer the Minister to paragraph 11 of her statement and the management agreement between the Foreign and Commonwealth Office and the Department of Foreign Affairs and Trade in Ireland. She will know that that agreement is required to enable the agency to carry out its job fully. Will she outline what progress has been made since the issue was last discussed in the Assembly during the ministerial statement in February 2015?

Mrs O'Neill: The Member will be aware that that issue has been going on for a number of years and that we are

obviously anxious to resolve it. Licensing is one of the functions of the Loughs Agency, and, to date, it has not been able to assume that function due to jurisdictional, legal and policy issues. We discussed that during our meetings, and, at the recent NSMC meeting, we had quite a lengthy exchange on the actions and on trying to put as much pressure as we can on the Foreign and Commonwealth Office. We have had some communication with that Department, and Minister McHugh said that he will raise the issue with the relevant Minister in the Dáil. We need progress on that issue.

We will continue that conversation with the Foreign and Commonwealth Office. Alongside that work and in parallel with the ongoing discussions on the jurisdictional issues, the Loughs Agency continues to engage with other relevant agencies to develop a management agreement. The outworkings of that will address the practical and operational issues that may arise.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her detailed presentation. Minister, the statement shows that the Loughs Agency has had successful prosecutions. Will you give us more detail on that?

Mrs O'Neill: I start by saying that we are pleased that the Loughs Agency staff have not faced any threats of violence or any incidents over the last number of years. I am sure that everybody in the Chamber will agree that we want that situation to continue.

The Loughs Agency has been very successful with prosecutions. Currently, 19 outstanding cases that date back to 2014 are being pursued by the agency. Those cases can be broken down into the five categories of oyster, netting, angling, obstruction and pollution cases, and the agency is proactively pursuing all of them. As I said, I certainly want to put on record the fact that Loughs Agency staff have not faced any violent threats in recent times. We can all welcome that.

Mrs McKevitt: I thank the Minister for her statement. I want to point out the two-day conference that was held in Newry. The Minister spoke about its success and the fact that it celebrated 70 years of scientific research that has been undertaken through the IBIS project. There have been successes with that €8 million EU-funded project, with objectives delivered and information generated, particularly on shellfish resources. Paragraph 20 of the statement notes the Loughs Agency success in securing EU funding and:

"its plans to avail of future funding initiatives."

Will the Minister give any details on whether further research, through a project similar to IBIS, will be available through that funding?

Mrs O'Neill: That is certainly the plan. The IBIS project has been extremely successful, and it was right and proper that we celebrated those successes. The agency has been really successful in drawing down EU funding, and I expect that to continue into the future.

You will probably be aware of some of the other significant EU funding opportunities that it has availed itself of. Those include around €4 million for marine tourism and angling development and the €8 million that it received for the IBIS project. It is certainly looking to strengthen that work and to work in partnership, particularly with local councils,

communities, businesses and stakeholders, on further opportunities and research opportunities. The agency will look at all the EU opportunities, but particularly at INTERREG funding, Peace funding, the rural development programmes and funding for marine affairs and fisheries — the EFF. There are plenty of opportunities. It is actively working up those plans, and I have no doubt that it will be as successful in future years as it has been in the last number of years.

Mrs Dobson: I thank the Minister for her statement also. Looking to the future, what percentage of her Department's savings does she intend to realise from the Loughs Agency?

Mrs O'Neill: The Loughs Agency, like every other agency, has been tasked with finding efficiencies and has done so very successfully. Just recently it has been working towards its 2015-16 budget, which will be finalised in the coming period. I do not have the actual figure as a percentage of the budget, but I will be happy to provide that to the Member. Like every other agency of the Department, the Loughs Agency has been asked to find where it can be more efficient and do things better.

Mr McCarthy: I thank the Minister for her statement, late though it may have been. She said that:

"Ministers received an informative presentation on the sustainable development fund."

Is this fund widespread or is it simply for the Foyle and Carlingford areas? What is the value of the small grant?

Mrs O'Neill: It is particularly for the Lough Foyle and Carlingford areas so that projects can be developed to work in partnership with communities and business. The sustainable development fund grant goes up to £7,500. Some of the projects featured in the presentation that we received benefited from the fund. Those are fantastic projects, which are about enhancing activities on the lough, developing business opportunities for people on the lough and working with young people on the water, canoeing and so on. Quite a range of projects have benefited from the fund, but it is specifically for those areas.

Mr Anderson: I thank the Minister for her statement. She mentioned an implementation plan to address operational issues. Will she elaborate on the other relevant agencies that are involved and the timescale for the completion of that implementation plan?

Mrs O'Neill: As I said in my answer to the Committee Chairperson, we are working our way through the jurisdictional issue and the problem that we have of the Loughs Agency assuming its full role, which it should be playing. Alongside that, while we are trying to get that issue resolved — it has been ongoing for quite a number of years — we are working in parallel with all our partners on the ongoing operational and practical issues on the ground. We are working with fishermen, angling organisations, councils and a range of partners that the Loughs Agency engages with regularly.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. Does the Minister share my view and, indeed, the view of many that the Loughs Agency can and does play an important role in maximising the value of natural assets for angling development, education and wider community benefit?

Mrs O'Neill: Yes, I absolutely concur. The agency continues to provide support to a range of community and business projects, not just through the sustainable development fund but in its everyday work. The Member will be aware of a quite significant body of work that the Loughs Agency got involved with in his constituency at Lough Macrory, where we had the water recreation activities and where the angling club launched its world championships, I think, in 2013. That clearly shows the Loughs Agency's track record in wanting to engage with local communities. The agency is very keen to do a lot more of that and, through the sustainable development fund, to engage in practical working on the ground with young people to educate them about fishing activities and the potential of the water courses. I am quite sure that that work will continue into the future.

Mr Dallat: I hope that the Minister will not claim that I am pushing the boat out too far. She will be aware that there is a ferry service across the Foyle that has carried over two million passengers since its inception and gets not one brass penny of public money from the Republic or from this Assembly. Will she use her ingenuity at a future meeting to find out why one ferry service here gets no funding while the other two get something like £10 million? Perhaps she will remind Mr McHugh that he is part of the solution.

Mrs O'Neill: I am happy to take up any issue that a Member raises. It is not something that we have discussed in the NSMC in the past, but I am happy to take a look at it to see whether there is potential for the Loughs Agency in that regard. One of its key objectives — it is key to what it is all about — is to develop the Foyle and everything to do with the Foyle. I will be very happy to explore that further.

Mr Rogers: Thanks to the Minister for her statement. I apologise for missing the start of it. Minister, a couple of months ago in Clare, an oyster fisherman tragically lost his life when the tides came in on him. As you know, good communication between land and sea is vital, but, with competing phone signals in the likes of Lough Foyle and Carlingford lough, the mobile phone is not an answer. Is there any opportunity in the small grants programmes to provide grant aid for a responder device for our oyster fishermen?

Mrs O'Neill: I do not believe that it is within the remit of the sustainable development fund, but I am happy to explore it further. Obviously, the safety of fishermen on the lough is something that Loughs Agency concerns itself with. I know that it has partnered with organisations such as Seafish around life jackets and different safety equipment.

I have not been privy to any kind of conversation about responder devices in the past, but I am very happy to explore that because, as I said, Loughs Agency really wants to work with all the stakeholders, particularly the anglers and fishermen who use the lough. If there is scope and potential for Loughs Agency to be involved in that, perhaps in partnership with the likes of Seafish, I am sure that it would be very happy to explore that.

Executive Committee Business

Water and Sewerage Services Bill: First Stage

Mr Kennedy (The Minister for Regional Development):

I beg to introduce the Water and Sewerage Services Bill [NIA 51/11-16], which is a Bill to amend, and to confer power to amend, the Water and Sewerage Services (Northern Ireland) Order 2006; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Health and Social Care (Control of Data Processing) Bill: First Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to introduce the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16], which is a Bill to make provision about control of data processing in relation to health and social care.

Bill passed First Stage and ordered to be printed.

Mental Capacity Bill: Second Stage

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

That the Second Stage of the Mental Capacity Bill [NIA 49/11-16] be agreed.

In recent weeks, I have been setting out my vision for the future of health and social care in Northern Ireland. That vision involves, and, indeed, demands, reform, transformation and innovation across the sector. The Mental Capacity Bill delivers on all three of those. Developed jointly by my Department and the Department of Justice, the Bill is a first example of how, when we work together, we can overcome challenges and do things that will bring about real change for the better. I pay particular tribute to Minister Ford and his Department for all the hard work and dedication they have contributed in bringing the Bill before the Assembly today.

As far as I am aware, the Bill adopts an approach that has not been attempted anywhere else in the world. It has been a hugely complex and challenging process. As many Members will know, the Bill has been a long time in development. The reasons for that are clear and will, I think, emerge from our debate today.

The Bill provides a framework that will govern some of the most serious decisions that professionals in the health and social care sector and others make on a daily basis; decisions such as whether it would be best for someone to have a major operation that they are unable to consent to, or whether to place restrictions around a person's care or treatment to the extent that the person is, in fact, being deprived of his or her liberty.

As the scrutiny process begins, the Assembly can have confidence that the Bill has had the benefit of extensive stakeholder engagement and input, initially by those involved in the Bamford review, and, in more recent years, by the various stakeholder groups that met on many occasions to consider papers and proposals from both Departments. I thank everyone on those groups for their contribution to the development of the Bill and those who took the time to respond to the various consultation exercises and attend the many events held throughout Northern Ireland last year after the draft Bill was published for consultation. Many of the innovations in the Bill began with our extensive, transparent and responsive approach to consultation. The Bill, as introduced, is all the better because of that engagement.

The Mental Capacity Bill seeks to create a single piece of law that puts people's rights first when decisions, big and small, need to be made about their lives.

11.30 am

Respect for the choices and decisions that we make about our own life is something that many of us take for granted. However, for some, it is far from the reality of their day-to-day life. The Bill seeks to change that. The principles in Part 1 on the key concepts of capacity and best interests are the starting point. Significantly, these principles take account of developments since the Bamford review, such as the ratification of the United Nations Convention on the Rights of Persons with Disabilities. They include a requirement up front for people to be given every practicable help and support to make decisions for

themselves. This is because by far the best outcome when it comes to making decisions about our own healthcare, treatment or even our money is for each one of us to make those decisions for ourselves.

The Bill recognises that decisions based on informed consent are not always possible, so there is a need to provide for situations when judgements need to be made about what would be best for someone. However, crucially, this can occur only when it is properly established that a person lacks capacity to make a particular decision by themselves. In other words, the onus is on the person intervening to prove a lack of capacity, not the person themselves.

Under the Bill, assumptions cannot be made about someone's capacity on the basis of any condition "or any other characteristic" that they might have. It is expressly stated in clause 1 that whether a person has capacity to make a decision can be determined only by reference to clause 4 and his or her inability to make that decision because of an impairment or disturbance in the functioning of the mind or brain. This could be caused by any number of things, temporary or permanent, but the key point is that it does not matter what causes the impairment or disturbance. It is the inability to make a decision because of it that matters.

Part 1 also contains the principle that anything done for a person who lacks capacity to make a particular decision must be done in his or her best interests. Clause 7 sets out the list of factors that must all be balanced in order to comply with this principle. I do not intend to go through them all today, but I want to highlight to Members that it specifically requires "special regard" to be given to what the person's "wishes and feelings" might be. This was one of the key changes made to the draft Bill following the consultation.

Part 2 is the core of the Bill. It gives doctors, nurses, social workers, carers and others legal cover for things that they do every day in relation to people's care, treatment or personal welfare. These are things that would require people's consent if they had capacity, such as dressing them, taking them for a dental appointment or giving them an anaesthetic or injection of some kind. This legal cover is not new. It already exists in common law, but it has been found wanting by the courts when relied on in the past to do some of the more serious things in a person's life: for example, things involving placing significant restrictions on a person's movements to the extent that a person is being deprived of their liberty. Part 2, therefore, requires additional safeguards to be put in place in relation to serious interventions in someone's life. They include requiring a formal assessment of capacity to be carried out or a second opinion to be obtained; consulting with someone's nominated person or an independent advocate; and getting very serious interventions authorised by the relevant health and social care trust.

Finally, Part 2 also provides a right to seek a review by a tribunal of any authorisation. Safeguards such as nominated persons, for example, do not exist under the current legal framework, nor do the safeguards in Part 8 that deal specifically with research involving a person who lacks capacity to consent to it. They therefore represent a major change in the law — a significant change for the better that many of our people will stand to benefit from if the Bill is made law.

This brings me to perhaps the most ambitious change that the Bill will bring about. The new legal framework in the Bill will apply to all adults. Importantly, this includes those whose choices about their care and treatment can currently be overridden by professionals acting under the powers in the Mental Health Order. Other jurisdictions have retained their separate mental health legislation when legislating for adults who are unable to make decisions for themselves. This Bill takes a very different approach for two key reasons: first, it avoids the confusion that having two sets of rules inevitably brings; secondly, and vitally, it will help to reduce the stigma felt by those who have, for many years now, been treated differently because they suffer from mental disorder. This fused approach is what the Bamford review strongly advocated and what stakeholders have repeatedly told us is the right way forward. It is that which makes the Bill unique and innovative. Other jurisdictions will watch the Assembly with interest as the Bill progresses through its legislative stages.

However, it is not just people in the health and social care sector who will need to be aware of the Bill. There are also significant safeguards contained in Parts 5 and 6 to do with making decisions about money that are relevant to banks, building societies, post offices and the legal profession. The new lasting powers of attorney system provided for in Part 5 will allow anyone over 18, if they have capacity, to appoint someone they trust to make decisions about their finances. That new system will replace the existing enduring powers of attorney system and will be extended to decisions about health and welfare matters. Under Part 6, the High Court will also have powers to take one-off decisions or, where there is a need, to appoint a deputy to make ongoing decisions.

That leads me to Part 7, which also involves the justice system. Part 7 requires the Department of Justice to appoint a public guardian. That officer will have a number of functions, including establishing and maintaining a register of attorneys and deputies and supervising the activities of deputies.

Parts 9 and 10 also deal with matters falling to the Department of Justice. Part 9 creates powers for police constables to remove a person from a public place and take him or her to a place of safety. Those powers will replace the current powers in the Mental Health Order and will apply if the person appears to be in need of immediate care or control. Once in a place of safety, the police can detain the person there.

The police will also have powers, under Part 9, to transfer people between places of safety. Certain conditions will apply before those powers can be exercised. The police constable must reasonably believe that the person lacks capacity to make the decision around their removal or, as the case may be, their transfer or detention. They must also reasonably believe that the removal, transfer or detention is in the person's best interests. Those conditions are new. The current powers also allow a person to be detained in a place of safety for up to 48 hours. The new powers reduce that to 24 hours. Finally, provision is also made to ensure that further protections, based on those in the Police and Criminal Evidence (Northern Ireland) Order 1989, are afforded to any person detained in a place of safety under the powers in Part 9.

Part 10 replaces the current court powers in the Mental Health Order around remand and sentencing, including in “unfit to plead” cases. Unlike the current powers, the new powers take into account, where appropriate, a person’s capacity to make decisions about their medical treatment. That reflects the recommendations made in the Bamford review.

The current hospital orders in the Mental Health Order will be replaced by new public protection orders, which can be made with or without restrictions. The purpose of the public protection order is to provide flexibility to the court in cases where a person has been convicted of a crime but is not considered culpable enough to be sent to prison, but if not detained in an appropriate place, would pose a risk of serious physical harm to other people. That risk, however, must be linked to the person having an impairment or disturbance in the functioning of the mind or brain.

Part 10 also creates a new court disposal on conviction, which is known as a hospital direction. A hospital direction can be made by the court if it is considered that a custodial sentence is appropriate but the person requires medical treatment. In those circumstances, the court can direct that the person be taken to hospital and be detained there. If the person recovers sufficiently to no longer require hospitalisation, he or she must be returned to custody to serve the rest of the sentence also imposed by the court.

Part 10 also makes provision for the conveyance to hospital of individuals who are detained in prison, the young offenders’ centre and the juvenile justice centre. Like the new court powers, the new transfer powers take account of a person’s capacity to make decisions about their medical treatment, where it is appropriate to do so. Any person subject to detention under the powers in Part 10 has the right to seek a review of that detention by the review tribunal that I referred to earlier.

Finally, Mr Speaker, I want to cover briefly the remaining parts, Parts 11 to 15. Part 11 carries forward the current facility to transfer patients who are detained in hospital between Northern Ireland and the rest of the United Kingdom. Part 12 makes amendments to the Mental Health Order for persons aged 16 and under. Those amendments add to the safeguards that already exist for children in that order and in other legislation, such as the Children Order.

Part 13 creates new offences, such as the offence of ill-treatment or neglect of persons who lack capacity. Parts 14 and 15 contain miscellaneous and supplementary provision. For example, Part 14 gives effect in Northern Ireland to the Convention on the International Protection of Adults. It also makes clear that there are some decisions that are just too personal to fall within the scope of the Bill, such as consenting to marriage.

It will, I hope, be abundantly clear to Members at this point that the Bill, all 295 clauses and 11 schedules, is one of the largest ever to come before the Assembly. It may also be the most far-reaching in scope and potential impact, but the Bill itself is only one part of the jigsaw. The accompanying code of practice will be a key document. Work has already begun on that, and on the training and awareness-raising programme needed to make the changes happen on the ground.

I do not underestimate the scale of the challenge that the Bill presents. In particular, I am acutely aware of the

exceptionally difficult financial situation that we face. However, those challenges should not deter or deflect us from the crucial task of reforming our health and social care system. Indeed, the need to reform and modernise is more vital now than ever before. We should also not lose sight of the fact that, with this Bill, we are leading the way on a global stage, with what is widely recognised as being one of the most forward-thinking pieces of social legislation to be brought before any legislature.

I conclude by commending the Assembly for the early establishment of the Ad Hoc Joint Health and Justice Committee, which has already met to hear directly from officials about the Bill’s detail. The Committee has my and Minister Ford’s full support and cooperation, and that of our Departments, as it takes on the important and difficult job of scrutinising the Bill. I look forward to hearing what the Committee and Members have to say.

Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill): As the House is aware and the Minister has just said, the Ad Hoc Committee, comprising members of the Justice Committee and the Health Committee, has been established by the Assembly to consider the Mental Capacity Bill. The Committee has met on five occasions so far, and we began our work by taking introductory briefings from both Departments on the various aspects of the Bill.

As many Members will be aware, the background to the Bill is primarily the Bamford review, which, in 2007, concluded that there should be a single legislative framework to reform the existing mental health legislation and introduce capacity legislation to Northern Ireland for the first time.

Mental health law is broadly concerned with the reduction of the risks flowing from mental disorder to the patient and other people, while mental capacity law is designed to empower people to make decisions for themselves wherever possible and to protect people who lack capacity.

The key purpose of developing a single legislative framework to cover both mental ill health and mental capacity is to attempt to reduce the stigma and inequalities that sometimes flow from having specific mental health legislation. However, the production of such legislation is in no way a straightforward task, and, as the Minister acknowledged, Northern Ireland is the only place in the world to attempt such an approach. For example, while England brought in the Mental Capacity Act in 2005, it does not cover the treatment of mental illness. England has maintained two distinct legislative frameworks. The closest that anywhere in the world has come to contemplating the approach that we are moving ahead with is in Victoria in Australia. Its legislature considered the issue of bringing together mental health law and mental capacity law in 2012 and produced a report on the issues. However, it decided not to proceed further and concluded that it was a matter for ongoing debate. The difficulty that it encountered was in coming to a position on whether having separate mental health legislation amounts to unjustifiable discrimination against people with a mental illness or whether it in fact constitutes a special measure for the benefit of people with a mental illness.

Therefore, it is important to note up front the complexity of the task that we are facing in fusing mental health and mental capacity legislation, given that it will bring about a fundamental change to the way in which people with a

mental illness receive treatment. Indeed, it strikes me that the decision, made by the Health and Justice Ministers, to be the first in the world to try that approach might be described by Sir Humphrey Appleby as a “very courageous decision, Minister”.

Given the complexities of the issues, and the fact that there is nowhere else in the world where this type of legislation has already been introduced that we can look to as a model, there are genuine concerns around the timescales associated with the Bill. It has been introduced in the Assembly for scrutiny during the fifth year of what was originally to have been a four-year mandate. Since the start of this mandate, the timescales have continually slipped back. At one stage, the Health and Justice Committees were informed by their Departments that the Bill would be introduced no later than December 2013. We are now 18 months past that date. I therefore think that it is a legitimate question whether the introduction of the Bill in this mandate was the preferred option for both Departments and whether it will result in the best outcomes for the legislative process.

However, as is often said in these parts, we are where we are, and the Bill has been introduced nine months before the end of the mandate. The Committee will need to report on it by the end of January at the very latest to allow the completion of the other legislative stages before dissolution. When we take out the recess periods, that allows only about four months for scrutiny of a Bill with, as the Minister said, 295 clauses and 11 schedules to it and that aims to create a legislative framework that is so complex and so controversial that the rest of the world has decided against doing it.

While the Committee fully understands and accepts its scrutiny responsibilities, it is concerned about the short space of time it has been left with to complete its task. There are also concerns about the level of consultation that has taken place on some aspects of the Bill prior to its introduction to the Assembly.

11.45 am

In May 2014, the Health and Justice Departments launched a public consultation providing draft clauses in relation to how the Bill will relate to civil society. Stakeholders therefore had the opportunity to make comments about specific clauses relating to things such as the principles of the Bill, protection from liability, safeguards, the role of independent advocates, lasting powers of attorney and so on. However, on the justice side, draft clauses were not provided as part of the public consultation. Instead, the Department of Justice provided its proposed policy approach for those subject to the criminal justice system, covering the following three key areas: first, police powers to remove persons from a public place to a place of safety; secondly, court powers to impose healthcare disposals at remand and sentencing, or following a finding of unfitness to plead; and thirdly, the powers by which the Department of Justice can transfer prisoners for inpatient treatment in a hospital.

The Departments’ analysis of the responses to the public consultation on those issues indicated a range of views, some supportive and some expressing reservations or opposition to particular proposals. However, given that the first time stakeholders will have seen the detail of the clauses proposed to deal with the three key issues

was last week, when the Bill was introduced, it could be anticipated that those will generate a lot of discussion and debate when we reach Committee Stage of the Bill.

There also appears to be an over-reliance on regulations and code of practice in the Bill. Those have not yet been consulted on and will be introduced through regulation, without the same level of scrutiny by the Committee or the Assembly and, of course, without the ability for the Committee or Assembly to amend. Given that other Bills have faced similar criticism of late, this is something that both Ministers may wish to consider. The lack of detail, coupled with the fact that stakeholders have not had much time to examine the current draft Bill will, in turn, add to the task of the Committee in trying to come to a position on issues that really, to date, have been consulted on only in a very broad sense and at a very late stage in the day.

If we look beyond the detail of the Bill itself, there are major question marks around how and when this piece of legislation will be implemented. The Departments have estimated that between £75 million and £129 million is required in year 1, and between £68 million and £102 million for recurrent costs on an annual basis. I will repeat that: the outworkings of the Bill could cost the Executive an additional £100 million each and every year. While the Committee will, of course, wish to challenge the robustness of those costings and whether they are accurate figures, it needs to be concerned at the order of magnitude we are talking about and whether that is where the Executive’s priorities — and indeed where the Justice and Health priorities — will be in the next number of years.

Even the lower estimate of annual costs, at around £70 million, represents a significant pressure on the budgets of both Departments, which seems unattainable at this juncture. Given the current financial climate, and the likely financial climate in the next four to five years, the question genuinely arises as to whether Northern Ireland will be able to afford the implementation of this piece of legislation. If we cannot afford it, what happens? Will we end up rushing through a piece of legislation that could end up not being commenced until a number of years down the line, if at all?

I now want to address some of the key aspects of the Bill itself, beginning with the principles upon which it is based. The Bamford review recommended that any new legislation should be based on agreed principles, which should be explicitly stated on the face of the Bill. There were four principles outlined by Bamford; namely autonomy, justice, benefit and least harm. The Departments’ approach has been to take autonomy as the leading principle, in that the fundamental premise of the Bill is the presumption that all adults have capacity to make their own decisions unless the contrary is proven. However, in instances where it is determined that a person does not have the capacity to make their own decision about a matter, the principle of best interests governs the course of action that is decided on, on behalf of the person who lacks capacity.

The principles of the Bill are not without controversy, particularly around the concept of “best interests”, which some stakeholders believe conveys an unhelpful sense of paternalism. Other stakeholders have referenced the emerging impact of the UN Convention on the Rights of Persons with Disabilities, which was ratified by the United Kingdom in 2009. They have suggested that the focus on

substituted decision-making and best interests in the Bill has the potential to impose discrimination against people with disabilities and advocate a move towards a legal capacity support model.

Therefore, right from the very start of the Bill, from Part 1, we, as a Committee, will consider a whole spectrum of views, ranging from those who wholeheartedly endorse the principles to those who have some reservations and those who oppose them outright.

There are also concerns coming forward from the legal community around the practical outworkings of the Bill in terms of things such as lasting powers of attorney, which will replace the enduring powers of attorney provisions. Organisations such as the Law Society, which held a very useful briefing in Parliament Buildings last Wednesday which I attended, have pointed out that the making of a lasting power of attorney could cost a person in the region of £500, compared to the £100 that it currently costs to make an enduring power of attorney. If the ability to make an enduring power of attorney is done away with as is proposed under the Bill, the fear is that people will be put off making a more expensive lasting power of attorney because of the cost.

The Law Society posed this question: why can we not offer people the choice of whether they wish to have an enduring power of attorney, which could be extended to health and well-being, or a lasting power of attorney, which is a more expensive model? Those types of practical outworkings of the Bill and how they will impact on the public will require the Committee's careful consideration, as will the higher-level concepts around the principles of the Bill.

I will turn to children and young people. There are a range of concerns about how the Bill will impact on children under 16 and on young people aged 16 and 17. A range of organisations have questioned the fact that the majority of the provisions in the Bill will only apply to those aged 16 or over in terms of presumed capacity. Some people have suggested that a lower age could be used, although I think that it is fair to say there is no consensus on what that age would be. Some organisations that advocate a lower age have not made any specific proposals. Others have come at the issue more in terms of the practical impact of under-16s who have mental health problems not being able to access certain safeguards that the Bill will provide for adults who lack capacity to make certain decisions.

The Department of Health has attempted to address some of those concerns by proposing a range of amendments to the Mental Health (Northern Ireland) Order 1986, which will still apply to under-16s. While some of the concerns may have been addressed, there is little doubt that this will continue to be a contentious issue as we move forward, and the Committee will look closely at the provisions in the Bill and how they impact on children and young people.

To conclude, the Committee does not underestimate the task that it has in front of it in the coming months. We take seriously our responsibility to scrutinise what is the probably the most complex piece of legislation ever to come in front of the Assembly. Equally, we expect both Departments to work with us and to provide us with all the information that we require in order for us to produce our report on the Bill for the Assembly. Most of all, the whole House wants to hear whether there is a genuine possibility

of getting the Bill into law, given the huge financial pressures that we are under at present and the estimated cost of enacting the legislation.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fáilte a chur roimh an Bhille seo. I welcome the introduction of the Bill.

The Ad Hoc Committee has recently begun the task of scrutinising the Mental Capacity Bill, which has arisen out of the Bamford review of 2007, the main recommendation of which called for a single comprehensive legislative framework for the reform of mental health legislation and for the introduction of capacity legislation in the North. The report concluded that that would help reduce the stigma attached to mental health being dealt with in separate legislation. It would also allow for improving the protections for people who lack capacity and find themselves in a situation where they cannot make their own decisions in regard to their health and/or personal circumstances. It would also give protection to those who are within the criminal justice system.

Bheadh cosaint ann fosta do na daoine úd atá sa chóras choiriúil. It will seek to improve the current legal framework, which does not have stand-alone mental capacity legislation. Mental capacity issues come under common law here in the North, which provides for an acceptance generally that anyone aged 16 or over has capacity. A test of incapacity and protection against liability when required to make an intervention in another person's life as long as it is reasonable to assume that the person lacks capacity and that the action to be taken will be in the person's best interests.

Is soiléir, fiú ag an phointe luath seo, an saghas na castachtaí a thiocfaidh chun cinn maidir leis an Bhille seo. Even at the early outset, the sorts of complexities that will arise out of the Bill are clear. How, for example, do you determine what is reasonable? How do you define that? That is one of the challenges that will arise. What dictates how you come to a decision on another person's best interests? The Bill will throw up various legal questions that will, no doubt, be very interesting to explore. However, they place a very onerous task on those carrying out the scrutiny as these minutiae are all connected to a person, and these decisions will have implications for the health, treatment or personal affairs of that person. We, as a Committee, have an obligation to ensure that we consider all the foreseeable eventualities that could come from this.

The Mental Health Order 1986 currently governs decisions relating to mental health issues, and it gives statutory powers to remove and detain people in certain circumstances where assessment and treatment of a mental health disorder is required, whether or not a person has capacity. It is now recognised that this runs contrary to the right to personal autonomy, and so it is clear that reform of the legislation is a positive move forward. The Bill spells out an approach that will join mental capacity and mental health law in one piece of legislation — something that has never been attempted before in any jurisdiction and has been described as groundbreaking. Initially, the Department thought about dealing with this via separate legislation, but it became clear from the consultation responses that the desire was overwhelmingly in support of having one comprehensive framework, as envisaged by Bamford.

This is complex legislation, as we have all said. Throughout Committee Stage, there will be an opportunity for close scrutiny of the clauses to ensure that it fulfils the needs for which it is being created. Even at an early stage, some issues are coming to light. Cause 1, for example, states that whether a person is able to make a decision is not:

“determined merely on the basis of any condition”

that they may have. The Committee is exploring the use and implications of the word “merely” in that context: for example, does that word appear in the 2005 Act in England? An bhfuil an focal sin in Acht 2005 i Sasana, mar shampla? Likewise, clause 4 states that a person can be judged as “unable to make a decision” if they cannot “use and weigh” information as part of the process of making the decision. The Committee’s task here is to examine how, in practical terms, one person would be able to judge whether another person had used and weighed the information before coming to their final decision on any matter.

Clause 7 refers to a person’s “rights and freedom of action”. How is the term “rights” being used here? Does it refer to a person’s rights in reference to any particular existing legislation? If not, how will it be interpreted legally? Those are the questions that the Committee will seek clarity on as it moves through Committee Stage.

In a general sense, the Bill will facilitate people making plans for their future in case a time should arise when they no longer have the capacity to make decisions for themselves. That would include decisions relating to healthcare and treatment, property and finance. Currently, people can avail themselves of making such arrangements through an enduring power of attorney (EPA), which allows for the appointment of a person chosen by an individual to make decisions relating to property and affairs — an arrangement that would continue in the event of loss of mental capacity. The new legislation will seek to replace the existing EPA with lasting powers of attorney (LPA). The main difference is that an EPA covers property and financial affairs, whereas the LPA will be more wide-ranging so as to include matters relating to health treatment and care.

In the event of the new legislation taking effect, an EPA will no longer be available, although people who have an existing EPA arrangement can continue with that. It has also been flagged at this stage that the LPA will be more costly and complex than an EPA, so that will be taken into account as well in the consideration.

Last week, we had a very interesting presentation from the Law Society, which explained these arrangements by providing human examples of what that can mean. It was shown how life can become extremely complicated when certain circumstances arise, as in the case of a sudden debilitating illness or a serious accident that could result in a person no longer having the capacity to make decisions and where there are no legal provisions in place to cover that. In a very accessible way, the examples flagged the need for all of us to consider our own arrangements and how we would like our wishes to be fulfilled in such circumstances.

12.00 noon

Those are the pertinent questions and matters to which we should be giving serious consideration at a time when

we are capable of making such decisions. We should think about people who may be lying in a vegetative state or in a coma and are now unable to communicate, let alone convey their deepest wishes. Those are the circumstances that we need to prepare for in advance. It is very similar to a situation where someone might die without leaving a will and the complications that can arise from that.

In some circumstances, there can be the risk of fraud as well. There can also be cases where someone who may not have been the person’s choice may be able to step in and apply for power of attorney. So, again, it is about people putting in place arrangements that will lay out how they want their wishes to be carried out. As I said, those are very weighty decisions, and they are always made simpler when the correct legalities have been put in place. Where no prior arrangement is in place, such matters will fall to the courts to decide on property and financial matters.

Where a person’s care, treatment or personal welfare are concerned, where no such arrangement is in place, the Bill seeks to place the common law doctrine of necessity on to a statutory footing and, further to that, to provide new safeguards to allow for different types of interventions.

There have also been concerns raised about another aspect of the Bill, which is that children under the age of 16 will be excluded from its scope. The worrying aspect of that is that the new safeguards and protections being created will not apply to children. It has been said that the Mental Health Order 1986 will be amended to cater for under-16s, pending a review of the Children Order 1995. That could take a very long time, and, meanwhile, children may be subject to less favourable regulations, including being formally detained.

Bamford also recognised that the Mental Health Order was not fully ECHR compliant. Is gnéithe dáiríre iad seo den Bhille ar chóir scrúdú grinn a dhéanamh orthu lena chinntiú go mbeidh na socrúithe is fearr in áit do gach duine — do pháistí agus do dhaoine fásta araon. Those are very serious aspects of the Bill that must be fully scrutinised to ensure that the best possible arrangements are put in place for all people, children and adults alike.

As I said, the Ad Hoc Committee has a hugely complex piece of legislation to consider. It will reflect on all the relevant questions and on concepts such as safeguards; formal capacity assessments; nominated persons; deprivation of liberty; powers of attorney; appointment of deputies; public guardian; the power of the police to remove a person to a place of safety; and criminal justice issues, like remand to hospital and all the added complex issues that surround all those subjects.

I recognise the difficult work that we will face as a Committee, and I look forward to hearing the presentations and listening to all the expert opinions so that we can arrive at the best and most comprehensive legislation for the protection of people in the North. Molaim an Bille. I commend the Bill.

Mr McKinney: As SDLP health spokesperson and a member of the Health Committee, I support the general principles of the Bill. The wide scope of the Bill is to be welcomed. It will directly impact on every day and more serious decision-making for many vulnerable groups, such as those linked to health, welfare and finance.

Just to give some statistics, in Northern Ireland, we have almost 20,000 people suffering with dementia, 1% of the population suffering from schizophrenia, some 13% suffering from depression and almost 214,000 carers here for people who may lack capacity. All those people and many others may need important decisions to be made on their behalf, or they may need to make decisions for other people. It is in that context that we see how important today's Bill will be for those with mental illness and their families and extended families.

For decades, Northern Ireland has lagged behind the rest of the UK in not having a fully tailored legislative framework for mental capacity. Instead, we have relied on the antiquated Mental Health (Northern Ireland) Order, which wraps mental capacity around mental health disorder in the common law, relying on the outdated principle of necessity. The concerns of those with mental illness have historically been separated from the treatment of capacity in general. That remains the case in England, Wales and Scotland, which have proceeded with developing legislation that has been enacted for a number of years. We have been lagging behind due to the absence of an exhaustive framework. That has proved problematic in developing the quality of services that we want, and it has not helped to promote public confidence around a very sensitive issue.

It is important to take this opportunity to commend all those involved in bringing forward today's Bill. It has been an arduous task by any measure, and I am sure the scrutiny by the Committee — it has had five meetings — reflects that. We should praise all those stakeholders who have engaged with politicians and the consultation exercises and the Ad Hoc Committee deserves recognition, as I have said.

As we all know, the development of the Bill has been a long process, starting back in 2002 with the Bamford review, which was commissioned to examine the best possible way to provide services to people with mental health issues or a learning disability. It was finalised in 2007 and recommended a single piece of legislation that would provide a framework for reform of mental health legislation.

It is appropriate at this point to mention that the SDLP previously noted its concerns over the Bamford action plans and the appropriate funding being made available to implement them. To stress that point: they have not been successfully funded by successive Health Ministers, and there is a broad spectrum of individuals who do not receive the appropriate level of care or support that they need. It is important that the Assembly reflects on that today. However, it is positive, in the context of today's debate, to see some outcome from the Bamford action plans.

I welcome the general principles of the Bill, as I have said, and its aim of empowering vulnerable adults with impaired mental capacity to make as many of their own decisions as possible. I welcome the fact that adequate legislative measures and safeguards are in place to ensure the individual is protected when decisions have to be made on their behalf. As I have already reflected, it is also positive to see David Ford and the Health Minister embracing the Bamford report to this point and its recommendations by bringing forward the single piece of legislation.

With this Bill, we have an opportunity to be world leaders in setting the best standards achievable for vulnerable adults who may lack, even intermittently, the capacity to make important decisions for themselves. The Bill has been described as representing a paradigm shift in the approach to the care and treatment of individuals with mental disorders. No longer will they be treated or seen as a separate class of individual. Capacity will no longer be defined differently among people, which has to be recognised as a positive move.

Some of these issues have been addressed, but it is important to reinforce them. There are issues that need to be resolved in this Bill, even at the outset. As has been reflected, there needs to be clearer provision for people who are aged under 16. That group will not have rights under the Bill's provisions, and there needs to be clarity over what action will be taken to ensure that young people benefit from having effective safeguards and protection in place on issues relating to capacity. There are issues involving parental responsibility and its interaction with existing legislation. That will need to be clarified.

Also, we must ask whether the provisions of the Bill reflect the particular needs of certain groups in society. Considering the prevalence of dementia in our society, the scale of which I have outlined, and other age-related mental conditions, coupled with the fact that we have an ageing population, we must ensure that action is taken that protects and provides safeguarding and proofing for older people. In that regard, the Bill calls for suitable and adequate support to be given to individuals when all decisions relating to capacity are taken. I welcome that approach, but, in fleshing out the guidance, we have to ensure that there is a clear measure of support available, whether that is through minimum standards or otherwise. We need to ensure that when older people are making important decisions about their future, which often happens in urgent or time-critical situations, they are given the best opportunity to make their own choices.

At this stage, I will focus on the practicalities of the Bill. Last year, there were serious concerns highlighted by the House of Lords over the implementation of the Mental Capacity Act 2005 in England and Wales, which the Health Minister referred to. The review concluded that existing cultural and organisational practice amongst all professionals involved in the care of vulnerable adults must change, because they were failing to implement the ethos of the Act. This concern must also be reflected here today, and the issues of ageism and existing perceptions about learning disabilities must change. The process of implementing this legislation needs thorough consideration, as it requires a significant amount of education and training across levels of care, including health and social care staff; capacity assessors, as outlined in the Bill; and specialist professionals such as social workers, doctors, hospital staff and all those involved in the criminal justice system. I would like the respective Ministers to give an indication of what plans exist for facilitating such training and give assurances around funding.

There is an obvious need to ensure at the outset that the various bodies and individuals operating under the Bill are adequately funded and resourced. The Chair of the Ad Hoc Committee referred to finance and the extra cost, and I am sure that it would be beneficial to have some sort of an economic audit carried out on that because, while some people see everything as cost, could there be savings to

be had as well? Budgets will be cut, and that has been reflected. We need assurances that the principles of this Bill will be deliverable once the scheme of practice is implemented.

To finish, the SDLP is supporting the general principles of this Bill. We believe that it is a step in the right direction in giving autonomy to and protecting some of the most vulnerable in society. However, as we have reflected, some improvements can be made, and we look to further analysis, if you like, by the Ad Hoc Committee and scrutiny of the Bill and the Consideration Stage next in this Chamber.

Mrs Dobson: As the Ulster Unionist Party's health spokesperson, I welcome the opportunity to speak on this important legislation. However, as already has been mentioned, it is regrettable that it has taken so long for this Bill to come to the Floor, especially as it was proposed as long ago as 2009, following the Bamford review. This delay not only allowed the two Departments to prevaricate as to their own responsibilities, leading in turn to what I believe was an overdue consultation process, it meant that the Bill faces a challenging legislative timescale. As the Chair of the Ad Hoc Committee has already said, the problem with passing it through the House at the latter end of the term is that it will inevitably get caught up in a raft of other Bills, especially after the summer recess. Whilst I think that the Ad Hoc Committee will be able to perform its role, it is regrettable that the Assembly more generally will have less opportunity to examine this important legislation than it would have had if the Bill had been introduced a year or even six months ago.

Nevertheless, there is no doubt about the significance of the Bill and what it proposes. As has already been said, the Bill develops a single legislative framework, in turn completely overhauling a raft of existing mental health legislation and practices. Some people looking in may be concerned that the Assembly, along with two of the largest Departments in the Executive, appears to be passing legislation that seeks to determine whether an individual does or does not have the capacity to make crucial decisions affecting them. There is no doubt that this is a very sensitive area, much like all legislation relating to mental health. However, I trust that the public, along with those professionals who ultimately will have to engage with this legislation, will be satisfied that there are sufficient provisions in place to ensure that people will be given the maximum support to exercise their own capacity.

The statutory assumption of capacity must always be to the fore of this Bill and its subsequent implementation. Up until now, whilst the support has been extensive, I do think that, in some circumstances, it will have been too all-encompassing. We all know from our own constituency work that people with poor mental health often cannot be defined or pigeonholed in a single category. Circumstances are often complex, emotional and ever-changing. The blanket protections currently in place have not always recognised this, so, again, I welcome the requirements to always assess the level of capacity.

12.15 pm

There are a number of other provisions in the Bill that I and my party very much welcome. In particular, we welcome the proposed introduction of a new offence of ill-treatment or neglect of a person lacking capacity. As legislators, we should and must seek to protect the most vulnerable in

society. We hear, all too often across the United Kingdom, horror stories of people with serious additional needs being abused, whether in care settings or in their own homes. Thankfully, such incidents are rare in Northern Ireland, but given the scale of poor mental health we face as a society, it is essential that we have robust protections in place.

It is important, too, that this Bill provides protections not only for those who lack capacity to make decisions but for those around them, including their loved ones and medical or legal practitioners. Some of the issues in the Bill will, of course, be more challenging than others. For instance, the term, "effective advance decision", used in relation to refusals of medical treatment, will need to be handled with great care. I am aware that the Departments are of the opinion that it is better for courts to determine the rules with regard to advance decisions. However, my fear is that in the meantime this will only lead to a period of uncertainty while awaiting the outcome of the first test case, so I ask the Minister whether it is possible to elaborate, in the code of practice or elsewhere, on how his Department envisages the term will be applied.

Another aspect of the Bill that has already generated quite a bit of debate, especially among organisations engaging with the Ad Hoc Committee, is the proposed exclusion of under-16s. I know that this has been covered by most of the Members who have spoken today. At the moment, I can see why the Department has been keen to exempt young people. I face the same issue with my organ donation Bill, which I hope to introduce to the House very shortly. Whether we are talking about organ donation or legislating for capacity, complexity and sensitivity are always heightened when children are involved. Nevertheless, whilst the Department may have what it thinks to be a valid reason for exempting children from the Bill, I believe that an opportunity has been missed to strengthen the protections.

As has been said, the Mental Health Order 1986, rather than the new system in this Bill, will still apply to children, but the Department has also said that it intends to modify the Order. The proposed changes to the Order should have been brought forward at the same time as the Bill to allow for all the changes to be looked at holistically as well as, importantly, to provide reassurance to those concerned about the safeguards for children.

In conclusion, Mr Speaker, I too will end with the theme of implementation. The Bill proposes a major transformation of our mental health laws: not just reform for reform's sake. It is essential, therefore, that it is properly implemented both in terms of swiftness and resources. I am fully aware of the funding pressures that the Minister is grappling with; they are probably worse than he envisaged when he had the easier job of giving out the funding. However, the historical underfunding of, and underinvestment in, mental health services are still having a major impact on the wider population across Northern Ireland. Improvements have been made, especially from 2007, but given the scale of the problem, I suspect that it will be many more years before we get to the position we need to be in.

The Bill attempts to update a key element of our existing legislative framework. I have my concerns about certain aspects of the Bill, some of which I have mentioned, but for now I am satisfied that the Ad Hoc Committee and the Department will continue to ensure that the final legislation

is informed, effective and best meets the needs of the people it ultimately applies to.

Mr McCarthy: On behalf of the Alliance Party and as a member of the Health Committee and Ad Hoc Committee, I warmly welcome the Mental Capacity Bill. I am pleased — in fact delighted — that it has now reached its Second Stage in the Assembly and has been moved today by our Health Minister, Simon Hamilton.

The Bill is a key component of the implementation of the Bamford review on mental health and learning disability. Members will be aware of my special and particular interest in this vital legislation. It will provide a single statutory framework for decision-making and care for physical and mental health conditions. I also welcome the very strong and important collaboration between the Department of Health and the Department of Justice in bringing forward the legislation. It proves that Departments can and do work together.

The introduction of mental health-specific legislation first took place almost a century ago. Since then, people with a mental health difficulty or learning disability have been treated under the law in a fundamentally different way compared with all other health issues such as physical illness. That has been particularly so on issues to do with consent and the withholding of consent. Through the Mental Capacity Bill, Northern Ireland has the opportunity to introduce historic legislation that will be a world leader, and I am so proud to be part of that.

The Bill has brought into one piece of legislation the usual provisions of mental health law and mental capacity law. It is the first time that that fusion approach has been considered anywhere in the world. If and when these proposals find their way onto the statute book, they will replace the current Mental Health Order for those over the age of 16. It will bring an end to discriminatory detention and the overriding of people's refusal of treatment if they retain the capacity to refuse. Those decision-making rights will be on a par with the rights that individuals enjoy at present in common law regarding physical health treatment.

People in Northern Ireland, whether they have mental health difficulties or/and physical health problems, will now have equal rights to make decisions about their treatments. The new legislation will require that, if people have capacity, they can make their own decision about their treatment and that all possible support to make a decision will be provided. Northern Ireland will be the first region in the world to achieve such legislation, and it is hoped that other countries around the world will follow our lead. It is a good news story and shows that together we can produce legislation that can and will be a world leader.

There is a presumption that all persons aged 16 and over have the capacity to make decisions for themselves and, indeed, should be supported to do so. However, if a person lacks capacity and has not put in place alternative decision-making arrangements, important safeguards should be in place for that person before the state can intervene. Decisions can then be made regarding a person's health, welfare and financial issues.

The integrated approach is particularly welcome and significant. The Bamford review recommended that a single Bill should cover mental health and mental capacity issues, as other Members said. A single Bill will provide safeguards for all people who lack capacity at any point in

their lives, whether from a physical condition or a mental health condition. That means that there will no longer be any discrimination for those who lose capacity for reasons of a mental health difficulty. That will be in place for all of us and our families so that, when one of us or one of our family members suffers from a lack of capacity at any time in our lives, there will be non-discriminatory legislation in place, no matter what the source is of our lack of capacity. Our approach in Northern Ireland, therefore, stands in contrast to the situation in England and Wales with the Mental Capacity Act 2005, and in Scotland with the Adults with Incapacity (Scotland) Act 2000.

Notwithstanding the efforts and commitment of many people and organisations, stigma and discrimination for people with a mental health problem still persist, unfortunately, in our society. Discrimination against people with a mental health problem is entrenched in existing mental health legislation, with double standards on loss of liberty. Those in the general population have the right to refuse treatment should they wish to do so, but mental health service users do not. The inherent stigma and discrimination in having separate mental health legislation is completely unacceptable. It is unequal. We need to and must provide equality for all.

We are also aware that there is much work to do on this. Society as a whole and government need to take clear responsibility for ending such discrimination. It is incumbent on us all, whether professionals or members of the public, to do everything in our power to eliminate such stigma and discrimination. This makes the introduction of this game-changing Bill all the more imperative. People with a mental health difficulty will no longer be under separate mental health legislation.

There is currently no capacity legislation in Northern Ireland. A golden opportunity has been grasped to ensure that this unique new capacity legislation will be for all in our society. We now have a single piece of legislation for people who have a physical health problem and lose capacity; people with a mental health problem who lose capacity; people with physical and mental health problems who lose capacity; people who are vulnerable; and all, including those in the criminal justice system, who lack capacity. No group in society is excluded from the capacity legislation. Northern Ireland will be the only place in the world where this happens. That is historic indeed.

The Bill is, therefore, for all of us. At any point, any one of us, whether in the Assembly or in the community, could find ourselves lacking the capacity to make decisions on our health, welfare or finances. The Bill provides protection for all of us, and, in particular, it will provide non-discriminatory protection when we are at our most vulnerable. At one stage, it seemed that we, too, in Northern Ireland would revert to having separate Bills, so I am pleased that we are adopting the more innovative and potentially transformative approach instead.

How did this all come about? The very important work involving very many people commenced at the start of the century with the vision of Professor David Bamford and his colleagues. In October 2002, the Health Department initiated a major wide-ranging and independent review of law, policy and provision affecting people with mental health needs or a learning disability in Northern Ireland, which, nowadays, is referred to as the Bamford Review of Mental Health and Learning Disability. I can well recall

being at the launch of the Bamford report some time ago and feeling euphoria and excitement. We are now on the journey to implement what Professor Bamford and his colleagues called for. I pay tribute to the vision of Professor Bamford, who, sadly, passed away before his work was completed. His role as chair was taken over by his colleague Professor Roy McClelland OBE, professor of mental health at Queen's University, who, subsequently, chaired the board of experts appointed by the Minister to champion the Department's response to the Bamford proposals. He is also a member of the project board overseeing the development of the new mental capacity legislation. Arguably, no other legislation has come to the Assembly after so much preparation and engagement with experts, service users and other key stakeholders.

Equality lay at the heart of the Bamford review, and its vision was about valuing all who have mental health needs or a learning disability. That included rights to full citizenship, equality of opportunity and self-determination. The Health Department and the Department of Justice have responded to the challenge, and we welcome that. The Bill maintains a high degree of fidelity to the Bamford vision, including the fundamental rights to equality and dignity and in how the officials have conducted their work, particularly their accessibility, inclusivity and openness.

12.30 pm

The Bill's ethos is to provide equality in all circumstances and for all aspects of a person's needs — financial, welfare and health, including mental health. The proposed legislation is also principle-based. Those principles are set out at the start and underpin the entire Bill, and the Minister mentioned them in his introduction. The first is that a person is assumed to have capacity unless it is established otherwise. That enshrines in statute what is referred to as the common law presumption of capacity. Nobody should be deemed to lack capacity unless all practical help and support has been given to an individual to make a decision for him- or herself without success. Making an unwise decision does not mean that a person lacks capacity. The second principle is establishing and acting in a person's best interests. The person intervening in someone's life must take into account the person's past and present wishes and feelings, his or her beliefs and values and any other factors likely to influence the person's decision if he or she had capacity. In addition, under the best interests principle, the person making the determination must, in relation to any act or decision that is being considered, have regard to whether the same purpose could be achieved in a way that was less restrictive of the person's rights and freedom of action.

While the legislation will be ground-breaking, we also have to recognise that, in the absence of the legislation, we are falling behind many other jurisdictions. There is a real imperative to ensure the progression of the Bill as quickly as possible and delivering its passage before the conclusion of this mandate. I have every confidence in us all being able to conclude and deliver this important legislation for the benefit of those in our community with mental health problems and learning disabilities.

In implementing the Bill, education in the form of special training and raising public awareness will be essential. Training will need to be provided for health and social care staff, including specialist staff such as capacity assessors.

It will be important for that requirement to be fully supported with the necessary resources and the views of the full range of stakeholders taken on board. That will ensure that the full benefit of the Bill can be achieved. I commend the commitment of all involved in bringing the Bill to this stage. I look forward to progression to the next stage of this important Bill.

Mr Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I have received agreement from the Whips to reduce the lunchtime suspension to one hour. I propose, therefore, by leave of the Assembly to suspend the sitting until 1.30 pm. The first item of business when we return will be the Second Stage of the Mental Capacity Bill. The next speaker will be Mr Alex Easton.

The debate stood suspended.

The sitting was suspended at 12.33 pm.

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

1.30 pm

Mr Easton: I welcome the Second Stage of the Mental Capacity Bill, which is being scrutinised by the joint Ad Hoc Committee made up of Health Committee and Justice Committee members. The Bill has 295 clauses and 13 Parts.

While mental capacity legislation has been introduced in other parts of the UK, mental capacity issues in relation to health and welfare interventions largely continue to be governed by the common law in Northern Ireland. That provides for a presumption of capacity in persons aged 16 and over, a test of incapacity and protection from liability when intervening in somebody's life, providing that it is reasonably believed that the person lacks the capacity to consent to the intervention and it is in his or her best interest. Those rules do not, however, apply to decisions governed by the Mental Health (Northern Ireland) Order 1986, under which there are clear statutory powers to remove and detain people for the assessment and treatment of mental disorders, provided that certain criteria are met, regardless of whether the person has capacity.

A number of factors have been driving the need for legislative changes in this area in Northern Ireland. We are out of step with other parts of the United Kingdom, and there is no mental capacity legislation in Northern Ireland. That was highlighted in the report 'A Comprehensive Legislative Framework', which was published in 2007. That was one of a series of reports that came out of the review commissioned by the Department of Health of the delivery of mental health and learning disability services across Northern Ireland. That review was known as the Bamford review.

The key recommendation in that 2007 report was:

"There should be a single comprehensive legislative framework for the reform of Mental Health legislation and for the introduction of Capacity legislation in Northern Ireland."

The report concluded that that would help to reduce the stigma associated with having separate mental health legislation and would provide an opportunity to enhance protections for persons who lack capacity and are unable to make specific decisions about their health, welfare or finances, including those subject to the criminal justice system. The report also recommended that the new single legislative framework should be based on agreed principles that have regard to the dignity of the person and provide equality in all circumstances in which a person's autonomy might be compromised on health grounds.

The objective of extending a mental capacity approach to healthcare decisions to the criminal justice system is to comply with the recommendations of the Bamford review. The Bamford review recommended a legislative framework that integrated capacity and mental health legislation that was applicable to all in society, including those in the criminal justice system. With that framework in mind, the review made specific recommendations on the various interfaces between the health and criminal justice systems. The Department of Justice therefore chose to draft criminal justice provisions on the basis of those recommendations. That meant the creation of a capacity-based approach to care, treatment and personal welfare for those aged 16

or over who are subject to the criminal justice system. In addition, where possible, the Department of Justice aimed to build a legislative model that did not contain potentially stigmatising references to mental disorder. As part of that last comment, I ask the Minister why the Bill does not include those who are below the age of 16. Does that not complicate the Bill for the future?

Taking account of the interfaces between the mental health and criminal justice systems, the Department of Justice also sought to retain the existing statutory powers available within the system to transfer individuals to the health service for medical treatment. Those powers include police powers to remove persons from a public place to a place of safety; court powers to impose particular healthcare disposals on offenders at remand, sentencing or following a finding of unfitness to plead; and departmental powers to transfer prisoners for inpatient treatment in a hospital. While the Department of Justice wishes to retain those powers, it also sought to create provisions that respect the autonomy of individuals who retain the capacity to make decisions about their medical treatment, while providing safeguards and protections for persons who lack the capacity to make those decisions.

The Department of Justice also considered amendments to the civil law to take account of any introduction of capacity legislation. Those changes include the introduction of a new office of the public guardian, additional powers for the High Court and the restructuring of the mental health review tribunal. A joint public consultation on the draft civil provisions and policy proposals on the criminal justice aspects of the Bill was launched in May 2014. The consultation closed in September 2014, having received 121 formal responses. Five public events were held across Northern Ireland as well as approximately 40 additional meetings or events organised by key stakeholders.

Initially, the Department took the view that the Bamford review's legislation proposals could be delivered through separate mental health and mental capacity legislation but with an overarching set of human rights-based principles. That was largely in line with the approach already taken in many parts of the United Kingdom and, at that time, was considered to be the only realistic way of delivering legislative reform. However, the overwhelming view expressed in the responses to the consultation was that the Department should instead take the time to develop the single comprehensive frameworks envisaged by the Bamford review. Consequently, in September 2009, it was decided that the Department would bring together mental capacity and mental health law in a single Bill in a groundbreaking approach not attempted in any other jurisdiction.

In July 2012, the Department of Justice publicly consulted on the basis of the existing criminal justice provision in the Mental Health (Northern Ireland) Order 1986 and posed a series of questions to determine how the existing legislation could be revised to take account of a capacity-based approach. Following the consultation exercise, the Department of Justice developed a policy proposal on the basis of the responses received. The policy proposals were included in the joint consultation that was launched in May 2014. The criminal justice provisions in the Bill have been drafted in accordance with those proposals, taking into account the responses received in the joint public consultation.

I have a few areas of concern that I hope the Minister will clarify. The first is to do with the independence of the person who makes the decision to appoint an independent advocate and to ensure that they do not experience undue time and resource pressures. I also want to ask for clarification on the safeguards for those who experience mental health issues and come into contact with the PSNI. I want to know whether those who decide the need for the care, treatment or social welfare of such individuals, such as custody sergeants, will be trained for that purpose. Thirdly, I want to know where the money is coming from to implement the Bill. Finally, I ask the Minister to address the concern that I raised earlier about persons under the age of 16.

Mr Poots: I welcome the Bill and commend the Ministers for ensuring that it was brought before the House today. I do not intend to repeat much of what has already been said because that will not be of much benefit to us. However, we all know that the Bill flows from the Bamford review's recommendations. Much of the implementation of the Bamford review has now been carried out, which is to the good. This is a critical and essential part of the Bamford review, and, therefore, as a Government, we have accepted Bamford's recommendations. It is only right and proper that we fulfil those recommendations in completing this work. The Mental Capacity Bill will create greater opportunities for people who have mental capacity issues. It is critical that we show people respect and courtesy and enable them to have a greater say in their own life. That is a key component of the Bill.

One issue that caused me concern, which I raised in Committee yesterday, was the implementation costs. Let us make it clear at the outset that the Bill is about people, not processes. It is not about establishing new all-singing, all-dancing offices; it is about people. We must ensure that we serve the people well and that they get the appropriate and proper support and care. We may be able to do that without going overboard in spending public money and still ensure that we deliver the appropriate resource so that people have the correct opportunities.

I want to place on record something that I would like the two Ministers to address. Whatever we create, we must ensure that it does not become a Civil Service monstrosity that will cost huge amounts of money to implement.

Rather, it must be something that will make a real difference to the lives of people. That should be the main focus of the Mental Capacity Bill. It should make a transformational difference to people's lives; it should not be something that will have lots of staff and civil servants carrying out particular duties. Let us focus on the people who need the service.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to contribute to this very important Second Stage debate on the Mental Capacity Bill. I do so as a member of the Ad Hoc Committee formed to consider the Bill and as a member of the Justice Committee.

The Bamford review of 2007 highlighted the need for change in this area. Mental capacity here is governed largely by common law, which involves an incapacity test and the application of a reasonableness principle. Collectively, that has been referred to as the common law doctrine of necessity. However, it is now clear that that alone is not enough. We have seen that Scotland,

Wales and England have all moved to legislate for mental capacity. In that context, I am glad that we have reached the Second Stage of the Bill today, but it is clear that a number of areas require closer scrutiny and clarification before the Bill can become law. I intend to discuss a few of these today, namely the issue of children under the age of 16, issues around powers of attorney, possible jurisdictional considerations and the practicalities of implementing the legislation.

The Department of Health, Social Services and Public Safety and the Department of Justice have excluded under-16s from the Mental Capacity Bill. The rationale behind that decision is based around the fact that, due to their developmental stage, children under the age of 16 cannot be subjected to the same tests included in the Bill as adults. Instead, it has been suggested that the Mental Health Order 1986 be retained, possibly with an amendment of some sort, as an interim measure to cover mental capacity issues for those under the age of 16, until a new legislative solution can be found, possibly through an adjustment of the Children (NI) Order 1995.

The House must ask itself today whether that is an acceptable state of affairs and whether the Bill as presented is the appropriate vehicle for dealing with capacity issues for those under the age of 16. The Ad Hoc Committee has reflected on the matter. I look forward to hearing more evidence from stakeholders such as the Children's Law Centre and MindWise pointing to the fact that there are further considerations around the issue of under-16s when we look to the UN Convention on the Rights of the Child, particularly article 2, which concerns non-discrimination; article 3 — the best interests of the child; article 6 — the right to survival and maximum development; article 12 — the right to be heard and have views taken into account; article 23 — the right of a disabled child to a full and decent life; and article 24 — the highest attainable standard of healthcare.

A reasonable argument may be made that the exclusion of those under the age of 16 from the Bill goes against the very ethos of the Bamford review. Instead of safeguarding children in a legislatively binding fashion, we are relying on a 20-year-old piece of legislation that we may have to refine to bring it up date in any case. At the same time, obviously a balance must be achieved, as there are delicate considerations when probing the issue of parental consent and, especially, the vulnerability of the child. In many cases, they are frail and vulnerable, and we are dealing with very sensitive mental health issues and the protection of individuals.

The Committee has touched on and has received briefings on the proposal in the Bill to remove enduring powers of attorney (EPA) and replace them with lasting powers of attorney (LPA). I have spoken to the Law Society of Northern Ireland around the potential merits and detriments of both. For example, the cost of making an LPA, based on figures in England and Wales, can be up to three times the amount of making an EPA: £500 plus VAT, with a further court fee of £110. However, some believe that the introduction of an LPA can provide further safeguards for individuals from fraud than an EPA can do.

The question for the House and the relevant Departments is whether both versions of powers of attorney need to be mutually exclusive. Perhaps a system can be incorporated where choice is available to an individual and either EPA

or LPA can be used to best suit the needs of the particular case. I remain to be persuaded one way or the other as to what options may be operable.

1.45 pm

One further consideration that I brought to the attention of the Committee and other stakeholders is based around the law as applied or as it may apply. At the Ad Hoc Committee on Monday — and I see some of the officials here — I raised the issue of how the law on mental capacity may apply and be interpreted in different jurisdictions. It is my understanding, subject to further clarification, that the Bill proposed here may differ slightly to the Mental Capacity Act in England. What considerations have the responsible Departments and others given to the regulations around capacity if a person moves between jurisdictions? The assets may continue to be in different jurisdictions, and how the mental capacity legislation is applied, or otherwise, to access those assets can lead to difficult situations, as quite often others can emerge from the woodwork. Will it negate any prior arrangements that have been made here if, for example, the person moves to another jurisdiction? I look forward to some clarification around that because it is clearly an issue that has to be worked through in the best interests of the individual who may be determined as being incapacitated at that time.

Whilst we are dealing primarily with the principles of the Bill today, we must keep one eye on how each of these principles will be delivered in practice. Compulsory detention, for example, is often essentially a “must do” under very extenuating, difficult and fraught circumstances. Quite often, due to convenience, a person may be detained under the 1986 Order and subsequently brought to a police station. I made it clear, and I make it clear again today, that I find absolutely no fault whatsoever with the authorities on that point. Very often, it is the police who have to deal with the very tricky, delicate and difficult situations of trying to bring in a person who is in a very fraught and fragile mental state and deal with all their sensitivities.

Due to the sensitivities often involved in such cases, I throw out this question: is it reasonable to suggest that a police station is the appropriate place to take a person who is in such a frail and fragile mental state? I am thinking particularly of vulnerable young people. To my mind, it could exacerbate their fragile state of mind if they feel they are being arrested or detained. All the stress that can build up, and goes with that, in a normal situation where a person is in good health can be compounded where the person is in difficult and fraught circumstances and has very fragile mental health.

As a result, it may be instructive to create a code of good practice for the police when carrying out detention orders to ensure the best care of the person concerned; that the best interests of the person suffering from poor mental health can be protected; and that they can be treated through a proper practice that is universal for the police, who find themselves in these difficult situations. The police are doing their job and are trying to protect the individual, but, with the best will in the world, they are not the people best placed to make the call as to that person’s state of mind.

Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill): I thank the Member for giving way. I know we are at Second Stage and are talking about broad principles, but, on a similar

theme, an area that we, as a Committee, identified is that where a person is deemed to lack the capacity to make a decision that may then harm them, and is brought to a place of safety, that person has the right to seek legal advice. However, the assumption is that they will have regained their capacity in order to make that decision. The Committee may feel that it would be valuable for legal advice to be given as a matter of course as opposed to being something that people have to request. It very much relies on the individual having the capacity to take a decision that might be in their best interests.

Mr McGlone: I thank the Chair for that intervention. As I talk, I am trying to get my own head around these matters. Is that person competent to take and accept legal advice? It is an obvious requirement, as is an automatic medical intervention if the person has been determined to be incapacitated.

Often, the difficulties arise when people are not known to police or anyone around and may well not have been reported as being missing from a social services location or, indeed, a mental health hospital. They just pop up, and the police are placed in the invidious and very difficult position of trying to make the call about how to deal with the situation. There should be a code of practice for police officers who find themselves in such situations, as was referred to on Monday at the Ad Hoc Committee. There should be automatic routine practice for police to follow when faced with those situations and when dealing with all the sensitivities that have to be faced at the time.

That brings me on to my next point. At this stage, it is merely a cautionary note, but the principles and associated actions contained in the Bill will no doubt place greater financial burdens on DHSSPS and DOJ, particularly, as I raised the other day, around what is determined to be a place of safety for someone. If we are saying that police stations may not be the best place to which to take people who are frail or vulnerable on the mental health front, should it be determined that that safe place is in a hospital? Some of us might view a hospital as being a safe place, but I do not think that A&E is a safe place to which people who may be very distraught should be brought. They would be being brought somewhere where there are other people suffering from physical disabilities and physical health problems. That might create difficulties for both parties — the individual who is mentally distraught and those who are in A&E awaiting attention and treatment. This is something to be worked out with DOJ and the Department of Health, but I think that the safe place should be a convenient and calming environment in a hospital. Such a place could be made available to individuals for their treatment, to bring them down and to help calm them as much as possible in such circumstances.

At this stage, we do not know how much that might cost, but we can infer from the work carried out by the Committee that there should be, and will be, an additional cost. How much consideration has been given by both Departments to the funding of the implementation of the Mental Capacity Bill? That is important to know if we are to get it right, and get it right in the interests of all parties, particularly those who have fallen into difficult health circumstances at that moment in their life.

From the reduction in the Budget for 2011 onwards and in the current financial context, we have seen that, quite often, plausible initiatives fall by the wayside owing to the necessity to save money and a climate of cuts. A good

example of that is Transforming Your Care. We have to look at the issue in the round, because some of the people at whom Transforming Your Care was directed were people who had been in long-term institutional care, particularly in some of our mental health hospitals. Those people may find that they have slipped through the net because of the incapability of the system, through Transforming Your Care, to deliver support for them. They may well be the exact same people who come through the system's revolving door and wind up in difficult circumstances. I am very well aware of a case in which the police were the first port of call and had to deal with the situation until they eventually got the person to the safe place, which was a local hospital. That safe place had been got as a result of the forward thinking and planning of the people associated with the hospital.

I hope that the Department of Health and the Department of Justice are examining their budgets against the contents of the Bill so that, when the time comes, the money and manpower will be available to deliver.

In conclusion, the SDLP is broadly supportive of the Bill and thanks those who initiated it and brought it before us for our consideration. We are broadly supportive of what the legislation seeks to achieve. However, we need to consider some of the issues that I highlighted — I am sure that there is a multiplicity of others — before the Bill's provisions can become operational here.

Mrs Cameron: I appreciate that we are coming up to 2.00 pm, so I will be brief.

I welcome the opportunity, as a member of the Ad Hoc Joint Committee to Consider the Mental Capacity Bill, to speak on the matter today. Following on from the recommendations of the Bamford report, it has been recognised that we in Northern Ireland require reform of our mental health law to include provision recognising an individual's mental capacity. Whilst our current position centres on the individual's best interests, the new legislation will add to the protection given to that person and will no longer rely on the assumption that people with limited or restricted mental capacity cannot take responsibility for major life decisions.

The Bill will bring together mental capacity and law and ensure that an individual's right to make decisions is protected in a way that will ensure that they are primarily kept safe. The provision within the Bill to allow individuals to participate in and contribute to their care process is to be greatly welcomed. The provision recognises the fact that mental capacity in those people experiencing mental health issues is often not a one-off episode but may vary on a day-to-day basis. In providing help and support in making decisions as to how they would like to be cared for during periods of mental distress, people will undoubtedly feel empowered and more in control of their situation. Without doubt, this approach will be less traumatic for those suffering conditions such as schizophrenia and depression. Being in control may assist quicker and longer-term recovery.

I appreciate that, at times, it is necessary to make serious and often life-altering decisions on behalf of people when their mental capacity is diminished. I am pleased that that area has also been given a framework to allow health and social care professionals to make those decisions in order to protect the individual and those making the decisions.

In serious interventions such as major surgery or moving someone to a sheltered dwelling, for example, it is vital that decisions are made in a person-focused manner. The Bill will provide a system of checks and balances to ensure that the thorough steps have been followed to confirm that the level of mental capacity has been firmly and indisputably established. Again, the best interests of the individual in question will be at the heart of any decisions, and their right to make decisions for themselves will be safeguarded.

It would be remiss of me not to acknowledge that there have been some concerns raised in relation to the omission of under-16s from the Bill. In addition, I understand that there is apprehension surrounding the independence and training of those who have responsibility for assessing capacity. I trust that, as we in the Ad Hoc Committee scrutinise the Bill, we will be able to alleviate those concerns and build into the Bill the insertion of further protection for children into the Mental Health (Northern Ireland) Order 1986.

The Bill contains many legal and medical intricacies, largely due to the fact that we are dealing with the vastly complex issue of mental capacity and how it affects each individual in an often unique way. It must be said that the projected costs of this Bill and its implementation are huge. Both Departments have their work cut out for them in managing those vast costs in our rapidly depleting budgets.

The Mental Capacity Bill will provide greater autonomy, independence and ownership for those with mental health difficulties by giving them the ability to manage their own treatment and all aspects of their daily lives. I support the general principles of the Bill.

The debate stood suspended.

Mr Principal Deputy Speaker: It is time for questions to the Minister for Regional Development. I ask the House to take its ease while we change the top Table.

2.00 pm

Oral Answers to Questions

Regional Development

Mr Principal Deputy Speaker: We will start with listed questions.

Noxious Weeds

1. **Mr Irwin** asked the Minister for Regional Development whether, given the responsibility placed on farmers for the control of noxious weeds on farmland under the Noxious Weeds (Northern Ireland) Order 1977, the current condition of roadside verges will accelerate the spread of noxious weeds to adjoining farmland. (AQO 8392/11-15)

Mr Kennedy (The Minister for Regional Development): At the outset, I express my gratitude to the Speaker and his office, and to my ministerial colleague Mervyn Storey, the Minister for Social Development, for swapping oral questions today because of personal family circumstances. Thank you very much indeed.

My Department's policy and procedures on weed control are aimed at ensuring the safety of road users, preventing the deterioration of the road pavement and meeting statutory obligations to control noxious weeds so that they do not spread to adjoining farmland. As Members will be aware, however, my Department is facing a very significant £60 million resource budget pressure in 2015-16, more than half of which has fallen to Transport NI. Due to these pressures, my Department is able to provide only a skeleton routine maintenance service at present, at some financial risk to my Department. As a consequence, weed control is one of the areas affected.

Although my internal workforce has limited capacity to carry out chemical weed control, it will endeavour to undertake that type of treatment to ensure that the Department meets its legislative requirement for noxious weeds. It is not the service that my Department wishes to provide, but it is a direct consequence of the current very challenging budgetary position. In June monitoring, I have bid for additional resources to restore routine maintenance activities to normal levels, and I hope that the Member and the House will robustly support my Department's bid.

Mr Irwin: I thank the Minister for his response. Does he accept, given that farmers can be fined under cross-compliance for having noxious weeds on the ground, that it should be a priority for him and his Department to ensure that noxious weeds do not seed and spread over farmers' land?

Mr Kennedy: I am grateful to the Member for his supplementary question. Let me reassure him and, indeed, the entire House that this is not a situation that we want to be in and that every care and consideration will be given to ensuring that there is no impact on farmland or farmers' property. Local section offices work very closely with farmers in an area. We are not aware of any widespread difficulty, but, of course, if there are issues that farmers or landowners wish to discuss with my officials at section office level, they will be very happy to do so. Ultimately, I want to be in a situation in which we can properly fund all these important services.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Has the Minister done an assessment of the additional cost to the Department as a result of not cutting the grass verges earlier in the season?

Mr Kennedy: I am grateful to the Member, but there is a fundamental issue with the current budget allocations. There is a blockage, and, as is well known, it is a political blockage. The Member is a member of a party that is central to the blockage in very necessary funds that could assist my Department and other Departments as they confront the very serious financial challenges at this time. As well as asking me to look at the situation, the Member and his party need to look closely again at a situation that is costing the Executive £2 million a week.

Mr Gardiner: Will the Minister outline the Department's approach to Japanese knotweed and other invasive species?

Mr Kennedy: I am grateful to the Member for his question. Members will know that special efforts are required to control giant hogweed and Japanese knotweed by poisoning. In those instances, Transport NI generally treats invasive weeds such as Japanese knotweed found growing on land in its control using chemical treatment.

That is generally done using specialist contractors, following advice from the NIEA, as required.

June Monitoring Round: DRD Bid

2. **Mr Hussey** asked the Minister for Regional Development to outline his Department's bid in the June monitoring round. (AQO 8393/11-15)

Mr Kennedy: The outcome of the 2015-16 Budget leaves my Department facing cuts and pressures of some £60 million on its resource budget, which is around 18% of the 2014-15 baseline. Whilst I have worked with my officials to try to absorb some of those pressures internally, the extent to which that is possible, without impacting on public safety and core public services, is limited. Therefore, I have identified eight other resource non-ring-fenced bids totalling £39.8 million and 13 capital bids totalling £141.1 million, which my Department has now submitted to DFP.

The main bids that I have put forward in June monitoring are for essential road and street lighting maintenance activities, including winter service; addressing the shortfall in the funding of NI Water to bring it to the level recommended by the Utility Regulator in its final determination; addressing the continuing pressure on concessionary fares and the delay in implementing the Translink efficiency programme to allow further consultation with the unions in an attempt to minimise the impact on services; and funding to support community and rural transport services.

I have also submitted 13 capital bids, including a bid of £104.4 million to meet the substantial shortfall in the current structural maintenance budget, which stands at over £100 million less than the independently recommended requirement. I have also included a bid of £15 million to address the shortfall in capital funding to NI Water to bring it up to the level of funding recommended by the Utility Regulator in the PC15 final determination.

Mr Hussey: I thank the Minister for his response. Will he give more detail on the Transport NI component of the bid?

Mr Kennedy: I am grateful to the Member, and, as I indicated in the initial response and the previous response, the brunt is, unfortunately, being borne by Transport NI. Its resource budget has a shortfall of £38.5 million compared with the 2014-15 opening budget and a further shortfall compared with the funding required for an optimum service. As a result, the budget is sufficient to fund only the street lighting and traffic signal energy requirements and associated electrical inspection and testing requirements. I have, therefore, agreed that Transport NI should undertake a skeleton road maintenance at-risk service until the bids can be made in June monitoring. Transport NI has submitted resource bids totalling £23.4 million in the June monitoring round. They include a £14.8 million bid for a skeleton service for street lighting, road maintenance and to fund the winter service for the at-risk period and the remainder of the year. There is a £6.6 million road maintenance minimum requirement for traffic, patching and routine maintenance, including for the operations and maintenance division and its overheads. That is in addition to the skeleton service bid. There is £2 million to cover street lighting, including restoring normal service, for inspection and testing, and for repairs and maintenance to electrical and structural hazards. That is also in addition to the skeleton service bid.

Mr Spratt: Minister, you referred to Northern Ireland Water and capital money for that project. Is it on your mind to provide capital money for the Duncrue Street Northern Ireland Water facility, which is at full capacity at present and in danger of not allowing any more development in the docks area?

Mr Kennedy: I am grateful to the Member for his supplementary. He will know that there are significant pressures on capital schemes in NI Water. As well as the Duncrue one that he mentioned, there is an issue at Sicily Park and other places.

We need to ensure that proper capital and resource funding is made available to NI Water; otherwise we face considerable infrastructure issues that are not in anybody's interest. The Utility Regulator has set out the bare minimum that she wants and expects us to meet in the water and waste water services that we provide, so it is important that we address that. I have done as much as I can within the current financial limits open to me to ensure that that happens. There is still a shortfall. We are bidding, as I have indicated, for capital and resource to address the situation, and it would be very helpful for the Member and his party to support those bids.

Mr Ramsey: I welcome the Minister's response, particularly on street lighting. With regard to your bid for community transport, I think that you would want me to acknowledge the contribution that Disability Action and community transport make to the lives of disabled people and their families across Northern Ireland. Will the Minister ensure that those aspects of Disability Action and disabled people's access are also a bid in this monitoring round?

Mr Kennedy: I am grateful to the Member for his supplementary question. I understand and entirely agree and want to pay tribute to all the providers of community and rural transport services. They fulfil an important task, and the Assembly, the Executive and the Department need to ensure that they are properly and fairly funded. We have sought to do that. There are challenges, and we have made a bid to the June monitoring. However, I am getting smoke

signals from the Department of Finance and Personnel, and from around the Executive table, as to whether, first of all, we can agree a Budget, let alone whether there will be any moneys available for June monitoring. Frankly, I am in Old Mother Hubbard land here. We are already providing services at financial risk, and we can see the skeleton service that is available. We are in a dire financial situation, and it is time for parties around the Executive table and parties in the Assembly to face political and financial reality, and that includes your own party.

Ms Sugden: Like Mr Ramsey, I also welcome the Minister's intention to bid for more provision for community and rural transport. In his answer to Mr Ramsey, he alluded to challenges. Will he outline what those challenges are in respect of that group?

Mr Kennedy: I am grateful to the Member for her question. Basically, it is one thing to bid in June monitoring for additional funds; it is another thing to receive them. That is the challenge. There is no guarantee. Simply, a bid does not do it in and of itself; it needs to be followed up. Talk is cheap, but it takes money to buy whiskey.

NI Water: Environmental Obligations

3. **Mr McCarthy** asked the Minister for Regional Development for his assessment of NI Water meeting its environmental obligations over the next three years. (AQO 8394/11-15)

Mr Kennedy: Northern Ireland Water's environmental compliance has steadily improved over the last seven years. This has led to NI Water achieving the best ever waste water compliance in recent years of 98%, which can be attributed to significant investment in sewerage services and improvements to the management and operation of waste water assets. The number of pollution incidents attributed to NI Water over this period has also declined significantly.

The NI Water business plan for the price control 15 (PC15) period, which runs from 2015 to 2021, sets out the approach for NI Water to continue to improve its compliance and meet environmental obligations over the next six years. This approach is based on the DRD 'Social and Environmental Guidance for Water and Sewerage Services' that I launched in 2014.

NI Water will strive to continue to meet its environmental obligations over the next three years. However, due to the reduced funding allocations received by my Department, I am unable to fully fund the determination made by the Utility Regulator in relation to the levels of investment required in water and sewerage infrastructure for this financial year.

Should the situation continue, it may adversely impact on NI Water's ability to build on its success in improving on its performance. It is clearly an area of concern, and I will continue to bid for additional funding for NI Water through monitoring rounds.

2.15 pm

Mr McCarthy: I thank the Minister for his answer. Will he accept that the start of infraction proceedings regarding the Ballycastle waste water treatment works demonstrates that vital provision in this region is not being provided by

his Department and that it has been an abject failure of the Department not to provide that for Ballycastle?

Mr Kennedy: It is very easy for the Member to say that it is an abject failure on the part of the Department. Actually, it is not. I am happy to update him now on the current situation in respect of Ballycastle waste water treatment works. I got a sense from his question that he was hoping for infraction proceedings. I am actively working to make sure that we are not subject to infraction proceedings, and that includes the Ballycastle situation.

Ballycastle waste water treatment works is one of 17 sites throughout the UK that is the subject of infraction proceedings by the European Commission for failing to meet objectives under the urban waste water treatment directive. It is the only one in Northern Ireland. Meeting our European obligations is a key priority in social and environmental guidance, and the Commission expects those obligations to be met in a timely manner. As a result, Ballycastle has been identified as a priority for NI Water. The timescale for completion of the upgrade, subject to satisfactory completion of the procurement and construction processes, would be late 2017. That information has been communicated to DEFRA and the Commission, and, to date, the proposed way forward has satisfied the Commission and no further action has been taken.

Mr Eastwood: I appreciate what the Minister said about Ballycastle, but given the current financial pressures and impending further financial constraints, is the Minister confident that we are not looking at potential infraction proceedings on any other sites across the North?

Mr Kennedy: I thank the Member for his question. It will be incumbent on me to protect NI Water and the Department against any such proceedings, but, again, we are down to the issue of finance. We have to ensure that the infrastructure work that needs to be done on the ground to upgrade water and sewerage facilities is made available so that we can avoid any situation, anywhere in Northern Ireland, in which there is a risk of infraction proceedings. Those things are taken seriously in Europe, and they are taken seriously by DEFRA and the UK, and let me assure you that they are also taken seriously by me and NI Water.

Coleraine to Londonderry Line: Phase 2

4. **Mr Easton** asked the Minister for Regional Development to outline how he will redistribute funds from within his departmental budget to facilitate phase 2 of the Coleraine to Londonderry track renewal project. (AQO 8395/11-15)

Mr Kennedy: My commitment to the Coleraine to Londonderry rail line has always been clear, and I have worked hard to ensure that the line has remained open. The project is a key Programme for Government commitment and is evidence of the Executive's determination to invest in our rail network. It also signals our continuing commitment to invest in the north-west and improve connections and frequency of service between Belfast and Londonderry.

In November 2014, I commissioned an independent review of the project following concerns that the original cost estimate for the scheme was significantly underestimated. The outcome of the review provided me with the assurance to press on with the project. It confirmed that there might be limited interest in the signalling procurement due to

the scale of railway investment being carried forward in Great Britain. Translink has now awarded the contract to Babcock, which is a company renowned for its engineering excellence.

The overall cost, at £46 million, is higher than originally envisaged but reflects the market that we are competing in. The profile of expenditure on the Coleraine to Londonderry project is such that there will be no additional budget requirement in this financial year. As you will be aware, budgets beyond 2015-16 have not yet been agreed. I will be prioritising this project in my capital planning for the next budget period to provide cover.

Mr Easton: I thank the Minister for his answer. As he knows, I am fully supportive of what he has done here.

This project is earmarked to happen over two financial years, and he has given a commitment on the funding for the first year. Can he give a commitment that, if the money is there, the funding will continue into the second financial year? There is a possibility that it could slip into a third financial year, so can he give a commitment that those two years will be covered?

Mr Kennedy: I thank the Member for his mild encouragement. I appreciate it. This is a priority not only for my Department and Translink but is an Executive commitment. I am not sure where he got the idea that it might slip into a third financial year. As he will know from previous statements that I have made, the works are due for completion by the end of next year, and I very much anticipate that that target can and will be met.

Obviously, whilst budgets are not set for next year, let alone this year — let us not even go there for this question — it is inconceivable to me that I would receive nothing. I know that sometimes I am *Oliver Twist*, in that I am always looking more, but to receive nothing would be jolly unfair. My expectation is that we will receive sufficient to ensure that Coleraine/Londonderry phase two is completed and paid for.

Mr Dallat: May I add my congratulations to the Minister? Will he please tell the House that the £6 million additional is a mere drop in the ocean compared with the money that could not be spent on the A5 and was spent on the A8 and A2? Will he promise not to lose any sleep over the additional money that he has invested in our railways?

Mr Kennedy: I am grateful to the Member. I do not think that the notion of me losing sleep would appeal to any Member; therefore, I am comforted by his remarks. There have been issues in getting phase two under way, but we are now in a better position and are moving forward. We will have the work undertaken, begun and completed hopefully in time and in budget. I think it will benefit hugely the increasing numbers of people who want to use the rail service between not just Coleraine and Londonderry but Belfast and Londonderry. We have seen remarkable and astonishing figures in relation to that — an increase of 12% over the past year — so we are doing the right thing, and we will continue to work at it until it is satisfactorily and fully finished.

Mr Cree: Someone once said that all politics is local. Can the Minister outline bus and rail investment in north Down?

Mr Kennedy: I am very grateful to the Member for his question, lest anybody think it was a plant.

In the past two years, over £240,000 has been directly invested on bus and rail in north Down. This year, some £1.5 million will be invested, including £1.1 million for Bangor park-and-ride. Additionally, this year around £5.6 million will be invested in a number of other projects across the wider bus and rail programmes, which will benefit north Down. I hope the Member draws comfort from that.

York Street Interchange: Budget Impact

5. **Mr Dickson** asked the Minister for Regional Development to outline the impact of the budget crisis on future capital projects, including the York Street interchange. (AQO 8396/11-15)

Mr Kennedy: My Department has a capital allocation of £328.3 million in 2015. That is some £70 million less than projected expenditure in 2014-15. However, we are still taking forward a substantial capital programme. I am pleased to inform the Member that development work on the York Street interchange is progressing well. This important project will alleviate the existing bottleneck on the strategic road network, which affects the M1/Westlink, M2 and M3. It will reduce congestion, improve the reliability of journey times and improve access to the regional gateways from the eastern seaboard corridor.

A considerable amount of work is required to take the scheme through the public inquiry process, scheduled to start on 10 November 2015, and the necessary budget has been set aside in this financial year to complete this task. The scheme has already received EU funding towards design development. I am hopeful about being successful in attracting further EU funding for construction. I continue to engage with EU officials to secure further funding for this and other important projects.

If there were to be any cuts to my capital budget as a consequence of the current austerity measures, I would, of course, have to review the capital programme, including the Yorkgate interchange. However, any decisions would be informed by the extent of budget reductions and a review of the progress on schemes and capital commitments existing at that time.

Mr Dickson: Minister, thank you for your answer so far, particularly in relation to an actual date for a public inquiry, one at which I will certainly be supporting the project. One key element of the York Street interchange is the opportunity to provide a dualling of the railway track across that section; but it is a once-in-a-lifetime opportunity, as the consultants have advised that it can be done only at the same time as construction of the roadworks. Will the Minister confirm that that is true and that he will use his best endeavours to ensure that the work for the rail track is done at the same time as the roadworks?

Mr Kennedy: I am grateful to the Member for the point that he raises. I understand it entirely, and it appears that, from an engineering point of view, that is the case. Clearly, it would be sensible that two schemes could run parallel to each other. I say to him directly, and not in any aggressive way, that I think the difficulty and challenge will be, clearly, that the financial implications of both in terms of capital are substantial. We will have to look at those issues and other capital projects, which have also been waiting for some considerable time. Members will be quick to raise particular capital projects that are of interest to them. I understand the point he has raised, but I see challenges

in bringing forward a track scheme of that nature in the immediate period that we are facing.

Mr G Robison: Can the Minister outline whether budget allocations will affect the Gortcorbies climbing lane project on the Broad Road between Coleraine and Limavady or Limavady and Coleraine?

Mr Kennedy: I am grateful to the Member, and I join with other Members to congratulate him on being a recent recipient in the honours system. Enjoy the moment.

I am aware of the scheme that the Member speaks of. Indeed, there are a clutch of other similar schemes for improvements that would give considerable benefit to areas and, indeed, communities. It was always my intention that we would somehow create a pocketful of money to carry out schemes of that nature. That might even perhaps be useful to improve the reputation of the Assembly and the Executive for what they are able to deliver, but the financial situations we find ourselves in are very constrained. Whilst that scheme remains active on the books, we are not able to indicate at this stage how quickly it will further develop.

Mr Principal Deputy Speaker: That ends the period for listed questions. We will now move to topical questions.

2.30 pm

Finaghy Bridge: Improvement Plans

T1. **Mr Ó Muilleoir** asked the Minister for Regional Development, given his pride for his reputation as a bridge-builder, for an update on any plans to improve the eyesore that is the Finaghy bridge, linking west and south Belfast, which has managed to evade all efforts to improve it over recent years. (AQT 2651/11-15)

Mr Kennedy: I am grateful to the Member, and I accept, even as a backhanded compliment, the reference to me as a bridge-builder. The Member has raised this through correspondence. It is not so much a topical question as a typical question. We will provide an update with the detail as quickly as possible.

Mr Ó Muilleoir: Go raibh maith agat. Mo bhúiochas leis an Aire. Thank you, Minister. As it is some years since we met about it, perhaps we could return to that discussion. We welcome the ambitious plan to put a £3 million bridge over the Lagan at Ormeau, but a £25,000 cosmetic exercise is required at Finaghy bridge, which is more redolent of Belfast in the 1970s or the green zone in Iraq than the great city Belfast is today.

Mr Kennedy: I note the Member's comment, and I recall the meeting. The issue is not so much the structure or soundness of the bridge but its aesthetic value. I wish that I was in a position to worry about the aesthetics of the services I provide, but I will engage with him, and perhaps we can meet to discuss the issue further. Tarring up bridges is not so high a priority as maintaining bridges and ensuring that their structure is sound and remains safe.

A2: Update

T2. **Mr Hilditch** asked the Minister for Regional Development for an update on the A2 between Silverstream Banks and Seapark in Carrickfergus and to state when it might be fully functional. (AQT 2652/11-15)

Mr Kennedy: I am grateful to the Member. I confirm that work is progressing well on the A2 Shore Road scheme at Greenisland. Work on upgrading three and a half kilometres of single to dual carriageway began in March 2013 and is programmed for completion in September of this year. Along the online section of scheme between Jordanstown Road and Station Road, the new carriageway in the Carrickfergus-bound direction has been substantially constructed and a contraflow traffic arrangement is currently in operation. The existing road is now being reconstructed to become the Belfast-bound carriageway. That work is nearing completion, and, later this month, traffic will revert to it while the final surfacing is completed on the Carrickfergus-bound carriageway.

Mr Hilditch: I thank the Minister for the update. It should be acknowledged that the scheme has been managed very well during the two years, with minimal disruption and upset to the vast majority of users. Tribute should be paid to all those involved. Has the scheme come in within budget and have some of the minor issues regarding cyclists and bus lanes been sorted out as well?

Mr Kennedy: I am grateful to the Member for his positive comments on the scheme. Indeed, I want to endorse them and will certainly relay them to my officials, the consultants and the contractors. There will always be ongoing issues in matters of finer detail. Those charged with carrying forward the scheme on the ground hope to continue to resolve such issues as easily and practically as possible. This is a scheme of huge benefit to the east Antrim area and that region, and I look forward to seeing it finalised as quickly as possible.

A5: Draft Orders

T3. **Mr Murphy** asked the Minister for Regional Development whether he has a confirmed date for the publication of the draft orders for the A5 dual carriageway. (AQT 2653/11-15)

Mr Kennedy: I am grateful to the Member for his question and welcome him back to the House, perhaps unadvisedly as a constituency colleague.

I am currently processing the situation around the A5 and the new statutory approvals that need to be issued, and I hope at some stage to update Executive colleagues on that situation.

Mr Murphy: I thank the Minister for his welcome. He will be aware that the project has been delayed, causing great dismay in the north-west region. He has a number of weeks left between now and the summer recess to apprise his Executive colleagues, and then the opportunity for that will pass on until the autumn. Will he have an opportunity or be in a position to bring it to Executive colleagues this side of the summer recess in order to progress the project as quickly as possible?

Mr Kennedy: I am not in a position to confirm that at this stage. We are still working through some of the detail. I could be uncharitable and say that some of the delay issues were caused while he was Minister for Regional Development, but I will not do that. We will continue to see what progress can be made on the A5 scheme.

Copeland and North Woodburn Reservoirs

T4. **Mr Beggs** asked the Minister for Regional Development for an update on the maintenance work

at the Copeland and North Woodburn reservoirs in Carrickfergus, which have been lying empty for most of this year, and to state when the reservoirs will come back into service. (AQT 2654/11-15)

Mr Kennedy: I am grateful to the Member for his question. NI Water has advised that there are seven reservoirs in the Carrick area that are being refurbished as part of an ongoing routine maintenance programme over the past 18 to 20 months. Water levels have been lowered in the reservoirs to allow that work to progress. Work on five reservoirs has been completed, and work on the remaining two — Copeland and Lower South Woodburn — is due to be completed by the end of July, after which they will be refilled. Again, the rate of refill will depend on the weather.

Mr Beggs: I thank the Minister for his answer. June is, thankfully, predicted to be a relatively dry and summery month. We do not know what lies beyond that, but can the Minister assure us that there are sufficient stocks of water in the other reservoirs that serve the wider east Antrim area to carry us over the summer?

Mr Kennedy: I am grateful to the Member for his supplementary question. I can say that the five reservoirs where work has been completed are progressively refilling naturally. Of course, the rate of refilling depends on weather and rainfall. I can be challenged about many things, but providing additional rainfall is probably not one of them. The same principles will therefore apply on the remaining two: Copeland and Lower South Woodburn. We hope that that will deal with the situation.

Grass Cutting: Review

T5. **Mr Girvan** asked the Minister for Regional Development whether there will be a review of the current grass-cutting policy, which allows for one cut only and is causing some concern. (AQT 2655/11-15)

Mr Kennedy: I am grateful to the Member for his question. He will have heard me consistently say that this is not the service that I want to provide as Minister, nor do I believe that it is the service that people expect, but I have to say that the skeleton service that I have in place, which is at financial risk, even at this point, is the maximum that I can provide without further relief. I appeal to him again to use his considerable political influence within his party and therefore on the Executive to ensure that, either through June monitoring or through other sources, the Department can be properly and fully funded for the important front-line services that it undertakes.

Mr Girvan: I thank the Minister for his answer. I appreciate that it is not additional contractors that are being brought in to undertake that work; it is staff from the Department. Have any been laid off? What duties are being carried out by those who were trained to do such a function?

Mr Kennedy: I say to the Member that this is hugely frustrating for my officials and other staff throughout my Department. I have taken the opportunity to meet front-line service staff in the Armagh area and the Antrim area, close to the Member's constituency, to hear at first hand their frustrations and about the impact on morale. These are highly dedicated and professional staff who want to carry out and provide the best possible service, and the maximum service, when it comes to grass cutting, gully

emptying, street lighting and road defects. It is hugely frustrating for them to find themselves in this situation.

There have not been any lay-offs at this point. That will obviously be an absolute last resort, but, in the absence of affording proper materials for them to do their job, it does rather put staff in a very difficult and challenging position. They have to deal with the frustrations that are being expressed by the general public. Indeed, I think that all constituency offices and advice centres, including my offices in Markethill and Tandragee, are subject to people raising legitimate concerns and complaints about the lack of road maintenance and associated work. I hope that that message can trickle down not only to the Assembly but to the Executive to get them to move on, unblock the financial issues and move forward in such a way that we can properly fund front-line services.

Community Transport Networks: Funding Assessment

T6. **Ms Sugden** asked the Minister for Regional Development to outline how the community transport networks were assessed for the funding that they receive for the services that they provide. (AQT 2656/11-15)

Mr Kennedy: I thank the Member. She has been assiduous in trying to raise concerns on the issue.

I have to say that, in view of the severe budget outcome — I have outlined this in the recent past — I was forced to reduce funding in that area by some £2 million. I believe that, through continued efficiencies and use of all the financial resources available to them, providers should be able to minimise the impact on service users. I have bid for additional funding in the June monitoring round to mitigate further the impact on services. Those decisions were not easy or soft options in any way. We have sought to mitigate their impact as much as possible. We will continue to work with the groups that provide those important services to see whether we can further alleviate the impact.

Ms Sugden: My understanding is that some networks have had the impact mitigated more than others, to the point where those that run a very efficient service have been told to tap into their reserves. Is it appropriate, or even its business, for the Department to look into those networks' finances and reserves? After all, a group may have a 10-year-old whiskey, but the Department should not necessarily pressure it to drink it, particularly if there is not another bottle coming any time soon.

Mr Kennedy: I think that the Member's reference is a veiled one to the comment that I made earlier about it taking money to buy whiskey. It does indeed. At this stage, even watered whiskey would be a help. That might be of some benefit.

My Department's officials will continue to work with the groups and transport providers out there to try to manage the situation and offset some of the impacts that we are already aware of to front-line services. The important thing is that it is ultimately about the customer. People will debate whether it is proper for reserves to be used in such situations. Will their use reduce any negative impact that there is on people who use the service? If the answer to that is yes, and I believe that it is, we have got to stretch ourselves to do that.

Mr Principal Deputy Speaker: Time is up.

2.45 pm

Agriculture and Rural Development

Mr Principal Deputy Speaker: We will start with listed questions.

Farm Animals: Abandonment

1. **Mr Moutray** asked the Minister of Agriculture and Rural Development to outline her Department's role in tracing the owners of abandoned farm animals. (AQO 8419/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. If farm animals are properly identified, their keepers can normally be identified from data held on the Department's customer and animal information databases. The Department will share that information according to DARD's privacy notice and in line with data protection legislation. The Department assists the PSNI to trace the owners of farm animals found abandoned on a public highway. If abandoned animals are not properly identified, it is often impossible to establish who is responsible for them.

Mr Moutray: I thank the Minister for her answer, but I am going to press her. Who is responsible for abandoned horses on private land when animal welfare is not the issue?

Mrs O'Neill: For horses, councils and animal enforcement officers are clearly in the lead in being able to go out to try to identify the owners. The Department will work, not only for horses but for all animals, with the PSNI or councils, depending on the circumstances. However, councils have principal responsibility for horses.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Just to expand on that point, will the Minister tell us the legal position on abandoning animals?

Mrs O'Neill: It is illegal for cattle, sheep or pigs to be sold or moved off a farm unless they are properly identified. If the identity of bovine animals cannot be established within 48 hours, the Department will seize and destroy them without delay under the provisions of the cattle identification regulations. My Department does not have the power to detain or destroy unidentified pigs or sheep, but it does have the power to prohibit their movement.

Mrs McKevitt: Are there links with or a role for the likes of the USPCA to make the protection of abandoned animals and the identification of owners more fluent?

Mrs O'Neill: I am not sure whether there is a role for the USPCA in that instance. Certainly, there is a role for partners to work together to be able to identify owners and hold people to account, particularly in cases of animal cruelty or abandonment.

As I said, councils are strongly in the lead for horses. For farmed animals, that is obviously the Department's role. The PSNI takes control on criminality and other aspects. There is always a grey area, particularly in areas where there are high numbers of horses. However, councils are in the lead, in conjunction with the PSNI, to try to identify owners.

When it comes to farmed animals, the Department will use whatever systems it has, within the limits of data

protection, to try to identify owners and work with all stakeholders.

Mrs Overend: Will the Minister give an assessment of the scale of the problem of abandoned horses across Northern Ireland and provide an update on the consideration being given in her Department of the redefinition of a horse from a domestic to a farm animal, which would greatly enhance the welfare of abandoned horses?

Mrs O'Neill: I know that the Member has a keen interest in horses and has tabled a Bill on the definition of a horse. I have had numerous conversations with the equine industry on whether we should change the designation. I was not convinced of the merits of doing so at that time, but I am always open to considering it further if there ever was a change or new arguments put forward for consideration. At this time, I am not convinced of the need to change the definition.

Problems with horses are a council issue, and councils take the lead, so it would be better if they gave you an assessment of particular problems. Some areas have more of a problem than others. It is not coming to or being tabled with me as a key area of concern, but I have dealt with the issue in my constituency on numerous occasions and understand that it is frustrating for people who constantly encounter abandoned horses on the roads and the car accidents that can result from horses being wild on the roads.

It is important that we are clear about who is responsible for what, which is what we try to do. I encourage people with concerns about horses to talk to their council animal enforcement officers.

Lamb Labelling

2. **Mr McAleer** asked the Minister of Agriculture and Rural Development to outline any discussions she has had with other Governments to find a solution to the current problems in relation to lamb labelling. (AQO 8420/11-15)

Mrs O'Neill: I have been concerned about the impact of the new EU country of origin labelling rules on the trade of sheep reared in the North and slaughtered in the South. I am doing everything in my power to support solutions to the current situation and to head off any potential problems for other products.

I have been in regular contact with Minister Coveney in the South and his Department on labelling issues that have an effect right across the island to seek a resolution to the specific issues in the sheep sector. My officials had a constructive meeting with Department of Agriculture, Food and Marine officials recently and met EU Commission officials in Brussels on the matter, as well as DEFRA and Food Standards Agency officials here in the North.

I also discussed the impact of country of origin labelling with Commissioner Hogan during his recent visit. I have written to the Secretary of State for Environment, Food and Rural Affairs and to the EU Commission to outline the unique circumstances of agrifood businesses on this island, and I am making the case for greater flexibility in labelling our local products. Elizabeth Truss, Secretary of State for Environment, Food and Rural Affairs, replied positively to my letter, and I am pleased that she offered her support in finding a solution to the problem. I still await a reply from the EU Commissioner.

Ahead of today's meeting of the Agriculture and Fisheries Council in Luxembourg, at which labelling is likely to be raised during any other business, I have contacted my English, Scottish and Welsh counterparts to reiterate my view that we need flexibilities for farmers in the North. I remain fully committed to finding a solution to labelling difficulties that works for everyone, and I will continue to press for flexibility for our local products.

Mr McAleer: Go raibh maith agat. I thank the Minister for her answer. Will she outline what impact country of origin labelling has had on any other sectors?

Mrs O'Neill: Since it came into play last year, we have had the so-called nomadic cattle and the issues that they caused with the labelling of meat. The beef trade was quite significantly affected in 2014. The voluntary term "Irish" could be used to label beef derived from cattle born in the South and imported into the North for direct slaughter or for finishing and slaughter.

I am aware of the recent Commission report on the feasibility of extending country of origin labelling to other products, including milk. I understand that reports have concluded that the cost of extending mandatory country of origin labelling to additional food products, including milk and milk products, would outweigh the benefits to consumers, but that voluntary labelling should be allowed. Given the negative effect on beef and lamb, I would not support a further extension of country of origin labelling to other products such as milk. The potential exists for a very damaging effect on our milk industry, as we currently send about 23% of our milk to the Twenty-six Counties for processing. I will continue to press for maximum flexibility on labelling for our products because this will have an impact on all other sectors, not just the beef and lamb that have been affected to date.

Mr Swann: Minister, there is a perception among farmers that processors are taking advantage of the issue to lower prices for lambs across the border. Can she do anything to allay those suspicions? Has she met processors to discuss and raise those concerns?

Mrs O'Neill: There will always be concerns from farmers, particularly about the volatility of pricing in the market and the controls used by processors and the retailers who buy their products. That is an ongoing concern of mine, and I have raised it with the Agri-Food Strategy Board. I want to work on that and produce initiatives over the next number of months, particularly in relation to the whole supply chain and how we can work together. When the Agri-Food Strategy Board was established, I sent a strong signal and message to it about the need for fairness in the supply chain, and for clear and full communication with the industry, from the farmer right through to when a product is placed on a supermarket shelf. Unless we have that, we will damage our agrifood sector and, potentially, cause future problems for the industry. It is a priority and an issue that I continually raise with the Agri-Food Strategy Board, NIMEA and the other processor organisations when I meet them.

Lamb prices have dropped significantly, and there are the other impacts of market forces such as supply and demand or even the euro rate. All have compounded the problem. Moving forward, we need to remove any barriers at an EU level, such as the country of origin labelling. If we have voluntary labelling, processors cannot use that as a stick to beat farmers.

Mr Irwin: I welcome the fact that the Minister has made efforts to resolve the labelling saga. Does she feel that we are any nearer to a resolution?

Mrs O'Neill: As far as approaching Europe is concerned, there is provision for a voluntary label. I have made all the right approaches. We had positive feedback from DEFRA in England, and I very much welcome that. I raised it with George Eustice, Minister of State for Farming, Food and the Marine Environment, when I spoke to him last night. We have ongoing discussions with Minister Coveney in the South because we need agreement from the three parties to take the voluntary label forward. We are making significant progress, and the sooner we get to that point, the better.

It is only one of a number of issues that affect the industry, but we need to remove any trade barriers or obstacles. There is traditional trade across the island, whether in lamb, beef or other sectors including, obviously, milk, with nearly a quarter of all the milk that we produce going to the Twenty-six counties for processing. Anything that places barriers in the way of that all-island trade or restricts our market opportunities has to be taken very seriously, and I assure you that I take it very seriously.

Local Action Groups: Funding

3. **Mr Girvan** asked the Minister of Agriculture and Rural Development whether there will be any additional allocation of funds for local action group boards. (AQO 8421/11-15)

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Regarding the 2007-2014 rural development programme, there are no additional funds to distribute as, I am pleased to announce, we have achieved a 100% project spend at a programme level for LEADER. I take the opportunity to thank all those involved in achieving this great result. It is a first for any LEADER programme in the North, and, considering that it was done against the backdrop of an economic downturn, it is an even bigger achievement. This investment has so far resulted in 839 full-time equivalent jobs being created in rural areas at a time when they are sorely needed.

Regarding the new LEADER element of the 2014-20 rural development programme, I announced on 22 October 2014 what each of the new local action group (LAG) areas was being allocated. That has not changed; indeed, I have maintained these allocations despite the difficult financial climate in which we find ourselves. No additional funds are available for allocation.

Mr Girvan: I thank the Minister for her answer. Were any calculations made for areas of deprivation in the criteria for the new programme?

Mrs O'Neill: Absolutely, 100%. The rural development programme is the only show in town for rural communities. When it came to allocating funding across each LAG area, I was mindful of the need to tackle deprivation, as it is a focus for my Department and me. We looked at categories such as rural population, levels of deprivation, income deprivation and employment deprivation. We used a range of comparators to make sure that funds were distributed on a fair and equitable basis. I am content that that is what I have achieved.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers so far.

When does she anticipate the call for applications will open?

Mrs O'Neill: Our programme is with Europe at the moment. We have had very positive feedback, and we are tidying up some of the elements. We hope by the end of this month or very early in July to have formal approval from the European Commission. The animation process was launched at the Balmoral show and will continue over the summer. We are actively working with groups, organisations and businesses that may have ideas and want to consider bidding into the show. Given the timescale that we expect to achieve for formal sign-off by the Commission, I would want to open official calls for full applications in September this year.

Ms Sugden: Will it be in the Department's power to decide what guidelines it will set to ensure that the appropriate people receive the right money?

Mrs O'Neill: One of the beauties of the LEADER programme is that it is a bottom-up approach. Local elected representatives along with community representatives decide how funding should be distributed, but it is benchmarked against criteria. It is all very open and transparent, and all applications are scored by way of a scoring mechanism. We have been working up all that detail, but it will be consistent right across the board. All LAGs will use the same criteria, but each LAG will have the opportunity to look at priorities in its area. One of the advantages that we have is that councils are pulling together their new community plans. The LAGs will also pull together their rural development plans, and those two things will dovetail, so we are in a good position. While the criteria and benchmarking will be the same across the board, each area may have a different focus on how it decides to distribute funding through each measure.

Mr Elliott: Was the appointment process for the new boards under the new programme subject to section 75 assessments?

Mrs O'Neill: When the appointment process was taken forward it was very important to me that we got a good spread across the board. The process was taken forward in conjunction with the rural community networks, which did all the work on the ground, animating, working with groups and encouraging people to apply. We have a fairer balance because the previous make-up of the LAGs was not sufficient and there were not enough women or young people. We have addressed that imbalance, but we still have a way to go. The calls were made, and all the members who came forward were able to vote for the people who were appointed. We have a better make-up this time round, but there are still improvements to be made.

3.00 pm

DARD HQ: Relocation Update

4. **Mr Cree** asked the Minister of Agriculture and Rural Development for an update on the proposed relocation of her departmental headquarters. (AQO 8422/11-15)

Mrs O'Neill: The relocation programme involves four different moves, with fisheries division relocating to south Down, Forest Service to Fermanagh, Rivers Agency to Cookstown and the rest of my Department headquarters to Ballykelly. I am delighted to be able to report that the

first of those relocations has taken place: the headquarters of my fisheries division was relocated to the Downshire Civic Centre in Downpatrick last Monday, 8 June. That represents a major milestone in the relocation programme.

In respect of the move to Ballykelly, another key milestone was reached recently when my officials submitted a planning application for the new building to the Causeway Coast and Glens Borough Council on 30 April. It is hoped that planning approval will be granted by August — in a few months' time. Work is well under way at the other two relocation projects, with Forest Service expected to be in Inishkeen House in Fermanagh by the end of September and Rivers Agency in its new accommodation at Loughry by mid-2016.

Mr Cree: I thank the Minister for her response. Given that she is pushing ahead without a genuine business case and despite the concerns of several senior officials in her Department and DFP, she is clearly not worried about value for money, but can she give us an update on cost at this point in time?

Mrs O'Neill: The costs are as I have previously outlined: we are talking about £30·8 million in capital and £14·3 million in resource. As for concerns from officials in either DFP or my Department, I assure you that my Department and all my officials are working to my policy objective, which I have set out. The programme board has been working consistently over the last number of years. We are working closely with staff to make sure that we make the transition as easy as possible. There is an outline business case in place; that is all done. The Executive have signed off on the process and the move to relocate. I am happy to rehearse all the arguments around the benefits to rural areas, the economic knock-on effect of the footfall for rural areas, the construction jobs that the build will create and the fairer distribution of public-sector jobs. That is what this is about. I am certainly very committed to taking it forward, and I assure you that my officials are tasked with doing that also.

Mr G Robinson: Has the transfer of all the staff to the proposed new site been completed?

Mrs O'Neill: I assume that the Member means the transfer of fisheries division.

Mr G Robinson: Yes.

Mrs O'Neill: Yes. The fisheries move happened last Monday, 8 June. All the staff have moved out. Obviously, there may be a few teething problems while everything gets smoothed out, but the office is open and the staff, in the main, are there. I am sure that it will take a couple of weeks for everything to bed in.

Mr Dallat: I support the decentralisation of public-service jobs to Ballykelly. I hope that other Departments do likewise and contribute to the decongesting of our motorways. Does the Minister agree that, irrespective of its previous use, it is one of the most idyllic and beautiful spots in County Derry, overlooking Lough Foyle and Inishowen? Does the Minister agree that there should be a master plan for the remainder of the site so that best use is made of the 900 acres, rather than flogging it off to the highest bidder?

Mrs O'Neill: I certainly agree that it is a beautiful site. I look forward to the Department headquarters being completed there. The site should sell itself; it is a fantastic

location. OFMDFM surveys show that, because we have become the anchor tenant, there is significant interest in the site. The strategy for taking that forward will come down to that Department. It is keen to make sure that we maximise the benefit for the Executive and, in turn, public services and the Departments, and that will ensure that we deliver for the people who elect us. I do not have a crystal ball to foresee what businesses or types of industry will want to move to the site, but, nonetheless, there is significant interest, which is very positive in itself.

Cattle: Missing/Stolen in Upper Bann

5. Mr Gardiner asked the Minister of Agriculture and Rural Development how many cattle have been reported as either missing or stolen in Upper Bann since 2011. (AQO 8423/11-15)

Mrs O'Neill: Under the Cattle Identification Regulations 2012, keepers must report cattle that are lost or stolen in writing to DARD within seven days of the event being noticed. Information on stolen animals or animals reported missing is kept on the Department's database: the animal and public health information system (APHIS). APHIS does not differentiate between missing, lost or stolen animals.

Those two categories are recorded collectively on APHIS, and that information is not kept by constituency. The majority of the Upper Bann constituency is in the Armagh divisional veterinary office (DVO) area. The number of cattle reported missing or stolen in the Armagh DVO area was 497 in 2010-11; 342 in 2011-12; 389 in 2012-13; 629 in 2013-14; and 666 in 2014-15. That totals just over 2,500 over the last five years. The PSNI actively investigates reports of stolen cattle. I encourage any keeper who suspects that an animal has been stolen to report it to the PSNI as soon as possible so that a full investigation can be carried out.

Mr Gardiner: I thank the Minister thus far. Can the Minister give her assessment of the problem of the illegal meat trade in Northern Ireland? In particular, what is she doing to clamp down on it in border areas, where the problem is especially rife?

Mrs O'Neill: Obviously, I condemn any criminality, particularly in the meat trade, given the implications that are felt by the wider agrifood industry if people are involved in that type of criminality. It has a knock-on effect, particularly on consumer confidence, even though all the products that go through our system are fully traceable, they are wholesome and we can stand over them when instances such as food fraud occur. This is something that affects the industry.

However, food fraud is a problem right across Europe. It is an issue that we seriously need to tackle. It is an issue that is given a lot of priority at European Commission level and one that I have given priority to. I will continue to work with the PSNI in particular, as well as with our environmental health officers, our people who work in the abattoirs and our veterinary enforcement team. I think that everybody has a role to play to make sure that we drive out what is essentially a criminal problem that needs to be dealt with because of the impact it has on the rest of the trade.

Ms D Kelly: Have you had any correspondence with Minister Coveney in the light of the suspected BSE breakout over the border in Louth?

Mrs O'Neill: Yes. I have spoken to him on the phone, and my officials are regularly engaged on any updates. There was an identification of a classic BSE case in County Louth last Thursday. It was identified through the ongoing surveillance systems that are in place, so it showed that those systems and practices are actually working. The animal was not presented for slaughter, so there was no opportunity for it to enter the food chain. Confirmatory tests are being undertaken, and we have been advised that it will take up to a week to get the results.

The one message that I want to be clear on and to give an assurance on is that our beef remains a quality product and safe to eat. The Department of Agriculture, Food and the Marine (DAFM) in the Twenty-six Counties and my Department are liaising daily, and more than once a day on this particular issue. We will hopefully have confirmed results this week that I hope will point to the fact that it is an isolated case.

Mr Principal Deputy Speaker: I call Mr Declan Boylan. *[Laughter.]*

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Could I ask the Minister what —

Mr Principal Deputy Speaker: My apologies, Mr Boylan.

Mr Boylan: — action her Department has taken to try to reduce the number of stolen cattle?

Mrs O'Neill: That was a great merging of two individual MLAs.

My Department has been involved in a number of joint initiatives with the PSNI, including the Farmwatch scheme and the Crimestoppers campaign. The central enforcement team of the veterinary service works closely with the PSNI in conducting joint inspections and investigations. The DARD veterinary service enforcement branch (VSEB) is involved in ongoing training of PSNI officers on animal identification requirements and the associated documentation that is required when livestock are being moved.

Our VSEB has also attended on-farm workshops organised by the PSNI to discuss those issues and what officers should look out for at roadside checkpoints. The PSNI reports cases of stolen livestock to DARD, and descriptions of stolen livestock are immediately passed to veterinary staff in meat plants right across the island. The veterinary service central enforcement team works closely with the special investigations unit in the Department of Agriculture, Food and the Marine, sharing intelligence and conducting joint investigations. APHIS is available live in all markets and abattoirs. If an animal has been reported missing or stolen and subsequently appears on these premises, it cannot be processed for sale or slaughter without a DARD investigation.

Agrifood Research: Strangford

6. **Mr McNarry** asked the Minister of Agriculture and Rural Development what specific research projects, planned over the next five years, are designed to benefit the agrifood industry in the Strangford constituency. (AQO 8424/11-15)

Mrs O'Neill: I remain committed to supporting local research and recognise its importance to the agrifood sector's plans for growth. Although the benefits of research

projects funded by DARD are designed to improve sustainability of the agrifood sector across the North, I will give particular focus to those that are benefiting the agrifood industry specifically in your constituency.

DARD funds research through postgraduate studentships, the industry-led research challenge fund (RCF) and the DARD-directed AFBI research programme. DARD is currently funding 26 studentships directly relating to DARD's priority evidence and innovation needs and providing high-level training to underpin the science base here. Currently, two of those studentships are being conducted in aquacultural research in the Strangford area, with a further two PhDs to commence in the autumn. Three of those studentships are based jointly at Queen's University's marine laboratory, Portaferry and AFBI.

DARD's research challenge fund encourages collaboration between rural enterprises and the research community. Recently, a three-year project to improve the breeding efficiency of suckler cows was commenced on farms across the North, including beef farms in the Strangford constituency. It is anticipated that a further tranche of the RCF will be launched later in 2015.

Through the DARD-directed AFBI R&D programme, work is being undertaken to provide estimates of overall carrying capacity for the diverse pot fisheries in Strangford lough and to determine the susceptibility of the seabed to pot fisheries. AFBI has been successful in obtaining funding under Horizon 2020 for a programme on water quality for aquaculture systems and, under the European fisheries fund, for work on the sustainable management of lobster fisheries.

Finally, the DARD-directed AFBI R&D programme is funding a range of projects underpinning competitiveness, animal health and welfare and sustainable environment across the land-based agrifood sectors in the North. New research programmes are in the final stages of commissioning and will commence later in the year.

Mr McNarry: I thank the Minister for her comprehensive response. I was not expecting that when I asked the question. In further benefiting Strangford and all farmers, does the Minister welcome the rejection of proposed EU caps on methane emissions and consider that to be a huge relief for the farmers and, not least, the livestock?

Mrs O'Neill: It is an issue of ongoing discussion. I have a scheduled meeting with my officials, and we will also talk to the Ulster Farmers' Union (UFU) around what it means for the local industry.

Mr Poots: Does the Minister accept that it is very difficult to have specific research projects to assist the agriculture industry when research is continually cut? Will she agree to look once again at the research sector and follow what they are doing in Scotland and the Republic of Ireland and identify greater levels of resource to ensure that there is qualitative agriculture research?

Mrs O'Neill: I think it is fair to say that we have a significant body of research ongoing. That could be seen in the answer I gave to the substantive question. We have a significant portfolio with AFBI, which was, I think, £40 million last year. I am currently working with AFBI around research priorities and R&D potential, and looking at R&D and innovation and at what opportunities we have to attract additional funding from the EU in particular. Since my

recent visit to China, the Chinese agriculture and science institute is very keen to work with us around potential research projects. So, I think we need to look towards what other opportunities there are for us.

To be clear, my officials and I have been working with AFBI around identifying the priority industry needs and the path forward. Recently, I had sight of its strategy for up to 2020. We are working our way through that with AFBI. I understand and think that there is some misinformation out there in relation to AFBI and the challenges, particularly in relation to budget. I understand that a figure of 26% has been quoted as representing the extent of cuts to AFBI. That is not the case. On a like-for-like basis, when you use the same methodology that is employed by my Department and across the public sector, the reduction to AFBI's budget is, in fact, 11.5%. That compares favourably with what I have tried to find, internally, in DARD, which is just over 15%. So, when you set that against AFBI's overall cost base, the reduction equates to only 7.5%.

Are there challenges? Yes. Do we need to prioritise the work we are doing in research, development and innovations? Yes. I will continue to work with AFBI around its priorities and the areas towards which we will be able to look for other funding opportunities for research, development and innovation.

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

Ballykelly: Transport Infrastructure

T1. **Mr Middleton** asked the Minister of Agriculture and Rural Development whether she has had any discussions with the Minister for Regional Development about the transport infrastructure to and from the Ballykelly site earmarked for her Department's relocation. (AQT 2671/11-15)

3.15 pm

Mrs O'Neill: Yes, it is an issue that a party colleague raised with me, particularly in relation to a possible railway halt. I am very keen to see that happen. I think that it would help to open up the entire site, particularly if we have other companies and industries moving onto the site. I have discussed it with the Regional Development Minister. He has highlighted challenges. However, we have an ongoing conversation about whether there is any scope or potential opportunities for us to be able to secure that method of transport, which, I think, would be very beneficial to the site.

Mr Middleton: I thank the Minister for her answer and welcome the fact that there have been discussions in relation to a stop there. The Minister will be aware that there is quite significant traffic on the roads between Londonderry and the Ballykelly site. Will she outline how far those discussions have progressed? Will she continue to press the Regional Development Minister on funding that type of proposal?

Mrs O'Neill: I will continue to have such conversations. We have had a number of conversations at ministerial level and also at official level. My project team, which is working very hard to deliver the project in Ballykelly, has obviously factored in, to all the considerations, the transport issues, the access road and all those things. We are working our way through that. We are on target to be on site, as I

have previously set out. We do not perceive any problems in relation to that, but, obviously, transport issues, and making sure that the site is accessible to the staff who decide to go there, is a key consideration.

Red Meat Export Markets: Maximised Potential

T2. **Mr Nesbitt** asked the Minister of Agriculture and Rural Development for her assessment of how successful she has been in maximising the potential of red meat export markets. (AQT 2672/11-15)

Mrs O'Neill: Since taking up office, I have very clearly said that this Department is an economic Department, and that is why I worked with the Enterprise Minister to establish the Agri-Food Strategy Board, which has now come up very clearly with a vision; a strategy for the industry, up to 2020, for all sectors, whether beef, lamb, milk, poultry or any other. In particular, we have worked very hard with our colleagues in the DAFM and DEFRA on opening up market opportunities. We had some success with beef in South Africa towards the end of last year. I have recently returned from China, where we had another very successful round of engagements, and we hope to have very positive feedback as that market, hopefully, opens up over the next number of weeks.

There is an ongoing collective effort at Executive level, with the Enterprise Minister and me, for the agrifood industry, going out, taking on and working with whatever Administration it may be to open up new markets. So, yes, we have had success, particularly in relation to beef. The strategy clearly sets out that we have so many more opportunities that we need to consider. We look towards New Zealand, America and Asian countries. The scope is massive, and it is there for us to embrace, but we need fairness in the supply chain, and we need to assist the industry to grow, if we are to be able to do all that.

Mr Nesbitt: With regard to red meat specifically, does the Minister accept that the export figures confirm that, under her watch, the Republic of Ireland has been allowed to pull well ahead in developing new export markets and, ultimately, that is to the detriment and disadvantage of local producers?

Mrs O'Neill: There is a whole load of different reasons as to why some markets would open up for the Twenty-six Counties but not for us. Disease status is one reason, and there is quite a range of other issues. However, we have a very strong trade working group, both at official level and between myself and Minister Coveney, trying to work together to open up market opportunities. Obviously, I have to work with DEFRA in England on securing access to markets, but I think that I have been very productive.

The Member might like quick wins, but, in opening up new markets, these things do not happen overnight. That is particularly so in relation to the Chinese market. I have just returned from my third trip to China. That is what you have to do to build relationships with these people to achieve market access. So, we have very clear, ambitious plans, and I think that we will see all that come to fruition over the next number of months as we start to see more and more markets open up for us.

Mr Principal Deputy Speaker: Mr Campbell is not in his place.

Rural Payments Agency: Contingency Plans

T4. **Mr McCallister** asked the Minister of Agriculture and Rural Development to outline the discussions she has had with the Rural Payments Agency and the contingency plans her Department is drawing up in light of a possible budgetary crisis, given that she will be aware of her colleague the Finance Minister's comments about single farm payments and the possibility of having to use the Rural Payments Agency to make those payments. (AQT 2674/11-15)

Mrs O'Neill: I have not had any discussions with the paying agency, because I am confident that I can make the payments.

Mr McCallister: I should declare an interest as a recipient of single farm payment. Surely the Minister must know the very difficult financial situation that farmers face. Our dairy sector is in real crisis at the moment; there are problems with beef; sheep are in difficulties; grain is in difficulties. Many farmers will be in financial desperation and in need of the single farm payment. Surely it is incumbent on her to have a contingency plan to make sure that single farm payments are paid on time to every farmer this year.

Mrs O'Neill: I do not think it is helpful to scaremonger. I am not suggesting that the Member is scaremongering, but farmers have a difficult enough time without being dragged into the middle of politics and what is, in my opinion, a nonsense statement that you could not make the single farm payment. Year on year, we have made progress on reaching our targets of getting more people paid in December. I want to build on that again this year, even though we have come through all the challenges that we have in relation to CAP reform.

It is a nonsense to say that single farm payments will not be paid, and it is not helpful to the farming industry to start scaremongering. As I said, I am not suggesting that is what you are doing, but whenever we have these conversations in public, the farmers will start to get frightened about what it means for them come December. The payment comes from Europe. We make an application to Europe, saying what applications have come forward and the amount that we need to pay. That money is paid directly to DARD and it then goes out to farmers. There is no ambiguity: it is very clear that the payments will be made, regardless of whether I am in office or not.

Fishing Industry Task Force: Progress

T5. **Mr McCarthy** asked the Minister of Agriculture and Rural Development to outline what progress has been made in the six months since the fishing industry task force reported at the end of last year and to state whether she is satisfied with that progress. (AQT 2675/11-15)

Mrs O'Neill: Yes. Out of the interim report that we received in December, all of the recommendations have been acted on. That in itself is very positive, and we have also started to look at inshore fisheries. It has been a very useful piece of work, and we need to have an ongoing discussion with the fishing industry about their needs, what they feel the Department needs to do and how we can exploit the opportunities that are there through the European maritime and fisheries fund (EMFF). The task force's work has been really helpful, but I want to continue the conversation, even

though we have delivered on some of the key asks that the fishing industry has put forward.

Mr McCarthy: I thank the Minister for her response, but I refer to recommendation 11, where it talks about fishing opportunities and future negotiations. We are shortly coming to the annual Brussels saga. Can the Minister give us any encouragement that reports that come back will be more progressive this year than in previous years?

Mrs O'Neill: I think that we have done well in previous years. We have done well to stave off some of the ridiculous cuts that have been proposed by the Commission in terms of quotas. We are not at the stage yet where we start to build our case, because we go out to Brussels in December. Come October, we will take a look to see what the scientists at the International Council for the Exploration of the Sea (ICES) have said. We will then talk to the industry and identify our priorities. I decide the priority in conjunction with the industry and, as with every other year, we will go out fighting the corner for the local industry, particularly in relation to quota, which is the key decision at the December Fisheries Council.

Glenariff Forest Park: Mobile Phone Mast

T6. **Mr McMullan** asked the Minister of Agriculture and Rural Development what assistance her Department has given to maintain the mobile phone mast at Glenariff forest park. (AQT 2676/11-15)

Mrs O'Neill: I thank the Member for raising that issue with me. The current leaseholder, Arqiva, formally notified Forest Service on 22 April last year that it intended to terminate the lease for the site at Glenariff from 31 October. Since receiving that, Forest Service wrote to the current mobile service provider, Everything Everywhere (EE), inviting it to meet to discuss any proposals to continue the service beyond October 2015. That would involve EE entering into the new legal arrangements directly with Forest Service for the lease of the site. The meeting took place on 4 June, and EE confirmed its interest to continue mobile service provision beyond the end of October.

Both parties agreed to work towards a new legal arrangement under which EE could lease the site directly from Forest Service. Ultimately, it will for EE to determine the commercial viability of doing so, but discussions were very positive, and Forest Service is up for working in conjunction with EE and coming to a new service provision agreement.

Mr McMullan: I thank the Minister for that. Can Forest Service provide any further assistance for the community in that area in the time ahead?

Mrs O'Neill: Yes. In relation to the mobile phone mast, Forest Service has agreed to forward a draft lease to EE as soon as that is available from the Departmental Solicitor's Office (DSO) so that it can consider it together with the valuation information to enable it to complete its business case consideration. We will hopefully be able to come to a resolution of the issue very shortly. In the area generally, Forest Service has been working carefully with the local community, and some very successful projects have been taken forward under the tourism initiative to which Forest Service contributed. We have had the repairs done at Glenariff and a new camping site. There is an

ongoing body of work being done by Forest Service and the local community.

Mr Principal Deputy Speaker: Time is up. Members will take their ease while we change the Table.

Rural Crime

T7. **Mr Ross** asked the Minister of Agriculture and Rural Development what work she is engaged in to tackle rural crime and whether she is working with the rural community, given that she may be aware that the Justice Committee recently held a business crime event at which the Federation of Small Businesses in particular mentioned rural crime. (AQT 2677/11-15)

Mrs O'Neill: We work in partnership with the PSNI, which is in the lead when it comes to tackling crime. The Department gets involved in issues that relate to the welfare or identification of animals. For me, tackling rural crime has to be taken forward through a partnership approach. I regularly engage with the Minister of Justice and with the Chief Constable on the PSNI's priorities for tackling crime and issues of concern in different areas. That is an ongoing, joined-up approach, and we have seen very positive improvements in the working relationship across all the agencies involved in tackling crime.

Mr Ross: The Minister will be aware that the perception in the rural community is that the situation is getting worse. I appreciate the Minister saying that the relationship is good, and that is something that can be worked on. Does she believe that the existing structures for communication between rural communities and their local police force and, indeed, at a higher level are adequate to address the issue? Could any improvements be made to increase confidence in rural communities that the issue is being taken seriously by the police?

Mrs O'Neill: We are straying into the realm of policing issues, which are not directly my responsibility. There is obviously room for improvement. All districts will have community police on the ground. In some areas, there will be strong relationships but, in others, maybe not so much. Those are issues to be taken up with the local policing partnerships. At ministerial level, the Chief Constable and I regularly communicate on key issues of interest at the time and key issues for rural communities. As I said, we have enhanced and improved communication across all the agencies involved, but the PSNI is ultimately in the lead on rural crime.

Fish Stocks: Lough Neagh

T8. **Mrs D Kelly** asked the Minister of Agriculture and Rural Development to advise how her Department manages the fish stocks in Lough Neagh, particularly pollan and Lough Neagh eel, whether an estimation exists of the numbers and whether there has been a decline in recent years. (AQT 2678/11-15)

Mrs D Kelly: I am pleased to say that I was able to ensure that reducing rural crime was a target in the policing plan.

Mrs O'Neill: That issue is dealt with by DCAL; it is not within DARD's remit. However, with the change in Departments next year, that remit will come to DARD. That will be beneficial for the entire industry, in that fishing will be dealt with in one Department and environmental issues will be dealt with in one Department. The lough will be able to avail itself of the benefits.

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

3.30 pm

Executive Committee Business

Mental Capacity Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Mental Capacity Bill [NIA 49/11-16] be agreed. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr McCallister: I have only a few brief comments about the Bill. I welcome the Bill, despite the time that it has taken to develop it. It has been a long time in getting to this stage: during the 2007-2011 Assembly mandate, I served on the Health Committee, and we took evidence back then. At one stage, it looked like there would be two Bills, and we have narrowed that down to one Bill. However, it is a huge piece of legislation with a lot of ramifications. Compared with other areas of the UK, this is slightly different with regard to mental capacity legislation, and we are in a stronger position than the rest of the UK with the creation of a single comprehensive framework for reforming mental health legislation and capacity legislation.

I recognise Members' comments today about the need to reform the legislation, but we should not lose sight of the fact that this is the power of devolution and the benefits of the Assembly. If the Assembly were to collapse or were not here, we would not be doing this. This much-needed legislation would go, and that is worth looking at. When we see the development of legislation like this, we see the very best of the Assembly in scrutinising and progressing it through its stages. We look at the impasses and the politics that make this place work. We need to be sure that we can deliver this legislation, because huge numbers of people are affected and are depending on it. I welcome the fact that the Department of Health, Social Services and Public Safety is working so closely with the Department of Justice.

One core aspect of the Bill is to promote the ability and to support people with mental health and mental capacity issues to make decisions for themselves, and that is extremely welcome. Another core aspect explores the role of the state when it considers that individuals do not have the mental capacity to advocate for themselves and the role of the state in acting in the best interests of those people.

While I do not want to go into the detail of the Bill today, the core focus of our scrutiny should be to ensure that the right legal framework is in place to ensure that decision-makers acting on behalf of the state and, subsequently, in the best interests of individuals have the ability and training and are accountable for making decisions on behalf of other people and in their interests.

The Bill talks of safeguarding. I suggest that Members be cognisant of recent incidents, primarily in health services, in which vulnerable people who perhaps do not have mental capacity issues have been abused by those who work for and on behalf of the state. To some, this may seem slightly outside the scope and tone of the debate, but, in my mind, it is crucial to it. We are exploring the role that the state will have in helping people to come

to decisions that are in their best interests and, in some cases, making decisions for them.

We should be very mindful that the state is taking on a huge responsibility — at times, maybe rightly so. However, we have to be aware that, in many instances in the past, in this jurisdiction, in other parts of the UK and in the Republic of Ireland, the old adage, “The road to hell is paved with good intentions”, applied. The state took on more responsibilities but did not have the ability or accountability to manage them. So, in my mind, the training, ethics and scrutiny to which the state subjects itself are crucial to delivering what is genuinely in the best interests of vulnerable people.

I encourage members of the Ad Hoc Joint Committee to ensure that the clauses relating to the ability to have a case referred to a tribunal result in a process. That is not overly onerous or debilitating for individuals or their advocates, but the principles of ability, expertise and accountability must run through the Bill, from the police to court judges.

I remind the House that the role of overseeing and reviewing the implementation of the Bill at a later stage may well fall to us or to a successor Assembly, so we all have to be very mindful of that. It would probably have been preferable for this huge legislation to be introduced earlier. However, I think that the single-Bill approach, with an Ad Hoc Joint Committee, which has members of the Health and Justice Committees, looking at this very closely and being mindful of the huge responsibility that the state has the potential to take on, is the right way to progress.

Mr McGlone aired the under-16s issue. The Ad Hoc Joint Committee, the Justice Committee, the Health Committee and the Departments of Health and Justice might want to look at that to see whether there are any other solutions or whether we will be dependent on legislation that is now almost 30 years old. Is that as relevant today as it was in 1986, for example, or are there alternatives and perhaps better options more relevant to the age that we live in today?

I am more than happy to support the very broad principles of the Bill, but we must be ever mindful of the huge responsibilities that the state will take on should it progress and become law. Where are the checks and balances on that power when it comes to monitoring the police and making decisions about capacity? It is incumbent on us all to make sure that we get that balance right.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): It is pretty clear from today's debate — the array of Members who spoke and the very considered contributions made from all corners of the House — that the Bill is, as I outlined in my earlier contribution, far-reaching and has the potential to touch upon the lives of a great number of people in Northern Ireland.

If I have sensed the tone of Members' contributions accurately, they would agree that it is critical that we get this legislation right. A lot of points were raised expressing concerns about clarity, not least by Mr McCallister, who made the last contribution in the debate. There is a need for further clarity and the hollowing out of some issues; that is why we have the process that we have in this House. I hope that the Bill passes its Second Stage, and I look forward to the Ad Hoc Committee getting its teeth into it and having those debates.

I welcome Members' contributions today and thank them for them. I also thank those on the Ad Hoc Committee in advance for the taxing and time-consuming work that they will do on the Bill when it enters its Committee Stage. I will attempt to turn to as many of the issues that were raised in the debate as possible. To be fair, many of them were raised by a selection of Members, so forgive me if I ascribe points to a particular Member because many were raised by virtually everybody who spoke. I appreciate that, in my response, I may not be able to pick up on some of the issues that were raised, but I will endeavour to write to any Member who raised points that I do not get an opportunity to respond to.

Mr Ross spoke in his capacity as Chair of the Ad Hoc Committee, and he and many other Members welcomed the fact that this was an innovative, ground-breaking piece of legislation. Mr McCallister was right in his opening comments to remark that this would not have been done in any other way and that the fact that no other legislature has attempted this means that it is bold. He is right that if we had still been under direct rule, we would have had some of the changes that would have gone through in the Mental Capacity Act, on which there is agreement that it does not go far enough and certainly does not do what we are attempting to do in the Bill.

Mr Ross is right to talk about how good it is to be innovative, and I want to see, across our health and social care system, us being increasingly embracing of innovation. If we are to meet the demands on our health and social care sector, we need to be continually innovative and build on the successes that we have had in the past, but being innovative, as Mr Ross pointed out, brings with it challenges. It is, as he described, "a complex test", because it is a fundamental change. He used that great line from 'Yes, Prime Minister' about it being "very courageous". I always preferred the episodes where Hacker got the better of Sir Humphrey, even though they were few and far between.

I understand the points that Mr Ross was making on behalf of the Committee. It is bold and, perhaps, courageous to do what we are doing. To be the first anywhere in the world to do something sometimes poses the question: "If nobody else has done it, why are we doing it?", but somebody has to try things first. That in itself is not a justification, but what is a justification for doing what we are doing is that the status quo — to do nothing and have no mental capacity legislation for adults in Northern Ireland — was not an option. We had to do something.

Our legislation needs to be changed to address some long-standing court judgements that have not looked favourably on the system that we have in Northern Ireland. It is right that we proceed along these lines; in doing so we are being innovative, which is something to welcome.

He mentioned the "tardiness" in bringing such a huge piece of legislation forward. He pointed out that there are 295 clauses and that it is the biggest Bill ever to come before the House. To do so late on in a term — a point that I will revisit later in response to other Members' comments — is perhaps not best practice and I think that is a fair point. All I can say is that I signed off on an Executive paper on this to go to colleagues on 12 May, which happened to be the second day I was in office, so I was certainly quick to get things progressing.

It has perhaps taken longer than we would have hoped. A lot of effort has been made by a series of officials and others down through the years, and there has been engagement with people outside the system too. If I can offer an explanation, it is a novel approach, there have been extensive consultations down through the years and there have been extensive engagements with stakeholders that, I believe, have served to improve the legislation that is before us. That probably shows that it was worthwhile perhaps to take a little more time.

3.45 pm

I take the point, having been a Chair of a Committee towards the end of the last mandate and having seen a raft of legislation coming forward. I am now looking at the Chair of my scrutiny Committee opposite, and she will know that there is a significant amount of legislation coming through from our Department. It seems to be an unfortunate habit that all Departments get into in this place, but there is still time to scrutinise it, even though it is extensive legislation. Of course, as the Member would expect, I have every faith in the Chair to steward the Committee in the work that it will do over the coming months.

Mr Ross raised, as many Members did, an issue around the cost of implementation of the legislation if and when it passes. From dealing with the many budget challenges that I face as Minister of Health, I understand the concerns that others have, and I welcome their concern about anything that would have significant cost pressures on what is already an under-pressure budget. Mr Ross quoted figures of a year 1 implementation cost of around £70 million to £118 million and, thereafter, ongoing costs ranging from £64 million to £92 million. It is probably worth putting it on the record that those are estimates of costs as opposed to definitive costs, and, as you would expect, there is a pushing back, if I can use that phrase, on the trusts, which have provided many of those figures, to ensure that those figures and estimates of costs are as robust as possible. I expect that, in pushing back, that sees a significant reduction in the cost of implementing the legislation.

It is perhaps a most opportune time for the Minister of Finance to walk into the Chamber, when we are talking about costs. To paint a slightly negative scenario, if, for example, I am not successful in the comprehensive spending review in getting the requisite funds to implement the legislation, there is always the option under the legislation to phase or delay commencement of various stages. There may be some elements that we want to bring forward early to ensure that we adhere to certain international standards, but there may be others that are obviously desirable and things that we want to do that we may, because of cost implications, have to delay or phase the introduction of. I would be open to doing that in circumstances where we were not successful in securing appropriate resources through a comprehensive spending review and subsequent Budgets.

Mr Ross and other Members, including Mr McGlone, raised the issue of lasting power of attorney and the change away from the current situation. He made the point that this may be costly and that, because it is costly, it may put people off getting a lasting power of attorney. I can understand the point that is made. I think that it is accepted and acknowledged that there is a difference between what is proposed through lasting powers of attorney versus

enduring powers of attorney and that lasting powers of attorney cover care, treatment and personal welfare as well as property and affairs. Mr Ross and others floated the idea of perhaps having two systems. I am keen to look at what implications there might be and what confusion having two systems might lead to. I am certainly happy to look at the issue in the context of the Committee's scrutiny of it, what evidence it receives and whether there are perhaps other options that we can consider.

Mr Ross and virtually everybody who spoke raised the issue of a perceived gap in protections for those who are under 16. If I may, I will take some time on this point, because it was the issue that was most talked about and that most exercised Members in their contributions. It is worth beginning by pointing out that there is and will remain legislation in place in the Mental Health Order and the Children Order, but there is no provision for adults who lack mental capacity. There is already a difference between the systems for adults and children.

The Children Order has special protections and reflects the important role that parents play in decision-making relating to their children, which you would expect to be the case. The Mental Health Order has further protections for children who need compulsory assessment or treatment. The Bill would amend and enhance those protections. For example, the new best-interests principle will be a primary consideration, and the views of the child will be taken into account. There will also be an amendment to have an independent advocate to support children who are admitted to hospital voluntarily or under the Mental Health Order, as well as a new duty to provide age-appropriate accommodation. Whilst I understand the points that Members made, it is not a matter of us doing nothing for children; there will be amendments proposed and changes made that will enhance the protection of and care for children.

Rosaleen McCorley asked why we were not doing a review of the Children's Order and having a separate project on children. I understand the point and why she was making it. The response I would offer is as much practical as anything else: there are simply no available resources and arguably no time to undertake such a wide-ranging project at this moment. Unlike what we have done with the Mental Capacity Bill, I suppose, I also understand that there is no consensus across stakeholders or government about what changes are actually required, so I do not believe that it would be simple or straightforward work to undertake anyway. Even if we had the resources to do it, it is possible that there would be no definitive or clear outcome on where we would head from that point. We need to be mindful of those points before we undertake such serious work. Even though the Bill does not propose to do what Members think it should, it is not the case that safeguarding children is any less a priority than it was before. The fact that we are seeking to amend the Children Order and the Mental Health Order by putting in other duties shows that the issue is taken very seriously by the Department.

I do not like to be perceived as warning Committees about what work they should do, but there is perhaps a need for caution. I heard some Members talk about wanting to address the issue by tabling amendments at Committee Stage. It is, of course, the right of the Committee to do so if it can agree to it. As I said, I look forward to that scrutiny, which I anticipate will enhance the Bill, but, in the context of the lack of a considered and shared view, I caution

the Committee about seeking to be too radical. There is always a risk. There is a reason why there is that old saying about legislating in haste and repenting at leisure. I caution against going too hard, too far and too fast by making significant changes to issues that affect children and perhaps not getting it right at this time. It may be better to take a bit more time to get it right in the longer term, even though that might frustrate some people.

Mr McKinney raised the need to support older people in making decisions. A key principle underscoring the Bill is giving people all the practical help and support we can to enable them to make their own decisions. That includes providing information about the decision and explaining the options in good time and in the right environment. Whilst I understand the points that Mr McKinney raised, it is worth pointing out that our Bill goes much further in that area than the English Mental Capacity Act.

Mr McKinney also raised funding of the Bamford action plan. Of the 76 actions in the action plan, which covers the period from 2012 to 2015, all but a dozen are well on track, and the remaining actions will be completed, albeit with some delay. Funding is always an issue in health, as I am starting to learn and discover very quickly, but, in my view, there has been strong implementation of the plan. An evaluation of the plan and its outcomes is under way, and it has been extended for a year to allow for that.

Finally on Mr McKinney's points, he asked about training — I think Mr Easton also asked about training issues — in the health and social care sector, the cost of training and cost savings. Approximately £27 million in year 1 — that is at the higher end of the estimated costs for the health sector — is assigned to training people across the health and social care system. Early work is under way in developing that. Current thinking is that training will be delivered on what would be a stepped or layered basis, so, for example, everyone in the health and social care system, whether they be porters or receptionists, would receive general awareness training. Going up a level, staff in acute wards would receive intermediate training, and social workers, consultant psychiatrists or psychologists would receive very detailed training. There is obviously, therefore, a need to deliver training of one degree or another to 65,000-plus people across HSC and to do so with no disruption in service. That will clearly present some challenges.

Mrs Dobson, speaking on behalf of the Ulster Unionist Party, excoriated me for prevarication and asked why the Bill had taken so long to get to where it is. I will just caution her that arguing about prevarication and delay in bringing the Bill forward will elicit the question in response of who the Health Minister was between 2007 and 2010, when, of course, key decisions were taken that resulted in delay. Many would argue, me included, that it was positive delay, but decisions were taken around the 2009-2010 period to fuse mental capacity and mental health legislation into a single Bill. That obviously added to complexity in the Bill and to time.

I am glad that Mrs Dobson has arrived in the Chamber to hear further points. She also made an interesting point, following on somewhat from Mr Ross's point, about the introduction of far-reaching, significant legislation late on in an Assembly mandate. Those are comments that, particularly for her, are worth reflecting on. Mrs Dobson also raised an issue around the code of practice. There will be a general code that will cover main principles. An early draft of that is under way, as I said. We are also looking

at developing some settings-based codes as well as a general code, for example for acute staff and domiciliary care staff, and will pick out the more salient points for those workers from the general code of practice.

On the issue of advance decisions, which the Member raised, the Bill makes it clear that decision-makers cannot give a person treatment if it conflicts with a valid advance decision made by that person. If they do so, they will not have legal cover under the Bill. I can assure the Member and, indeed, the whole House that the code of practice will elaborate on what is a valid advance decision.

I have already addressed some of the points that Mr Easton raised, but he also asked a very pertinent question around how we could ensure that independent advocates were actually independent. The requirement for the advocate to be independent from the decision-maker is in the Bill. It is also reflected in the departmental guidance issued to trusts in 2012 on the commissioning of advocacy services in health and social care. Further guidance will be provided in the code of practice and in regulations.

Mr McGlone raised some concerns he has with differences in the Mental Capacity Act in GB and what would happen with people moving between jurisdictions. On the broader point about differences between the legislation that is in place and active in England and our proposed legislation, I understand that the Committee has requested a comparison of the two, and that will obviously be provided in due course. On the particular issue of lasting powers of attorney and people moving to other jurisdictions, I think it is a pertinent and relevant issue that Mr McGlone has raised. I am happy to work with the Committee during its scrutiny to tease out how that might be addressed.

I will move to conclude now. I appreciate, as I said, that there may be some points that Members have raised that I have not touched on directly. I will endeavour to correspond with anybody who has raised points that I have not addressed, but I think that most of the broad themes that characterised most Members' contributions have been touched on. The debate has been a valuable opportunity for me to hear at first hand the views of Members on what is novel and incredibly important legislation.

The Bill sums up what I want to see happening right across the health and social care sector, which is reform, transformation and innovation. It represents a once-in-a-generation opportunity to reform this important area of law. It is about transforming how decisions are made when people are unable to make them for themselves in respect of their care, treatment or money. It has the potential to put us ahead of many other jurisdictions across the world by adopting an innovative approach.

It is clear that the interest that the Bill has generated outside the Chamber has been reflected in the debate today. I would like to wish the Committee well as it begins its crucial scrutiny of the Bill.

4.00 pm

Question put and agreed to.

Resolved:

That the Second Stage of the Mental Capacity Bill [NIA 49/11-16] be agreed.

Budget (No. 2) Bill: First Stage

Mrs Foster (The Minister of Finance and Personnel):

I beg to introduce the Budget (No. 2) Bill [NIA 53/11-16], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the year ending 31 March 2016; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources (including accruing resources) for the year ending 31 March 2016; and to repeal certain spent provisions.

Bill passed First Stage and ordered to be printed.

Legal Complaints and Regulation Bill: Second Stage

Mrs Foster (The Minister of Finance and Personnel): I beg to move

That the Second Stage of the Legal Complaints and Regulation Bill [NIA 50/11-16] be agreed.

I welcome the opportunity today to speak about my proposals for changes to the current arrangements relating to certain aspects of the regulation of lawyers, in particular how complaints against lawyers are handled and overseen. The Legal Complaints and Regulation Bill will set out a new statutory framework for complaints handling and will introduce strengthened oversight of that framework. It is the culmination of work that commenced with an independent review of regulation of the legal profession and brings, in my view, a proportionate change in this area, which will benefit consumers and be helpful to users of legal services.

Before I look at the provisions of the Bill, I want to say something about how we have arrived at this stage today. The Bill has at its genesis, as I have noted, a report that was published back in late 2006 by the legal services review group, which was chaired by Professor Sir George Bain. The Bain report, as it is sometimes referred to, was commissioned by the then direct rule Government as a follow-up to work that was being carried out in England and Wales and which ultimately led to the Legal Services Act 2007 in that jurisdiction.

Professor Bain and his team spent almost a year examining the various facets of regulation of the legal profession. The report produced a total of 42 recommendations relating to complaints, regulation and competition. The Bill implements much of that report and its recommendations, with a particular focus on what Bain described as its principal proposals, that being reform of the complaints handling system.

The Bain report found that the existing complaints handling system for lawyers, whilst operating reasonably effectively, would benefit from measured reform; what the group described as a “copper-bottoming” of procedures. Its key recommendation in regard to complaints was that the emphasis should be switched from professionals — solicitors and barristers — judging their own members to a system of lay-majority participation with lay chairpersons being able to deal with complaints.

In this regard, Bain considered how best to achieve this end result. The review team had at its disposal the option to take the complaints handling function entirely away from the relevant professional bodies and place it into the hands of a fully independent complaints handling body. This had happened elsewhere, most notably in England and Wales as a result of the Legal Services Act 2007 and also in Scotland, which now has the Scottish Legal Complaints Commission.

Bain considered this option carefully in the context of a number of factors that the team met during its work on the review. First, it noted that Northern Ireland is a separate jurisdiction with a legal profession that is set up in a different way to others. It found that the professional bodies, namely the Law Society and the Bar Council, had a relatively good record in relation to regulation, and there

was not the same regulatory maze that had been identified in other jurisdictions.

Secondly, it observed that the number of complaints against lawyers here was relatively small; figures back then showed 200 to 300 complaints per year on average against solicitors, and far fewer against barristers. It concluded, and I direct Members to the review group’s report, that a fully independent complaints handling body would not be a proportionate recommendation in need or cost.

Alternatively, it proposed that the functions should remain with the professional bodies but subject to significant changes. As I mentioned, complaints are currently heard by committees chaired by a lawyer and with a significant majority of lawyers as members. Bain recommended lay chairs and lay majorities, and that complaints committees be functionally separate from the professional body. In addition, it recommended that the powers available to that lay-led committee should be enhanced, including the power, which currently does not exist, to award compensation.

Underpinning that main set of recommendations was an enhanced level of oversight. Current arrangements are restricted to the office of the Lay Observer for Northern Ireland. The Lay Observer has a fairly narrow remit and can examine only how complaints against solicitors are handled by the Law Society. The Lay Observer has no remit in relation to the Bar. Bain recommended that the oversight be beefed up, and suggested the creation of the post of Legal Services Oversight Commissioner. It proposed that the majority of their influence relate to the complaints handling system, with, amongst other things, the power to set targets and plans for the professional bodies, to monitor action against those plans, and to have robust powers where the professional bodies were not meeting those targets and plans.

Bain also recommended that the Legal Services Oversight Commissioner should have a consultative role in relation to other aspects of regulation — rule-making by the professional bodies in matters such as education, training and competition — and be able to examine other such areas if asked to do so by Government.

Those recommendations represent the cornerstone of the Bill. I place on record my appreciation of Professor Bain and his team for all that work. It has taken some time for the proposals to reach the Floor of the Assembly, for various reasons. In acknowledging the significant passage of time, last year, my Department consulted once again on the proposals in the draft Bill in order to establish that what they were proposing was as relevant today. That exercise cemented the Bain work, with a clear message coming from the consultation that the Bain recommendations were still valid eight years on.

The Bill has 55 clauses, five schedules and three Parts. The House will be relieved that I do not intend to provide a narrative on each and every clause and schedule, but there are a number of points that I would like to draw the attention of Members to.

Part 1, which encompasses clauses 1 to 10, deals with the proposed Legal Services Oversight Commissioner. Clause 1 states that the office holder will be appointed by my Department after consultation with the Lord Chief Justice, and is underpinned by the contents of schedule 1. In broad terms, the Commissioner will be a layperson and subject

to terms and conditions consistent with other appointments of this nature.

Clause 2 sets out the office holder's key powers, which, as I mentioned, are based on proposals by the Bain group. Those powers will provide a proportionate and effective level of oversight of how complaints against lawyers are handled. While the Legal Services Oversight Commissioner will be able to apply a monetary penalty on a professional body that fails to fulfil its obligations, I expect that professional bodies will recognise their additional responsibilities in relation to complaints and work closely with the Legal Services Oversight Commissioner, and that that penalty will be a tool of last resort.

Clauses 3 and 4 relate to the expanded role of the Commissioner in relation to other aspects of legal regulation. Complaints handling forms but one part of that process, and there are many other things that a professional body does in making rules and regulations to govern its members. Those include education, entry to the profession, professional development and training. It is important that there should be a degree of transparency for those functions as well. These clauses seek to provide that.

Clauses 5 and 6 deal with how the office of the Legal Services Oversight Commissioner will be financed. I am of the view that the public purse should not be used to pay for the new arrangements. In keeping with other jurisdictions, I recommend that the office be funded by a levy on the professional bodies. How that will be determined will, in part, be a matter for the professional bodies, working with the Department and the commissioner. Subsequent regulations will add more detail.

I also ask Members to note that clause 9 will abolish the office of the Lay Observer. The commissioner will have much deeper powers than that office, and I very much want to record my gratitude to the incumbent of that office, Mr Alasdair MacLaughlin, and his predecessors for the work that they have engaged in. They have all been engaged in worthy work, at a minimal cost, and with access to very modest resources, over a lengthy period.

I turn now to Parts 2 and 3 of the Bill. They are broadly the same, setting out new complaints procedures for barristers at Part 2 and solicitors at Part 3. Why the barristers come first, I am not quite sure, but anyway. It was obviously drafted before I came into office. Parts 2 and 3 are supported by the provisions in schedules 2 and 3.

There are a number of key points to note. For barristers, the Bar Council currently has the main role when it comes to complaints. It will still have a role to play. Clause 11 states that it must make provision for all barristers to participate in procedures for resolving complaints, but the maintenance of the formal Bar complaints committee will vest in another arm of the professional body, the Benchers of the Inn of Court.

Regulation of barristers is quite a complex arrangement, and I do not propose to go into a lot of detail about that. All barristers are members of the Inn of Court of Northern Ireland, and their representative body is the Bar Council. Bain considered that, for the process to be functionally separate from the representative role of the profession, the Benchers of the Inn of Court, which has no representative function, should have responsibility for the formal complaints-handling role. That is catered for in clause 12 and schedule 2.

The provisions are broadly the same for solicitors.

Schedule 3 notes that no members of the council of the Law Society may serve on a complaints committee. Again, the purpose is to maintain functional separation from the representative body.

The complaints committee to be set up for barristers by the Benchers and for solicitors by the Law Society must contain, in keeping with Bain, a lay chair and a lay majority. The relevant schedules ensure that that will indeed occur. That was a central plank of the Bain proposals, and I believe it is right and proper that the emphasis move from professional-led complaints committees to lay-led complaints committees.

A number of clauses on the scheme for barristers and that for solicitors relate to the jurisdiction of the relevant complaints committee and how it should be used. I draw Members' attention to the following points. First, I believe that the strength of the new arrangements will be to place a greater emphasis on good client-care relationships. The system has, as its focus, the person who goes into his solicitor's office, or has an interface with a barrister, and does not receive the level of service expected. The Bill will allow that person the chance to remedy that in a measured manner. Clause 14, for barristers, and clause 32, for solicitors, emphasise that the first step in that process should be for the lawyer and the client to try to resolve the problem informally.

All solicitors are now required to have an informal complaints procedure that is designed to resolve matters early. Clause 32 underpins that, whilst recognising that there will be times when it will not always be appropriate to use such a process. Only when that process does not work, or is inappropriate, will the solicitors complaints committee be required. Clause 14, for barristers, together with clause 11, will ensure that the Bar Council has a process in place for complaints to be considered before they are elevated to the Bar complaints committee.

Clauses 17 and 36 will place the procedures and methods of working of the relevant complaints committees with the lay-led committees themselves. So the lay majority committee will be in charge of issues such as the investigation, determination and consideration of complaints and can make appropriate rules for the range of relevant matters relating to the complaints-handling process.

4.15 pm

Clause 19, for barristers, and clause 38, for solicitors, set out a broader range of powers that relate to the determination of complaints. One of the points raised by Bain during its work was the lack of appropriate redress for complainants. These clauses set out, in statutory terms, the range of options that the complaints committee will have about complaints, and they vary in effect and scope. Sometimes, for example, complainants are simply looking for an acknowledgement that something has gone wrong and that it is not their fault. A simple apology may suffice — a point that was welcomed by, amongst others, the Lay Observer in his response to the consultations — but, at other times, it is appropriate for the level of response to be stronger. One of the weaknesses of the existing system is the inability for compensation to be paid in appropriate cases. So, as well as including provisions that will allow complaints committees to determine fees that should be

payable, the Bill provides that the committees may be able to award compensation.

Bain considered that there should be two aspects to this. First, when a complainant has suffered inconvenience or distress due to the poor service of his or her lawyer, Bain considered that it was reasonable for compensation to be paid. The complainant may have suffered loss, and it is right that he or she should be compensated. Secondly, Bain recommended that, when loss was suffered by a complainant due to the negligence of the lawyer, it would be appropriate for a complaints committee to award compensation when the loss was of a relatively modest nature. This would provide a quicker and more cost-effective method of redress, obviating the need for a complainant to take his or her lawyer to court for negligence.

The Bill provides for the relevant complaints committees to pay compensation in these cases. Bain had initially recommended that the level of compensation should be restricted to £3,500. That point was raised during the recent consultation, and it led to different views. In England and Wales, for example, the limit in the scheme is £50,000. However, I am concerned that the initial rationale presented by Bain of providing a simple, quick and user-friendly scheme for complainants could be compromised by complaints committees having such levels of compensation at their disposal. Insurance companies would have to be involved, and that would, to my mind, defeat the purpose of the recommendations.

With the figure of £3,500, I have borne in mind the lapse of time since Bain, and I am persuaded that a figure of £5,000 strikes the correct balance. In particular, with this amount being below the excess of the solicitors' master policy, it is unlikely that insurers will be exercised by this, at least for solicitors, and I would expect that the average award figure will be significantly lower. Indeed, in England and Wales, even with the £50,000 cap, the average award was recently noted to be less than £1,000. In any case, clauses 20 and 39 provide that my Department can vary this amount if the evidence following implementation considers it necessary.

Most of the other provisions in Parts 2 and 3 are supporting in nature, giving the relevant complaints committee the powers to access relevant information and enforce these requirements. I do not propose to go into detail on those clauses. As I mentioned, the Bill will be supported by subsequent regulations and will, when enacted and implemented, result in a significant improvement in how complaints against lawyers are handled and discharged. I consider that it is a proportionate response to the issues that have been raised during the work of the legal services review group and the subsequent consultation carried out by my Department on the draft Bill. I believe that the relevant professional bodies have a key role to play in how this new system will operate, and I have every confidence that they will react in a positive and responsible manner. Ultimately, the rights and needs of all those who use legal services will be enhanced. Therefore, I commend the Bill to the Assembly.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. In anticipation of this important Bill being introduced to the Assembly, the Committee for Finance and Personnel has been endeavouring to gather evidence proactively on its policy aims and has

commissioned research into the approaches being taken in other applicable jurisdictions on the regulation of the legal profession and the handling of complaints.

I welcome the fact that the Bill has finally been introduced to the Assembly, especially given the significant delay in moving things forward since the legal services review group, chaired by Professor Bain, reported with its policy recommendations in 2006. I echo the Minister's earlier acknowledgement of work carried out by Professor Bain and the group on behalf of the Committee.

It was noted that, in August 2010, the then Finance Minister, Sammy Wilson, indicated that, while he believed that the review group's recommendations were a step in the right direction, he had some reservations that they did not go far enough. At that time, he stated:

"Users of legal services should have access to a complaints system that is open, transparent and independent and I hope that any future legislation will reflect those aims. It cannot and must not be left to solicitors to regulate themselves."

I mention that at the outset because it is important that the detailed provisions are carefully scrutinised at Committee Stage to ensure that they are sufficiently robust in that regard. It has already been noted during Committee discussions that a power relationship exists between lawyer and client. We need to be careful to factor that in when identifying and assessing evidence. Obviously, the consumer perspective can, to a certain extent, be gauged through representative bodies. However, the question arises of whether such channels receive only the most persistent of complainants in that area.

While we must ensure that a balance is struck and that the new arrangements are proportionate, they also need to command the confidence of the general public. To achieve that, we need three things. First, we need to be sure that we have the full picture of the level and scale of complaints on the ground, particularly those that go unresolved. Only then can we be confident that we are striking the correct balance in making informed decisions on the issue of proportionality. The lack of certainty on this was highlighted in comments by the Law Centre in a written submission to the Committee. In reflecting on the apparently low number of complaints here, it cautioned:

"This may reflect high levels of satisfaction with the work of solicitors, a lack of awareness of the complaints mechanisms or a lack of faith in a solicitors' body investigating its own members. There is no empirical evidence of which it is."

The Law Centre also queried whether the legal profession had ever done any surveys of consumer confidence in complaints-handling procedures, and, if so, what the outcomes were.

Secondly, the complaints system needs to be easily accessible and transparent. Thirdly, we need to be sure that the oversight commissioner will have the necessary powers and duties to fulfil the role effectively.

On behalf of the Committee, I take this opportunity to thank departmental officials and other stakeholders, including the Law Society, the Bar Council and the Lay Observer, who have contributed with their evidence to date. I look

forward to that continuing as the Bill progresses through the House.

Subject to the Bill passing this stage today, I am sure that the Committee will build on the preliminary scrutiny to produce an evidenced-based report to the Assembly, with robust conclusions and recommendations for Members to consider in advance of Consideration Stage. As indicated, it will be important that the Committee explores how the views of the end users, including hard-to-reach groups, might be heard directly, thereby ensuring a balanced body of evidence on which the Committee can base its recommendations.

In terms of the principles of the Bill, the explanatory memorandum describes the chosen option as:

“A copper-bottoming of the existing complaints-handling process of both professional bodies, with the move away from professionally-led control to a system of lay Chair, lay majorities with enhanced powers, given suitable strengthened oversight by way of a LSOC with greater authority and power”.

The Department argues that this approach, as opposed to fully independent structures for complaints and regulation, is proportionate for this jurisdiction. The Committee has not, at least not at this stage, disputed that assertion. It has noted that the Law Society and the Bar Council state that barristers and solicitors receive few complaints. However, members also noted that, in the case of solicitors, for example, information on such complaints is not recorded by the Law Society until it becomes involved in the process.

The system, therefore, works on the basis of complaints being filtered upwards. This, in itself, may be appropriate, but I believe that, in tailoring the new arrangements, we need to be clear on the quantum of complaints and that the Oversight Commissioner is not just seeing the tip of the iceberg of issues that go unresolved.

Given that we are debating only the principles of the Bill today, I will not go into detail on the Committee's deliberations to date. However, the headlines are that the Committee has raised queries on a range of key issues, including the scope for a robust mechanism for recording all complaints, not just those that are logged once the later stages of the complaints process has been instigated; the role and functions of the Oversight Commissioner, including the adequacy of the various powers and duties provided for in the Bill; the potential for the Bill to apply some aspects of the model in Scotland for handling conduct and service complaints; how the Oversight Commissioner will be appointed and the term of office; how a complaint can be defined to ensure consistent application by both professions; how laypersons will be appointed to the respective complaints committees in the Bar Council and the Law Society and how this will be overseen by the Oversight Commissioner; the funding arrangements for the Oversight Commissioner; and the rate of levy applicable and how that will be proportionate to the size of the legal practice.

These, and other issues, remain to be teased out in more detail at Committee Stage. The Finance Committee will issue its call for evidence and invite formal written submissions from all who have an interest. I expect that it will also wish to commission further research and look more closely at any lessons that we may be able to apply

from how the arrangements in Scotland have worked in practice and what is proposed under the new legislation in the South.

To conclude, a LeasCheann Comhairle, on behalf of the Committee, I welcome this important Bill to the House today, and I have no doubt that the Committee will ensure that it plays its part in the robust scrutiny of the detailed provisions of the Bill as it is referred for Committee Stage.

Mr Girvan: I support the Second Stage of the Legal Complaints and Regulation Bill. We had the opportunity to visit the Law Society and the Bar Council on 29 January 2014. I appreciate that some of the points that the Chair has just alluded to are some of the issues that were brought forward. They relate to determining how complaints are logged and controlled and ensuring, as has already been stated, that this is not just the tip of the iceberg and that confidence is given to members of the public who are not in the legal profession and who feel that it is not right to complain because it is something of a cartel operated by solicitors and barristers, present company excluded. It is relevant that they have the confidence to believe in the independence of the investigation and the thorough delivery of it.

I appreciate that some weighting could be put in to ensure that the spokesperson and the chairperson of the panel are laypeople, that there would be a balance in favour of those who are not necessarily looking at it totally from a legal perspective, and that they do not just protect their colleagues or those whom they have affiliations with. They would be there to ensure that justice is not just seen to be done but is done and that a complaint is dealt with in a fair and equitable fashion.

As a consequence, we have the bones of something on which to work. I appreciate that there will be further scrutiny of the Bill at Committee. There will be an opportunity to receive additional evidence from those who want to contribute; they will be called before the Committee, and that will be of help. What we have is some way of balancing it. There is concern about the delay in something as important as this coming before us, considering that the review took place in 2006 and we are just getting it in 2015. It has been somewhat dragged out; that is all I will say.

I will maybe use our court system as evidence of how things can be somewhat dragged out and not always the most efficient in some ways. Perhaps the efficiency or inefficiency of our court process and system is a debate for another day; it is another matter. As it stands, we are here to support the moving on of the Legal Complaints and Regulation Bill. I feel that there is an attempt here to address what has been very much an oversight.

4.30 pm

Mr A Maginness: On behalf of the SDLP, I support the Bill. The Bill strikes a fair balance; I think that that is the important aspect of it. The Minister has described it as proportionate. I agree with the Minister in that regard.

The Bill, of course, finds its genesis in the report of Professor Bain, who did a thorough piece of work in relation to the legal profession, particularly legal complaints against professionals within both branches of legal services here in Northern Ireland. The report by Professor Bain was, I think, a very fair and balanced

report, and one which recognised the differences between here and England and Wales. I think that that was an important contribution to the analysis of what needed to be done here, because, in his view, the approach that was taken in England and Wales was not the appropriate approach to be taken here. He specifically found that there was a very different legal system here in Northern Ireland, compared with that in England and Wales, so the Clementi-type solution was not suitable.

We are indebted to Professor Bain. His contribution to public life here has been very significant and, in relation to this piece of work, I think, very valuable. It is a pity that, although the report was compiled in 2006, it has taken nine years for the matter to get to the Assembly in its present form. Nonetheless, one welcomes the fact that the Bill is before the House now and will be considered thoroughly in due course by the Finance and Personnel Committee.

It is important to establish the principle that complaints by the public against professional bodies should not be exclusively arbitrated or judged by that professional body. Whether it be complaints against solicitors or barristers, there should be a significant lay element involved in assessing and dealing with those complaints. The Bill requires a greater involvement of laypeople and greater participation in the process of analysing and dealing with complaints. That is to be welcomed. The idea of a profession simply policing itself is wrong in principle. We are now addressing that aspect of the complaints system, and I think that it is very, very important to remember that.

The legal profession, whether it be barristers or solicitors, I believe, is supportive of the approach in the Bill. When the Committee comes to consider the Bill in detail, it is important that it is closely examined in relation to how that profession proposes to deal with the new system. I think it is important to have positive engagement with the legal petitioners on the Bill.

Professor Bain found that the professional bodies had a reasonably good record of self-regulation, but, despite that, he was insistent and recommended that there be greater transparency and oversight of the function. Thus we have the commissioner, who I believe will exercise a very important role. If the new system does not work, it will be subject to public scrutiny and to further scrutiny by the House and the Executive. I think it is important that that be noted, because if this system fails, we will have to look afresh to see how it can be improved.

However, I am fairly confident that this new system will receive the support of the public, as well as of the professions, and I think it is important that we encourage a close and critical examination of the new system by the public at large. I also think that legislators within this House should seriously examine every aspect of this so that we get it right from day one.

I do not want to go over the ground that the Minister very meticulously outlined. I agree in the main with what she said. I think that she is striking the right approach to compensation. I believe that we can look forward to a good piece of legislation that will enhance both branches of the legal profession and the confidence of the public that those professional people are carrying out their work properly and take complaints seriously. I think that that is very important within our society.

I will leave it there, and I look forward to further proceedings on the Bill. I give apologies on behalf of Dominic Bradley, who is unable to attend today for family reasons.

Mr Cree: I rise as the Ulster Unionist member of the Committee for Finance and Personnel. The difficulty now is that so much has already been said, and I pay tribute to the Minister for her very full résumé of the Bill, aided and abetted by my colleagues in the House.

Just by way of overview, the Bill sets out to improve complaints-handling systems and is the result of some 10 years of consideration and consultation. It builds on the existing processes of both professional bodies and seeks to appoint a legal services oversight commissioner. That post would be financed by a levy to be applied to the relevant professional bodies. The Department of Finance and Personnel will also have the power to pay or defray certain costs of the commissioner. A very important issue is that there is an appeal function to the High Court in the Bill.

As the Bill has been under consideration for a long period, I understand that its clauses are acceptable to the professional bodies. It will improve on the existing situation and will be of benefit to the public at large. Therefore, on behalf of the Ulster Unionist Party, I welcome the Bill and am happy to see it proceed to the next stage.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on the Legal Complaints and Regulation Bill, which is before the House today. I will do my best not to rehearse what has been said.

I, too, thank those who came to the Committee to brief members on the new reforms, which will mean that members of the legal profession can be held to account on complaints in an open and transparent manner.

It has already been alluded to that, in 2006, Professor Bain carried out a review to regulate lawyers and solicitors here. Substantial evidence was gathered for Professor Bain to make his 42 recommendations, which covered complaints, regulation and competition. In presentations to the Committee, what stood out above all the rest was the way in which complaints were handled and processed in this jurisdiction. There was a different process here for handling complaints, and there was evidence that what worked well in England and Wales was not appropriate for here.

Briefings to the Committee indicated that the general public were almost reluctant to make a complaint against the legal profession, and that they seemed to have little confidence to make a complaint, as complaints were normally dealt with in-house. Complainants were not fully aware of how or what the system and process were, in the current framework, and there was lack of communication between solicitors and clients, which came across in the briefings to the Committee. Most people making a complaint fell at the first hurdle due to the complexity of the system. They were not aware of how to take the issue further, due to their lack of understanding of how the framework and system operated, and therefore the nature or seriousness of complaints was never revealed, due to the lack of data and proper recording of complaints. The Bill will go some way to addressing those issues.

The legal services oversight commissioner and lay chairs will be independent from the legal profession, which has to be welcomed. The commissioner will have the

power to ensure that there is transparency throughout the complaints-handling procedure. The commissioner will also be able to make recommendations on how the laypersons and their committees receive training for the job, which is vitally important. It will be the duty of the commissioner to review and report on any issues pertaining to regulation or organisation of the Law Society or the Bar that may be directed for consideration by the Department of Finance and Personnel. Any such reports should be published by the commissioner. That is also a welcome step.

As this part of the Bill is for consideration, I believe that the Bill will go some way towards instilling confidence in the public that they will be able to achieve the outcomes they wish for when making a complaint or going through the appeals process. For many, this may be too little, too late. The Bill will, however, address the outdated complaints system that we currently have in place. I, like others, look forward to working with members of the Committee on the core focus of the Bill, which sits at the heart of the best interests of the public. Therefore, I support the Bill.

Mr McCallister: I will be fairly brief since, as a member of the Finance and Personnel Committee, I will have the opportunity to scrutinise the Bill, provided it gets through this stage. We have rushed so fast at the process — I think Mr Cree said that it has only been 10 years. So, in the best traditions of the Assembly, we are rushing this through.

There is much to welcome. Despite all the difficulties we are having with welfare reform and possible Budget difficulties, today is a great reason as to why the Assembly should be here. We are debating mental health and capacity, and now the Bill on legal complaints, and that is what the Assembly should be about. It is at its best when it is scrutinising legislation.

The broad principles of the Bill before us are about separating out regulation, which I think is an important step forward. It is an improvement and something that is long overdue. I recognise the work of the Minister and others in getting to this stage, and of Alasdair MacLaughlin and people before him, for moving it on and progressing it and giving a sense of independence. That is something that we should embrace and look forward to.

I also look forward to any improvements and changes that the Committee can make in its call for evidence and in scrutinising the Bill. I am happy to support the Bill today.

4.45 pm

Mrs Foster: I thank Members for their contributions to the debate on the Bill today. It has been useful and has raised some interesting issues, and I reiterate at the outset that the Bill has come around, as has been referred to, after considerable work. Yes, it has taken some time to get to here, but we have been consulting with interested parties, and I think that there is a body of support for it to now move forward.

I want to refer to a number of issues. The Bill will now go for more detailed scrutiny, and there will be an opportunity to look at some of the issues that have been mentioned around the House. Mr McKay, as Chair, broadly welcomed the Bill and its principles but indicated some concerns about knowing the full picture of complaints on the ground. He is right in saying that we do not know why we have fewer complaints here in Northern Ireland than in other

similar jurisdictions. It is important that we try to get to the bottom of that, and I hope that the Committee will be able to look at that and at the empirical evidence and perhaps hear from some people who have been through the process. The new oversight commissioner will have an important role to play in relation to the points that Mr McKay made.

It is important that we are making the change from self-regulation to more involvement of the lay representatives, but it is also important that the professional bodies continue to be involved in the complaints system as well, so that they can have a role in trying to resolve some of those complaints at an early stage, because, often, as I indicated in my opening remarks, it is not about compensation or about a long, drawn-out affair but is about acknowledging that things did not go right and apologising for that. Sometimes, that is all that the customer or the client will want.

What level will the penalty against the professional bodies be set at? The maximum level will be set by subsequent regulations, and I have yet to finalise a figure for that. It is important that it is a proportionate figure and, indeed, is commensurate with the size of the legal profession in Northern Ireland. Of course, those regulations will be consulted upon and laid in draft at the Assembly to allow those who want to comment on them to do so.

Mr Girvan and others referred to the delay in this matter. The Bill was considered by the previous mandate, but, for a number of reasons, mainly political, it did not proceed. My predecessors in this mandate, Mr Wilson and Mr Hamilton, did further work on the Bill, and I thought that, given the lapse of time, it was right that the Department went out to consult on the provisions to see whether the conclusions that Bain came to are as relevant today as they were in 2006. I hope that explains that. The fact is that the Bill is now before the House. I welcome the consensus that it is proportionate and has a fair balance. Mr Maginness and Mr Cree commented on that.

Ms Boyle referred to the fact that public knowledge about the complaints process and about complaining about solicitors is not as high as she would like it to be or as high as it should be. I do not disagree with that, and I hope that the process of the Bill will increase the knowledge of people's rights. I know that the Consumer Council and the Federation of Small Businesses are content with the process that we have set forward under the Bill, and I look forward to others coming to the Committee and raising their voices in relation to the process. Even the fact that we are having this discussion around the new Bill will raise the profile of regulation and of the fact that people can make complaints if they are unhappy about the services that they have received from either their solicitor or barrister.

We look forward to scrutinising the Bill in detail. In my opinion, this is an important Bill. It will significantly improve how complaints are handled against the legal profession, be that solicitors or barristers, and it will lead to a more open and transparent system. I think that that is what the House should be engaged in and, in doing so, it will help users of legal services right across Northern Ireland. Therefore, I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Second Stage of the Legal Complaints and Regulation Bill [NIA 50/11-16] be agreed.

Mr Deputy Speaker (Mr Dallat): Members will take their ease before we proceed to the next piece of business.

Justice Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call the Minister of Justice, Mr David Ford, to move the Bill.

Moved. — [Mr Ford (The Minister of Justice).]

Mr Deputy Speaker (Mr Dallat): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 to 5, 8 to 10, 13, 14, 16, 18, 19 and 22, which are consequential and technical amendments relating to domestic violence and child protection, committal reform and the powers of the Department in respect of secondary legislation. The second debate will be on amendment Nos 6 and 7, which deal with early release conditions and sentencing proposals. The third debate will be on amendment Nos 11, 12, 15, 17, 20 and 21, which deal with firearms.

I remind Members intending to speak that, during the debates on the three groups of amendments, they should address all of the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

Clause 6 (Consequential amendments)

Mr Deputy Speaker (Mr Dallat): We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 5, 8 to 10, 13, 14, 16, 18, 19 and 22. These amendments are consequential to the decisions made by the House at Consideration Stage. There is one non-departmental amendment in the group in relation to vulnerable witnesses in committal reform.

The rest of the group comprises departmental amendments to facilitate the inclusion in the Bill of amendments relating to domestic violence and child protection, committal reform and the powers of the Department in respect of secondary legislation. Amendment No 3 is mutually exclusive with amendment No 4. Amendment No 14 is consequential to amendment No 1. Amendment Nos 13, 16 and 19 are consequential to amendment No 9. Amendment No 22 is consequential to amendment No 2.

I call the Minister of Justice Mr David Ford to move amendment No 1 and to address the other amendments in the group.

Mr Ford (The Minister of Justice): I beg to move amendment No 1:

In page 4, line 40, at end insert

“(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.”.

The following amendments stood on the Marshalled List:

No 2: In clause 7, page 5, leave out lines 7 to 12 and insert

- “7.—(1) *The Magistrates’ Courts (Northern Ireland) Order 1981 is amended as set out in subsections (2) to (5).*
- (2) *After Article 29 insert—*
- ‘*Committal proceedings for indictable offences*
- 29A.—(1) *Committal proceedings in a magistrates’ court in relation to an indictable offence are to be conducted—*
- a) *in a case where the court directs under this Article that a preliminary investigation is to be held, by way of a preliminary investigation;*
- b) *in all other cases, by way of a preliminary inquiry.*
- (2) *An accused may apply to the court for a direction that a preliminary investigation is to be held.*
- (3) *Magistrates’ court rules may make provision in relation to an application under paragraph (2), including provision—*
- a) *for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;*
- b) *requiring an application to be made before a prescribed time;*
- c) *for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).*
- (4) *The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if) the court is satisfied that a preliminary investigation is required in the interests of justice.*
- (5) *In determining an application under paragraph (2) the court shall in particular have regard to—*
- a) *the nature of the offence or offences charged;*
- b) *the interests of the persons likely to be witnesses at a preliminary investigation.”.*
- (3) *In Article 30 (preliminary investigation) for paragraph (1) substitute—*
- “*(1) This Article applies where committal proceedings are conducted by way of a preliminary investigation following a direction under Article 29A.”.*
- (4) *Omit Article 31 (preliminary inquiry at request of prosecution).*
- (5) *In Article 32 (preliminary inquiry: service of documents)—*
- a) *in paragraph (1) for the words from the beginning to the end of sub-paragraph (a) substitute—*
- “*(1) A reasonable time before the day fixed for the conduct of committal proceedings, the prosecution shall—*
- a) *provide the clerk of petty sessions with copies of the documents mentioned in sub-paragraph (b); and”;*
- b) *in paragraph (1)(b) omit—*
- i) *the words “a copy of that notice together with”; and*

ii) *the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;*

c) *omit paragraph (3).*

(6) *In section 4 of the Criminal Jurisdiction Act 1975 (trial of extra-territorial offences) for subsection (3) substitute—*

“*(3) Where a person is charged with an extra-territorial offence so much of Article 29A of the Magistrates’ Courts (Northern Ireland) Order 1981 as affords to the accused a right to apply for a direction that a preliminary investigation is to be held shall not apply, and the procedure shall be by way of preliminary inquiry under that Order, and not by way of preliminary investigation.”.*

(7) *Section 3 of the Justice and Security (Northern Ireland) Act 2007 (committal proceedings for trial without a jury) is repealed.”.— [Mr Ford (The Minister of Justice).]*

No 3: In clause 8, page 5, leave out lines 14 to 16 and insert

“8.—(1) *Article 34 of the Magistrates’ Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.*

(2) *After paragraph (1) insert—*

“*(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).*

(1B) Magistrates’ court rules may make provision in relation to an application under paragraph (1A), including provision—

a) *for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;*

b) *requiring an application to be made before a prescribed time;*

c) *for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).*

(1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.

(1D) In determining an application under paragraph (1A) the court shall in particular have regard to—

a) *the nature of the offence or offences charged;*

b) *the interests of the persons likely to be required to give evidence at the preliminary inquiry.*

(1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2).”.

(3) *In paragraph (2) for the words from the beginning to “may each require” substitute “The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require”.— [Mr Ford (The Minister of Justice).]*

No 4: In clause 8, page 5, line 16, after “justice” insert

“, with the presumption of exemption from giving evidence on oath to a vulnerable witness; a victim of rape or a violent sexual assault unless deemed that exceptional circumstances exist”.— [Mr McCartney.]

No 5: In clause 48, page 35, line 1, leave out subsections (2) to (4) and insert

“(2) In Article 49 (1) (interpretation of Part 3)—

(a) after the definition of “agencies” insert—

“ “child” means a person under the age of 18;

“conviction” includes—

(i) a conviction by or before a court outside Northern Ireland;

(ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

(iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;”;

(b) after the definition of “specified” insert—

“ “relevant previous conviction”, in relation to a person, means a conviction for a sexual or violent offence by reason of which the person falls within a specified description of persons;”.

(3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person.”.

(4) In Article 50(3) for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.— [Mr Ford (The Minister of Justice).]

No 8: In clause 90, page 65, line 7, leave out from beginning to “magistrates’ court” on line 8 and insert

“In relation to criminal proceedings in the Crown Court or a magistrates’ court, it is the duty of the court, the prosecution and the defence”.— [Mr Ford (The Minister of Justice).]

No 9: After clause 95 insert

“Domestic violence protection notices and orders

Domestic violence protection notices and orders

95A. Schedule 6A (which makes provision about domestic violence protection notices and orders) has effect.”— [Mr Ford (The Minister of Justice).]

No 10: After clause 98 insert

“Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

98A.—(1) Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.

(2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—

“(a) be made with a charity;”.

(3) In subsection (11) (definitions) after the definition of “administrative decision” insert—

“ “charity” means an institution which is—

(a) a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;

(b) a charity within the meaning of section 1 of the Charities Act 2011; or

(c) a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;”.— [Mr Ford (The Minister of Justice).]

No 13: In clause 99, page 70, line 17, leave out “or 51(12)” and insert

“, 51(12) or paragraph 10 of Schedule 6A”.— [Mr Ford (The Minister of Justice).]

No 14: In clause 99, page 70, line 18, after “section” insert “6(2)”.— [Mr Ford (The Minister of Justice).]

No 16: In clause 103, page 71, line 11, at end insert

“() paragraph 10 of Schedule 6A and section 95A so far as relating to that paragraph;”.— [Mr Ford (The Minister of Justice).]

No 18: In schedule 1, page 87, line 8, after “preliminary inquiry” insert “or a preliminary investigation”.— [Mr Ford (The Minister of Justice).]

No 19: After schedule 6 insert

“SCHEDULE 6A

DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS

Power to issue a domestic violence protection notice

1.—(1) A police officer not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this paragraph.

(2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—

(a) P has been violent towards, or has threatened violence towards, an associated person, and

(b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),

(b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,

(c) any representations made by P as to the issuing of the DVPN, and

(d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

Contents and service of a domestic violence protection notice

2.—(1) A DVPN must state—

(a) the grounds on which it has been issued,

(b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,

(c) that an application for a domestic violence protection order (“a DVPO”) under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,

(d) that the DVPN continues in effect until that application has been determined, and

(e) the provision that a court of summary jurisdiction may include in a DVPO.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

Breach of a domestic violence protection notice

3.—(1) A person arrested by virtue of paragraph 2(1)

(b) for a breach of a DVPN must be held in custody

and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—

(a) before the end of the period of 24 hours beginning with the time of the arrest, or

(b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.

(3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

Application for a domestic violence protection order

4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.

(2) The application must be made by complaint to a court of summary jurisdiction.

(3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).

(4) A notice of the hearing of the application must be given to P.

(5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).

(6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.

(7) The court may adjourn the hearing of the application.

(8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.

(9) On the hearing of an application for a DVPO, Article 118 of the Magistrates’ Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

Conditions for and contents of a DVPO

5.—(1) The court may make a DVPO if two conditions are met.

(2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.

(3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.

(4) Before making a DVPO, the court must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and

(b) any opinion of which the court is made aware—

(i) of the person for whose protection the DVPO would be made, and

(ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.

(5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.

(6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

(a) no fewer than 14 days beginning with the day on which it is made, and

(b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.

Breach of a DVPO

6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.

(2) If the court finds that the person has breached the DVPO, the court may—

(a) order the person to pay a sum not exceeding £5000; or

(b) commit the person to prison for a fixed period not exceeding 2 months.

(3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

(4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.

(5) In section 44(5) of the *Judicature (Northern Ireland) Act 1978* (appeals relating to punishment of contempt and other defaults) in paragraph (c) after “Article 112 of the *Magistrates’ Courts (Northern Ireland) Order 1981*” insert “or paragraph 6 of Schedule 6A to the *Justice Act (Northern Ireland) 2015*”.

Further provision about remand

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

(a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or

(b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

(a) in case where the person is before the court and consents, 28 days;

(b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

(a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;

(b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

(a) detention at a police station; or

(b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

(a) the person shall, as soon as that need ceases, be brought back before the court;

(b) the person shall be treated as a person in police detention to whom the duties under Article 40 of the *Police and Criminal Evidence (Northern Ireland) Order 1989* (responsibilities in relation to persons detained) relate; and

(c) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for

the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

(13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.

(14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

Guidance

8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.

(2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.

(3) Before issuing guidance under this paragraph, the Department must consult—

- (a) the Chief Constable,
- (b) the Policing Board, and
- (c) such other persons as the Department thinks fit.

Interpretation

9.—(1) In this Schedule—

“associated person” means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;

“the authorising officer” has the meaning given by paragraph 1(1);

“a DVPN” has the meaning given by paragraph 1(1);

“a DVPO” has the meaning given by paragraph 2(1)(c);

“P” has the meaning given by paragraph 1(2).

(2) In calculating—

(a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or

(b) when the period of 48 hours mentioned in paragraph 4(3) ends,

Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the

Banking and Financial Dealings Act 1971 are to be disregarded.

(3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

Pilot schemes

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this paragraph.

Pilot schemes

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this paragraph.

(4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 103.”.— [Mr Ford (The Minister of Justice).]

No 22: In schedule 8, page 140, line 12, leave out from beginning to end of line 13 on page 142 and insert

“

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	Article 31.
	In Article 32—
	(a) in paragraph (1) (b) the words “a copy of that notice together with” and the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;
	(b) paragraph (3).
The Justice and Security (Northern Ireland) Act 2007 (c. 6)	Section 3.

— [Mr Ford (The Minister of Justice).]

Mr Ford: As you indicated, Mr Deputy Speaker, amendment No 1 stands in my name. As you also indicated, there are a considerable number of amendments in the group covering a number of issues, all of which are designed to deal with matters raised at Consideration Stage. I will outline the different areas in turn and trust that I have the support of the House for them.

Amendment No 1 creates a narrower, more focused alternative arrangement for supplementary, incidental or consequential provisions following the removal of clause 86 from the Bill at Consideration Stage. Amendment No 14 is a direct consequential amendment flowing from amendment No 1. I am sure that I do not need to set out again how and why I felt the need to include clause 86 in the original Bill, but the issue now is how we move on from here. I remain of the view that the Bill is complex and we need to mitigate the risk that we have missed something crucial to the policy intentions. Clause 86 has, however, gone, and the question is how to mitigate the risk that remains.

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

I am grateful to the Office of the Legislative Counsel (OLC) and to the Committee for their efforts and support in bringing forward this alternative approach, including the fact that the Committee held a special meeting to consider the issue last week. The amendment that I propose contains two specific changes from clause 86 as it was. First, it is limited to Part 1. I want to recognise that that was a suggestion made by Paul Frew. He asked about the possibility of doing that, and the amendment recognises that suggestion. Part 1, which relates to the single jurisdiction provisions, is where the risk is most likely to arise. Secondly, the amendment is limited in scope compared with clause 86 in order to take account of the Committee's concerns. With the Committee's support, I was pleased to table the amendment before the House today. I hope that it addresses its concerns while allowing me some much-needed flexibility to give effect to the provisions in Part 1.

Let me now consider the amendments relating to committal reform, which are amendment Nos 2, 3, 18 and 22. They make specific amendments relating to preliminary investigations and mixed committals and consequential amendments to schedules 1 and 8. In the context of addressing my amendments, I will also address amendment No 4 in the name of Mr McCartney and colleagues.

On the amendments made at Consideration Stage to clauses 7 and 8, I have to say again that I was surprised that they were supported by the House, given the Committee's previous consideration. I have given thought to the impact, and I remain concerned about the situation that we are now in. I am grateful again for the consideration given by OLC to the issue over the past few days. I believe that the clauses in the Bill as it now stands require significant amendment. That is, in part, because they take no account of how the revised process will work in practice.

Clauses 7 and 8, as amended at Consideration Stage, are oversimplistic and simply impose a new statement of law on top of an existing body of law without any attempt to reconcile the two. The conventional approach to amending an existing body of law is to do so by way of textual amendment to the parent legislation. That enables a complete, coherent and consistent statement of the law to be found in one place. More fundamentally, the clauses ignore the position of victims. I spoke about that at Consideration Stage, and other Members, most notably Mr McCartney and Mr Elliott, also questioned the position of vulnerable victims and witnesses. Indeed, I briefed the Justice Committee last week on the work needed to resolve the issue.

5.00 pm

My amendments are intended to operate within the framework of the interests of justice test. That was the will of the Assembly at Consideration Stage. I am seeking to amend the Magistrates' Courts (Northern Ireland) Order 1981 to provide that a preliminary investigation will be held only in the interests of justice. All other cases will be dealt with by way of a preliminary inquiry. An accused may apply to the court for direction on whether a preliminary investigation is to be held or whether oral evidence at a preliminary inquiry is necessary in the interests of justice. Court rules will set out the application procedure. An application will have to set out the grounds on which the application is made. The rules will also set out the procedure to be followed in determining the application. The prosecution and the accused will be able to make representations to the court. The court, after considering the application and any representations made to it, may grant the application only if it is satisfied that that is necessary in the interests of justice. In reaching that decision, the court must give regard to the nature of the offence or offences charged and the interests of the persons likely to be witnesses. The amendments will help to protect the needs of vulnerable victims and witnesses, and I commend them to the House.

I will speak briefly to amendment No 4, which is in the name of Mr McCartney and those of his colleagues and proposes an alternative amendment to clause 8. I entirely understand the sentiment behind it and accept that it is a well-intentioned alternative to my proposals. I remind the House that we are in this territory only as result of the amendments that were made to the Department's proposals at Consideration Stage, when the matter of committal was discussed. However, amendment No 4 does not achieve what the Members who tabled it want to achieve, and a number of issues would need to be addressed if it were to work properly. The amendment applies only to the giving of evidence on oath at mixed committals, not to preliminary investigations. It also includes the word "vulnerable", which is problematic. Although "vulnerable" has an ordinary meaning, it would need to be specifically defined in the context of this legislation. Also, the amendment is limited to victims of rape and sexual assault. I have to ask why the line has been drawn there. What about other crimes, such as domestic violence, other crimes of personal violence and other matters that would put individuals at specific risk and specific fear?

It is not clear what account is to be taken of the use of special measures under the Criminal Evidence (Northern Ireland) Order 1999 in relation to the giving of evidence by witnesses, which allow a witness to give evidence and prevents certain witnesses being cross-examined in person by the defence in sexual offence cases and cases involving children. I also believe that "Violent sexual assault" would also have to be defined. Thought would have to be given to that and care taken that the definition did not inadvertently impact on any existing legislation that deals with sexual assault. In addition, as I explained to the House, clauses 7 and 8 need to be significantly amended to ensure that the provisions can work within the existing framework of the Magistrates' Courts (Northern Ireland) Order 1981. The Member's amendment would not resolve that problem; indeed, it might compound it.

My amendments provide that, when the defence makes an application that oral evidence is needed in the interests of justice, the court must consider the matter with regard to the nature of the offence and the interests of the witnesses likely to give evidence. That will apply to every offence and every potential witness, and it provides greater protection than is proposed in the amendment tabled by Mr McCartney. Therefore, I cannot support amendment No 4. I believe that my amendment is a better way of resolving the issue and covering a wider range of crimes.

Amendment No 5 will make some minor amendments to clause 48, which was inserted into the Bill at Consideration Stage on the proposal of Mr Frew and Lord Morrow. It allows for arrangements to disclose conviction information in respect of those who pose a risk of harm to children. I emphasise that there is no change of substance to the objective of the provision. The amendments are largely of a technical nature and are designed to allow for the provision to sit more easily within the current legislative framework for multi-agency risk assessment and management, as set out in Part 3 of the Criminal Justice (Northern Ireland) Order 2008.

The first amendments to the clause will insert a number of definitions into article 49 of the 2008 Order to provide legislative clarity. They include the following definitions of “child” as a person under 18; “conviction” as including both findings of the court and police cautions; and “relevant previous conviction” as a conviction for either a sexual or violent offence as specified in the guidance to agencies that was issued by the Department under article 50 of the 2008 Order. The remainder of clause 48, which amends article 50 of the Order, has been reworded to take account of the definitions and to remove reference to the information being:

“in the possession of the agencies”.

That phrase was considered unnecessary, given that you cannot disclose information that you do not possess. It was also potentially misleading by suggesting that all agencies specified in article 49 have information to disclose. I understand that the Members who tabled the clause at Consideration Stage are content with those minor changes — for the sake of Hansard, I am looking across the Chamber at Mr Frew, who is nodding at me, so I will take that as assent. I believe that, when my officials briefed the Justice Committee on this last week, the amendments that I was proposing were acceptable to the Committee, and I hope that the House can agree today to make them.

Clause 90, as amended at Consideration Stage, creates a general duty to progress criminal proceedings in an effort to avoid delay. Mr Jim Allister spoke to the clause at Consideration Stage and suggested that juries could be captured by the current wording of the clause and potentially feel under pressure:

“to reach a just outcome as swiftly as possible”.
— [Official Report (Hansard), Bound Volume 105, p114, col 1].

As I indicated to the House at Consideration Stage, that was not the policy intent of the clause — that was most certainly not the intention. I also stated that the duty is appropriately framed to ensure that reaching a just outcome is patently the primary consideration. However, in the interests of legislative clarity, I have tabled amendment

No 8 to make it absolutely and abundantly clear that only the court, the prosecution and the defence will be subject to the general duty. There will be no application of the general duty to juries. I trust that that reassures Mr Allister and any Members who had sympathy with the points that he put forward.

I turn to amendment No 9, which introduces new clause 95A and new schedule 6A to allow for the introduction of domestic violence protection notices and domestic violence protection orders in Northern Ireland. Amendment Nos 13 and 16 are consequential to amendment No 9. Members will be aware that, following an amendment tabled but not moved by Mrs Dolores Kelly at Consideration Stage, I committed to tabling alternative amendments at this stage. I am pleased now to speak to the detail of the powers that I have put forward. The provisions give the police the power to issue a domestic violence protection notice and to apply to the courts for a domestic violence protection order for the purposes of protecting a victim of domestic violence where it has been assessed that they may be at risk of immediate harm and danger. It also provides for the courts to grant a domestic violence protection order for a maximum period of 28 days, which will provide immediate emergency protection for the victim, allowing them protected space to explore the options available to them and to make informed decisions about their safety.

The amendment ensures proportionality, consistency and appropriate use of the processes. The police, when considering the need to issue a domestic violence protection notice, will use their professional judgement to determine whether the measures are required to protect a victim. Similarly, the court will assess the evidence provided to it to ensure that it is satisfied on the balance of probabilities that the perpetrator has been violent towards or has threatened violence towards an associated person. Additionally, the court must believe that making the domestic violence protection order is necessary to protect that person from violence or threat of violence by the perpetrator.

We have discussed domestic violence in the Chamber on many occasions. We all acknowledge that it is a dreadful crime and that, when it happens, victims need to be fully protected from any potential further violence. The legislation offers victims — women and men — the immediate protection that they need in circumstances where they are often very traumatised, vulnerable and need assurance that, for a time, the perpetrator will not be able to enter their home and violently abuse them again. At present, non-molestation orders and occupation orders offer protection for victims of domestic violence. However, it is up to the victim to apply for them. In the circumstances following domestic violence, a victim may be emotionally affected and, as a result, may not be capable of seeking the protection that is needed. Therefore, the measures under the proposed legislation will clearly demonstrate to the victim that the statutory agencies are initiating action on their behalf in order to protect them. I firmly believe that the measures will enhance our suite of public protection arrangements for victims.

Members will be aware that amendments tabled by the SDLP at Consideration Stage contained elements of a domestic violence disclosure scheme, but they were also not moved.

This aspect was not moved by agreement, on the understanding that I would consult on the introduction of a domestic violence disclosure scheme for Northern Ireland as soon as is practicable. Since Consideration Stage, the Justice Committee has received briefings from my officials and the PSNI on the matter. Legislation is not required to operate a domestic violence disclosure scheme, and the consultation will allow me to consider all relevant aspects of introducing such a scheme, including human rights issues. I am pleased to inform the House that my amendments and my approach of consulting on a domestic violence disclosure scheme have the support of Mrs Kelly and her colleagues. She is likewise nodding, and I trust that the House will also vote in favour of these changes.

Finally, I turn to the last amendment in this group, amendment No 10, which I have brought forward at the request of the Minister of Health, Social Services and Public Safety to correct an issue with the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, otherwise known as Lord Morrow's Act. In seeking to implement the provisions of the Act for an independent guardian service, DHSSPS officials identified that, as section 21(4)(a) of the Act was drafted, only those charities registered under section 16 of the Charities Act (Northern Ireland) 2008 would be eligible to apply to provide those independent guardian services. I understood, from working with Lord Morrow to bring forward the Act, that he specifically sought to have the guardian service provided by a charity, principally to maintain a level of independence from the statutory sector. The definition of a charity is therefore very important.

To date, only 1,695 charities are currently registered under section 16 of the relevant 2008 Act. Most are not health and social care charities, and registration will not be completed for some time, potentially for another couple of years. A specific problem emerges in that some charities, which operate across all three jurisdictions of the United Kingdom, are not required to register in every part of the UK. Those already registered in England, for example, will not be required to register separately in Northern Ireland; but the wording of section 21(4)(a) of the Human Trafficking Act means that those charities that are registered elsewhere but which operate in Northern Ireland cannot provide guardian services here. I cannot believe that that was the intent of the House when the Human Trafficking Act was passed, and I certainly do not believe that it was the desire of Lord Morrow or of the Department.

To fix the problem, therefore, section 21(4)(a) of the Human Trafficking Act 2015 needs to be amended, and amendment No 10 does so by redefining the meaning of a registered charity to include charities that are registered in England and Wales and in Scotland. Clearly, some of the major children's charities are registered technically only in England, but operate here as well. As a result, the provision of an independent guardian service will be open to all relevant charities registered anywhere in the United Kingdom or on the deemed list in Northern Ireland. I am pleased to commend this amendment to the House with the support of Lord Morrow to ensure that his Act operates successfully.

That covers all the amendments in group 1, with the exception of Mr McCartney's amendment, which, as I have highlighted, I believe is not as effective as my amendment to the same clause. I commend the amendments to the House.

Mr Ross (The Chairperson of the Committee for Justice): First, I will address amendment No 1. The whole House will be relieved to hear that I do not intend to rehearse the arguments that we had when we decided to remove what used to be called clause 86 from the Bill. Suffice it to say that the Committee's rationale for its removal was accepted and supported by the entire House. I am sure that most Members will feel that it was a useful exercise of the Assembly's ability to question and scrutinise the power of the Executive.

Following Consideration Stage, the Minister requested a meeting with myself and the Deputy Chairman of the Committee to discuss the matter, at which he outlined his belief that some mechanism was required to deal with Part 1 of the Bill and mitigate the risk that losing clause 86 has created for the Department. Part 1, which deals with single jurisdiction for County Courts and Magistrates' Courts, covers a large number of pieces of legislation, some of which date back to the 1840s and, as the Minister has outlined, is the part of the Bill that the Department is most concerned may need minor amendments later on if relevant pieces of primary legislation are identified that have not been covered in the Bill.

The Minister stated that the intention was for an amendment to provide narrowly defined powers linked only to Part 1, and we agreed that if the Minister provided further information on the proposed amendment the Committee would meet to consider it. The Minister subsequently provided the rationale for and the text of the proposed amendment, and he attended the Committee on 9 June with his officials to discuss it with members.

5.15 pm

The wording of amendment No 1 is significantly limited in scope and effect compared to the original clause 86. It also only relates to Part 1 of the Bill. On that basis, the Committee agreed that it is content with the amendment. When we were considering clause 86, members recognised that Part 1 was the area of the Bill that might require some minor amendments once the legislation was passed, given the volume of other legislation that is affected by the introduction of the single jurisdiction. Indeed, when officials attended to discuss clause 86, the Committee suggested that the Department should narrow its scope to cover only those parts of the Bill that it believed were most necessary. That is now the approach that seems to have been adopted by the Minister and the Department.

While I am sure that the Minister will not agree with me, I believe that the scrutiny the Committee brought to clause 86 and the debate that we initiated has been useful and, hopefully, will serve to ensure that all Departments fully consider the scope of the powers that they require and the justification for their inclusion in primary legislation rather than including provisions that provide very wide-ranging powers. I have no doubt that other Assembly Committees will pay much more attention to what are often termed "technical provisions" in Bills in the future.

Moving on to amendment Nos 2 and 3, which have been brought forward by the Minister, and amendment No 4, which has been brought forward by Mr McCartney, these aim to provide additional protection to vulnerable victims and witnesses and avoid the necessity of them having to give evidence twice, following the Assembly's decision to

retain of PIs. When the Committee considered the original proposals by the Department to abolish preliminary investigations and mixed committals, it noted that, while the proposals aimed to streamline the procedure for moving business from the Magistrates' Court to the Crown Court and were expected to result in some improvement in efficiency, the Department's stated primary driver was to reduce the impact on vulnerable victims and witnesses. From its inquiry into the criminal justice services available to victims and witnesses, the Committee is fully aware of the concerns raised and the difficulties experienced by victims and witnesses in relation to having to give evidence twice. Members are therefore supportive of the principle of those amendments. Given that they are mutually exclusive, I assume that agreement can be reached about which will be moved at the end of the debate.

Finally, turning briefly to amendment No 5, which relates to child protection disclosures and the amendments that introduce domestic violence protection orders and notices, the Committee recently received from departmental officials and the Police Service of Northern Ireland a very useful briefing on the purpose and intent of both schemes. Members explored how both schemes would operate in practice and play a part in protection. We were also reassured that account has been taken of lessons learnt from the operation of such schemes in other jurisdictions.

Amendment No 10 was not discussed at the Committee, although I am quite sure that Lord Morrow will say that it will make his great Bill even better by ensuring that charities that are registered in Great Britain will still be able to provide the services required. Perhaps it would be useful if the Minister would provide some clarity over whether that means that internationally based charities would also be able to provide similar services or whether it would be limited to those within the United Kingdom.

I will make no further comment and support the amendments in the group.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I just want to speak to a number of the amendments. The Chair, on behalf of the Committee, provided the commentary on most of them. When the Minister was speaking about amendment No 1, I think there was an acceptance. The Chair laid out clearly, on behalf of the Committee, the reason why we had our reservations about clause 86. The Minister described the amendment as narrower and more focused, and I think we would agree with that. It allows us to say — I think it was Paul Frew who brought it up at the Committee — that Part 1 was perhaps the area that needed the latitude and flexibility, given the large number of Acts that the Bill would affect, stretching right back to 1840, as the Chair said. We will support amendment No 1.

In relation to amendment Nos 2, 3 and 4, I will just speak briefly on amendment No 4, which is tabled in my name, Sean Lynch's and Chris Hazzard's. The Minister described it as well-intentioned and then started to point out the deficiencies in it, which I think we would accept. We were trying to demonstrate with that amendment the Minister's concern, which he was right to mention, that sometimes when you are defining something, each party or person might have a concept of it but that when you are legislating, you have to have a clear definition. The term "interests of justice" was not clear. Taking note of concerns that were raised to the Committee during the inquiry on

victims and witnesses, we were trying to be very clear about the idea of vulnerable witnesses unnecessarily having to give evidence twice, particularly in sexual violence or rape trials and, indeed, perhaps in other trials. I think that the amendments as laid out by the Minister provide the protection of what we believe is the necessary part of the PE, PI and mixed committals. We think that they serve a useful purpose and that they are now protected. However, protections are also built in to ensure that you do not have that two-stage approach to some witnesses. We are content to support amendment Nos 2 and 3. Obviously, we accept that, if they are carried, our amendment would fall. That is fine.

Some of the other amendments have been described as "technical" and, certainly, they add to the work from Consideration Stage and, indeed, to another Bill. An amendment was tabled to perhaps tighten up the intent of that tabled by Paul Frew at Consideration Stage. I think that it adds to the intention, which was well laid out and well discussed at Consideration Stage.

Similarly, with regard to the amendment dealing with the Human Trafficking Act, as it is now, given Lord Morrow's intent, I think that he is happy, as the idea of the charities was missing. This amendment will now, if you like, add to that Bill. We are certainly more than content to support that. Similarly, Dolores Kelly articulated what she was trying to do with amendments that she tabled at Consideration Stage. She accepted that the Minister and the Department could do more work on that. She obviously feels that the amendments that have been tabled today fulfil her intentions. We will therefore support them as well.

Mr Deputy Speaker (Mr Beggs): Order. I wish to advise the House of a development. I understand that a valid petition of concern has been received in relation to amendment No 7, which is in the second group of amendments. The debate shall therefore continue on group 1 and will then go on to group 2 in this Further Consideration Stage debate on the Justice Bill. Decisions will be taken up to and including the Question on amendment No 6. The vote on the Question on amendment No 7, if moved, will not take place today and will be on a cross-community basis. The scheduling of the rest of this Further Consideration Stage would then have to be notified to Members in due course.

Mr A Maginness: I suppose there is not an awful lot more to be added on this Bill. I congratulate the Minister on his acceptance of the substance of amendment No 1 and for bringing it to the Assembly. I think it is a good example of how a Committee can influence and reshape legislation and do so in a very constructive way with the Minister. I think that he quite properly acted on the advice and concerns that were expressed by the Committee. I think that congratulations are due to him for reacting in that constructive and very positive way.

Incidentally, it may also inform other pieces of legislation, because other Ministers will, of course, be bringing similar provisions in other Bills. This Bill could well act as a template for future legislation.

I move on to amendment Nos 2 and 3. The Minister has accepted the will of the House. I know that he does not agree with the position adopted by the House in relation to committal proceedings, but he has, quite properly,

accepted that position and moved significant amendments, as he described them, in amendment Nos 2 and 3.

He quite rightly said that there was a requirement for textual amendments. I accept that, but I hope that in putting forward those amendments the Department and Minister are not attempting in some way to blunt the effect of the decision of the Assembly in relation to committal proceedings. The important issue is the interests of justice test. That is the abiding rule, or test, for the use of preliminary investigations. I hope that the amendments that the Minister brought forward will not undermine that in any way. I ask the Minister to reassure me on that at the conclusion of this part of the debate.

I accept that there is a necessity that the Magistrates' Courts rules be amended, consistent with the position that the Assembly has adopted. I accept that a written application and a representation should be made to the court where necessary and that a case is established, essentially, that this is in the interests of justice.

However, I would hate to think that in some way the intent of those amendments is to create a situation in which it would be more difficult for a defendant to bring an application in relation to the commencement of a preliminary investigation. I just seek reassurance from the Minister on that. That is a proper position for me, as an MLA and a legislator, to adopt.

I also ask the Minister to clarify the position in relation to amendment No 2, which introduces article 29A(5)(b), which states:

"the interests of the persons likely to be witnesses at a preliminary investigation."

I presume that the intent of that provision within the amendment is to provide protection for vulnerable witnesses. I ask the Minister to clarify that and indicate to the House that he has considered that that provides the protection that witnesses would require in circumstances where they may be faced with a preliminary investigation. I seek an assurance from the Minister on that.

5.30 pm

The other aspect that I would like the Minister to clarify relates to amendment No 2 and clause 7(6), which states:

"Where a person is charged with an extra-territorial offence"

Does that mean that the law would not provide, in any circumstances, that a person charged with such an offence would be permitted access to a preliminary investigation? Will the Minister clarify that position in his summing up of this group of amendments?

I take it that the intent in amendment No 3, which will amend clause 8, is to address the situation in relation to mixed committals. I want reassurance in relation to that.

Amendment No 4 was tabled by Mr McCartney, Mr Lynch and Mr Hazzard. I am very sympathetic to that amendment, but I am not certain that it addresses the issue of vulnerable witnesses, in totality anyway. It certainly would seem to address the situation of a rape victim or the victim of violent sexual assault, but there is a problem with the definition of "violent sexual assault" and what it actually means. That might be a deficiency in that amendment.

I and my party would be very sympathetic to that amendment, but I am not certain that it provides the necessary cover or protection that the Committee wanted to be afforded to vulnerable witnesses. I know that Mr McCartney cannot answer those questions, but I make those points by way of constructive criticism. Having sympathy is insufficient; the Member obviously seeks support. However, given the fact that amendment Nos 2 and 3 address the protection of witnesses, in those circumstances, it may well be that amendment No 4 is not required in any event, even though, as I said, I am very sympathetic to it.

My colleague Dolores Kelly will address the other amendments in this group, particularly those that deal with domestic violence and protection notices and orders. We are obviously grateful to the Department and the Minister for tabling those amendments and reflecting the propositions and the needs of vulnerable people in those circumstances and delivering on the assurances that the Minister gave to the House and my party, the SDLP, on the last occasion. I end my contribution there.

Mr Dickson: Like others, I welcome the opportunity to speak on the Further Consideration Stage of the Justice Bill as it moves through the Assembly. The reform of our justice system, which has developed, some might say haphazardly, over many centuries is, of course, not a straightforward task. We need to commend the Minister for the work that he and his Department have done in maintaining a very steady and clear pace of reform.

Most of the amendments in group 1 are departmental in origin with the exception of amendment No 4, which I will come back to later. It was mentioned previously that this is a complex piece of legislation and, therefore, it would create a considerable and undue difficulty at the implementation stage were we to tie the Department's hands completely with regard to making alterations to previous statute.

As we know, the Assembly chose to remove clause 86 from the Bill at Consideration Stage because of concerns that it gave too much power to the Department. I do not share those concerns, but that is where we are. It was clear that these changes in statute would have to come to the House anyway. However, to ensure that the Department still has sufficient flexibility, particularly in the area of single jurisdiction, the Minister has brought forward amendment No 1, which I hope has the broad agreement of the Committee for Justice and the House.

Respecting the concerns of the Committee and the Assembly, the Department has clearly restricted the scope of its powers in that area. In fact, only Part 1 would be affected by a power to make supplementary, incidental or consequential provisions and, of course, that would be with the consent of the Assembly. The Department and the Committee, of which I am a member, deserve credit for the work that has been done in reaching agreement on these contentious issues. Going forward, this means that the Department will be provided with at least some remedy in the unlikely event that something has been overlooked in the primary legislative process.

Moving to the proposed amendments with regard to preliminary investigations (PIs) and mixed committals, I am still convinced that preliminary investigations are, in fact, superfluous to a modern justice system. That has

been clearly proven by their abolition in many common law jurisdictions, notably England and Wales. Evidence, in fact, suggests that these exercises are harmful for victims of crime, especially the most vulnerable people. For those recounting events it is traumatic and, further, it results in delays to our justice system in holding people to account. Nonetheless, by a majority, the Assembly has decided to retain preliminary investigations; where this is in the interests of justice it will, in itself, be a difficult term to define. The Minister's amendment will refine and support the retention of PIs in certain circumstances, including the crucial element of how it will operate in practice. Safeguards and a robust application procedure to ensure that PIs are only used in exceptional circumstances rather than continuing as the norm must be in place to protect the considered needs of vulnerable witnesses and victims.

I now turn to amendment No 4, which was put forward by Mr McCartney on behalf of Sinn Féin. The proposed amendment is clearly a compassionate attempt to ameliorate the impact of the retention of preliminary investigations and mixed committals on vulnerable witnesses and victims of crime. However, it is worth noting that the proposed amendment, as it is attached to clause 8, would only apply to mixed committals, meaning that preliminary investigations would not be affected by the amendment.

Furthermore, the amendment appears to exempt vulnerable witnesses from giving evidence under oath but sets a higher bar for victims, as they must be a victim of rape or sexual assault for the exemption to exist. I am quite sure that that was not the intention of the proposer; I am sure that he would consider victims of non-sexual violent crime such as intimidation, for example, as potentially vulnerable victims who would and should be generally exempt from recounting their experiences numerous times in front of a court. It is for that reason that I am not in a position to support amendment No 4.

Personally, I feel that the proper abolition of preliminary investigations and mixed committals is the best that we can do for victims of crime. Indeed, many of those victims have told us that directly.

The Assembly has decided against that, and I respect that decision. Nonetheless, to ensure that a robust system is in place, I call on all to support the Minister's amendments today.

Further proposed amendments are departmental. Again, they refine much of what was added at Consideration Stage. I commend the Department and MLAs, particularly Mr Frew and Mrs Kelly, for the work that has been done to bring about those developments, particularly on child protection disclosures and domestic violence protection orders. Those measures will further ensure that the reform of our justice system helps to deliver for everyday people and, crucially, that we have a robust system with preventative measures in place that are accessible to the public and help to keep people safe. That is what this is about.

I intend to support the amendments in group 1 from the Department. They refine and support amendments made at Consideration Stage. Centrally, they get on with the work of reforming our justice system to deliver one that is fit to meet the needs of all our citizens.

Mr Elliott: My apologies for being out for part of the Minister's opening remarks. I heard quite a bit of them, but I had to leave for some of them.

I will deal with amendment Nos 2 and 3 first, as well as amendment No 4 from Sinn Féin. Amendment No 4 is positive, in the sense that it is trying to deal with vulnerable witnesses. I just wonder whether its intention is for the provision to be used solely for those named in the amendment or whether it can be used on a much wider basis.

I am slightly concerned about amendment No 2. Mr Allister brought forward an amendment at Consideration Stage that received support from the House and was made. I am concerned that amendment No 2 would slightly weaken Mr Allister's amendment. I said at Consideration Stage that his amendment was a halfway house between what we had then and what the Minister was bringing forward at that stage. It appears now that the Minister is creating another halfway house between Mr Allister's amendment from Consideration Stage and what he was proposing in the original Bill. It is weakening the clause to some extent, but, by and large, it is still getting us to a similar position.

Amendment No 5, which concerns child protection, and amendment Nos 9 and 19 are follow-ups to amendments from Consideration Stage. Mr Frew's amendment at Consideration Stage was on child protection. I therefore consider this to be a tidying-up process. To be fair, amendment Nos 9 and 19, which concern domestic violence, originally came from the SDLP. The Minister has worked with that party, which I am pleased about, to bring forward positive and comprehensive amendments. I view that as only being good for the Bill and for society in Northern Ireland. Hopefully, the amendments will help people who are caught up in domestic violence. There are a lot of positive aspects to them, but I would like to hear the Minister, in his summing-up, talk about amendment Nos 2 and 3. I view amendment No 3 as being slightly more wide-ranging than amendment No 4 from Sinn Féin. Obviously, I have support for both, but I do not see the two being able to sit together. I am reasonably content with both amendments, but I do want to hear from the Minister when he is summing up.

I am also interested to hear what Mr Allister's thoughts are. I think that he was described as a traditional barrister or lawyer during the previous debate. Mr Maginness was lumped in there as well. I am interested to hear what the traditional lawyer's voice has to say about amendment No 2. Is it weakening his original idea or complementing it?

5.45 pm

Mr Frew: With amendment No 1, I can remember very clearly that, in the House that night, the Justice Minister was very aggrieved and annoyed at the petulance of the Justice Committee in having done this. I would hate for him to have the powers of Henry VIII because I do not know what would have happened to individual members of the Justice Committee. However, it goes to show that the Justice Committee takes its role in the scrutiny of legislation very seriously. There was a principle at stake that we managed to drive home. That led to the Minister taking it in good grace and then amending —

Mr Ford: As usual.

Mr Frew: Sorry, Minister? OK. I thought that you wanted me to give way.

It is good that the Minister, the officials and the Justice Committee can work together in a good spirit to bring forward amendments that satisfy all of us and the House.

There has been much debate on amendment Nos 2 and 3 from the Justice Minister and the amendment from Sinn Féin's Raymond McCartney, which speaks to that. We understand the spirit of and the intention behind the amendment. We understand that the Minister's amendments would go much further and be tighter. We certainly welcome the spirit of and intention behind those amendments.

That leaves only amendment No 5, which is close and dear to my heart. I pay tribute to Lord Morrow — he has just stepped out of the Chamber — for his work on the issue to date. Before I even took the matter on, he had asked questions about it to build up a knowledge base to take it forward. I also commend the DOJ officials for working with me on getting an agreement and a form of words and the Minister for amending it here today to make it tighter and a much better fit in the Northern Ireland context. I also commend the staff in the Bill Office for their help throughout the process. They are a very able and worthy band of people who work quietly behind the scenes and do tremendous work for us all. We had a session on the subject with DOJ officials in Committee. They were able to reassure members on the procedural aspects and how it will work in practice, which is very important.

I commend the NSPCC for the work that it did with me. The NSPCC is part of PPANI. It is only well and good that the PPANI organisations are the administrators and managers. They are the experts and the people who manage and monitor. They are best placed to make decisions on disclosure. Of course, this was adding to that disclosure scheme. We already have disclosure in Northern Ireland whereby, if the PPANI organisations deem there to be a risk or threat to a person, they can disclose, so allowing a two-way process. Anyone who wishes to apply for disclosure will be able to do so. It is all based on and geared around the protection of a child. Members recognised that and saw that this could go some way to enhancing that protection. I pay tribute to the PPANI organisations. They are the people who do this daily to keep us all safe and reduce the risk to all of us, in particular our children. We must be cognisant of children. We must make sure that children, given that they are vulnerable, are placed in the safest place possible at any given stage of their lives.

I also pay tribute to Dolores Kelly and the SDLP for the amendments that they had brought forward but have withdrawn in the knowledge that they will come before us again.

I certainly will have no hesitation in supporting them. I recognise the spirit in which they were tabled and understand exactly what they would have done. They were also intended to enhance the protection of vulnerable people, which must be commended to the House.

I will end there, but, again, I thank everyone for supporting my amendment at Consideration Stage and, hopefully, supporting this amendment at Further Consideration Stage so that it can be enacted in law.

Mrs D Kelly: I am delighted to be able to speak to the amendments to clause 19. As others have said, the Minister has delivered on his commitment to our party by tabling amendments on the domestic violence protection notices (DVPNs) and the domestic violence protection orders (DVPOs), which are, as other Members said,

designed better to protect victims of domestic violence. I thank all Members for their support and comments. As Mr Frew said, the Minister acknowledged the disclosure scheme by giving a commitment for wider consultation later in the summer or in the autumn. I look forward to that. As a party, we will certainly respond to that consultation, and I urge all Members to have their say.

What has been particularly exciting about the Justice Bill is the first group of amendments because they are primarily designed to afford better protection to victims of crime and, indeed, witnesses of crime. I commend Members who tabled amendments with that spirit and intent, today and at Consideration Stage.

As an Assembly and Executive, we will need to work in a much more collaborative way on resourcing better counselling services and better investment in refuges etc for victims of domestic violence, but that is, perhaps, a debate for another day.

Having spoken to some of the organisations and victims of domestic violence, I know that they are heartened by the way in which parties have approached this most sensitive of matters and by the party support for the principles behind these amendments.

I will not delay the House as I know that there is, potentially, a long evening ahead of us. I place on record my thanks to my policy staff, colleagues, the staff in the Bill Office — primarily Aoibhinn, once again — and the Minister. I ask the Minister to convey my thanks to his colleagues in the Department of Justice for working so closely with us in ensuring that the amendments meet the principle and the spirit that I had hoped they would contain when I first tabled them. I thank you all for that.

Mr Allister: I apologise at the outset that I was not here during the Minister's speech. I had to attend another event within the precincts.

I want to speak primarily to amendment Nos 2 and 3. It is patently clear to me that the Minister has sought to dilute, as close to the limit that he can, the amendment on PIs and mixed committals that I tabled and the House accepted. The Minister and his Department, having concealed the actual wording from the Committee, and not delivering it, I understand, until after the deadline for amendments had passed, likewise concealed it from me in that sense. I would have thought it not unreasonable, in the period between Consideration Stage and the tabling of amendments, for the Minister's officials to have at least liaised with me and advised me of the intended road of travel. However, it is quite clear that they did not wish to do that and that they wished to spring upon the House, after the closure of Further Consideration Stage amendments, their amendment as the sole amendment that the House effectively could consider. I think that that is a message that speaks to the departmental intent in itself.

Coming to the content of the amendment, I say that it dilutes — it certainly does — but it does more than that. It seeks to raise hurdles and hoops to make it quite prohibitive to attain that which the House approved: the retention of a PI or a mixed committal if that was in the interests of justice. It does that in a number of ways. It does it first by the very wide ambit of requiring:

“an application to set out grounds”,

imposing a layer of bureaucracy that really is not necessary for these things, and to prescribe that the grounds — which this House has not seen and will not see at a point where it can change them — must:

“contain such other information as may be prescribed”.

That is the import of paragraph 3(a). So, the Department is holding to itself the capacity in the magistrates’ rules to set the bar as high as it can in order, in the rather telltale words of Mr Dickson of the Alliance Party, to ensure that a PI is only ever held in exceptional circumstances. The will of this House was that a PI would be held when it was necessary in the interests of justice. The purport of this amendment is to make sure that it can only ever be held in exceptional circumstances. And so the hurdles and hoops required to be passed through are made as wide as they can.

Then we come to some amazing language in paragraph 4:

“The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if) the court is satisfied that a preliminary investigation is required in the interests of justice.”

This is meant to be a piece of legislation; it is not a speech. The language “if (and only if)” is totally foreign to a legislative format. It is the tautology and emphasis that you would expect in a speech, but it is not the language of legislation. This legislation would have the same legal effect if it said, “may direct the holding of a preliminary investigation if the court is satisfied that a PI is required in the interests of justice”, but to use language like “if (and only if)”, what does that mean? What is the relevance of that to a clause in legislation?

“If (and only if)” might be relevant, as I say, to a speech; it is certainly not relevant to legislation. It is a very poor reflection, I think, on whoever drafted it, to think for one minute that that was appropriate to put in legislation. Of course, what it is trying to do is set the barrier as high as it can to intimidate a magistrate with language like “if (and only if)” then can you allow a preliminary investigation.

It goes on, in paragraph 5, to say:

“In determining an application under paragraph (2) the court shall in particular have regard to—

(a) the nature of the offence ... ;

(b) the interests of the persons likely to be witnesses”

That is in the context in which the principle is that you have a PI if it is in the interests of justice.

6.00 pm

Now we move to language that the court shall “in particular” have regard to these other matters. The import seems to be, “Let us deploy this as a mechanism to trump the interests of justice by emphasising that the court shall ‘in particular’ have regard to these matters”. Where was the problem in saying, “the court shall have regard to” the nature of the offences or the interests of the persons likely to be witnesses? Again, there is this unnecessary gilding of the lily — “if (and only if)” and “in particular” — to drive home the point to a magistrate, “Well dare you give a preliminary investigation”. Never mind that the proper

test is in the interests of justice: this is the new test that the Minister wants to set.

The Minister has gone too far in his amendment in that regard, and he has gone too far in seeking to defy the considered wishes of the House at Consideration Stage. As I said at Consideration Stage, I have no difficulty with the amendment being tidied up, with it being amplified, or with making things clearer than in the few short clauses that were already there. I have no difficulty with that, but I take considerable exception to the concerted effort to dilute and change in this radical fashion that which the House had approved. The same applies in amendment No 3, because it too resorts to “if (and only if)” and “in particular” to do the same thing.

Turning to amendment No 4, tabled by Sinn Féin. I understand the thrust of it, but my difficulty with amendment No 4 is with the last clause where it talks about:

“a victim of rape or a violent sexual assault”.

The problem there is that during the trial process — indeed, in the pre-trial process — you cannot assume, and therefore cannot talk about, “a victim”. No crime has yet been proven in the process. Therefore, I would have thought that the amendment should have talked about “a complainant” in a rape case, or “a complainant” in a violent sexual assault. Those are the people that could be covered by this. There are some legal difficulties in shaping the amendment by expressly defining individuals as victims at a point before there has been a conviction of anyone. I understand what is intended, but it rather puts the cart before the horse. The language needs to refer to complainants.

Amendment No 18 purports to amend schedule 1 to change the fact that it says:

“A magistrates’ court has jurisdiction ... to conduct a preliminary inquiry into any indictable offence”.

to say that a magistrates’ court has jurisdiction to conduct a preliminary inquiry “or a preliminary investigation”.

That is fine, but I am surprised that it does not go on to say, “or a mixed committal”. We have three categories of disposal in the return for trial process. We have the preliminary investigation, a preliminary inquiry or a mixed committal. That is the infrastructure of the Magistrates’ Courts Order and all things attendant upon it. I am surprised that, when it came to amending the schedule, it did not say, “PI, PE or mixed committal”. I really think it needed to say that, but I will be interested to hear from the Minister why it does not. Maybe there is some reason for it that escapes me for now.

Mr Ford: Until the last contribution, I was beginning to think that there was going to be universal praise for everybody in sight. Before I criticise some aspects of what Members said, perhaps I should start off by praising the Committee and thanking its staff, my officials, legislative counsel, the Bill Office and the Members who have contributed and made specific comments. To disrupt that happy mood and given that there was such general agreement until the last contribution, I will go through some of the points that Members raised.

I have to disagree slightly with Mr Ross in the spirit of maintaining the fact that we do not entirely agree on the

abolition of clause 86. He graciously acknowledged, as did others, the work that has been done to deal with that, but I think that there are real issues around legislation. The fact that similar provisions to those in the original clause 86 have been included in a significant number of Bills that have been before the House and have been mostly allowed through without any question suggests that there are reasons why that is done. They are not reasons of laziness. The fact that we now have 34 pages of legislation being amended in schedule 1 alone is an indication of the detail that has to be gone into.

It is also slightly ironic that, if we had not had the Bill before the House at this stage, it would have been necessary to amend the provisions of the human trafficking Act in respect of charities through a procedure in that Act that was passed by the House without any dissent or disagreement. That would have been necessary to make the provisions on charities, had we not had this Bill before the House at the appropriate time. There were reasons why it was done. It was not done out of laziness, and we need to be careful that we do not throw out proverbial babies with proverbial bathwater in that respect.

As I said, I recognise that we have had a constructive discussion, including direct engagement with the Committee on how we deal with that, with particular reference to Part 1 and the vast amount of legislation going back to 1842 that had to be amended because of the single jurisdiction issue. We have seen a lot of positive work done on that, so, whilst I will happily agree with the Chair that we perhaps need to look at the necessity of provisions like amendment No 1 and the previous clause 86, I do not think that we should automatically assume that we can do without it in all circumstances. I also thank the Chair for his recognition of the positive work that is being done on disclosure issues relating to adults and children, including the briefing that my officials and the police gave to the Committee last week. I think that it shows progress in that respect.

Mr Ross also asked about international charities and their potential role. The amendment on the specification of charities makes it clear that we are talking about charities that are registered under the laws of England and Wales, Scotland or Northern Ireland. I am not quite sure whether there are international charities operating in any part of the UK that are not registered in any part of the UK, but, as the law stands and as the amendment stands, they would not be permitted to carry out functions under the human trafficking legislation unless they are international charities that are registered in one or other of the UK jurisdictions.

Mr McCartney made similar points as vice-Chair — as he frequently does in backing up the Chair, especially when there is some modest criticism going on of the Minister — around clause 86, so I shall not repeat them. I liked his reference to his amendment around committals being “well intentioned but ill defined” and the grace with which he accepted that possibly my amendment was equally well intentioned but slightly better defined. It is an indication that we can do constructive work with many people in the House across a variety of issues. I trust that that has been recognised and that we are able to deal with the issue in a better way.

Alban Maginness again got in the point about amendment No 1 and congratulated the Minister for accepting the will of the House. I mouthed “as usual” across the Chamber to Paul Frew but did not make a formal intervention because I

am well aware of the role of the Committee, which, I believe, still stands in the 1998 Act as being to advise and assist the Minister. Even if its advice is not always requested and its assistance is not always forthcoming, the general principle applies between the Justice Committee, departmental officials and, I trust, the Minister that there is still a fairly cooperative arrangement given the difficult issues we have to deal with. Even if we all have our tongue slightly in our cheek, I welcome the fact that it was a genuine comment from Mr Maginness about the work that was being done.

Mr Maginness hoped — his fellow member of “Traditional Lawyer’s Voice” went a little further later on — that the intentions of the amendment were not to blunt the will of the House. That was absolutely not the intention of the amendments. However, a number of Members pointed out issues around the exact impact of the interests of justice on victims. Indeed, I could embarrass him by quoting what the vice-Chair of the Committee, Raymond McCartney, said at Consideration Stage:

“What we are looking to see ... is ... it being up to someone to convince the magistrate that it was in the interests of justice for”

a witness

“to be called, rather than the reverse.” —
[Official Report (Hansard), Bound Volume 105,
p118, col 1].

That is an indication not of backpedalling on the concept of the interests of justice but of ensuring that, in taking account of the interests of justice, we take account of the interests of those who may be required to give evidence, particularly vulnerable victims and witnesses who might be required to give evidence twice if there were a preliminary investigation but who do not need to do so in the interests of justice. By the fact that we balance the nature of the charge and the interests of victims and witnesses, I believe that this is the right balance between the two, not in an attempt to blunt — I think I have a fairly clear record of accepting the will of the House, including, frequently, when I disagree with it slightly — but to ensure that we put matters into practical sense to ensure that we move things forward as to how things can go ahead. I think that we have shown that the amendment, which was very largely encouraged by a number of Members of the House who recognised the difficulties that there were, would be able to deal with this in a way that is realistic, proportionate and practical. I trust that this will show that we can move forward around this area in a way that protects the most vulnerable.

Mr Maginness asked specifically about the provisions for extraterritorial cases. It is my understanding that, at this stage, the defendant does not have the right to object to a preliminary inquiry in those cases and this is merely a replication because of slight changes in the wording of the already extant provision; it is not any change in it. He also asked about whether the references in clause 8 are to a mixed committal. They are, in fact, references to a mixed committal on the basis that they are matters where some people are required to give evidence at what is a preliminary inquiry. That is a mixed committal in practical terms, so it covers the particular issues raised there.

Mr Dickson, of course, joined in the usual roll call of those praising the Minister. I am grateful to him, and it would be slightly worrying if I did not have one person sitting behind

me who was positive and constructive. He made the interesting point that preliminary investigations had been abolished elsewhere in other common-law jurisdictions. He highlighted England and Wales, and it is also the case that they have been abolished entirely in the Republic of Ireland. We are not seeking to abolish; we are seeking to ensure that they are used where appropriate in the interests of justice, and the interests of justice include the needs of victims.

So there are positive changes within that. We established that we have got that right by looking at the balance of the first round of speakers.

6.15 pm

Mr Elliott referred, in the context of the committal proceedings, to having thought that Jim Allister's previous amendments were a kind of halfway house and that, to some extent, I was dragging matters halfway back again. I am sorry but I do not recognise that as being the position. Indeed, I know that there are those who are even better acquainted with the courts than me or, perhaps, Mr Maginness or Mr Elliott who believe that, as I said at Consideration Stage, the practical effects of the amendments put forward by Mr Allister would be virtually no change.

I think that the wish of the House to deal with the needs of victims has been fully covered by these amendments, and the comments around the House have largely reflected that. It is not a matter of taking a halfway house and pulling it back. The amendments tabled and passed at Consideration Stage would have meant virtually no difference in practice. In accordance with the remarks of many Members around the House, it is about the need to ensure that those vulnerable people who might be required to give evidence were suitably protected.

Mr Elliott: I thank the Minister for giving way. It is merely a query around amendment Nos 2 and 3. Is amendment No 2 necessary when you have amendment No 3, which deals with the evidence on oath, which is around vulnerable victims or vulnerable complainants, as Mr Allister highlighted? I just wonder whether it is necessary to have amendment No 2 if you have amendment No 3.

Mr Ford: The answer is straightforward and simple. We need amendment Nos 2 and 3 because we have clause 7 and clause 8 in the Bill, which deal with different issues and both are required to be covered in the amendments. They are similar issues but they are different issues. Therefore, we have to ensure that we get things covered carefully in that respect.

Mr Frew suggested that the Minister sounded a bit annoyed, and he somehow managed to equate me to Henry VIII, which is deeply worrying since, not that long ago, I was told that I was not as bad as Henry VIII. So, I will go with the remarks made about me at Consideration Stage and ignore Mr Frew in that respect. However, I think that it is an issue where we have shown that the Department and this Minister do not always agree with everything that comes from the Committee. I am entitled to disagree on the basis of information that I have before me, but I am also required to take account of the views of the House and to seek to work constructively with the Committee. So, if Mr Frew thought that I was about to behead him or throw him in the tower— *[Laughter.]* — I

can assure him that I have no such powers, and, if I had them, I would not use them against him when he is working constructively with me. There are practical issues where, frankly, we disagree at times, even though a lot of what we do is positive, constructive and engaging.

Mr Frew then went on to praise everybody, including, most notably, Lord Morrow for his role as he worked on the disclosure issues. I will happily register a slight smile at Mr Frew's allegations about me and pass on and continue to be constructive. I noticed that he made one very significant point about the disclosure issues, which is that those are building on the existing PPANI arrangements. That is the key factor; not that we are upsetting the provisions that we have, not that we are dealing with major radical change, but that we are building on good work already being done by the police, probation and other agencies within PPANI and refining it that little bit to make it that little bit better. When we talk about promoting this, we should not suggest that there were not good arrangements in place previously, because I think that that would be doing a disservice to many dedicated public officials who have worked extremely hard over the years on the PPANI arrangements, and I appreciate the fact that Mr Frew is, again, nodding in response to something that I said, even if he laughs at Henry VIII references.

I am also grateful for the fact that Mrs Kelly commented that she believed that the Minister had delivered on his commitments in the Bill and in the forthcoming consultation. I think that recognises the practical reality of the cooperation. She and her colleagues bear a part of that practical cooperation for the work that they have done. It was also very significant when, in the penultimate contribution of the debate before my final winding-up speech, Mrs Kelly said that this group of amendments is about the protection of victims and witnesses. I believe that that is the case in every aspect of what we are looking at, whether we are looking at committal reform or the specific issues around disclosure. There is a lot in this that is about ensuring that people are better protected and better looked after across the justice system generally. We should be grateful for that, as we look at issues like domestic violence, protection orders and protection notices, as we look at disclosure and as we look at the way in which committal is run. It is about protecting victims and witnesses, which has been a key aim of the Committee since justice powers were devolved. On that issue, there has been good partnership, which is absolutely correct.

In the final contribution, Mr Allister ensured that all was not sweetness, light and harmony in the Chamber. First of all, he admitted that he was not here to hear my opening contribution. It is slightly difficult when you do not know exactly what was said in the opening remarks. When he said that it was clear to him that the Minister wished to dilute the will of the House, he contradicted every other Member of this House who has recognised that there has been good and close working partnership between Members of the House, particularly members of the Justice Committee, and the Department, whether it is the officials or the Minister. That was absolutely not the case. The case was to take account of what was said at Consideration Stage and ensure that we put things right.

I was accused of springing an amendment on the House by someone who produced an idea without any discussion with anybody that, on advice from legislative counsel,

did not sit easily with existing legislation. He produced that without notice at Consideration Stage and then he accused me of, in my response, springing something on the House. It was absolutely clear, from the discussion at Consideration Stage and with the Committee afterwards, that there was a will to make amendments to the amendments that were provided on the issue of committal. If I am asked to choose between taking advice on what is proper drafting from legislative counsel or from Mr Allister, I will choose the advice of legislative counsel. If I am asked about what the effects will be on the court, I will take advice from those who have specific experience of how it runs.

What we have put forward in the first group of amendments is a reasonable and workable programme that will ensure that the changes that were made at Consideration Stage are made better, that we deal with the specific issue of the charity recognition to ensure that we can better protect the victims of human trafficking, and that everything else we are doing is designed to improve our overall commitment to improving services for victims and witnesses across the justice system. With the exception of Mr McCartney's gracious recognition of the difference between amendment No 3 and amendment No 4, I commend all the other amendments to the House.

Amendment No 1 agreed to.

Clause 7 (Preliminary investigations)

Amendment No 2 made:

In page 5, leave out lines 7 to 12 and insert

"7.—(1) The Magistrates' Courts (Northern Ireland) Order 1981 is amended as set out in subsections (2) to (5).

(2) After Article 29 insert—

'Committal proceedings for indictable offences

29A.—(1) Committal proceedings in a magistrates' court in relation to an indictable offence are to be conducted—

(a) in a case where the court directs under this Article that a preliminary investigation is to be held, by way of a preliminary investigation;

(b) in all other cases, by way of a preliminary inquiry.

(2) An accused may apply to the court for a direction that a preliminary investigation is to be held.

(3) Magistrates' court rules may make provision in relation to an application under paragraph (2), including provision—

(a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;

(b) requiring an application to be made before a prescribed time;

(c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(4) The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if)

the court is satisfied that a preliminary investigation is required in the interests of justice.

(5) In determining an application under paragraph (2) the court shall in particular have regard to—

(a) the nature of the offence or offences charged;

(b) the interests of the persons likely to be witnesses at a preliminary investigation."

(3) In Article 30 (preliminary investigation) for paragraph (1) substitute—

"(1) This Article applies where committal proceedings are conducted by way of a preliminary investigation following a direction under Article 29A."

(4) Omit Article 31 (preliminary inquiry at request of prosecution).

(5) In Article 32 (preliminary inquiry: service of documents)—

(a) in paragraph (1) for the words from the beginning to the end of sub-paragraph (a) substitute—

"(1) A reasonable time before the day fixed for the conduct of committal proceedings, the prosecution shall—

(a) provide the clerk of petty sessions with copies of the documents mentioned in sub-paragraph (b); and";

(b) in paragraph (1)(b) omit—

(i) the words "a copy of that notice together with"; and

(ii) the words "a reasonable time before the day fixed for the conduct of the preliminary inquiry";

(c) omit paragraph (3).

(6) In section 4 of the Criminal Jurisdiction Act 1975 (trial of extra-territorial offences) for subsection (3) substitute—

"(3) Where a person is charged with an extra-territorial offence so much of Article 29A of the Magistrates' Courts (Northern Ireland) Order 1981 as affords to the accused a right to apply for a direction that a preliminary investigation is to be held shall not apply, and the procedure shall be by way of preliminary inquiry under that Order, and not by way of preliminary investigation."

(7) Section 3 of the Justice and Security (Northern Ireland) Act 2007 (committal proceedings for trial without a jury) is repealed."— [Mr Ford (The Minister of Justice).]

Clause 8 (Mixed committals: evidence on oath at preliminary inquiry)

Amendment No 3 made:

In page 5, leave out lines 14 to 16 and insert

"8.—(1) Article 34 of the Magistrates' Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.

(2) After paragraph (1) insert—

"(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).

(1B) Magistrates' court rules may make provision in relation to an application under paragraph (1A), including provision—

(a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;

(b) requiring an application to be made before a prescribed time;

(c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.

(1D) In determining an application under paragraph (1A) the court shall in particular have regard to—

(a) the nature of the offence or offences charged;

(b) the interests of the persons likely to be required to give evidence at the preliminary inquiry.

(1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2)."

(3) In paragraph (2) for the words from the beginning to "may each require" substitute "The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require".— [Mr Ford (The Minister of Justice).]

Mr Deputy Speaker (Mr Beggs): I will not call amendment No 4 as it is mutually exclusive with amendment No 3, which has been made.

Clause 48 (Child protection disclosures)

Amendment No 5 made:

In page 35, line 1, leave out subsections (2) to (4) and insert

"(2) In Article 49 (1) (interpretation of Part 3)—

(a) after the definition of "agencies" insert—

" "child" means a person under the age of 18;

"conviction" includes—

(i) a conviction by or before a court outside Northern Ireland;

(ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

(iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;"

(b) after the definition of "specified" insert—

" "relevant previous conviction", in relation to a person, means a conviction for a sexual or violent offence by

reason of which the person falls within a specified description of persons;"

(3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

"(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person."

(4) In Article 50(3) for "Paragraph (2) does" substitute "Paragraphs (2) and (2A) do".— [Mr Ford (The Minister of Justice).]

New Clause

Mr Deputy Speaker (Mr Beggs): We now come to the second group of amendments for debate. With amendment No 6, it will be convenient to debate amendment No 7. Members will also note that a valid petition of concern has been received this afternoon to amendment No 7, so the vote on that amendment will not be taken today and will require cross-community support.

We will continue with the Further Consideration Stage of the Justice Bill up to and including the Question on amendment No 6. I will then ask whether amendment No 7 is to be moved. If amendment No 7 is moved, we will be unable to proceed beyond that point today. If that is clear, we will proceed.

Mr Ross: I beg to move amendment 6: After clause 81 insert

"Unpaid community service after early release

81A. In Article 19 of the Criminal Justice (Northern Ireland) Order 2008 after paragraph (1) insert —

"(1A) The Department may by regulations, having consulted the Probation Board, provide for a community service scheme, under which a person released under paragraph (1) may be required to engage in unpaid community service for the remaining period of the fixed term they would have served but for their early release."."

The following amendment stood on the Marshalled List:

No 7: After clause 89 insert

"Sentencing for violent offences against older people

89A.—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.

(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) For the purposes of this section "violent offence" means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more

or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) If there are exceptional circumstances which justify—

(a) the imposition of a lesser sentence than that provided for under subsection (2), or

(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,

the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.

(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.

(6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.

(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—

“and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.— [Mr Poots.]

Mr Ross: I noticed that Mrs Kelly spoke about how excited she was about the first group of amendments. Given that she is not here now, perhaps she does not find the second group quite as exciting. Perhaps she will make an appearance later on.

I will speak to amendment No 6 in my name and make some general comments on amendment No 7, which stands in the name of my colleagues Mr Poots and Mr Givan. As the Committee will know, since taking up post, I have been keen to examine how we can take a more innovative approach to justice, making the criminal justice system in Northern Ireland quicker, fairer and more accessible and, ultimately, one that makes us safer by protecting the public and rehabilitating criminals.

As I have said many times before, just as the global downturn forced private-sector organisations to improve their levels of efficiency and look at doing things differently to ensure that outcomes improve, so too should government and the public sector use the environment of public-spending reductions as a springboard for reform and innovative approaches to policy. I am keen to look at how we can deliver better outcomes in justice through

being more cost-effective, ensuring that rehabilitation reduces the chance of reoffending and ensuring that victims and the general public are content that offenders are punished appropriately for the crimes that they commit.

By way of background to my amendment, on 28 May, at my request, Department of Justice officials briefed the Committee on the commencement of articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008. That followed similar briefings received by the Committee back in February and May of 2012, at which Committee members considered the consequences of commencing the named articles.

Article 19 provides the Department with a wide-ranging discretionary power to release prisoners early if it were so minded, without the need for any recourse to the Assembly or the Justice Committee. I think that it is prudent to establish that the bar is set very high for those prisoners who would meet the criteria and that any prisoner who is in any way a risk to society will not be eligible. That includes perpetrators of serious crimes such as violent or sexual offenders; those with terrorist convictions or who are in prison for an extended custodial sentence; a prisoner who is subject to a hospital order or a transfer direction under the Mental Health Order 1986; a prisoner who is liable for removal from the United Kingdom; or a prisoner who has been released on licence under the article and recalled subsequently during the currency of the sentence. However, if we are of the belief that prison serves the dual role of punishment and rehabilitation, we should recognise that, in limited circumstances, the Department may consider it appropriate to provide for a conditional early release of a prisoner. Whilst it is unlikely that the types of offences that we are envisaging under the scheme will have resulted in any direct victims as such, if the offender committed a crime in which there was an individual victim, that victim should be fully informed and, indeed, be part of the process.

Articles 26 and 30 of the order are commenced at the same time as article 19 and provide for individuals to be subject to a curfew and recall during the early release period. Although the current law allows for prisoners who are deemed to be low risk, with excellent behaviour while in prison, to apply for early release, the way in which the order is currently drafted means that, although attendance at AA or anger management meetings can be applied, the Prison Service, the Department of Justice or the Probation Board cannot, as part of the early release scheme, compel individuals to see out the remainder of their sentence in a community service scheme or unpaid work programme. Although I am personally open to the idea of looking at alternatives to custodial sentences for low-level first-time offenders, I also believe that, if individuals are sentenced to a particular length of time, they should serve out that period.

I therefore offer amendment No 6 to the House in the hope that it does two things. First, I hope that it will ensure that those who are sentenced to a period in which they lose their liberty see out that sentence but, secondly, that it will allow for the end of their sentence to be in the form of a community service, with a graduated return to normal life. That not only ensures that those successful in getting conditional early release must still pay back their debt to society in a more meaningful way but transitions them into normal life and work and, importantly, ensures

that the taxpayer does not have to keep them in prison unnecessarily.

6.30 pm

Conditional early release is not in itself a novel concept and is utilised in the rest of the United Kingdom and, indeed, in the Irish Republic. In fact, the model that I propose is similar to that operating in the Irish Republic. Officials here have already indicated that they and the Probation Board are keen to examine the possibility of introducing the scheme to Northern Ireland.

The Irish Republic's scheme came about following the report of the Thornton Hall project review group in July 2011. That report, amongst other things, noted the powers of the Irish Government to release a prisoner early to reintegrate that prisoner into society and suggested that, as a positive step, the Justice Minister should introduce a form of earned temporary release with a requirement for community service to prepare prisoners for release on completion of their sentences. The introduction of community service orders, therefore, required an offender to perform an activity in the community, such as unpaid work, which allows offenders to repay their debt to society and to pursue reform, rehabilitation or reparation in the community.

Evidence suggests that this is a successful programme that reduces reoffending rates and is a more cost-effective way to rehabilitate offenders. Whilst reducing the prison population should not be the primary motivation, there could be modest cost savings from the scheme. I appeal to the House to support amendment No 6 to ensure public confidence in the requirement for prisoners who are eligible for early release to see out their sentence in the form of community service and to help to transition low-risk offenders into the general population.

Mr Elliott: I thank the Member for giving way. I just have a query. He has put forward a very interesting amendment. Has he had any discussions with the Probation Board or any of the other criminal justice agencies about the proposal? It would be interesting to hear what they have to say.

Mr Ross: There have been two levels of contact. First, in Committee, when officials briefed the Committee, and I raised the issue with them directly — they said that they were interested and were certainly supportive of a move towards a scheme similar to that in the Irish Republic — and, secondly, informally, through discussions that I have had with members of the Probation Board, who also support it. The Minister is also generally supportive, although it would take time to work out some of the detail. Those whom I have spoken to about this scheme have been very supportive.

I turn to amendment No 7, in the names of my colleagues, which deals with violent offences against older people. I am aware that a petition of concern has been lodged against this. I am sure that all of us, at some stage in our work, have had to visit elderly constituents who have been attacked in their home or robbed on the street close to their home. Indeed, I recall visiting one elderly woman in Monkstown who had been mugged for only a few pounds and a gold necklace and was terrified to leave her home in case she was attacked again. The public are quite rightly outraged at this type of attack against vulnerable members of our community and want action taken against those

who perpetrate such despicable acts. This undoubtedly motivated the two Members to bring forward their amendment.

I believe that violent offences should carry a heavy sentence, and anyone who attacks people incapable of defending themselves deserves to be put behind bars for a significant period. It is clear that, as public representatives, we have a responsibility to act on behalf of the wider community, and I have no doubt that most members of the public will support the motivation behind this amendment. However, I also respect the separation of powers, which respects the independence of the judiciary when determining appropriate sentences, and, for that reason, I am always cautious of the imposition of mandatory minimum sentences by a legislature.

This amendment, however, in many ways, seeks to find a middle ground between the expectations of the public and the independence of the judiciary. Most Members should at least acknowledge that this evening. Clause 89A(2) provides the discretion for the courts that I believe is fundamental to ensuring that justice is served. It states:

“The court shall impose a custodial sentence for a term of at least seven years ... unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.”

That discretion means that a judge can take into consideration the personal circumstances of the alleged offender when handing down a sentence. In circumstances in which a person was abused by someone now over the age of 65, whom he confronts, leading to a physical altercation, the context of the altercation is fully taken into consideration.

I know that Members who tabled a petition of concern this evening will argue either that they are opposed to mandatory minimum sentences in principle or that they believe that seven years is too high, but I would have thought that they would at least acknowledge that Mr Poots and Mr Givan, in the wording of their amendment, have addressed the unintended consequences that could flow from the —

Mr B McCrea: Will the Member give way?

Mr Ross: Yes.

Mr B McCrea: I am interested in the argument that the Member has put forward, but the amendment, with so many caveats in it, seems to be meaningless, in that there are so many exceptions. If he supports the amendment, can he tell us why and what difference it will actually make?

Mr Ross: What is clear from the amendment is that it is almost like a starting point. The legislation on minimum sentences, including that in Great Britain, has a starting point. It is the legislature saying that, because of the type of offence that we are talking about, there is a public concern, and this is a sentence that the legislature thinks appropriate. However, I also firmly believe that there needs to be discretion for the judiciary to allow for certain circumstances, and that is the point that I made. For Members concerned about a minimum sentence, I think that the inclusion in the amendment of discretion for the courts is a responsible one that should ease concerns that there would not be such discretion.

A clear message is being sent out that we take attacks against the elderly very seriously. It makes sure that there is some comfort for elderly members of the community who are very nervous about being attacked in their own home, and it sends out a strong message to those who would target the vulnerable that those issues are taken very seriously. It provides a framework for the judiciary as well. However, as I said, there is a petition of concern on it. That is unfortunate, but we will listen with interest to the contributions from Members explaining why they are opposed to it.

Mr Allister: Will the Member give way?

Mr Ross: I will give way. I was just about to sit down.

Mr Allister: The amendment is not clear on whether it is supposed to apply to all courts, whether it is just the Crown Court or whether it is also the district courts. Could that be clarified?

Mr Ross: It is my understanding that the district court would not be able to deal with these issues, so that would not be appropriate, but, as I said, the amendment is not in my name. Perhaps the individuals who tabled the amendment will wish to elaborate on that for Mr Allister. I have made general comments on it from my point of view, but I suspect that Mr Poots will address that in more detail when he moves the amendment in his name.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I will speak first on amendment No 6, which is tabled in the name of Alastair Ross, and we will support it. I think that, in outlining the reasons why he brought the amendment to the debate today, he put it in context. The Department briefed the Committee on a number of occasions about a procedure that it will use to release prisoners early from their sentence. The Chair, Alastair Ross, spoke about the bar being set and how it will be done to ensure that the people who are released early pose absolutely no risk to the public. Rightly, he identified a gap: whereas other stipulations can be put on a prisoner on release, there was a gap in relation to community service. I think that this was an appropriate mechanism to address that.

The wording of the amendment allows a degree of latitude for the Prison Service and the Probation Board so that it does not become a stipulation. That is in case there are other things that prisoners might do on release. They might take up full-time employment, and community service, if not a hindrance, might certainly reduce their prospects of that. What it is designed to do, in much the same way as if someone was given a sentence that included a probation order, is give rise to conditions that will assist that. In that context, we will support it.

We will oppose amendment No 7, tabled in the name of Paul Givan and Edwin Poots.

Further Consideration Stage is not the appropriate time to bring this type of new clause in front of the Assembly, given the breadth and depth of it and perhaps the discussion that is needed on it. Attacks on older people and how they are treated by the justice system are something worth discussing, certainly worth highlighting and therefore definitely worth campaigning for. However, my party's opinion is that the remit and intent of the clause is such that it would require the full scrutiny process of the

Assembly to ensure that we do the right thing with regard to any legislative process.

Mr Givan: Will the Member give way?

Mr McCartney: I will indeed, yes.

Mr Givan: Will the Member concede that this is the very same point that he made about an amendment on the regulation of private abortion clinics and that when we did that, the Members opposite issued a petition of concern? Sometimes, it does not really matter what we are going to do: if you are opposed in principle, you will use these arguments, but they are not actually substantive.

Mr McCartney: During the recent debate, we said that the approach taken was the principle of full scrutiny, but we also outlined reasons why we opposed the intention of that amendment at that time, so it was a two-pronged approach. This is a two-pronged approach as well. Who knows what our approach would be if this were brought through full scrutiny. We have reservations about minimum sentencing. I will go into that shortly. The reason why I said it was that, this afternoon, the Health Minister moved the Second Stage of the Mental Capacity Bill in the House. He talked about the long process of framing that Bill. He talked about the long process of scrutiny that the Ad Hoc Committee, of which I am a member, will give to the Bill. He cautioned the Committee about amendments — I suppose, from his point of view, correctly — and that sometimes, even after full scrutiny, the intention of an amendment can take a Bill in the opposite direction. He said that when you legislate in haste, you sometimes have to repent at leisure. That is an appropriate observation, if you like, for this amendment.

A number of people pointed out the deficiencies, from their point of view, in the way in which this has been proposed. Only two Members have spoken, so I assume that others, when they speak, will look at it in a number of ways. We believe that to come at this stage of a legislative programme with a proposal like this, with no scrutiny process, does not allow the issues to be considered by the stakeholders involved: the justice agencies, the PSNI and, I suppose, even the Sentencing Council. Their views would, in my opinion, allow us to inform ourselves better of how we should take this forward and, in particular, how we deal with the issue.

I have elderly parents. I accept that the vulnerability of older people is something worth discussing. It is worth reminding ourselves that perhaps they do not feel as protected as they should. The process to take us to the conclusion is not to come in at Further Consideration Stage. I think that we all accept that Further Consideration Stage is the part of the process where you tighten up deficiencies after all the scrutiny. While the proposers may be well intentioned, I think that, in many ways, this is a process of circumventing the system. The point can be made — I will make it here, too, to the Justice Minister and, indeed, to any other Minister — that sometimes when a Bill is so broad, and we had a discussion about this previously, it nearly becomes a miscellaneous Bill. When it becomes a miscellaneous Bill, you lay the ground for this type of clause or amendment to be brought in at the last stage. It is totally legitimate with regard to the process, but with regard to the outcome, it is far from that.

If this ever resurrects itself in another guise, and so that I am not accused of saying that we should have full scrutiny

but that we still POC'd it at the end, I want to say that there are issues around minimum sentences. We have discussed this before. There have been other motions in the House and indeed circumstances when legislation was seeking minimum sentences and we spoke against them. I well remember a private Member's motion dealing with this issue. A number of Members said that a minimum sentence did not allow for judicial discretion or the circumstances to be taken into account.

6.45 pm

There is even the framing of this amendment. Many would ask, "Why 65? Should the same protections not be offered to 64-year-olds?" The amendment may be well-intentioned to try to deal with an issue that we need to deal with, but, in our opinion, this is not the way to do it. With that in mind, particularly around the principle of no scrutiny, we were certainly willing to sign a petition of concern.

If it is brought back to a Committee, we will certainly raise the other points around clarity, minimum sentences and even whether it is an idea to pick an arbitrary figure and say that some will be protected at that age and others will not. That is something that we will discuss at that stage, but for the purpose of tonight's debate, we are supportive of the concept and use of the petition of concern. Go raibh mile maith agat.

Mr A Maginness: The SDLP is supportive of amendment No 6, and we commend Mr Alastair Ross for bringing it to the Committee and the House. The amendment will fill a gap that he spotted. It does not exclude the possibility of a prisoner who is released early from, if it is appropriate, getting gainful employment. In any circumstance, one would desire that to happen, and it is important that this is permissive rather than mandatory.

In a way, that helpfully leads into amendment No 7, on sentencing for violent offences against older people.

Mr B McCrea: Will the Member give way?

Mr A Maginness: Yes, indeed.

Mr B McCrea: Just before you move on to amendment No 7, I am interested in your thought processes regarding the permissive nature of amendment No 6. It seems that these terms are quite loose: that people "may be required". If it is such a good idea, should we not be a wee bit more exacting in the matter? Why does the Member favour that form of the amendment?

Mr A Maginness: First, it fills a gap, and, secondly, it provides a flexibility that is helpful in dealing with the early release of prisoners. In circumstances where a prisoner has gained early release, we have to provide, in my view, an environment in which that person can constructively live in the community and, to some extent, pay for the harm that he did to the community.

I believe that Mr Ross and his colleagues intend for this provision to do that, and that is a worthwhile objective. It remains to be seen how it would work in practice. Nonetheless, it is better that a person who is released from prison early, who is carrying out work in the community gratis, without being paid for that, is provided with discipline and a structure to their lives that might otherwise be absent. It does not exclude a person, where an opportunity arises, from taking up gainful employment. I will give way to Mr Ross.

Mr Ross: I thank the Member. He is explaining very well the rationale behind the amendment and its importance to someone who has been released from prison. We are talking about very low-level people who have had model behaviour in prison but who have the opportunity to turn their lives around and contribute to society. He is absolutely right on that point.

The other point is that the flexibility that the amendment offers is important. It allows the Probation Board, which is ultimately the organisation that is responsible for monitoring offenders, to work with the Department to ensure that the detail on this is adequate. I think that it is important that we allow the Probation Board, the Prison Service and the Department to work together to bring that forward. I am sure that the Minister would commit to consulting with the Committee as the detail of this is worked out. However, I think that the principle of this is something that everybody should be able to support.

Mr A Maginness: I am not sure whether our combined efforts satisfy Mr McCrea. As I said, the fact that it is not mandatory is a useful entrée into the next amendment, amendment No 7, which is mandatory and which we in the SDLP oppose.

People are quite rightly outraged by violent offences against older people. That goes without saying, and I think the whole House would defend older people against violent attacks. That is right and proper, and the SDLP, amongst other parties, supports that. However, I have to say that there are other violent crimes against other categories of individuals. Violent crime is something that is repulsive and something that all of us condemn, but there are other categories of people that we could select as being extremely vulnerable, such as vulnerable adults, those with learning difficulties, those with mental health difficulties —

Mr McGlone: I thank the Member for giving way. I hear entirely what the general thrust of the amendment is about. I think that Members will recognise this, as they have sat through the evidence-taking sessions on the Mental Capacity Bill and heard of the frailties and vulnerabilities of people who find themselves in those situations. They could equally be regarded as vulnerable and as subject and more susceptible to violent acts, and, indeed, as people on whom others prey. While I hear the general thrust of what you are saying, and I agree with it up to a point, you have to say that there are others who would equally fit the bill of being prone, vulnerable and susceptible to violent acts.

Mr A Maginness: I could not have put it better myself. The point that has to be made is that the authors of the amendment — I do not, in any way, impugn their motives — have selected the category of older persons. That is a category that is deserving of protection and support, but as Mr McGlone said, there are other categories. Children are, of course, one such category. We have talked about older people, and we could talk about children, who particularly require protection, help and support.

There is no opposition to the general thrust of amendment No 7, but it is focused on one particular group. Our objections to amendment No 7 are much wider than its selective nature, no matter how deserving that category. Our objections are, in essence, to the mandatory nature of the amendment. It means that a mandatory minimum

sentence of seven years will be imposed on somebody who is convicted.

As a party, we take the view that mandatory minimum sentencing is not in itself a good thing. There are certain exceptions where it, in fact, is done. In excess alcohol cases, for example, you will lose your licence for six months, a year or whatever. Those are mandatory minimum sentences, but they are the exceptions. Murder, of course, carries a mandatory life sentence, although that is an expansive term. A life sentence is an elastic term because it can mean a wide range of years of imprisonment. Mandatory minimum sentencing is a very limited thing, and we should proceed cautiously in creating a new mandatory minimum category that, effectively, ties the hands of the court in exercising its judicial discretion. I listened carefully to what the proposer said in relation to exceptional circumstances and understand that that, to some extent, qualifies the mandatory nature. Nonetheless, from our point of view, it is still not an acceptable proposition. We do not believe that you should constrain the discretion of the court to the extent that the amendment does.

The other point I want to make on this is that the tariff is seven years. I do not know how the supporters of the amendment arrived at seven years. You could easily have arrived at five years, four years, 10 years or whatever. There is no visible rationale for arriving at what I would suggest is an arbitrary figure of seven years. I recognise that it is a fairly substantial sentence, but where is the rationale for arriving at the specific figure of seven years? That has to be fully examined.

(Mr Speaker in the Chair)

Proposed new clause 89A(3) states:

“For the purposes of this section ‘violent offence’ means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).”

I quote that, but the material point I want to make is that the offence relates to:

“physical injury to a person aged 65 years or more”.

Now, if Mr McGlone were over 65 — he is not; he is a very young man — and I gave him a clout on his head, which of course I would never do, and he sustained injury, would I be within that category if I was found guilty? Would the court then decide or feel obliged to impose a seven-year sentence? My point is that physical injury in the context of the amendment is ill defined; in fact, it is not defined at all. I understand the proposer’s intent, which, I assume, is to deal with a much more serious injury than simply giving Mr McGlone a clout on the side of the head. It is something that I would have thought would cause some sort of serious injury. That requires definition, but that definition is not contained in the amendment. The amendment is defective, at least in that regard. I could explore that even further, but I will not do so. It is sufficient to raise that point, which shows a specific and, I would say, fatal weakness in the amendment.

7.00 pm

I will make one further point, and it is a point of substance. The amendment — I know that it is well intentioned, but it is ill thought-out — should really have been discussed at the Justice Committee thoroughly in detail. We should have heard evidence in relation to the proposal. Mr McCartney made a fair point on that. That did not take place. It is such a serious proposition and such a point of substance that it requires further examination, and it would have required the full attention of the Committee in a series of meetings and discussions. That reason also makes the amendment something that should not be acceptable to the Assembly.

The final point is this: we employ judges to make decisions and to exercise judicial discretion. We put a lot of faith and trust in judges. Sometimes, they get it right; sometimes, they get it wrong. The point is that we appoint people to judge and to exercise a judicial discretion. What we are doing in the amendment is removing that judicial discretion. It is something of value. We could replace our judges with computers and just feed in the information to the computer and get the result, but we do not do that; we employ a human being who is experienced and legally trained to exercise judgement and discretion. We should leave it at that. The amendment, whilst well intentioned and based on a need to protect the vulnerable in our society, particularly the elderly, is ill thought-out and defective. Therefore, we in the SDLP cannot support it.

Mr Elliott: These are some of the more controversial amendments at Further Consideration Stage today. Mr Allister’s amendment No 6, which concerns unpaid community service, is quite interesting. Who has heard of that for some time? It is a positive contribution, in fairness, to the justice system. We want to give alternatives, different mechanisms and means as opposed to custodial sentencing. That is one option. It is an interesting project and proposition, and it will probably find support around the House. I was interested to know about the discussions that he has had, particularly with the Probation Board. He outlined the informal discussions, and, when some people gave evidence at Committee, he probed on that. It seems to be one that will gather momentum. There are some outworkings to be carried out in relation to how it would progress, but that is an opportunity for another day. The principle of what Mr Allister proposes is probably well grounded.

There is somewhat more controversy on amendment No 7. I hear what Members are saying around the Chamber. I listened to Mr Maginness intently when he said that people were rightly outraged by attacks against older people. He is absolutely right in that, but many people are outraged at the lenient sentences that are often handed out by the courts. People are equally outraged by that.

Mr A Maginness: I thank the Member for giving way. From time to time, people are outraged by lenient sentences, but we have not heard any evidence in the House today or at the Justice Committee on the issue of lenient sentences, particularly in relation to violence against older people. That is why I suggest that the amendment is based on what I would suggest is a false premise. We have not been able to properly analyse the problem that the amendment is supposed to address. If the Member has evidence in relation to lenient sentences that is more than

simply anecdote, he should present that evidence to the Assembly.

Mr Elliott: I thank the Member for that. We do not have to think back too far: although it was not for violence against older people, there were lenient sentences for the people who mistreated the dogs. There was actually a campaign. We hear on a regular basis about the courts handing out lenient sentences —

Mr B McCrea: Will the Member give way?

Mr Elliott: I will give way in a moment.

I am happy to take evidence, but it is somewhat remote of us to say that we should not bring it forward at this stage. I accept the point that it probably would have been better to have a discussion in Committee — I do not disagree with that — but we have another group of amendments coming later that have not been to Committee that the SDLP has co-signed. They have been to Committee on a different aspect but not for the Justice Bill.

Mr B McCrea: I thank Mr Elliott for giving way. On his point about leniency and how the public are not happy, does he agree with Mr Wilson that judges are a bit out of touch with the rest of society, or does he take a different view?

Mr Elliott: I thank the Member for that. I am sure that some people would say that politicians are out of touch with society as well. People of all shades will indicate that some judges may be out of touch. I am not saying that they are; I am not making any judgmental decision on that. All that I am saying is that, at times, people are frustrated at lenient sentences. People in whatever profession will always come in for criticism. A car mechanic will often get criticism for not changing some part on your car. It is natural that people will get criticism, whether they are judges or anyone else.

Mr Maginness also raised the issue of needing to look at other aspects as well as violence as against older people and said that maybe we needed to look at violence against vulnerable people. Maybe we do. I am not one for putting a carte blanche process in place whereby there is a minimum sentence for everything, but there are some aspects where there is a requirement for minimum sentencing. Maybe violence against vulnerable people is another of those. I certainly think that serious violence against older people is one.

There are a couple of queries in the amendment that I would like to hear clarified. I know that the Members who tabled the amendment have not yet had the opportunity to speak, but I will put it on record now that subsection (3) of the new clause reads:

“For the purposes of this section ‘violent offence’ means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson”.

Is the point about arson linked to the aspect of physical injury, or are they separate issues? I am looking for some clarity on that. Also, subsection (4) talks about “exceptional circumstances”. I would be interested to hear the Members’ views on how wide those exceptional circumstances will carry.

I know that somebody said earlier that, if there are so many exceptions, what is the point of putting it in. I do not accept that point. I think that you can, and should, have exceptions. All that I am looking for is for the signatories to the amendment to put on the record in the House what those exceptions are.

By and large, I do not give minimum sentencing carte blanche support, but I think there is a point to having it in certain cases. I think that the public are outraged that there is such violence against older people and such lenient sentences handed down in some cases of violence against older people, and, indeed, in other cases.

Mr Dickson: I welcome the opportunity to speak to the second group of amendments. They relate to early release conditions and some sentencing proposals, as we have heard in the debate. I do not intend to go much beyond what at least two of the Members who spoke said this evening, but I want to contribute to the debate on amendment No 6, which was proposed by Mr Ross.

There is considerable merit in what he is proposing. It seems to me that he is taking us in a restorative and positive direction, although I have some concerns that bringing forward such an amendment may veer into the realm of departmental policy. Therefore, I think it is important that, as we work this through, collaborative work is done by the proposer and the relevant agencies and the Department to see the amendment’s practical workings.

Mr B McCrea: Will the Member give way?

Mr Dickson: Yes.

Mr B McCrea: It is interesting that the Member is supportive of amendment No 6. Will he outline some of the detail behind it?

Mr Dickson: That is the very point that I was making. When such an amendment comes forward, it is important that we have an opportunity to go through the detail of it. That is why I was suggesting that it veers into the realm of departmental policy. We as Committee members will receive that policy and see in detail the practical workings of those things. Having been at the meetings that Mr Ross referred to, and given that there are agencies out there that can deliver on prisoners being provided with that type of work on release, I am generally satisfied that it is a road that we should continue down, and continue down in the Bill.

Mr B McCrea: Will the Member give way?

Mr Dickson: Yes.

Mr B McCrea: When I was on the Justice Committee, there were discussions about community service, and suggestions were made that people should wear clothing that is easily identified. Does the Member think that that is an area that we ought to be going into? Do we need to look at that in more detail?

Mr Dickson: I well remember the debate about the type of clothing. I found that to be a particularly offensive aspect of it. Certainly, having listening to Mr Ross, I do not believe for one second that that is the area that he is intending to veer into in any respect. In fact, the discussion about those prisoners who are going on early release and who, for example, have gained remunerated employment in the community would be facilitated.

The issue has been substantially worked through in the Republic of Ireland. This might be an opportunity for the Committee and its Chair to deal with and explore those issues further. There, a requirement is placed on the Minister to look at it as an alternative, and it requires the Department to work up an appropriate scheme to deliver it.

I will turn to amendment No 7. It is the area that causes me the greatest concern. Put simply, if implemented, it is my belief that amendment No 7 will make for bad law. Any violent crime against any person is unacceptable, regardless of that person's age or circumstances. We have heard Mr Maginness and others provide us with long lists of many people who are vulnerable, or who perhaps are not vulnerable but become vulnerable as the result of a violent crime against them. While there have been horrendous circumstances in which people who are perhaps older have been traumatised by violent crimes against them, to single out those who perpetrate crimes against older people as a particular section for a particular type of sentence is very difficult.

Indeed, to draw an arbitrary line at the age of 65 causes me concern. One of my party colleagues is 65 tomorrow, so if she were violently assaulted today, a judge might award a three-, four-, five-, six- or seven-year sentence against the perpetrator, but tomorrow they would have to implement a seven-year sentence. The judge would have no discretion whatsoever to take into account the circumstances of the event. We should allow the judge to do what none of us in this Chamber can do. We can hypothecate for as long as we like, but until we hear the actual circumstances and the detail of what has gone on, it is impossible to provide the appropriate sentence and regime for dealing with the matter that occurred.

7.15 pm

It is perhaps even less wise that we attempt to usurp the position of judges by sticking an amendment onto legislation that bears little resemblance to the legislation in the first place. One could, indeed, conjugate any number of circumstances that would mean that a person could go to prison as the result of a minor scuffle due to the loose wording of this poorly drafted amendment.

Violent crime against any member of society is, as I said, unacceptable. We must do what we can, and what we should do is prevent it through good crime prevention. When such crimes happen, we should rely on our judges to deliver justice. The proposed amendment will not do that. It will cause confusion, and that is an inappropriate way to deal with this matter. Like others, my party and I have concerns about mandatory sentences for the very reasons that I outlined. Once we make law, it is our role to pass that to the judiciary, and it is for that arm of the law to determine the appropriate sentence for the crime that has been committed. In the circumstances, therefore, I will not support the amendment, and I call on the House to oppose it.

Mr Douglas: I support amendment No 6, which has been tabled by my colleague the Chairman of our Committee. I will make a few general comments, because there seems to be some consensus among Members present.

We are not debating a new idea in conditional early release. It has been utilised for some time in other

jurisdictions, as ideas on how best to rehabilitate and resettle offenders change and develop.

We are talking about an extensive early release scheme, such as exists in Great Britain and the Republic of Ireland. England and Wales, for example, together with Scotland, operate home detention curfew arrangements, while the Irish Prison Service launched a community return scheme in 2011. Those schemes see sizeable numbers of prisoners released early from the custodial parts of their sentences. In the Republic of Ireland, the community return programme is an incentivised scheme that provides for earned temporary release, under which offenders who are assessed by the Irish Prison Service are offered early temporary release in return for supervised community service. Officers of the Probation Service assess offenders as to suitability and motivation to complete the community work.

I suppose that, in one sense, we all recognise that people who receive a custodial prison sentence have been found guilty of breaking the law and are being punished by being deprived of their freedom, but here we are talking about a small number of prisoners who present a low risk of reoffending and have been model prisoners during their time in custody. Their release is under strict licence conditions. I certainly believe that it is important to reward hard work and exemplary behaviour to help low-risk offenders to reintegrate into society more quickly.

The scheme must be deliberately restrictive because we need to maximise public confidence in it, and in the wider criminal justice system, so we are targeting the release of low-risk, model prisoners. In a previous role, I worked with ex-prisoners, and I have a question to which maybe the Minister or someone else will provide a response. Certainly, in those days, some prisoners were released early because they got a job. Are we including in early release only people who are able to take up a paid job, or are we talking about those who will take unpaid community work? No takers? OK.

Article 19 already provides the Department with quite a wide-ranging discretionary power to release prisoners early, and, certainly, the Minister has that power. I welcome the departmental proposals, including:

"a number of tests, which have been drawn up to ensure that only those offenders who have demonstrated that they pose a low risk of reoffending, have been well behaved whilst in custody, have approved, stable and supportive accommodation in the community and have complied fully with all conditions imposed during any early periods of temporary release would qualify to be considered for early release."

The Bill must ensure public confidence in the scheme, and I am pleased that the Department has further tightened the original qualifying criteria. Maybe the Minister will outline the tightening-up of the criteria. The Department said that it has included:

"offences that will give rise to the presumption that a prisoner is unsuitable for early release."

The Department is clear:

"These exclusions follow closely those offences that are already applied in Great Britain on a non-statutory basis and that deem the applicant to be presumed

unsuitable for home detention curfew. They identify prisoners who have been convicted of a crime, the serious nature of which makes them unsuitable for consideration for early release, and who, if so released, could undermine public confidence in the scheme and, by association, the wider criminal justice system. While these excluded offences will not preclude an individual from applying for conditional early release (CER), their existence will deem the applicant unsuitable for release unless they are able to convince the governor that exceptional circumstances exist to support their release and that such a release will not have an adverse effect on public confidence."

I want to finish by saying that I welcome the fact that the licence will also provide a curfew condition, provided under article 26 of the order, which will require a released prisoner to remain at a particular place for a set period each day during their early release period. That period cannot be less than nine hours in any one day, and prisoners who fail to comply with the licence conditions may be recalled to custody at any time before the custody expiry date is reached. I am sure that there will be some sort of review of the scheme, and I ask the Minister to detail what the process and extent of that review will be. I support the amendment.

Mr Poots: One can consider the issues in a very clinical way, or one can look at the circumstances of our elderly people and the care and protection that society should provide for them. That is a significant duty that falls upon us. It falls upon us as a legislature, and it falls upon the Police Service, the Public Prosecution Service and the Courts and Tribunals Service. We all have to act in unison to ensure that we protect our elderly so that they do not become prisoners in their own homes. We must ensure that, as a society, we cherish and care for them.

I was reading through transcripts from my local paper from days gone by and came across the headline, "Elderly couple attacked in their home". The article states:

"A couple in their 70s were attacked and beaten by a gang of masked men who stole two guns from their home in Lisburn."

Another article states:

"An elderly couple have been rescued from a deliberate fire at their Lisburn home."

Another states:

"The elderly couple were tied up while the robbers ransacked the house."

That attack happened at Blacks Road. I can recall very vividly when a couple on the Causeway End Road in Lisburn were attacked and the man was badly beaten. Indeed, he died a relatively short time thereafter.

We need to take into account that those things are happening in our community, and we need to do something about them. The Programme for Government recognised that and indicated that more needed to be done to protect our elderly. Indeed, a motion was passed in the Assembly in November 2011 calling for tougher sentencing for those who attack our elderly. Here we are, almost four years later, and that has not happened. I know that the courts have been doing bits and pieces, but the legislature

has not taken action on the issue. That action has not happened in the Executive.

Sadly, in 2013, 4,766 crimes were perpetrated against our elderly people. I will repeat that: 4,766 crimes. Of those, about 200 involved violent attacks, 54 were robberies, 27 were sexual offences; there were 150 cases of fraud and 1,154 burglaries. And so it goes on. That is clearly unacceptable, but it is even more unacceptable that only 4% of those cases were brought to court. Does anybody honestly believe that we are doing enough to protect our elderly population? I do not.

I was somewhat surprised when I heard that a petition of concern was launched today, because who are we seeking to protect through the amendment? Elderly, vulnerable people in our community who have been subjected to violent attacks, normally by thugs or some other person who cares little for the well-being of our older population. To lodge a petition of concern on that issue is significant abuse. In the past, this party has sometimes been lectured by others about abusing petitions of concern, but it is a significant abuse of the petition of concern process to use it to stop legislation that would offer greater protection to our elderly population and community.

Mr Maginness raised the issue of the level of assault. I know that he has practised in the Bar for many years while he has not been in politics. I do not need to explain to him the difference between common assault and assault occasioning actual bodily harm. We are talking here about assault occasioning actual bodily harm. This is not about common assault; it is about violent offences against older people. That should be quite clear as it is written up in paragraph (3). I know that Mr Maginness understands that very fully.

Mandatory sentencing is not peculiar or odd. Sinn Féin has stated the position that it is generally not keen on mandatory sentencing. As Mr Givan rightly pointed out, it is using the excuse that this is coming at Further Consideration Stage and, therefore, it is expressing its views through the petition of concern. Mr Givan indicated during the abortion debate that Sinn Féin said that its approach was two-pronged and that its approach on this one is two-pronged and that Sinn Féin is against mandatory sentencing per se. We have mandatory sentencing for drunk driving here. If someone is massively over the drink-driving limit, they will lose their licence for at least 12 months; if someone is over the drink-driving limit by a minuscule amount, they will lose their licence for at least 12 months. That is mandatory sentencing in effect. I have not heard a public outcry saying that we need to get away from this mandatory sentence that is imposed on people who drink and drive. It is widely and strongly supported, and Members would do well to recognise that.

7.30 pm

In England and Wales, there are prescribed mandatory sentences for certain offences, including firearms offences, repeat drug trafficking, domestic burglary offences and certain offensive weapons offences. In Scotland, there are mandatory minimum sentences for some firearms and drugs offences. In the United States of America, federal law has mandatory sentences for certain immigration offences; identity theft; sexual offences against children; production, possession or use of fire or explosives; airplane hijacking; obstruction of justice; illegal

food stamp activity; kidnapping; hostage taking; bank robbery; racketeering and organised crime; fraud, bribery and white-collar crime; piracy; certain types of assault or battery; assault of a US serviceman; interference with Civil Service examinations; stalking and violation of a restraining order; treason; failure to report seaboard saloon purchases; practice of pharmacy and sale of poisons in China; navigable water regulation violation; deposit of refuse or obstruction of navigable waterways; deposit of refuse in New York or Baltimore harbours; violation of the Merchant Marine Act; refusal to operate railroad or telegraph lines; and so it goes on. What we are calling for is mandatory sentences for violent attacks on the elderly. I would have thought that violent attacks on the elderly were considerably more important than dumping waste, for example, in Baltimore harbour. That is accepted in other areas.

For aggravating factors in sentencing guidelines, research has identified that, in federal law again, sentencing guidelines allow for victim-related adjustments to be made. The guidelines provide that, if the defendant knew that the victim of the offence was a vulnerable victim, the sentence should be increased by two levels. A vulnerable victim is defined as a person who is unusually vulnerable due to age, physical or mental condition or who is otherwise particularly susceptible to criminal conduct. Similarly, the Minnesota sentencing guidelines include among aggravating factors the fact that the victim was particularly vulnerable due to age, infirmity or reduced physical or mental capacity and that the offender knew or should have known of that vulnerability. Very clearly, in other places, minimum sentences are not unusual and, indeed, offences that have involved the elderly are taken into account.

Other countries that have minimum sentences include Canada, Australia and New Zealand; countries that are not regarded as being particularly draconian but where good practice is followed in law.

Mandatory sentences reflect a societal judgement that certain offences demand a specified minimum sanction and ensure that anyone who commits such a crime cannot avoid punishment. It recognises that legislatures are very often better positioned than judges to make types of judgements on penalties and that legislatures have the authority to make moral and empirical decisions about how conduct should be sanctioned. Mandatory minimum sentences address two widely acknowledged problems: sentencing disparity and unduly lenient sentences. Mandatory minimum sentences prevent crime because certain and severe punishment has a deterrent effect whether we like it or whether we do not. They are an important law enforcement tool, supplying the police and prosecutors with leverage to secure cooperation and testimony of low-level offenders against more senior confederates. Imprisonment reduces the number of future victims of crime and reduces that cost that the rest of society would otherwise suffer. Those are the main reasons for mandatory sentencing.

I see that Mr Allister is amongst us, and he raised a very important issue the last time. That is why, when I brought this amendment to the House, I brought it forward as a presumptive mandatory sentence.

He raised the case, and the exceptionality clause is there when, for example, an individual may have been engaged in an act of sexual molestation against a young person.

That young person's father may have decided to take the law into his own hands, wrongly, and attacked that elderly person, who may have been 66 or 67 years of age. Of course the judge should have the ability to give consideration to the exceptionality of a case like that. There are many other cases that could be cited in which it should be left to the wisdom of judges, but those things should happen in exceptional cases.

Mr Maginness asked this question: why seven years? Why not two years, four years or 10 years? This is not going to go through tonight because of the petition of concern, but I would be quite happy to debate those issues, as we are going to have another piece of justice legislation coming to the House. I welcome that this is now being debated and that these views are being aired. There may well be a sentencing Bill coming to the House as well. So, I will be happy to test the appropriate time, but I certainly think that the lower end of the scale does not give the indication of support to our elderly community. It does not have the deterrent factor that a period like seven years would have. Therefore, I think that that is an appropriate sentencing period.

I noted that in British Columbia, a civil liberties group carried out a piece of work that was very critical of mandatory sentencing and sought to run it down. One of the cases that it made was that mandatory sentencing had increased costs by 66% whilst driving down crime by only 30%. I would consider that to be a price well worth paying. In the next Assembly mandate, I would love it if we were able to achieve a 30% reduction in crime and, in particular, a significant reduction in crime against our elderly population.

We all have a vested interest — I always said this in my previous job — in looking after the elderly, because unless we happen to die whilst we are relatively young, we will make it at some stage to being elderly ourselves. We should do everything in our power to provide that care and support for and to show that respect to our elderly community.

I have heard quite a few people saying tonight that the amendment is ill-thought-out. I have not heard the arguments to support that. I have heard a little bit of nitpicking, but I have not heard of qualitative arguments to oppose it. As I said, I am hugely disappointed that a petition of concern was used to block this particular amendment, which is about protecting vulnerable, elderly people who have supported us and provided for us over the years and who we should be providing support and care for now that we are in a position to do it.

Mr Allister: I will address myself to amendment No 7. I will begin by saying that I think that it is wholly inappropriate that a petition of concern is being used to address this matter. This is something that the Assembly should be able to debate rationally and to reach a decision upon and decide the matter on its own merits or demerits. If a proposition deserves to be defeated, it deserves to be defeated on its demerits, not because of a petition of concern. I think that is an important point to make.

I will vote against the amendment, because I think that there are always dangers when politicians put themselves in a position where they think that they know better than the judges on legal issues and when they think that the judge who might have sat and listened to a case for three or four weeks is not the person in an unfettered way to

decide upon conviction what the appropriate sentence should be, but that we, who have never heard a day of the case, should sit in this House and postulate into the future and say, "This crime should and must attract a mandatory minimum sentence". That, in principle, is foolish and wrong, and we should allow judges to do the job that they are there to do.

Also, there is some muddle in this amendment. Proposed clause 89A(3) states:

"For the purposes of this section "violent offence" means an offence which leads or is intended or likely to lead to the death of a person".

I want to stop there. It classes all those together and says that if a violent offence leads to, or intends to cause, death then a minimum sentence of seven years will apply. A very pivotal and critical component of our criminal justice system is that there is a distinction between the crime where you set out deliberately intending to inflict grievous bodily harm or kill and the crime that does not have that intention but has that eventual outcome. The law has always rightly recognised that there are gradations in sentences on issues such as that. Right at the outset, this amendment blends all that together and says, "Whether you intended it or whether it just happened, you are subject to the same minimum sentence." In principle, that is hopelessly flawed.

It then goes on to categorise in the same bracket, and I am paraphrasing, an offence that is intended to lead to the death of a person aged 65 years or more or that leads to physical injury to a person aged 65 or more. They are all the same within this amendment. Whether you actually intend the death of the senior citizen or whether you do not intend it but the offence leads to the physical injury of the person, the two are just bracketed together. That cannot be right, because the physical injury that we are talking about could be something that would not even amount to assault occasioning actual bodily harm. If someone is pushed in a scuffle, falls and breaks a finger, they have suffered physical injury. The person who did that, under this amendment, is to be subject to the same minimum sentence as the person — that the legislation even anticipates — who set out intending to kill someone. That cannot be right.

Mr Poots said that this is all about assault occasioning actual bodily harm. Is it? All it talks about is physical injury. Let us say that it is assault occasioning actual bodily harm that this is looking at. It is saying that if you occasion actual bodily harm to a senior citizen, the minimum sentence is seven years. Here is part of the muddle of this amendment: under the law, as it stands, the maximum sentence for occasioning actual bodily harm in Northern Ireland is seven years. This amendment is saying that, without purporting to amend or alter at all the Offences Against the Person Act or the Criminal Justice (No. 2) Order 2004, which increased the threshold to seven years, we are now going to import the same minimum sentence as the law provides as the maximum sentence for the offence of occasioning actual bodily harm. That just does not add up.

7.45 pm

If it is some other offences that are intended, let us remember that there are basically four gradations of

assault from common assault, assault occasioning actual bodily harm, inflicting grievous bodily harm under section 20 of the Offences Against the Person Act to causing GBH with intent, which is covered in section 18 and for which a life sentence is available. If you go out intending to cause the death of a person, whether they are aged over 65 or under 65, you are not likely to be charged with assault occasioning actual bodily harm. You are likely to be charged with attempted murder or something of that order, where the life sentence is available.

I do have to say that, no matter what way one reads this amendment, it does strike me that it is riven with muddle and confusion about what it actually would achieve. It then says that, in exceptional circumstances, the judge can set all that aside. What is the point then? What is the point in circumstances where our judges today have the full discretion as to how they sentence someone, into which they will weigh and measure the background of that person and the nature of their victim, which can be an aggravating factor, and come to a decision on what the appropriate sentence will be? That is the way that it should be. It is not for this House to apply one size fits all and say, "You will have a minimum sentence for any violent offence to a senior citizen".

Mr Givan: I thank the Member for giving way. The Assembly passed the Human Trafficking Act, which has the same exceptionality as there is in this amendment. I cannot recall whether the Member voted in favour of that. He may well have done so. I know that other people on the opposite Benches did vote in favour of that. The exceptionality is based on the same premise that the Assembly has already passed, so this is not a precedent.

Mr Allister: I may well have voted for that, but that is not the point. The point is that judges, as they presently operate, give weight to the particular and exceptional circumstances of any case. That is how they measure the sentence. This proposition wants to turn that on its head and say that you shall, in default position, impose a minimum sentence, and that, if you do not want to, you have to circumscribe the special circumstances that justify you not doing so. That is, in my view, totally undermining the judicial function and doing it in such a way that we really are getting ourselves to the point of asking the question, "Why have we got judges at all?". Why do we not just issue them with a sheet that says that assault occasioning actual bodily harm is seven years? That is really how foolish, I think, a road this is to head down.

You have to give judges the right to impose what, in their considered opinion, is the right sentence. If it is the wrong sentence, it will be capable, as a serious matter, of referral to the Court of Appeal. If it is capable of referral, the Court of Appeal can issue a guidance judgement on what sentence it expects in cases of that nature. There are many guidance judgements that set the parameters on most of these things. We are, therefore, tackling a job we do not need to tackle. We should leave it where it is.

The final point I want to make is about the muddle of this. It seems to me somewhat incongruous that someone can commit a criminal offence and then after the event, when they discover that the victim was 65, suddenly they face very different consequences. This amendment says that, whether you knew the person was 65 or not, it is an absolute liability. If they are over 65, you are hit with a minimum sentence. That seems to me to be another

dimension of politicians meddling too far in the sentencing process. I do not think anyone would suggest that I am some sort of liberal on too many issues.

Mr B McCrea: Heaven forbid. *[Laughter.]*

Mr Allister: However, there are important principles at stake in how we operate our criminal justice system. Meddling to this prescriptive extent is to take matters far too far.

Mr B McCrea: I certainly would not call Mr Allister a liberal — I am sure he will be pleased about that — but I did listen, as I do to all his contributions, and his argument was cogent. It appears to me that these amendments are for the optics. They are a stunt. They change relatively little — in fact, nothing.

I give Mr Ross the benefit of the doubt, because I know, having inquired, that he raised these matters at the appropriate stages in Committee, and perhaps there is some merit in amendment No 6. But I was disappointed, I have to say, when I heard learned Members in the SDLP and the Alliance Party eulogising an amendment that gave no detail. I think that you should look at the detail in these cases. If we are going to pass legislation, then we ought to know what it means and what we are going to do with it.

There are so many caveats to amendment No 6: “the Department may”, “having consulted” and “may be required”. It is so open, we can just give it a by-ball and have a look at the departmental policy when we get it, as Mr Dickson said. However, I have to say that there are areas that are fraught with danger. The whole issues of probation and how we manage prisoner release and reintegration into society are important and not to be taken trivially.

Mr Ross: I thank the Member for giving way. Perhaps if he had still been a member of the Justice Committee he would understand better that article 19 of the Criminal Justice Order currently gives the power to the Minister. The Minister at present is able to allow prisoners out on early release from prison. He has this power at present, without any recourse to the Committee or to the Assembly. Most Members who are coming at this amendment from an educated position have appreciated that there is a gap in the legislation. That gap is being filled by an amendment that will allow the Minister to ensure that people who get early release from prison still serve out the remainder of their sentence in a more productive way, whether that be through community service or through getting paid employment, as some Members pointed out. The Member may view it as a minor change, but, actually, it is a significant change. It is something that the Probation Board wants to see, and that is why it is important that it works up the detail of the amendment with the Minister. It is also something that I think can benefit wider society, and certainly benefit those of us who wish to see reoffenders be rehabilitated.

Mr B McCrea: I am grateful to the Member for clarifying the position. As I said, I am happy to listen to the viewpoint that he puts forward. The point that I was making is that such matters should not come forward uninformed or unchallenged. We will take a position that it is enabling, I guess. Therefore, let us see whether we can do something with it in future. My concern when I saw the amendment was around whether we had looked at the implications and thought them through. I did not know, because it has not been stated in the debate yet — perhaps it was earlier,

and I missed it — that the Probation Board was asking for those changes. Those are matters that we have to take into consideration. If I take it that there is some consensus forming around the amendment, there is no point in me going on about it, but I do think it is important that at least some people stand up and say, “Are you sure about this?”.

Let me move on to a point about which I was also disappointed. It concerns an area in which I am in agreement with Mr Allister. The thought that our justice system should abolish the judiciary and end up with this group of people making decisions fills me with horror. The idea that Mr Givan and Mr Poots are going to legislate for mandatory sentences for everything is appalling. I heard Mr Maginness say that judges sometimes get it wrong. Fair enough, but there is the Court of Appeal. There is an entire process in which people go through and review what the situation should be.

Mr A Maginness: Will the Member give way?

Mr B McCrea: Yes.

Mr A Maginness: The process for getting to the Court of Appeal is that the Attorney General looks at what is described as a lenient sentence and determines, in his opinion, that it is. It goes to the Court of Appeal, which can then look at that in depth. That is the mechanism that we have created, and we should use it.

Mr B McCrea: That is the point. I am in agreement with that. I do not support the view put forward by Mr Givan about some cultural warrior wearing a wig in a courthouse, nor do I support the view of Mr Wilson that judges are out of touch. Judges are an essential part of our democracy. There is a balance between legislation and the judicial system. We look at that situation with the full rigour of legislation, but to try to say that we do not need the judiciary or some type of group of people who can take all the facts together is frankly appalling.

I do not know whether the signatories to amendment No 7 looked at this issue, but I looked at a decision by the Court of Appeal on 15 January 2015 regarding one Edward Stuart Cambridge. I will read out what the offence was:

“In the early hours of 30 June 2013 a 58 year old woman”

— not a 65-year-old woman but a 58-year-old woman —

“suffering from numerous medical conditions which included spinal problems, arthritis and asthma was at home in her apartment in sheltered accommodation for the elderly or infirm. The appellant entered her flat shouting ‘Where is your money?’ and asking for her bank account details.”

He said other things, including:

“I am going to kill you”.

After that process was gone through, what was the statement? What did the Court of Appeal say?

It wanted to take the opportunity to state — Mr Poots brought up this issue — that the following principles applied: the starting point for robbery of households where violence is used should be 10 years — not seven years but 10 years — and this would increase depending on the age, vulnerability or infirmity of the occupiers. This would increase the sentence to approximately 15 years, which

would not be regarded as excessive. There is this notion that we should introduce seven years: why are you being so lenient? Why are you seeking to reduce this? Do you not care about the elderly and infirm? Do you not want to see the full rigour of the law against those who perpetrate violence on vulnerable people? Why are you identifying only some sections of the community? Why are you not looking at the most base attacks against women, those with mental health issues and those who are vulnerable? This is a stupid amendment. It has been tabled for some sort of optics or to get some sort of advantage.

8.00 pm

Mr Speaker: Can the Member address his remarks through the Chair?

Mr B McCrea: Mr Speaker, I am addressing my remarks through you, sir.

Mr Speaker: Be careful about using the word “stupid”.

Mr B McCrea: Mr Speaker, sir, this is my assessment of the amendment. It is not derogatory; it is my assessment of what has been put in front of me. I am entitled to that view. I will move on.

I will talk about the Judicial Studies Board for Northern Ireland’s sentencing in cases of manslaughter, attempted murder and wounding with intent. There is an entire body of evidence on what people consider appropriate. You get issues. I will just mention one at random: 10 years when a defendant committed an unprovoked attack on a defenceless, vulnerable 71-year-old man in poor health. All the case studies are here. The judiciary does not take this lightly and does not ignore the aggravating factors. It also looks at other issues that maybe should be taken into account, such as diminished responsibility. It sets out in great detail how much weight should be given to those issues. Through you, Mr Speaker, I put it that the amendment is not worthy of support. It is not the right way to go forward.

Mr Allister, I think, challenged the petition of concern. I signed the petition of concern, and let me tell you why: a bad amendment has been put forward that will not assist anybody. It is trying to use and abuse the process by coming in at Further Consideration Stage. Had this been properly investigated, reviewed and peer reviewed, you might consider it, but, coming in at this stage, it is for optics. This is about people who have a career based on attacking the judiciary. This is people saying that they do not trust the judiciary or the legal system. Let me tell you that, if you end up in that type of country, you will regret it. The pillars of our society and our civilisation are built on an independent judiciary. You meddle with it at your peril.

A lot in the amendment is not clear, so let me say in conclusion that I am still not sure whether it involves issues to do with common assault or matters that go through the magistrates. I am looking at the Offences Against the Person Act 1861: for the summary offence of assault where no injury is caused or where the injury is minor and non-permanent such as bruising, the starting point is a community order plus a compensation order. If you are over 65, of course, it will be seven years. There is no clarity about what the amendment actually seeks to do. That is because it is poorly thought-out and poorly written and is poor law. I can go through all the issues. It has brought me to the stage at which I am forced to sign a

petition of concern because I cannot take the risk that this will go through. Do you know what made me decide to do that? It was the knowledge that the Ulster Unionist Party was going to support the amendment. The Ulster Unionist Party — the party that used to pride itself on being the party of law and order — will support the amendment. That is appalling. It shows that you have no independent thought, and that is why I had to sign a petition of concern to defeat the amendment.

Ms Sugden: I welcome the opportunity to speak on the group 2 amendments. I will briefly refer to amendment No 6, which is a progressive way of looking at rehabilitation, so I congratulate the Member for thinking outside the box.

On amendment No 7, I will start with the point that Mr McCrea finished on — the petition of concern. I do not sign petitions of concern — they are an abuse of democracy — but tonight I signed my first petition of concern. I do not see it as an abuse in this case. I see it as a way of limiting people who think that they know better. They can say that this is the will of the House — Mr Allister referred to that — but it is not the will of the House; it is the will of the guy who comes round, gives them the whip and tells them what to do. This is a case where I felt that we needed to sign a petition of concern.

I struggle to find the parliamentary language for “stupid”, Mr Speaker — I apologise for that — but the amendment is stupid and ill-informed. It disrespects the entire sector. Mr Poots says that we are protecting the older sector: we are not protecting the older sector. If Mr Poots felt that we were protecting the older sector, he would know that the Commissioner for Older People Act (Northern Ireland) 2011 defines older people as those aged 60 and above. In some circumstances, someone aged 50-plus can be defined as an older person. If we are really to respect the sector and do what we intended to do, let us put some facts to it. To be honest, even the Office of the First Minister and deputy First Minister does not know how to define older people — it cannot get its active ageing strategy off the ground. I have difficulty when a party tables an amendment to protect the rights of older people while dragging its heels on other issues that make more sense.

I recognise the sentiments in the amendment. In my constituency, we have had cases of older people being dragged from their home. By all means, their attackers should be punished; I do not disagree with that. What irks me about this amendment is that disabled people, ethnic minorities, children and other vulnerable people who are abused — in fact, everyone who has had an offence committed against them — should have the same satisfaction of knowing that the offender will be held to account. Generally, we disrespect older people by saying that they should be elevated in that way. I do not agree with that.

The Members who tabled the amendment lazily try to define a “violent offence”. I take exception to that, too. They laboured the point about sexual abuse. Should a sex attacker not experience the same repercussions as someone setting out to kill someone? It is just a very lazy attempt at legislation.

The amendment leaves out mental abuse. Across Northern Ireland, we have heard of older people being mentally abused in care homes. That can be just as

bad a crime as physical abuse. The huge holes in the amendment also disrespect the sector.

I will not claim to know law in the same way as people in the House who have worked in the profession know it, but they have demonstrated that the figure of seven years is completely uninformed.

If we are to protect the rights of older people, let us do it right; let us not tag it on to a Further Consideration Stage.

I agree with other Members: the sentiment is there. However, if you really meant it, you would have tabled it at Consideration Stage and we would have had the opportunity to amend it at this stage. I get the sentiment, but I do not quite accept the intention.

I signed the petition of concern on the amendment, and I think that I had a valid reason for doing so. It highlights the inability of some Members to draft legislation, and that is a bigger crime than any of the other abuses of the petition of concern in the past. I will not support the amendment.

Mr Givan: I do not intend to cover the ground that my colleague Mr Poots covered; he articulated very coherently the rationale behind what we have proposed. I note that nobody sought to make any interventions to him and, indeed, Mr McCrea and Ms Sugden spent the entire time talking to each other. I can understand why they are still ill informed about what is being proposed. Maybe when they get some manners, they can get a little more informed.

Mr Allister made the point about the petition of concern being an abuse, and it is. My party does it, and we will defend the times when we decide to use it. However, other people should not now lecture the DUP about abusing the petition of concern mechanism. We are all now the guilty parties: Mr Lunn signed one for the first time and Ms Sugden signed one of the first time; we seem to have a lot of firsts recently when it comes to petitions of concern. We are all at it. Mr Allister is shaking his head profusely; he has not done it. Sorry, Mr McCallister has also continued with the principles that he founded in NI21, which once had a principled position on that. Like other principles, it seems to have departed from that organisation.

This party could have used the petition of concern against Mr Allister's amendments on preliminary inquiries. I regard preliminary inquiries as an abuse of vulnerable witnesses, and that is why I did not vote for them. I believe that people are put in the box and interrogated by lawyers, barristers and so on to put the frighteners on them so that they will not proceed. I regard those inquiries as an abuse of those individuals; that is my position. We could have tabled a petition of concern on those amendments, but we did not. Therefore, it was the will of the House for the amendments to pass, and I accept that. Interestingly, others tabled a petition of concern on this issue and sought to block the will of the House. Whether it would have passed, I do not know.

The crux of the argument that a number of people intimated was around mandatory minimum sentencing; that seems to be a principled issue, and it certainly was for Mr Allister. He is someone whom I regard as being very much to the right on a lot of issues, and I am there with him on a lot of those issues. However, I cannot agree with him on the premise that he articulated about the judiciary having a discretionary power and being able to decide on all those issues on sentencing. It is something that a parliamentary, democratic institution has within its preserve to consider

and, if we feel it appropriate in circumstances, to legislate on. We did that on human trafficking, and I think that Mr Allister admitted that he voted for that. He voted for a mandatory two-year sentence but with an exceptionality clause. Mr Maginness also voted for that. I cannot recall Sinn Féin's position.

Mr McCartney: Against. Totally against.

Mr Givan: Mr McCartney said that he was against it, so they were principled on it. Other Members argued about mandatory minimum sentences, but, in other circumstances, they take a different position.

It is right to have presumptive mandatory sentencing in certain circumstances, and my colleague outlined other countries where mandatory minimum sentencing is the norm on a lot of issues. This is not a mandatory minimum sentence; it is a presumptive mandatory sentence. Other jurisdictions do that. They have judges, and they have not abolished the judiciary in any of those countries — in the United States, New Zealand, Canada and so on. So, the farcical argument that Mr McCrea put forward about us somehow abandoning the judiciary in Northern Ireland is just not a proper, articulate position that anybody with any credibility can sustain or put forward.

8.15 pm

I would have some sympathy with Mr McCrea or Mr Allister's arguments were they to bring forward legislation to repeal the Northern Ireland schedule 2 to the Violent Crime Reduction Act 2006, which imposes a 10-year minimum sentence on those who are convicted of offences involving dangerous weapons. That is a minimum sentence; there is no presumption and no discretion for the Northern Ireland judiciary. If you are convicted of offences involving dangerous weapons, you go to jail for a minimum of 10 years. Under article 70 of the Firearms (Northern Ireland) Order 2004, certain firearms offences carry a minimum sentence of five years for adults and three years for those aged 21 and under. There is some differential between the two, but they are minimum mandatory sentences, not presumptive. There is no exceptionality; it is a minimum, and this happens in Northern Ireland. When I listen to some Members argue that, somehow, this is a new departure from the norm, it simply is not the case, and they are wrong to put that proposition forward.

Of course I respect the judiciary. You can go through repeated speeches that I have made commending Sir Declan Morgan for having brought the judiciary to engage more publicly on all these issues and the way in which he engaged with the Justice Committee when I was a member of it. Of course, there is a role for the judiciary, but there is a role for Parliament, and even Mr McCrea articulated that a balance needs to be struck. The difference is that I believe that the balance needs to be more towards democratically elected and accountable politicians who can set the legal framework. He believes that it should be for unaccountable judges, who the Attorney General described, in the current framework of appointing judges, as judges appointing themselves to these jobs. Mr McCrea believes that they should be the ones left to decide on these issues. I think that that balance is not the correct one because we, as politicians, can respond to the public's demands on these issues, and we can take forward legislation on them.

Claire Sugden spoke about this being an abuse, but I just do not accept that. When we consider the cases of elderly people who have been attacked, it is right that we respond. Our senior citizens have said that this is an issue of concern to them. Claire Keatinge, the Commissioner for Older People, intimated as such a number of years ago when she spoke about our senior citizens becoming a specified vulnerable group, which would mean that that would be a specific aggravating factor. That is something that could have been taken forward but has not been, despite there being a Programme for Government commitment on it and despite there being a vote in the Assembly in 2011. There are other things that could have been done that have not been done. We have specified a range of offences in Northern Ireland that are hate crimes against particular sections of our community, and I believe that our older population should be considered among specific vulnerable groups. I think that our argument is well made.

I will close with a case from July 2014, when it was reported that an individual in Northern Ireland who was found guilty of attacking two elderly people of 72 and 75 years of age, leaving them bloodied and bruised, was given a deferred sentence for one year. No custodial sentence was imposed. The case was handled by the Ballymena Magistrates' Court and was reported last year. This individual did not go to jail. The judge said that what he had done was an absolute disgrace and that it was despicable how he had attacked these elderly people, yet he did not go to jail. Do the judges get it wrong? They most certainly do get it wrong, and I think it is right that this Parliament would legislate on this particular issue.

Mr Allister: Will the Member give way?

Mr Givan: I will give way to Mr Allister.

Mr Allister: If I follow, the Member's amendment could not possibly apply to a Magistrates' Court case. He did not tell us what the individual he cited was charged with, but he must have been charged with an offence that was a summary offence, for which the Magistrates' Court has a maximum power of giving 12 months. He could not possibly have attained seven years even under the Member's amendment, because, presumably, it can only apply in the Crown Court.

Mr Givan: My colleague highlighted that, of course, if the sentence is going to be seven years, these cases would need to be heard in the Crown Court as opposed to the Magistrates' Court. I would have no difficulty with it being heard in the Crown Court, because it warrants being dealt with at that level.

Let us be clear: legislation can and should be used to send a very clear message. It can be a deterrent. It should be a deterrent in these cases, because violent attacks on our older population are the least detected and least prosecuted offences that exist.

I believe that there is a failure in the system and that this amendment is an effort to try to remedy that. However, it is going to be blocked, so let us see how other parties will now engage in this. If people believe that we have got it wrong through some of the technicalities in it, let us see how we, collectively, can come up with a better system than the one that currently exists. If anybody believes that the current system is working, they are not listening to our older population.

Mr Ford: It is interesting that, when we have been talking a lot about what sympathy we have and who has the most sympathy for older people who are the victims of crime, we are also conscious that today we might have sympathy for those who are bereaved and those who were injured by the balcony collapse in Berkeley, California. That involved a significant number of students from this island, although we do not know exactly from where at this stage.

I will start with the easy one. I have some slight concerns about the process of Mr Ross's amendment, otherwise known as Mr Allister's amendment, because of the early release conditions. To some extent, it means that we are putting legislative authority in place before we have actually done the policy work. However, that said, and aside from that little bit of nitpicking from the Minister, the wording is helpful. If introduced, it would give the Department a discretionary power, rather than a mandatory requirement, to require unpaid community service to be undertaken. It clearly builds very positively on the experience that we have seen across the border. Anything that comes from the DUP supporting Irish policy is clearly to be welcomed, as it shows the openness of its approach in that respect.

In light of the severe budgetary pressures on my Department, I hope that Members will understand that any decision to introduce such a measure will need to be subject to a detailed cost-benefit analysis. I need to give some measure of caution, and, certainly, I will not be in a position to rush to implement the amendment. We would need to look at the potential effects on the Probation Board in terms of how it would sit alongside its community service programme, and we would need an analysis of the Department's employability strategy, so there are a number of issues.

The Prison Service employability strategy is a public commitment to support individuals in custody to develop the qualifications, skills and experience they need so that they can obtain employment when they leave. There has been a lot of progress on that. I have reported recently on the partnership between the Prison Service, the Belfast Metropolitan College and the North West Regional College to provide education and training opportunities to those in custody. Improving prisoners' educational attainment and employment prospects will most certainly help to reduce the risk to the community by reducing the risk of reoffending and supporting a general desistance from crime. There are real possibilities in that area.

Mr Douglas asked me specifically about matters relating to his experience of seeking to promote employment. It is absolutely the case that I wish to see employment opportunities provided where possible. He also asked about offences that would be seen as outside article 19. The current list, as I have it, is that excluded from those provisions will be those serving life sentences, those serving extended or indeterminate sentences, those subject to notification requirements under Part 2 of the Sexual Offences Act 2003 and other prisoners convicted of more serious offences. Obviously, that will be on the basis of individual risk assessment in many cases.

Whilst I certainly support the use of unpaid placements to support rehabilitation, my preference is that, where at all possible, we should be encouraging those leaving custody to obtain paid employment and to make their contribution that way. However, I am happy to accept the amendment

and to consider how a community service scheme might work as part of the package of services that we provide to those leaving custody in the future. I think that that is a recognition of the reality as we seek to work through the detail of it.

If that was the easy one, amendment No 7 is certainly not easy to consider. My starting position is certainly to agree with the comments made from all parts of the Chamber that said that, although all crime is to be condemned, crimes against older people and other vulnerable people are particularly abhorrent. However, we also need to be careful that we do not make older people become more fearful about their safety. I think that, at times, we exceeded that in this evening's discussion. As I said at Question Time yesterday, statistics show that people aged 65 and over are the least likely to be victims of violent crime. They accounted for less than 2.2% of such victims in 2014-15, even though they constitute 15.5% of the population. We know, of course, particularly given the effects on anyone who is vulnerable, that one crime is one too many. I appreciate that the aim of the amendment is to send out a message that such crimes will not be tolerated. While I agree with that message, I cannot agree with the amendment. It is flawed, it will not work within the existing legislative framework, and I believe it is not necessary.

The Programme for Government demonstrates the Executive's commitment to ensuring that older and vulnerable people are able to live their lives free from the fear of crime. That commitment is reflected in a range of measures that my Department has taken forward to address sentencing issues and fear of crime and to reduce offending. These include funding projects delivered by Age Sector Platform and Linking Generations Northern Ireland to, for example, raise awareness of existing crime prevention support and promote the benefits of intergenerational work. Policing and community safety partnerships also deliver a range of initiatives aimed at tackling crime against older people. Those include a number of schemes involving home security and a variety of crime prevention projects.

However, the thrust of this amendment is focused on sentencing. The reality is that substantial custodial sentences are available to the judiciary under the current legislative framework for those convicted of violent crime. Indeed, the Criminal Justice (Northern Ireland) Order 2008 introduced public protection sentences where offenders who are considered to pose a risk of serious harm can be detained indefinitely — indefinitely — and decisions on release are made by the parole commissioners and not by the sentencing judge.

For murder, a life sentence is mandatory. For attempted murder or manslaughter, sentences up to life imprisonment are available. For robbery and aggravated burglary, again life sentences are available. For assault occasioning actual bodily harm, penalties of up to seven years maximum can be given. Sentencing decisions within this legislative framework are a matter for the judiciary, taking account of all the factors pertaining in individual cases. In making those decisions, judges are guided by sentencing guidelines, which already indicate that the courts should treat the age and vulnerability of the victim as an aggravating factor when assessing the appropriate sentence to be imposed.

Let me quote a further bit from the same Court of Appeal judgement that was quoted by Mr Basil McCrea earlier. It is the judgement delivered, I believe, by Lord Justice Gillen on behalf of the court in the Crown v Cambridge in January. As well as the point highlighted by Mr McCrea, it was said:

"There is an unbroken line of authority to the effect that in Northern Ireland the starting point in cases of robbery of householders where violence is used should be 10 years and in appropriate cases a sentence of 15 years is not excessive".

It further says in that judgement:

"Aggravating factors will include ... Deliberate targeting of vulnerable victim(s)."

Where the law stands and the opportunities that we have are absolutely clear. One of the purposes of sentencing has to be to act as a deterrent. I know from the regular discussions I have with the Lord Chief Justice that judges take that responsibility seriously. There has been considerable work done on guideline judgements, and the Judicial Studies Board has made a number of recommendations to colleagues. That is significant work that is ongoing.

It is absolutely clear that older people are regarded as being, potentially, particularly vulnerable and, therefore, worthy of particular consideration. Perhaps we should not be considering just older people, although Claire Sugden made an entirely reasonable point as to whether older people are those who are older than me, at 65, or include me, at 60. That is a point that this particular proposal is slightly inconsistent on; although, given the difficulties we have in getting any older person's strategy through OFMDFM, it is perhaps not surprising that we have not got that defined. We should perhaps also consider those who are physically disabled and those who suffer from learning disability. There are issues of vulnerability that are not easily stated by regarding just one particular group of one particular age.

As an illustration of what the courts consider around older people as a particularly vulnerable group, let me quote another point from a Court of Appeal guideline judgement:

"It must be brought home to offenders who violate the privacy and security of old people in their homes and expose them to violence that immediate and heavy sentences will follow their detection of conviction."

I believe that that shows the judiciary responding. I also believe strongly that judges are best placed to take account of the specific circumstances in each case and to sentence appropriately.

I have said many times that it is fundamental to our system of justice that judicial discretion is maintained and that sentences are imposed on a case-by-case basis by those who hear the entire case, not by those who read very limited reports in the media of what may be very long cases.

8.30 pm

The Assembly knows my views on mandatory minimum sentences. I have always argued that they make no allowance for the exceptional case, and there is always the possibility of such cases. I acknowledge that this clause

allows for a lesser sentence to be imposed in exceptional circumstances, but what those circumstances might be is unclear and will have to be determined by case law. Mr Poots said that mandatory minimum sentences would ensure consistency. There is no suggestion that they would ensure consistency; they would merely ensure a mandatory minimum.

When we look at the issue of exceptionality, there may be specific cases. We have had highlighted, previously, the case of the paedophile pensioner, which Mr Allister mentioned on a previous occasion. However, the reality is that we could see large numbers of cases of little more than, or possibly not even, common assault being considered under this. It would be very bad law to have exceptionality considered in so many cases.

We cannot be sure that this clause, in its operation, would not impact unjustly on an offender before the courts. The framework in legislation usually sets out the maximum penalty, not the minimum sentence, for an offence. Of course, there are discrete exceptions for specific offences, but the proposed minimum seven-year sentence in this amendment would apply not to specific offences but to all violent offences, as defined in the proposed clause, at the very serious end of the spectrum and, more worryingly, offences that fall within the very broad definition of:

“an offence which leads or is intended or likely to lead ... to physical injury to a person aged 65 years or more”.

A very broad range of offences would be covered, including incidents of very minor physical injuries and, indeed, cases where there was no injury whatsoever. Whatever was said by Mr Poots, physical injury does not mean grievous bodily harm with or without intent; it does not mean actual bodily harm. It would include common assault. It would lead to anything that led to a physical injury. Indeed, during the first Assembly mandate, I was assaulted in the Chamber by another Member who squeezed my arm to the point at which it was painful. That would qualify as physical injury on the definition that is given and, therefore, would be covered by a mandatory seven-year minimum sentence, had I been over 65 at the time.

The outworking could mean that, if two people aged 65 or over had a minor physical altercation — perhaps they had drunk too much on an evening out — both would be liable to seven years' imprisonment unless they could show to the court that there were exceptional circumstances. That shows the potential difficulties of legislating without the normal policy and scrutiny processes being carried through.

I first saw this clause, as other Members did, when it was tabled on 10 June, which clearly did not allow time to properly consider all of the legislative issues or all of the possible unintended consequences. However, I must confess that Jim Allister and Alban Maginness have identified some, and it certainly appeared by the speech he made that Basil McCrea is seeking to join traditional lawyers' voice and is researching for a career at the Bar, because he also spotted some.

Mr Frew: What type of bar? *[Laughter.]*

Mr Ford: It is clear that there would be many potential difficulties in the application, if this were passed. For a start, the provisions are not restricted to trial on indictment, in the Crown Court. Given all the problems that we have

in managing courts, I find it difficult to believe that, when Mr Givan suggests that it is reasonable that all such cases be remitted to the Crown Court for trial, that it would be a realistic and reasonable use of resources, particularly if we consider cases like two 70-year-olds who fall out outside the pub and push each other a bit.

The usual maximum term of imprisonment for a summary offence is six months; in some cases, a maximum of 12, where allowed by law. So, if passed, how would a district judge in a Magistrates' Court enforce these provisions? He or she simply could not do it within existing law. So does that mean that the district judge would be passing up to the Crown Court matters that do not justify hearing in the Crown Court, which would produce significant clogging up of business there and, potentially, end up with Crown Court judges saying that there are exceptional circumstances in a great number of them? As others have said, the clause would also impose a minimum sentence that is not within the range of sentence permitted by law. The definition would require a seven-year sentence to be imposed for some offences with a maximum of two years' imprisonment.

All those issues mean that I cannot support this amendment, not because I believe that those who commit violent crimes against the elderly should not be punished appropriately, but because I believe that the courts are best placed to do this and because the draft revisions are not competent. The “violent offence” reference is far too wide; the reference to “the court” does not deal with the issue as to what level of court; and tabling an amendment at this stage of the Bill is not an appropriate way to introduce legislation on such a complex issue. It is without consultation, consideration or scrutiny by Committee. Changing laws in this way is not, I believe, the correct place for this Assembly. It is not how good law is made. As Justice Minister, I have to consider the integrity of the criminal law as a whole and ensure that it is fit for purpose and not liable to dysfunctional outcomes. There is also, I believe, a similar responsibility on the Assembly. So, whilst I am happy to support Mr Allister's amendment, Mr Ross, I am quite happy to say that it is not possible to accept with any credibility the second amendment on mandatory minimum sentences.

Mr Ross: Just to save the blushes of Mr Allister, in his contribution, Mr Elliott got somewhat confused between the Member for East Antrim and the Member for North Antrim, but I think that we all understood what he meant nevertheless.

I do not intend to respond to all the points that have been made by Members in relation to amendment No 7, not least because a petition of concern has been lodged against it, and also because Mr Givan has adequately addressed some of the criticisms that have been made against it. All I will say is this. In my opening comments, I said that I was always cautious around minimum sentencing, but I will make this point: some of those who waxed lyrical today about opposing minimum mandatory sentences on principle should, perhaps, be invited to examine their own voting records on other Bills, just to see whether they have been entirely consistent in their approach.

I move on to address some of the comments made on amendment No 6, which is the amendment in my name. The Deputy Chair, Raymond McCartney, gave his support to amendment No 6, for which I am grateful. He talked

about the amendment being required to fill the gap that there is in allowing for community service. He talked about it being productive in allowing for rehabilitation. I think that Members across the House want to see that to ensure that there is rehabilitation, as well as punishment, for offenders. Alban Maginness also spoke in support of the amendment and talked about the opportunity that there is for employment. That is a point that Mr Douglas made as well. What we want to see is people who have served their time in prison being able to get out and go into meaningful employment. None of us wants to see them living on welfare at the taxpayers' expense. We want to see them be productive, turn their lives around and get into work. That is something that Members across the House support.

Mr Elliott called the amendment "interesting", which always gives me a little bit of concern, but I think that he was generally supportive. He said that it was a positive contribution and he talked about the need for examining alternatives and different means of punishment and sentencing. In the justice seminars that we have been running over the last number of months, the idea of looking for suitable diversions, if the offence is of a low enough magnitude, has been discussed. Alternatives to prison are something that may be appropriate for very low-level, first-time offenders. It is an interesting area that, undoubtedly, the Justice Committee will look at again in the future: what works best for outcomes and what is most cost-effective for the taxpayer as well.

Mr Dickson, in his support, talked about the early release conditions, and that is something that we will have to work out. He talked it being a restorative approach, and I think that it is probably right to ensure that the end of a sentence can be carried out in the community, but still paying back that debt to society and still seeing out the full term of the sentence, which is important. He talked about the need for collaboration; that is hugely important no matter what we do. In this instance, we need to see collaboration between the Department, the Probation Board and the Prison Service, and that is exactly the type of model that I will be proposing.

Mr Sammy Douglas talked about the strict licence conditions and how we should get low-risk offenders back into society by transitioning them. That is the very point that we are trying to make with this amendment: it is a way of transitioning offenders back into normal life in a way that is managed by the Probation Board and allowing offenders to repay their debt to society in a meaningful way. He then went on to discuss some of the other articles of the Criminal Justice (Northern Ireland) Order 2008. Article 26 is about curfew and article 30 about recall. It was the discussion that we had on those articles that inspired the amendment in the first instance.

We then had a contribution from Mr McCrea in the corner.

There is an old saying that a little knowledge is a very dangerous thing, and Mr McCrea certainly tried to demonstrate his little knowledge when it came to amendment No 6 and, of course, in other contributions that he made during interventions. He said that the amendment did not do very much. At present, there is a gap under article 19 of the Criminal Justice Order 2008. There is no provision in it for the Department or the Probation Board to ensure that somebody who is released early from prison has to do something productive. That is why the amendment was tabled, and, rather than doing very little,

it is a significant change that informed Members have supported this evening. He talked about a lack of detail on what it actually does. He mentioned the need to consult the Probation Board and asked "Why?". It is important that we consult the people who know what they are doing. The point that he tried to make on amendment No 7 was that we should not interfere with the judiciary because they know better than we do: why does he not see the same merit in amendment No 6, through which we will talk to the Probation Board because it has on it the people who know best and are there to monitor offenders? I think it entirely appropriate that the Minister and Department consult the Probation Board to ensure that the conditions of any early release are absolutely watertight.

The Member also said when addressing amendment No 7 that we should not be prescriptive yet criticised the lack of prescription in amendment No 6. That is not particularly consistent. He then said that he did not know anything about the amendment and what it would do. I draw his attention to three documents, the first of which is the Hansard report of the meeting that we had with officials on the issue. It is not some sort of secret document; it is on the Internet and is available in the Library, should he have wished to consider the matter further. I draw that to the Member's attention, and I will furnish him with the documents after the debate, if he wishes. I draw his and perhaps other Members' attention to a part of the transcript in which we dealt specifically with the Probation Board. Mr Doran, responding to a question that I put to him about the requirement for some sort of community service, said:

"If there are conditions on their licence, they will be required to do it. However, if there are no conditions, because they are still technically prisoners on early release, we cannot compel them to undertake a programme. They will be subject to curfew, as Alan said."

He went on to say:

"Our colleagues in the South have a scheme for undertaking reparative work. They have legislation there; Alan referred to community return. I met colleagues from the South last week, and it is a very impressive scheme, through which people get early release and undertake community service. We do not have the legislative authority to do that. It is something that PBNi would be keen to see at some stage in the future, but it is not available at the moment."

The amendment is offered because the Probation Board has said that it is something that, it thinks, would be valuable in the future.

The second document that I draw the Member's attention to is a report of the Thornton Hall project review group, which is also available on the Internet. Again, it is not some sort of secret document. It goes into some detail about the Irish scheme, which is called earned temporary release into community service. The report talks about the reason that you would have such a scheme. It goes into detail on what the scheme would look like and some of the conditions that would be attached to it. I will furnish the Member with that as well.

The third document is the legislation in the Irish Republic. The Minister suggested that it was unusual for the DUP to look to the Irish Republic for a model, but I can assure

the House that I will look anywhere in the world where I think there is an innovative approach to justice issues. If it is something that, I think, we can replicate in Northern Ireland, I will certainly give consideration to it. I will furnish the Member in the corner with that legislation as well.

The Member also made a rather bizarre intervention in which he tried to envisage a scene from 'Cool Hand Luke' in which there were people in chain gangs having to do work in, I think he said, easily identifiable uniforms. Bringing it down to that level adds little value to the debate. We are having a proper discussion that every other Member sees value in and views as a progressive policy that is tackling a real issue, yet the Member tries to bring in such spurious points. Of course, Mr McCrea is not opposed to uniforms: I remind the House that this is the man who wore a red tie as a uniform for about three or four years when he was first elected, so he knows something about it.

The contribution from Mr McCrea really was of little value to the House. If he had wanted to make a proper contribution on amendment No 6, he should at least have tried to inform himself on its detail.

Mr B McCrea: What colour of tie are you wearing, as a matter of interest?

Mr Ross: Indeed. With my red tie, I have clearly been inspired by Mr McCrea.

Mr Allister: Is that Basil's tie?

8.45 pm

Mr Ross: I will ensure that I never wear it in the House again, if that is the comparison that is being made.

Ms Sugden talked about the policy being progressive. Some people are perhaps uneasy with that terminology. I think that it is a progressive policy, but the value in the amendment is that it ensures that prisoners have to see out their entire sentence. That gives confidence to the community, who could be concerned that prisoners will be released early from prison without having to see out their sentence. It also transitions an offender into normal life in a managed way, and, of course, the increased value is that the taxpayer does not have to pay for that. It is a progressive policy, and most people in society will see value in it.

The Minister talked about this being the easy amendment to deal with. I am glad that that is the case. He said that it was useful, and, as a Committee, we would be interested in working with him and the Probation Board in the future to work up some of the detail. I certainly think that there is merit in it. I am pleased that there has been support from all sides of the House for the amendment, and, at the risk of losing any support, I shall stop there, and we can proceed to the votes.

Amendment No 6 agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 7 proposed:

After clause 89 insert

"Sentencing for violent offences against older people

89A.—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.

(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) For the purposes of this section 'violent offence' means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) If there are exceptional circumstances which justify—

(a) the imposition of a lesser sentence than that provided for under subsection (2), or

(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,

the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.

(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.

(6) For the purposes of subsection (2) 'custodial sentence' shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.

(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after '2015' insert the words—

'and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015'.— [Mr Poots.]

Mr Speaker: A valid petition of concern was tabled today in relation to the amendment. In accordance with Standing Order 28(1), no vote may be held on a matter that is the subject of a petition of concern until at least one day after the petition of concern has been presented. The business on today's Order Paper, therefore, cannot be completed tonight. The Business Committee met this evening and agreed that unfinished business from today's sitting would be concluded at the start of business on Monday 22 June 2015.

Mr Allister: On a point of order. In light of that announcement, can you clarify whether it will now be

possible to table further amendments on the undebated parts of the Bill by Thursday morning?

Mr Speaker: It is an interesting point, but Monday will be a continuation of today's business, so there will be no further opportunity. We are concluding today's business, as it happens, on Monday.

The debate stood suspended.

Adjourned at 8.47 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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Employment and Learning

Launch of Consultation on Part-Time and Postgraduate Student Finance Arrangements

Published at 12.30 pm on Tuesday 9 June 2015

Dr Farry (The Minister for Employment and Learning): I wish to inform the Assembly that I am today publishing a consultation on the student finance arrangements for part-time and postgraduate higher education students.

Background

Prior to the budget settlement for 2015-16, my Department had been undertaking a wider review of higher education funding policy. A review of student finance arrangements, with a particular focus on part-time and postgraduate students, was a key theme of this review.

However, as a result of the budget settlement my Department is now dealing with unprecedented levels of budget reductions. Given that almost half of my Department's budget is used to fund higher education, these reductions have had a significant knock-on impact for the sector. Grant funding for our higher education institutions is reducing by over 8% in the incoming academic year, which amounts to over £16 million, and the indications are that finance will remain constrained in the next Assembly term.

In this context, I decided the higher education funding review in its much more comprehensive form was simply no longer sufficient or appropriate. Instead of a focussed review of specific areas of funding policy I intend to facilitate a much wider conversation about the basic financial sustainability of our higher education sector. I will be launching this "big conversation" in September and I look forward to updating members in the near future.

However, I am still progressing with several aspects of the previous higher education funding review on a separate basis, including the review of certain elements of the student finance system. This consultation is part of that revised approach, and in the near future I will also, in response to calls from key stakeholders, be launching a separate consultation on the frequency at which higher education students receive their maintenance support payments.

The Student Finance System

The Student Loans Company administers a wide range of student support services to Northern Ireland domiciled

higher education students on behalf of my Department. These services are a crucial enabler of higher level study for many students, and they help to ensure that access to higher education is based on the ability to learn, not the ability to pay.

But our focus around higher education in Northern Ireland has traditionally centred upon traditional full-time undergraduate students, and this is reflected in the student finance system. These students have access to significant levels of standard support for both their tuition fees and their general maintenance costs, not to mention a range of targeted support measures to help with things such as childcare and travel costs.

Indeed, almost 99% of student finance paid to Northern Ireland students in the last academic year was in respect of full-time undergraduate students, which is really striking when we consider that they account for only about 60% of the higher education student population. Importantly, full-time undergraduates are the only student group from Northern Ireland with access to the student loan system.

By comparison, the majority of part-time undergraduate students are not eligible to access the student finance package on offer. This package consists mainly of a means tested and intensity-based tuition fee grant, available only to students from very low household incomes. Furthermore, as part-time undergraduate tuition fee levels are not capped, even the maximum grant available is often not sufficient to cover the full cost of tuition fees charged.

Meanwhile, the majority of postgraduate students have no access to any kind of standard student finance package, with the exception of the Disabled Students Allowance. However, at present, distinct from the student finance system, my Department funds a highly competitive postgraduate awards scheme. This scheme is now funding over 700 awards for postgraduate students, covering tuition fees of almost £4,000 and providing almost £14,000 in stipends to support students with their living costs. But these awards are allocated by our universities in the main to PhD students. Very few funding opportunities exist for taught postgraduate students, and the Masters degree has, regrettably, been described as a "broken bridge" between undergraduate study and research.

Indeed, even for PhD students the postgraduate awards are limited in number and allocated on a highly competitive basis; in the main postgraduates at both the taught and research levels must finance their own studies.

Drivers for Change

Evidently the principle of fair access is not adequately extended beyond the full-time undergraduate. For most part-time and postgraduate students, access to higher education is, under present arrangements, absolutely dependent on the ability to pay. This is borne out through data collected by the Higher Education Statistics Agency on students' main sources of tuition fee support.

But supporting these students is not only a matter of social justice; it is an economic imperative.

The top priority of this Executive is to grow our economy, and it is clear that this can only be achieved through a sustained and prioritised focus on skills. Our skills forecasts could not be any clearer: they consistently reveal a significant and growing requirement for higher level skills in our workforce, ranging from sub-degree to postgraduate qualifications. And these requirements will only intensify under a lower rate of corporation tax; new investors will gravitate to Northern Ireland first and foremost for the quality of our people and their skills.

What is also clear is that these demands will not be met by current levels of supply. Importantly, with the vast majority of the 2020 workforce having already left formal education, they will not be met through the traditional supply of 18-21 year old school leavers either. A renewed strategic focus on up-skilling and re-skilling our existing workforce is required.

To this end, flexible part-time provision is paramount. It is, in the main, through part-time provision that people who have already left formal education and entered the working world will be able to return and build upon existing skills. It is through part-time provision that they can balance work and other responsibilities with their studies. And it is through part-time provision that my Department's new model for apprenticeships will flourish at the higher levels.

Similarly, our skills forecasts reveal a rapidly growing requirement for postgraduate qualifications, such as Masters and PhDs. The stock of jobs requiring postgraduate qualifications is in fact forecast to rise faster than the requirement for any other qualification type in a lower corporation tax environment. Yet we continue to enrol significantly fewer postgraduate students, relative to our population, than any other country in the UK.

Our economic growth aside, we must also acknowledge that we operate within a UK wide higher education sector. Traditionally about 30% of our students choose to study in other parts of the UK each year.

A more comprehensive and non means tested tuition fee support package is now available to part-time undergraduates from both England and Wales, and the Department for Business, Innovation and Skills has recently consulted on its intentions to offer loans to English domiciled postgraduate students from the 2016/17 academic year onwards.

In many ways these emerging differences are part and parcel of devolution, and there are many obvious areas in which our students benefit from different student finance arrangements. But, in other areas, we have a responsibility to seek to ensure that our students are not placed at a significant disadvantage compared to their counterparts from other regions.

The Consultation

The consultation sets out several policy options designed to improve access to both part-time and postgraduate study. Given the current financial challenges, I believe it would be irresponsible and unrealistic to consider any options with significant resource budget implications. All of the options have therefore been designed within the parameters of the student loan system.

As student loans are ultimately expected to be paid back, they are not paid out of the Northern Ireland Block. Cover can be provided to us by Her Majesty's Treasury on an annual basis, and this is also provided to acknowledge any impairment on the loans issued.

For part-time students the options revolve around support for tuition fees. The consultation considers options to: (i) extend a non means tested tuition fee loan to part-time students, on the same basis as the loans available to full-time undergraduates; and (ii) to "top up" the existing part-time grants with loans.

To ensure the support provided can cover the full cost of fees charged in Northern Ireland, options are also considered within the consultation to cap part-time fee levels, again on the same basis as full-time fees. Several other design issues around eligibility and repayment arrangements are also considered.

For postgraduate students the options again largely revolve around non means tested tuition fee support, either for: (i) taught postgraduate students in economically relevant subject areas; or (ii) all taught postgraduate students. A third option is also considered to replicate the proposals recently set out by the Department for Business, Innovation and Skills for a "contribution to costs" loan of £10,000, paid directly to the student to assist with whatever costs required. This option would require a student to take out an entirely separate student loan, repaid concurrently with their existing undergraduate loan.

As with the part-time options several other design issues, including options to cap fee levels for postgraduate students, are also considered. The merits of a similar "contribution to costs" loan for postgraduate research students are considered within the consultation.

Of course all of these options rest heavily on the existing student loans system, on the approval of Her Majesty's Treasury and on the capacity of the Student Loans Company. Some will carry greater costs and more risks than others, and all of these issues are laid out in the document. Any new policies potentially emerging from the consultation will carry significant lead-in times for a range of legislative and administrative reasons and will not be in place until the 2016/17 academic year, at the earliest.

The consultation period will run for approximately 14 weeks until 11 September 2015 and I encourage all members to engage with myself and my Department during that period.

The consultation can be viewed at: www.delni.gov.uk/part-time-and-post-graduate-student-finance.

Health, Social Services and Public Safety

Update on Actions to Take Forward Recommendations from the Report of the Inquiry into Child Sexual Exploitation in Northern Ireland

Published at 1.00 pm on Thursday 28 May 2015

Mr Hamilton (The Minister of Health, Social Services and Public Safety): The purpose of this statement is to provide you with an update on the actions to take forward recommendations from the "Report of the Inquiry into Child Sexual Exploitation in Northern Ireland".

In former Minister Wells' oral statement to the Assembly on 18 November 2014 he advised the House that a Health and Social Care Child Sexual Exploitation (CSE) Response Team would be established to consider each of Professor Marshall's recommendations from the report as they relate to health and social care.

The Response team, led by my Department, has now been established and is made up of senior representatives from the Health and Social Care Board, the Public Health Agency and each of the five Health and Social Care Trusts. It is supported by an Implementation Group, led by the former Director of Children's Services of the Belfast Health and Social Care Trust, Bernie McNally, OBE.

With the agreement of the Ministers of Education and Justice a Senior Officials Group has been established, made up of representatives from all three departments. The senior officials group is responsible for taking forward those recommendations which are cross-departmental.

I have today published an Implementation Plan, which sets out very clearly how the HSC will implement each of Professor Marshall's recommendations over the next few years through to November 2017. Implementation is being undertaken in three phases and it is my intention to implement a significant proportion of the recommendations in Phase 1, that is, within one year of the publication of the Marshall Report. Implementation of some recommendations will take longer, particularly those relating to service developments.

I remain committed to implementing all of HSC recommendations as quickly as possible and in full. I will work with Ministers Ford and O'Dowd to ensure that we collectively deal effectively with child sexual exploitation in Northern Ireland where it exists and more importantly, minimise the risk of it occurring in the first place. Without doubt, we will need the support of elected members, parents, carers and the wider community and I am confident that it will be provided.

A copy of the HSC Marshall Implementation Plan will be provided to all Members and it will be published on my Department's website.

Regional Development

Coleraine to Londonderry Track Renewal Project — Phase 2

Published at 11.30 am on Tuesday 2 June 2015

Mr Kennedy (The Minister for Regional Development):

Members of the Assembly will, I am sure, be aware of the issues surrounding the progress with Phase 2 of the Coleraine to Londonderry Track Relay. The purpose of this statement is to provide an update on the project which is a key Programme for Government commitment and clear evidence of the Executive's commitment to invest in and reinvigorate our rail network. It also signals our commitment to invest in the North West and improve connections between Belfast and Londonderry. I am in a position to announce today that after a number of difficulties the project will go ahead creating an infrastructure which allows for more frequent train services to and from Londonderry.

Background

1. The rail track between Londonderry and Coleraine has suffered for years from underinvestment. The original preference was for a complete relay and signalling to be carried out in a single project. However, funding constraints meant that the project could not go ahead at that time. In October 2011 following my intervention we approved carrying out the relay in 3 phases. Phase 1 relayed the worst parts of the track and was completed ahead of schedule in March 2013 and within its budget of £26.7m.
2. Phase 2 involves the full re-signalling of the Coleraine to Londonderry line section and the addition of a passing loop originally to be completed by the end of 2015 and estimated to cost £19.9m based on analysis at that time. It was originally envisaged to be a single Design and Build project. However, the initial tender exercise for this procurement produced only one bidder in 2013. It was judged that this bid did not represent value for money and carried unacceptable risks that costs could be open ended.
3. As a result the procurement strategy for the Phase 2 Signalling and Telecommunications was reviewed. Translink decided to split the project into two distinct packages. Passing loop work was separated from the Signalling and would be tendered separately. This delayed the project completion from late 2015 to late 2016.
4. Following the adoption of this revised procurement strategy a detailed signalling design produced in 2014 suggested that the original cost estimate for the project was seriously underestimated and out of date.
5. I expressed my disappointment at this and informed members at the time. I directed my officials to work closely with Translink to resolve this and commissioned an independent Project Assessment Review (PAR) of the project at that stage.

Progress

6. The review confirmed that the current supplier base in the UK for this type of project is very overstretched and those companies who may have been expected to bid for this project are already heavily committed in Network Rail projects in Britain. This created a clear risk to the procurement process for signalling works in Phase 2.
7. Translink subsequently prepared and approved a fully-detailed pre-tender estimate, independently assured, prior to the formal commencement of the formal procurement process. This identified a cost of £40m. The PAR report had made it clear that due to the scale of the market in Great Britain and the relatively small scale of the Phase 2 project there was a risk that it might not attract sufficient interest from suppliers. There were commercial sensitivities around this and the release of the PAR report which are now resolved.

Market Response

8. Four GB-based firms initially expressed sufficient interest to participate in the Pre-Qualification Questionnaire stage of the process but ultimately only one, Babcock Rail, submitted a tender. Translink held robust negotiations with Babcock which ultimately resulted in a best and final offer for the Signalling and Telecomms part of the project that was reduced by over 10% against the initial price submitted.
9. However, the increased overall project cost of £46.4m creates a difficulty. Prior to the second tender a revised, independently assured estimate of £40.1m was produced. This covered both the Signalling and Passing Loop elements. Neither the Translink Accounting Officer nor my Accounting Officer could sign off the bid as representing Value-For-Money (VFM) although they both agreed that the proposed project was the best public policy option.

Options

10. As a result I issued a direction to my Permanent Secretary that Translink should proceed to conclude the contract with Babcock. In line with Managing Public Money (NI) this direction was approved by the Minister for Finance.
11. I am pleased to inform this Assembly that the contract for the signalling element of Phase 2 is now in place between Translink and Babcock – a well recognised and respected supplier nationally and internationally. This will enable Phase 2 to be substantially completed by December 2016.
12. At a time of financial constraint this has not been an easy decision, but I believe it is the right one and demonstrates that this Assembly can deliver on its promises to take decisions which will benefit our citizens. I believe the investment that has taken place in our railways is tangible proof that we can deliver change and deliver on our promises. Rail passenger journeys continue to grow year on year particularly on the Londonderry line. Improvements to our infrastructure create the environment to grow our economy, create tourism opportunities and better connect our two largest cities. I know all members will support me in this.

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.

Northern Ireland Assembly

Friday 29 May 2015

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mr McGimpsey asked the First Minister and deputy First Minister whether they have considered their Department ceasing to be a service delivery department and instead becoming a co-ordinating office of the centre.
(AQO 7342/11-15)

Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister): In accordance with the Stormont House Agreement, the Executive agreed at its meeting on 22 January 2015 to the reduction of the number of Northern Ireland Civil Service Departments from 12 to nine.

On 2 March in a Statement to the Northern Ireland Assembly, the First Minister outlined the proposed functions of the 9 new Departments.

Mr Hussey asked the First Minister and deputy First Minister for an update on the St Lucia Barracks site.
(AQO 7898/11-15)

Mr P Robinson and Mr M McGuinness: The Ministry of Defence recently advised OFMDFM that it had resolved the legal impediment relating to the ownership of the historic barracks, which forms part of the St Lucia site.

Our officials have been engaged in discussions with organisations that have an interest in potential future uses of the St Lucia site, including Omagh District Council and the Department for Social Development.

The intent of transferring the sites under the Hillsborough Agreement was to provide additional resources to the Executive and for the benefit of people here.

Officials are currently investigating the potential costs that would be incurred by the Executive, if the historic barracks was to be transferred. In the current financial climate, we need to ensure that ownership of this part of the site would not place an unnecessary drain on the Executive's resources.

Mr Allister asked the First Minister and deputy First Minister how much has each member of the Maze Regeneration Board been paid since its inception.
(AQW 44561/11-15)

Mr P Robinson and Mr M McGuinness: The Maze/Long Kesh Development Corporation (MLK DC) Board was constituted on 12 September 2012.

The Chair of the MLK DC Board receives £30,000 per annum plus reasonable expenses. Board Members receive £6,000 per annum plus reasonable expenses.

Mr Allister asked the First Minister and deputy First Minister how often the Maze Regeneration Board has met in each of the last two years; and how long did each meeting last.
(AQW 44562/11-15)

Mr P Robinson and Mr M McGuinness: The Maze/Long Kesh Development Corporation (MLK DC) Board met on 10 occasions in 2013/14 and on 10 occasions in 2014/15.

Each meeting lasts approximately three hours.

Mr Eastwood asked the First Minister and deputy First Minister to detail the capital infrastructure projects financed by Private Finance Initiative in Foyle in 2013/14; and the cost of each project.
(AQW 44705/11-15)

Mr P Robinson and Mr M McGuinness: OFMDFM do not have any capital infrastructure projects financed by Private Finance Initiative. OFMDFM annually collects data on Private Finance Initiative projects from departments and their Arms Length Bodies as part of a wider exercise to collect data across the UK.

A copy of this data has been placed in the Assembly Library and published on the OFMDFM website at <http://www.ofmdfmi.gov.uk/economic-policy-regeneration-section.htm>

Mrs Cameron asked the First Minister and deputy First Minister for an update on proposed age discrimination legislation relating to the provision of Goods, Facilities and Services.

(AQO 8009/11-15)

Mr P Robinson and Mr M McGuinness: We made a statement on 19 February giving a commitment to extend legislation to give legal protection from unfair age discrimination, to those aged 16 years and over, by those providing, goods, facilities and services. The statement also announced the intention to bring forward a consultation document setting out proposals for legislation.

Our officials have met with departments and key stakeholder organisations to progress the development of the proposed consultation document.

On 15 April, Junior Minister Bell and Junior Minister McCann appeared before the Committee for OFMDFM to update Members on progress on the proposed legislation, including the development of the consultation document.

Subject to Executive agreement, we intend to issue the consultation document in the near future.

Once the consultation is complete and a robust policy agreed, we will then consider all the options available to us for bringing any proposed legislation before the Assembly.

Mr Flanagan asked the First Minister and deputy First Minister what assessment has been made of the capacity to provide safe resettlement to present and future refugees from Syria.

(AQO 8012/11-15)

Mr P Robinson and Mr M McGuinness: The only formal programme under which we might receive Syrian refugees is the Vulnerable Persons Relocation scheme. This scheme aims to identify those left most vulnerable by the conflict and resettle them where they can get the quality of care they need.

If we are to take responsibility for what would be an extremely vulnerable group of people we must ensure we can offer the same quality of life as would be provided elsewhere. Refugees must have access to appropriate services; healthcare, housing, community support, religious facilities, and appropriate opportunities. They must be able not only to survive but have a life and a future here.

Taking all these factors into account, we continue, in partnership with Non Governmental Organisations which are active in this area, to examine the possibilities and implications, and all options remain on the table. Our guiding principle however is that we must balance our potential to improve the lives of vulnerable refugees with our ability to keep them safe and well.

We are aware that a small number of Syrians have already made their own way here to seek asylum. Some of the groups funded by our Department through the Minority Ethnic Development Fund have been crucial to providing them with support as they seek to make a new home here.

Mr F McCann asked the First Minister and deputy First Minister what impact welfare cuts will have on their ability to implement the Disability Strategy.

(AQO 8015/11-15)

Mr P Robinson and Mr M McGuinness: The issue of welfare reform remains under consideration by Executive party leaders. We remain committed to implementing the Disability Strategy.

Mr Ramsey asked the First Minister and deputy First Minister, following the announcement from the PSNI that there has been a significant increase in race hate crime in the last year, for an update on the Racial Equality Strategy.

(AQO 8016/11-15)

Mr P Robinson and Mr M McGuinness: Following a public consultation officials are finalising their work on analysing the responses received.

Officials continue to meet with representatives of the sector to clarify certain key issues that arose during the 16 week public consultation exercise.

Publication will follow once the Strategy is considered to be sufficiently robust to deliver on the needs identified in the consultation exercise and elsewhere.

The Strategy, of itself, will not eliminate race hate crime but should help to focus our efforts on tackling the views and attitudes that give rise to it.

Mr Douglas asked the First Minister and deputy First Minister to outline the progress on the implementation of the Stormont House Agreement.

(AQO 8017/11-15)

Mr P Robinson and Mr M McGuinness: An implementation plan was drawn up in early January following the Stormont House Agreement. Work is continuing on a wide range of commitments and Executive party leaders meet weekly to discuss progress on implementation.

Department of Agriculture and Rural Development

Ms Sugden asked the Minister of Agriculture and Rural Development what bids she is preparing to submit for the June monitoring round.

(AQW 45702/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): In line with previous years my Department's June Monitoring Round proposals are scheduled to be discussed with the Agriculture and Rural Development Assembly Committee before they are shared with other stakeholders. As this briefing is due to take place on 2 June 2015, it would not be appropriate to disclose my Department's bids at this stage.

Mr Moutray asked the Minister of Agriculture and Rural Development what action her Department has taken to increase awareness of the general risk factors linked with Bovine Tuberculosis.

(AQW 45909/11-15)

Mrs O'Neill: Increasing awareness among herdkeepers of risk factors linked with Bovine Tuberculosis (bTB) is an important part of our TB eradication programme. When herdkeepers are aware of the risk factors, they can employ appropriate biosecurity measures to reduce the exposure of their herds to these risks. Bovine TB is an important issue for me and that is why, when I announced the TB Strategic Partnership Group on 17 September 2013, I made it clear that I want a strategy to address, among other issues, improving biosecurity, and improving communications with farmers. The Group is due to submit to me its long-term TB eradication strategy, and associated implementation action plan, in December 2015.

To encourage better biosecurity, the Department publishes information for use by all herdkeepers and provides specific advice to those who have a TB herd breakdown.

DARD makes available to all herdkeepers the leaflet Biosecurity measures which help protect your herd against TB. This leaflet discusses in very clear terms the risks from bought-in cattle; contact with cattle from other herds; contact with badgers and deer; contact with people and equipment; and slurry from other farms. DARD also provides the leaflet Wildlife Biosecurity, which discusses the risks from badgers and deer and how to mitigate these risks.

Since July 2013, DARD staff have been providing these leaflets to herdkeepers at annual or biannual biosecurity visits in accordance with a communications plan. This means that every herdkeeper should have received these leaflets at least once by mid 2016. In addition, when a TB breakdown occurs on a farm, the herdkeeper is visited by a Veterinary Officer, who provides the herdkeeper with copies of these leaflets. Face-to-face biosecurity advice is also given at these visits. The leaflets are also freely available at Divisional Veterinary Offices and on the DARD website, together with other DARD publications containing Biosecurity advice. DARD staff also meet with herdkeepers at the Balmoral Show and the Winter Dairy Fair and discuss risk factors face-to-face.

In recent years DARD has commissioned research into the risk factors linked with Bovine Tuberculosis to build the evidence to help deal effectively with disease risk factors and reduce TB further. Examples of this research are the TB Biosecurity Study, a Literature Review on the role of slurry in spreading bovine TB and the Badger Cattle Proximity Study. This research was carried out by the Agri-Food and Biosciences Institute and the concluding results have been made available on the DARD website.

The Rural Development Programme 2014-2020, as currently proposed and submitted to the EU for approval, also includes training measures aimed at improving farmers' understanding of the importance of good biosecurity, not just in relation to bovine TB but also other diseases.

Mr Clarke asked the Minister of Agriculture and Rural Development, in preparation for the implementation of the Reservoirs Bills, whether her Department has estimated the costs for the repair of local reservoirs covered by the Bill.

(AQO 8255/11-15)

Mrs O'Neill: During Consideration Stage of the Reservoirs Bill on 28 April 2015 I moved a group of amendments, which were accepted, and have the effect of introducing the Bill in two phases.

The provisions in Phase 1 allow for the registration and designation of reservoirs and require an inspection of High and Medium Consequence reservoirs. This inspection will establish if any works are required in the interests of safety and provide cost estimates.

In preparation for the implementation of this new legislation my Department also commenced gathering condition information informally by inviting reservoir managers in the public, private, and not-for-profit sectors to supply the Department with the required information by commissioning an engineer to inspect their reservoir. Those reservoir managers who do not wish to commission an inspection have the option of allowing the Department to survey their reservoir.

To encourage the co-operation of reservoir managers, I have made financial assistance available to private sector and not-for-profit organisations that will help with the cost of obtaining the required information.

I am pleased to report that reservoir managers have reacted positively and this information gathering is on track for completion by March next year which will enable my Department to present a report on the condition and cost of repair of reservoirs to the Assembly by July 2016.

Mr Moutray asked the Minister of Agriculture and Rural Development what role her officials have in tracking and recovering stolen livestock.

(AQO 8256/11-15)

Mrs O'Neill: I am very aware of the real concerns that the levels of crime are causing amongst the farming community, including the number of livestock thefts from farms.

I have met the PSNI Chief Constable and the Minister of Justice on a number of occasions and made them aware of my concerns. I explained the real worry this was causing in rural areas and highlighted the need for something to be done.

Responsibility for tackling rural crime, including livestock theft, lies primarily with the PSNI, however DARD, through its Veterinary Service Enforcement Branch and CAFRE, works closely with the PSNI in relation to the detection, tracing and recovery of stolen livestock. Veterinary Service Enforcement Branch has been using sophisticated DNA profiling techniques to verify the ownership of recovered animals.

I am aware of some local PSNI initiatives to prevent rural crime, and these are to be welcomed. I am also aware of joint work being taken forward by the PSNI and Garda Síochána to combat crime in border areas. DARD welcomes this multi-agency approach which recently has resulted in the recovery of stolen animals and in arrests and convictions in the north and in ongoing prosecutions the south. The PSNI's latest quarterly update on agricultural and rural crime showed that the number of offences relating to agricultural activity has decreased significantly in the last year.

I would encourage farmers to participate in these initiatives and to do all they can to secure their properties. Anyone who has information which might help us combat this threat to rural businesses should report their suspicions to either DARD, the PSNI, the Garda Síochána or the Investigations Division of the Department of Agriculture, Food and the Marine.

Ms Lo asked the Minister of Agriculture and Rural Development what negotiations her Department has been having with stakeholders in relation to the bird nesting season.

(AQO 8257/11-15)

Mrs O'Neill: I have not had any negotiations with stake holders specifically in relation to the bird nesting season. However in October 2014 the Ulster Farmers Union asked me to review the Cross-Compliance hedge cutting closed period with a view to allowing hedge cutting in certain circumstances during August.

As part of this review Officials from my Department met with representatives from the organisations that expressed an interest in this issue during the Cross-Compliance Good Agricultural and Environmental Condition consultation exercise carried out in March 2014. The stakeholders involved were the Ulster Farmers Union, Royal Society for the Protection of Birds and NI Environment Link.

Having considered the outcome of the review I intend to introduce the possibility to apply for a derogation which would allow hedge cutting from 15 of August to facilitate farmers wishing to plant oilseed rape or reseed grasses or other herbaceous forage (clovers, Lucerne, sainfoin and forage vetches) on arable land. The derogation would only apply where no nesting birds are present in the hedge and therefore is designed to help enable flexibility for farmers whilst protecting priority species.

The derogation process will be tightly controlled and if applications are received from areas classed as high risk in terms of late nesting birds a rapid field visit may be undertaken to assess the risk associated with granting the derogation.

The need for a derogation process will be reviewed in two years.

Mr Lyttle asked the Minister of Agriculture and Rural Development for an update on the review of the implementation of the Welfare of Animals Act 2011.

(AQO 8258/11-15)

Mrs O'Neill: Following the adoption of a Private Member's Motion on animal cruelty on 31 March 2014, I initiated a Review of the Implementation of the Welfare of Animals Act 2011. My officials are taking this Review forward in conjunction with the Department of Justice and an Interim Report was published on 26 February.

The Interim Report shows the progress of the Review to date across the four themes examined; Sentencing, Delivery Structures, Working Together and Serving the Public. It sets out the proposed recommendations which include increasing the maximum sentences available, establishing a single animal welfare website to bring together information from all three enforcement bodies and a publicity campaign to increase public awareness of who to contact if concerned about the welfare of an animal.

The Review Steering Group initially undertook an eight week public consultation exercise on the Interim Report to allow members of the public and interested stakeholders an opportunity to submit their views on the emerging recommendations

and any further evidence. The consultation documents were available on the DARD and DOJ websites. Given the level of interest in dog breeding issues I extended the closing date for the consultation on the Interim Report to 21 May 2015 to provide additional time for people to submit their comments.

The Review Team are currently reviewing the responses received from the consultation on the Interim Report. Following this process, my officials may find it useful to meet certain respondents to discuss their suggestions to assist in preparing a Final Report, which is due to be published later this year. When I receive the Final Report I will consider the recommendations including any financial or resource implications for my Department.

Mr Boylan asked the Minister of Agriculture and Rural Development what action she has taken to seek a resolution to the difficulties with country of origin labelling for lamb.
(AQO 8259/11-15)

Mrs O'Neill: The sheep sector makes a very important contribution to the local agri-food industry. It is vital that the sector remains competitive and profitable. Traditionally the south of Ireland has been a very important market for our lamb and I would like to see this trend continue.

New EU rules mean that lamb meat can only be labelled "Origin: Ireland" if the lamb was born, reared and slaughtered in the south. I am concerned that there has been a significant drop in demand from meat plants in the south for live exports of lamb from the north, and that the recent changes to the EU rules on country of origin labelling could be a factor in this.

The Euro/Sterling exchange rate is also having an adverse impact on trade. Sterling has seen a 20% reduction in recent years which makes our lambs relatively expensive when compared to our counterparts in the south.

I agreed with Minister Coveney that work is undertaken to examine the options for additional voluntary labelling for meat from pigs, sheep, goats and poultry. I have spoken again recently to Minister Coveney and we have tasked our Permanent Secretaries with getting a solution for locally produced meat. My officials had a constructive meeting with DAFM officials recently and they also met Jim Nicholson MEP, and Commission officials.

I have written to the DEFRA Secretary of State and to the EU Health and Food Safety Commissioner Andriukaitis about this matter. Unique circumstances face agri-food businesses on this island and the Commission needs to understand the case for greater flexibility in labelling.

I will continue to do what I can to support improved, transparent communications on pricing and market requirements. The industry needs to work together to ensure that all partners along the sheep supply chain are sustainable and profitable.

Mr Dunne asked the Minister of Agriculture and Rural Development what tree re-planting schemes are in place within the Craigtlet area, following the recent felling of trees due to *Phytophthora ramorum* in a number of woodlands.
(AQO 8260/11-15)

Mrs O'Neill: 25 hectares of woodland were felled at Ballysallagh to control the spread of *P. ramorum* disease of larch. Forest Service will regenerate the 22 hectares that it manages through a combination of planting and natural regeneration. Prior to the disease the woodland contained approximately 25% broadleaved trees. Once regeneration is complete this will increase to about 40%.

3 hectares is privately owned. Felling carried out under a Statutory Plant Health Notice in private woodland does not require a felling licence and there is no requirement for the land owner to regenerate this site. However I understand that the owners have indicated to local residents their willingness to replant the affected area as soon as practical with native tree species.

Unfortunately it looks as though we will need to continue work with tree diseases for some time to come. Therefore, I intend to make support available under a Forest Protection Scheme so that owners can restore their woodlands rather than abandon them. This Scheme is contained within the draft Rural Development Programme 2014-20 and, subject to European Commission approval, I expect the Scheme to open later in 2015 in readiness for the 2015/16 tree planting season.

Mr Brady asked the Minister of Agriculture and Rural Development how her Department's focus on broadband provision has benefited the rural community of Newry and Armagh.
(AQO 8261/11-15)

Mrs O'Neill: My Department has now invested £7.5m in rural broadband in total. This investment has already helped some 17,000 rural dwellers, farms and businesses to access broadband services. The NI Broadband Improvements Project, which is led by DETI, and to which I am contributing £5m, has been responsible for an additional 14,000 rural premises being able to connect to broadband if they wish.

In the Newry and Armagh area 4,591 premises have been connected through this investment giving rural dwellers in the area the same opportunities as those living in urban areas.

Broadband is a priority of mine and I want to see all rural dwellers in the north being able to connect to broadband if they wish, to this end I am investing a further £1m in the NI Broadband Improvement project and allocating £2m of the next rural development programme to tackle the harder to get at areas that will still not have access to broadband. I now want to encourage as many rural people as possible to make more and better use of broadband and I have asked officials to carry out

a scoping study to see how my Department can encourage more and better use of broadband so that rural businesses and farmers can benefit from the wide range of government services now available on line.

Dr McDonnell asked the Minister of Agriculture and Rural Development what progress has been made in relation to the problem of labelling sheep meat products, which has been blamed for depressing spring lamb prices locally over recent months.

(AQO 8263/11-15)

Mrs O'Neill: The sheep sector makes a very important contribution to the local agri-food industry. It is vital that the sector remains competitive and profitable. Traditionally the south of Ireland has been a very important market for our lamb and I would like to see this trend continue.

New EU rules mean that lamb meat can only be labelled "Origin: Ireland" if the lamb was born, reared and slaughtered in the south. I am concerned that there has been a significant drop in demand from meat plants in the south for live exports of lamb from the north, and that the recent changes to the EU rules on country of origin labelling could be a factor in this.

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I agreed with Minister Coveney that work is undertaken to examine the options for additional voluntary labelling for meat from pigs, sheep, goats and poultry. I have spoken again recently to Minister Coveney and we have tasked our Permanent Secretaries with getting a solution for locally produced meat. My officials had a constructive meeting with DAFM officials recently and they also met Jim Nicholson MEP, and Commission officials.

I have written to the DEFRA Secretary of State and to the EU Health and Food Safety Commissioner Andriukaitis about this matter. Unique circumstances face agri-food businesses on this island and the Commission needs to understand the case for greater flexibility in labelling.

I will continue to do what I can to support improved, transparent communications on pricing and market requirements. The industry needs to work together to ensure that all partners along the sheep supply chain are sustainable and profitable.

Department of Culture, Arts and Leisure

Mr G Robinson asked the Minister of Culture, Arts and Leisure to list the respondents to the recent consultation on library opening hours.

(AQW 46084/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Details of the respondents to the recent consultation on library opening hours are held by Libraries NI which undertook the exercise as part of a wider opening hours policy development process. Its list of respondents comprises both names of private individuals and names of organisations and public representatives.

Names of private individuals constitutes personal information. During the consultation Libraries NI did not advise these respondents that this personal information may be made public nor did it seek their permission to do so. Consequently, these details are exempt from disclosure in accordance with Freedom of Information and Data Protection requirements. The names of organisations and public representatives that responded have been published by Libraries NI and are listed at Annex A.

Annex A

Organisations and Public Representatives

- Action Ability Group (Whiterock)
- Armagh, Banbridge and Craigavon District Council
- Arlene Foster MLA
- Danny Kinahan MLA
- DARD Sustainable Rural Communities Branch
- David McNarry MLA
- Derry City and Strabane District Council
- Disability Action
- Enagh Youth Forum (2 separate submissions)
- Jim Shannon MP
- Limavady DUP (5 identical letters from Alderman Alan Robinson, Mayor of Limavady; George Robinson MLA; Cllr J McCorkell; Cllr EJ Scott; David Gilmour BSc Hons)
- Member of a Knit and Natter Group
- Member of Highfield Residents Association
- NIPSA
- Northern Ireland Commissioner for Children and Young People
- Sean Lynch MLA
- SDLP
- Strathfoyle residents (as a result of a public engagement day, held by Derry and Strabane Council as part of community planning)
- Unison
- UUP (Leslie Cree MLA, on behalf of the UUP)

Mr Cree asked the Minister of Culture, Arts and Leisure what criteria her Department used in reaching the proposal to reduce the opening hours at Portrush Library from 40 to 28 hours per week.

(AQW 46148/11-15)

Ms Ní Chuilín: The decision to reduce the opening hours at Portrush library was taken by the Board of Libraries NI and was based on criteria that were endorsed by the public during a recent consultation on a new Libraries NI opening hours policy.

The publicly endorsed criteria are as follows:

- Opening hours to be based on historic levels of use;
- Allocated hours to be used in a way that best meets customer need;
- Allocated hours should be sufficient to provide a range of opening hours to suit different customer groups and to allow a minimum range of programmes to be delivered;
- Opening hours should be affordable; and
- Opening hours should be sustainable.

None of the criteria exceptions agreed (i.e. substantial deprivation or rurality) applied in this instance.

Libraries NI is currently consulting with users to determine the best pattern of opening hours to meet customer need. It is Libraries NI's intention to seek to ensure that the pattern of opening hours in Portrush, Portstewart and Coleraine are complementary as far as possible, depending on customer response.

Department of Education

Mr Easton asked the Minister of Education how many parents chose not to accept a nursery school place in each of the last two years,

(AQW 45628/11-15)

Mr O'Dowd (The Minister of Education): The Chief Executive of the Education Authority has provided the following information which shows the number of children whose parents chose not to accept a pre-school place, in a setting of their choice, after it had been offered to them:

Region	2013/14	2014/15
Belfast	122	145
Western	29	37
North Eastern	242	166
South Eastern	61	50
Southern	121	47

Mr Lyttle asked the Minister of Education how many funded nursery and primary schools in East Belfast were oversubscribed after stage 1 of the application process for 2015/16.

(AQW 45697/11-15)

Mr O'Dowd: At the conclusion of stage 1 of the pre-school admissions process on 17 April and the conclusion of the primary schools admissions process on 29 April 2015, when letters issued to parents advising them of the setting in which their child has been placed in September, there were 13 pre-schools and 6 primary schools in the East Belfast constituency which were oversubscribed with first preference applications.

Mr McNarry asked the Minister of Education how much funding is provided to Irish medium schools, broken down by council area; and of these, how many have fewer than the Bain recommended numbers for rural and urban primary schools.

(AQW 45705/11-15)

Mr O'Dowd: The Sustainable School Policy (SSP) was published in January 2009 and it incorporated many of the recommendations from the Bain Review including the minimum enrolment numbers for urban and rural schools. The SSP outlines six criteria which provide the framework for assessing the sustainability of schools. The criteria are quality education experience, stable enrolment trends, sound financial position, strong leadership and management, accessibility and strong links with the community. It should therefore be noted that enrolment numbers is one of six criteria that must be examined when assessing the sustainability of a school.

Funding data for Irish Medium schools, broken down by new 2015 Council Area, is provided in the table below. The latest Financial Year for which complete audited financial data is currently available is April 2013 to March 2014.

The table also provides details of the number of schools which, at the October 2014 Census, have fewer than the Bain recommended numbers for rural and urban schools although as already noted the enrolment numbers are only one of the six criteria to be examined when assessing sustainability.

Irish Medium Primary Schools

2015 Council area	Total Funding for 2013/14 Financial Year	Total No of Irish Medium Primary Schools	No of Schools Under the Bain Threshold for Urban and Rural Schools
Belfast	£ 5,415,468	9	5
Causeway Coast and Glens	£ 1,448,948	3	3
Antrim and Newtownabbey	£ 771,534	2	1
Mid-Ulster	£ 1,520,331	5	4
Derry and Strabane	£ 2,219,075	4	3
Fermanagh and Omagh	£ 746,693	2	1
Newry, Mourne and Down	£ 965,823	3	3
Total	£ 13,087,872	28	20

Note: The Bain thresholds disregard nursery unit enrolments however funding data provided reflects allocations for the entire primary school including, where appropriate, nursery units within the school.

Irish Medium Post-Primary School

2015 Council area	Total Funding for 2013/14 Financial Year	Total No of Irish Medium Post-Primary Schools	Under the Bain Threshold Years 8-12	Under the Bain Threshold Years 13-15
Belfast	£3,075,229	1	1	0

Mr Agnew asked the Minister of Education to detail the number of parental requests for statutory assessment for Special Educational Needs which have been (i) denied; and (ii) accepted by Education and Library Boards in each of the last three years. (AQW 45722/11-15)

Mr O'Dowd: The Education Authority has advised that the number of parental requests for statutory assessment of special educational needs which have been (i) accepted and (ii) declined by the Education and Library Boards over the last three years is as follows:

	Apr 2012 - Mar 2013		Apr 2013 – Mar 2014		Apr 2014 - Mar 2015	
	Accepted	Declined	Accepted	Declined	Accepted	Declined
BELB	31	7	24	8	34	10
NEELB	40	57	41	66	54	61
SEELB	28	35	17	49	17	62
SELB	16	1	5	13	19	12
WELB	9	5	4	6	5	9
Totals	124	105	91	142	129	154

Mr Moutray asked the Minister of Education how his Department is working with schools to address the problem of cyber bullying. (AQW 45822/11-15)

Mr O'Dowd: Cyber-bullying is a complex problem and tackling it requires a multi-faceted approach. The Department is working to increase awareness of the problem, educate pupils about this issue and promote greater use of best-practice by schools in responding to cyber-bullying incidents.

ICT is a compulsory cross-curricular skill and as part of this pupils receive teaching on e-safety and acceptable online behaviour. At the school level, School Governors have responsibility for pupil welfare and all schools are required to have in place policies on the safe and effective use of the Internet and Digital technologies.

As part of the C2k managed ICT service, all schools use common eSafety services and have access to eSafety information and resources via a dedicated C2k eSafety Zone. C2k uses its 'News Desk' service to promote issues of online safety

directly to pupils and provide links to relevant web resources. In May 2015, C2k, in conjunction with UK Safer Internet, will also run a series of eSafety Conferences which will include the issue of cyber bullying. Over 400 school representatives are expected to attend.

The Department funds the local Anti-Bullying Forum (NIABF), which aims to tackling cyber-bullying through its own awareness raising activities, such as the annual Anti-Bullying Week (ABW), and by providing practical support, resources and guidance to schools, parents and pupils. The Forum makes a range of anti-bullying resources, including some on cyber-bullying, available through its website. It also developed and distributed a school resource pack, "Effective Responses to Bullying Behaviour", which highlights best-practice for schools to follow.

As part of its 2015-16 work programme, DE has asked NIABF to update its cyber-bullying resources and prepare an insert for the "Effective Responses" resource pack to provide specific guidance for schools on cyber-bullying. This will also take account of the ongoing work of the Safeguarding Board for NI (SBNi) on this issue.

Mr Easton asked the Minister of Education how his Department is addressing bullying in schools.

(AQW 45880/11-15)

Mr O'Dowd: The Department works in partnership with schools and other stakeholders to tackle bullying in a broad, holistic manner.

At primary level, as part of the Personal Development and Mutual Understand area of learning, all children are encouraged to develop an awareness and understanding of their own and others' feelings and emotions and of how their actions affect others. They are also taught strategies and skills for keeping themselves healthy and safe.

At post-primary level, the Learning for Life and Work area of learning teaches young people to develop strategies to promote personal safety including learning about different forms of bullying. At Key Stage 4 this includes understanding of how pupils can maximise and sustain their own health and well-being.

The Department has produced guidance for schools in developing effective anti-bullying policies which includes practical initiatives and case studies to support schools to tackle bullying. The guidance "Pastoral Care in Schools: Promoting Positive Behaviour" is available on the Department's website at <http://www.deni.gov.uk/ppbehaviour-4.pdf>. The effectiveness of a school's anti-bullying measures is monitored through the regular cycle of school inspections.

My Department funds the local Anti-Bullying Forum (NIABF), a grouping which brings together over 25 statutory and non-statutory organisations involved in tackling all forms of bullying. The Forum delivers awareness raising activities, such as the annual Anti-Bullying Week (ABW) and provides practical support, resources and guidance to schools, parents and pupils. In 2013 it released its own resource pack for schools "Effective responses to Bullying Behaviour" which highlighted best-practice and suggested a number of approaches which schools could use in responding to bullying incidents.

The Independent Counselling Service for Schools (ICSS) has been accessible to young people of postprimary age in mainstream schools since September 2007 and to postprimary aged pupils in special schools from January 2011. This allows pupils to speak to a trained counsellor about their concerns or fears around bullying.

The Department's "iMatter" Programme is intended to support the entire school community to be engaged in promoting resilient emotional health for all pupils. Under the programme a suite of homework diary inserts and posters on topics of concern to young people such as self esteem and coping with stress, worry, anxiety and bullying, and outlining sources of help are prepared and distributed annually.

Mr Weir asked the Minister of Education how many applicants in stage one for nursery places in 2015/16 failed to achieve a placement, broken down by constituency.

(AQW 45884/11-15)

Mr O'Dowd: I have been advised by the Chief Executive of the Education Authority that the information requested is not collected on a constituency basis. A manual exercise to extract it would result in disproportionate cost.

Mrs Overend asked the Minister of Education to detail his Department's forecast numbers for children reaching post-primary enrolment age over the next five years, within the Magherafelt catchment area.

(AQW 45887/11-15)

Mr O'Dowd: The Department produces pupil projections at an overall Northern Ireland level; however, it has been possible to produce regional year group estimates for the purposes of this AQ.

Please note that these estimates are based purely on population patterns. Other factors, such as new schools being built or school closures are not factored into this analysis.

Estimates of the number of pupils reaching post-primary enrolment age resident in the (former) Magherafelt LGD, 2015/16 – 2019/20

2014/15 (actual)	614
2015/16	620

2016/17	649
2017/18	655
2018/19	684
2019/20	698

Sources: NISRA NI population projections; NI school census

Notes:

- 1 Estimated figures refer to pupils that would be in year 8 in post-primary schools in each year or who are aged 11 attending special schools.
- 2 Estimates are based on pupils resident in the (former) Magherafelt LGD. It does not factor in pupils that may attend schools in Magherafelt but live outside.

Mrs Overend asked the Minister of Education to detail the benefits of the Magherafelt Learning Partnership.

(AQW 45888/11-15)

Mr O'Dowd: Through working together in Area Learning Communities (ALCs), such as Magherafelt Area Learning Partnership, post-primary schools are able to offer all pupils in the area access to more courses at Key Stage 4 and post-16 that interest and engage them. New and innovative courses that have clear progression pathways for young people in areas of economic growth, and that otherwise would have been difficult for individual schools to offer, are now accessible through the partnership arrangements. Young people in Magherafelt, as elsewhere, have opportunities to study alongside each other and learn from each other. Schools have built up excellent working relations that enable them to come together and plan provision for the young people of the area, put together solutions to challenges and share best practice. In the most practical of ways, ALCs such as Magherafelt Area Learning Partnership, support schools in putting pupils first.

Mr Gardiner asked the Minister of Education to detail the level of engagement (i) his Department; (ii) the Education Authority; and (iii) schools generally have with Keep Northern Ireland Beautiful; and whether he will increase this engagement.

(AQW 45894/11-15)

Mr O'Dowd: The Department of Education (DE) has no direct engagement with Keep Northern Ireland Beautiful.

The Education Authority's (EA) main engagement is through support for the Eco-Schools Programme. A number of regional EA staff provide environmental assessments for those schools wishing to achieve an Eco-Schools award; while the Curriculum Advisory Support Service also provides support and educational advice to the charity.

All schools in the north of Ireland are involved with various environmental programmes supported by the charity. 1178 schools are currently registered with the Eco-Schools Programme, while 237 schools participated in the 2014 Big Spring Clean. 42 schools participate in the Adopt a Spot Programme and eight schools have participated in the Eco-Home programme.

The establishment of the single EA will ensure a greater level of consistency with regard to engagement and a meeting is planned for June between the Chief Executive of the EA and the Chief Executive of Keep Northern Ireland Beautiful.

Mr Campbell asked the Minister of Education whether he will review the criteria used to assess a child's pre-school full time provision in areas where a number of preferred full time providers have been unable to offer places.

(AQW 45918/11-15)

Mr O'Dowd: Available evidence from the Effective Pre-School Provision in NI (EPPNI) found no discernible difference in children's cognitive development at the start of primary school between those who attended full-time and those with part-time attendance.

All admissions criteria are set by pre-school providers themselves: however legislation requires that the top criterion for each provider prioritises children from socially disadvantaged backgrounds. Learning to Learn – a Framework for Early Years Education and Learning includes an action to implement remaining actions from the Review of Pre-School admissions including one to examine the definition of socially disadvantaged circumstances with a view to reflecting changes to the benefits system especially relating to low paid working parents. Proposals for the way forward will be informed by any changes resulting from Welfare Reform.

Learning to Learn also includes an action to, over time, standardise patterns of attendance in the Pre-School Education Programme. I have placed a moratorium on any new or conversion to full time pre-school education until such times as a review of the current levels of full-time provision, existing research, and the needs of children being served by it can be carried out.

Any proposed changes to patterns of attendance will require a comprehensive analysis of the potential implications for existing settings; an evaluation of the impact of changes on the early years estate and associated funding requirements and potential amendments to Article 22 (4) (b) of the Education (NI) Order 1998 which defines full and part-time pre-school education.

Mr Agnew asked the Minister of Education to detail the number of children in each Education and Library Board area which have had a request for statutory assessment for Special Educational Needs (i) rejected; and (ii) undertaken in each of the last three years.

(AQW 45943/11-15)

Mr O'Dowd: The Education Authority has advised that the number of requests for statutory assessment of special educational needs which have been (i) accepted and (ii) declined by the Education and Library Boards over the last three years is as follows:

	Apr 2012 - Mar 2013		Apr 2013 – Mar 2014		Apr 2014 - Mar 2015	
	Accepted	Declined	Accepted	Declined	Accepted	Declined
BELB	429	13	474	11	369	14
NEELB	366	80	412	122	522	87
SEELB	521	113	529	130	687	135
SELB	458	57	420	83	551	58
WELB	430	95	386	113	452	137
Totals	2204	358	2221	459	2581	431

Mrs Overend asked the Minister of Education whether it is standard practice to include water fountains in all new buildings for primary or post-primary schools.

(AQW 45948/11-15)

Mr O'Dowd: The School Building Handbooks (Primary and Secondary) provide advice and guidance on the planning and design of new school buildings and the standard to which they should conform. Requirements in relation to the provision of drinking water supplies are included in these handbooks.

The Primary School Handbook recommends that chilled fresh water dispensers should be appropriately located in circulation areas. The Secondary School Handbook has not yet been updated but in the interim, professional consultants engaged in the provision of new-build schools are instructed to locate chilled water dispensers in appropriate positions in circulation areas.

Mrs Dobson asked the Minister of Education what steps he has taken to encourage secondary schools to avail of free Cardiopulmonary Resuscitation training offered by the British Heart Foundation.

(AQW 45961/11-15)

Mr O'Dowd: I very much welcome the dedicated work of the British Heart Foundation (BHF) and other organisations which promote the teaching of emergency life support skills, including cardiopulmonary resuscitation.

The Department delegates as much funding and decision-making as possible to schools which are best placed to assess the needs of their pupils and we take the view that it is very much a matter for schools themselves to reach a judgement on whether or not a resource provided by an external body might enhance their teaching and learning.

Having stated that, the Department of Education will be taking forward the implementation of some of the recommendations from the Department of Health, Social Services and Public Safety's Community Resuscitation Strategy. This includes facilitating the availability of CPR training resources through the C2k ICT managed service and issuing a circular to all schools to advise them of the availability of these resources – including the BHF training.

The Strategy also suggested that schools should be encouraged to provide CPR training to pupils twice during their school career: once while in primary school and once in post-primary education. We will therefore encourage this in the circular that we issue to schools in relation to available CPR training resources.

The Department will be represented on the Community Resuscitation Strategy Training Working Group, which has been set up to take forward relevant recommendations.

Mr Weir asked the Minister of Education how many pupils with hearing loss have been funded to attend a secondary school outside of Northern Ireland, in each of the last five years.

(AQW 45967/11-15)

Mr O'Dowd: The Education Authority has advised that the number of pupils with hearing loss, funded to attend a secondary school outside of the north of Ireland, in each of the last five years, is as follows:-

April 2010 – March 2011	8
April 2011 – March 2012	8
April 2012 – March 2013	8

April 2013 – March 2014	7
April 2014 – March 2015	8
Total	39

Mr Weir asked the Minister of Education what percentage of pupils with hearing loss attending Jordanstown School achieved 5 GCSE passes or more, in each of the last five years.

(AQW 45968/11-15)

Mr O'Dowd: The Department does not hold validated, school-level examination performance data for special schools. Such data are only available for mainstream grant-aided schools.

Mr Weir asked the Minister of Education what percentage of pupils with hearing loss in mainstream schools have achieved 5 GCSE passes or more in each of the last five years; and to outline how this compares to the percentages for pupils who do not have hearing loss.

(AQW 45969/11-15)

Mr O'Dowd: The answer is contained in the table below.

Percentage of school leavers achieving at least 5 GCSEs at grades A*-G (including equivalents), 2009/10 to 2013/14^{1,2}

	Hearing Loss ³		No Hearing Loss	
	Number	%	Number	%
2009/10	47	82.5	21,145	92.9
2010/11	79	91.9	21,576	93.5
2011/12	45	91.8	21,318	94.7
2012/13	66	95.7	21,748	94.8
2013/14	66	86.8	21,487	95.2

Source: School Leavers Survey

Notes:

- 1 Data exclude special and independent schools.
- 2 School leavers detailed in the above table may have other special educational need types in addition to, or in isolation of, hearing loss.
- 3 Percentages derived from base numbers of less than 100 should be viewed with caution to avoid drawing unwarranted conclusions from the data.

Mr Craig asked the Minister of Education whether his Department, the Education Authority, or Middletown Centre for Autism keeps a database of teachers or schools who have accessed teacher training for autism issues; and what action has been taken to encourage schools who have failed to avail of this training opportunity, to do so.

(AQW 46015/11-15)

Mr O'Dowd: The Education Authority (EA) and the Middletown Centre for Autism (MCA) have advised that both bodies keep databases of teachers and schools that have availed of teacher training for autism. DE does not hold such a database.

The EA has advised that teachers and schools are routinely directed to training and are actively encouraged to attend training where specific needs in relation to autism are identified in schools. When referrals for support are received by the EA, officers will review the status of training within the school and the school will be supported in meeting identified training needs as required.

MCA has advised that it forwards marketing materials including training opportunities to every school in the north of Ireland twice a year.

Mr Craig asked the Minister of Education whether the new Education Authority will conduct an audit on the availability of youth psychology across Northern Ireland, as waiting times for assessment are increasing.

(AQW 46020/11-15)

Mr O'Dowd: The Education Authority has advised that it plans to create a regional educational psychology service. As these regional structures are being put in place, the Authority will continue to monitor waiting lists for educational psychology services.

Mr Allister asked the Minister of Education how many children have been seen by educational psychologists in each of the last five years.

(AQW 46024/11-15)

Mr O'Dowd: The Education Authority has advised that the number of children who have been seen by an educational psychologist in each of the last five years is as follows:

April 2010 – March 2011

BELB	972
NEELB	1181
SEELB	1221
SELB	1737
WELB	1187
Total	6298

April 2011 – March 2012

BELB	861
NEELB	1213
SEELB	1096
SELB	1819
WELB	1295
Total	6284

April 2012 – March 2013

BELB	833
NEELB	1311
SEELB	1333
SELB	1850
WELB	1378
Total	6705

April 2013 – March 2014

BELB	944
NEELB	1460
SEELB	1324
SELB	2061
WELB	1495
Total	7284

April 2014 – March 2015

BELB	808
NEELB	1420
SEELB	1268
SELB	1132
WELB	1819
Total	6447

Numbers provided for SELB refer to 1 September – 31 August for each year.

Numbers provided for SEELB and SELB do not include a small number of children only seen at Stage 4 of the Code of Practice on the Identification and Assessment of Special Educational Needs.

Mr Allister asked the Minister of Education for his assessment of how far his Department is succeeding in adhering to the National Institute for Health and Care Excellence guidelines on autism.

(AQW 46025/11-15)

Mr O'Dowd: The National Institute for Health and Care Excellence (NICE) develops guidelines and provides advice in order to support the delivery of health and social care services across England, Scotland, Wales and the north of Ireland.

The provision of educational support to children and young people on the autism spectrum in the north of Ireland is based upon the individual learning needs of each child and is not dependent on the child having a medical diagnosis. As a consequence, this educational support is developed and delivered independently of the NICE guidelines.

Mr Allister asked the Minister of Education what innovative actions, and with what effect, have been taken since the introduction of the Autism Strategy.

(AQW 46028/11-15)

Mr O'Dowd: Since the launch of the cross-Departmental Autism Strategy and Action Plan in January 2014, DE has worked closely with the Education Authority (EA) and the Middletown Centre for Autism (MCA) on the implementation of the education-specific actions to develop support and provision for children and young people with autism. These include delivering training programmes by both the EA and MCA for teachers, educational professionals, youth workers and parents and providing ongoing effective support for pupils with autism.

The EA and MCA will continue to build the capacity of schools to support the needs of children with autism through both their delivery of autism specific training and the capacity building work delivered as part of the specialist direct support offered to children with autism by the MCA.

DE is represented on the Autism Strategy Implementation Group which is collectively responsible for monitoring progress against the actions and reflecting how implementation is progressing. The Department of Health, Social Services and Public Safety has overall responsibility for the preparation of a subsequent report that will also consider the impact of the Strategy's actions over time which will be laid before the Assembly by December 2016.

I am confident that the education-related actions in the Action Plan will help to ensure that children and young people with autism are provided with high quality education services that evolve to meet their needs as they progress through the education system.

Mr Weir asked the Minister of Education what consideration his Department has given to providing bilingual teaching (oral and sign language) for classes of deaf children.

(AQW 46049/11-15)

Mr O'Dowd: All deaf children should have access to a broad and balanced school curriculum to enable them to develop their full potential. I recognise, however, that deaf children are a diverse group and that not all do, or indeed should, fit into one form of provision.

While the general aims of bilingual education are shared by the Education Authority it considers that the range of strategies outlined in my response to your previous AQW 46052/11-15 provide the best opportunity for support to be tailored to meet the individual needs of each child with hearing loss.

Mr Weir asked the Minister of Education for his assessment of the academic attainment gap between deaf and non-deaf pupils.

(AQW 46051/11-15)

Mr O'Dowd: The data outlined in my response to previous AQW 45969/11-15 shows that there is not a substantive difference in the academic attainment of school leavers, with or without a hearing loss, in mainstream schools.

I remain confident that the strategies employed by the Education Authority continue to provide a comprehensive level of support to help pupils with a hearing loss achieve their full potential.

Mr Weir asked the Minister of Education to detail the strategies being pursued to reduce the academic attainment gap between deaf and non-deaf pupils.

(AQW 46052/11-15)

Mr O'Dowd: The Education Authority (EA) provides a comprehensive level of support, tailored to the individual needs of each child, to help hearing impaired children across the ability range achieve their full potential. Support is available from diagnosis and on a continuing level throughout school, appropriate to the pupil's needs. Support can include whole school training and advisory support for relevant school staff with specific advice regarding:

- the pupil's hearing loss and the implications on learning;

- maintenance of hearing aids and associated equipment;
- management of the pupil within the classroom;
- strategies for developing the pupil's attention and listening skills;
- strategies for maximising linguistic opportunity;
- strategies for improving memory skills;
- strategies to assist the pupil access the curriculum
- strategies to develop social skills and self-esteem.

Attainment is not, however, solely influenced by hearing loss but can also be attributed to a range of factors including age of diagnosis, use of prescribed amplification devices and the pupil's cognitive ability.

The EA has advised that in addition to the wide range of measures provided to support young hearing impaired people from diagnosis to school leaving age, appropriate access arrangements at GCSE level may also be provided including:

- a modified examination paper and/or extra time;
- Special Educational Needs Co-ordinators (SENCOs) and examination officers will be reminded of special access arrangements available to the pupil;
- a live speaker in an aural examination;
- a sub-titled version of a video/film.

Mr Lyttle asked the Minister of Education for an update on the Home to School Transport Review; and what consideration he has given to the feasibility of providing free public transport for all school pupils.

(AQW 46065/11-15)

Mr O'Dowd: As you may be aware, I launched an independent review of home to school transport in December 2013. One of the elements I asked the panel of experts to consider was the feasibility of providing free public transport for all pupils. The panel presented me with their final report in August 2014; however, the panel did not include free public transport for all pupils as one of their recommendations.

I intend to consult on the policy issues raised in the report later this year. I have an open mind in relation to the recommendations but first want to hear the views of the public and stakeholders in the upcoming consultation before reaching any decisions on the way forward. A number of operational issues will also be taken forward separately with the relevant public bodies.

Mr Campbell asked the Minister of Education what are the projected enrolments for each post-primary school in Coleraine for the 2015/16 and 2016/17 academic years.

(AQW 46126/11-15)

Mr O'Dowd: Projected figures are collected from each school individually for the subsequent year only as part of their school census return. The table overleaf details these projected figures for 2015/16 alongside the actual enrolments for 2014/15 for purposes of comparison. Projected figures for 2016/17 are not available.

Projected enrolments for schools situated in the former Coleraine LGD, 2015/16

	2014/15 actual	2015/16 projected
Coleraine Academical Institution	763	780
Coleraine College	232	231
Coleraine High	802	800
Dominican College, Portstewart	502	498
Loreto College, Coleraine	818	823
North Coast Integrated College	448	455
St Joseph's College, Coleraine	292	321
St Paul's College	292	285

Source: NI school census

Notes:

- 1 Projected figures are based on data provided by schools as part of their school census submission. It includes pupils in years 8-15 and pupils in learning support centres.

Mr Agnew asked the Minister of Education to outline his Department's timeline for the review and revision of Community Relations, Equality and Diversity Policy.
(AQW 46173/11-15)

Mr O'Dowd: The review of the Community Relations, Equality and Diversity policy has been completed. It is anticipated that the revised policy will be available by the end of 2015.

Mr Allister asked the Minister of Education whether the new logo for the Education and Skills Authority will include languages other than English; and if so, what consideration has been given to the equality implications.
(AQW 46204/11-15)

Mr O'Dowd: I refer the Member to the answer to AQW 45330/11-15. The logo for the Education Authority is available in two versions:

- English only; and
- English with Irish and Ulster Scots translations.

The Authority is mindful of accessibility issues and will make documents available in minority languages and other formats as appropriate and as reasonably practicable. This is consistent with the approach taken by my Department and I do not believe that there are any equality implications.

Department for Employment and Learning

Mr Weir asked the Minister for Employment and Learning for his assessment of the impact of the lack of ESF provision in East Belfast, North Down and Fermanagh and Tyrone.
(AQW 44978/11-15)

Dr Farry (The Minister for Employment and Learning): My Department has offered funding to organisations who have indicated that they will be delivering provision in the relevant areas, as outlined below:

ESF Priority Strand	East Belfast	North Down	Fermanagh and Tyrone
Disability	11	5	11
Unemployed / Economically inactive	7	4	9
Youth / NEETs	7	3	6
Community Family Support	1	1	1

Mr Weir asked the Minister for Employment and Learning how many of the G5 Projects that were successful in receiving funding under the ESF Programme are having difficulty in securing match funding.
(AQW 45035/11-15)

Dr Farry: Successful applicants offered funding through the European Social Fund Programme will have until 30 June 2015 to confirm that match funding has been secured. To date my Department has received no formal notification from any successful applicant that match funding has not been secured.

Mr Weir asked the Minister for Employment and Learning how many of the 27 applicants who appealed the ESF Phase 2 decision passed the quality scope threshold.
(AQW 45049/11-15)

Dr Farry: Fourteen applicants passing the quality score threshold appealed the European Social Fund Phase II assessment process decision.

Mr Easton asked the Minister for Employment and Learning to detail the financial income received by St Mary's University College, Belfast.
(AQW 45372/11-15)

Dr Farry: The latest set of financial statements produced by St. Mary's University College dated 31 July 2014 details the following information:

	£
Government Grants	4,867,883
Tuition Fees	3,162,747

	£
Research Grants and Contracts	1,312
Other Income	1,011,755
Total Income	9,043,697

Ms Sugden asked the Minister for Employment and Learning pursuant to AQW 45015/11-15, to detail (i) what steps he intends to take to improve engagement with people in the target groups and (ii) a time-line for the completion of this stage.

(AQW 45442/11-15)

Dr Farry: Improving voluntary engagement with the people in the target groups is critical to the success of 'Enabling Success'. The strategy proposes to do this through a number of projects.

The first project, the development of an outcomes framework (Project A), has already commenced with the establishment of an expert Design Team. The Design Team aims to develop an end-user focused outcomes framework using a co-design approach to inform and guide the competitive pilot testing process (Project B) going forward.

The second project is to undertake an innovative regime of competitive pilot testing (Project B) to identify, develop and test a range of approaches to improve outcomes for the target groups. Successful approaches, such as more effective ways to improve engagement with the target groups, will then be developed and evaluated further and potentially upscaled.

This is a major project which will be run in three phases over a four year project lifecycle. The project will be initiated at the earliest possible opportunity, subject to my Department securing the necessary resources to take the work forward.

In addition, the Department for Social Development is currently taking forward a geographically focused pilot in 2015/16 (Project C). This pilot is aimed at early engagement with one of the key target groups and improving employment outcomes through early intervention.

Mr Weir asked the Minister for Employment and Learning to detail how the Management Authority ensures that the ESF Programme addresses the Department's responsibility under the Gender Equality Strategy.

(AQW 45560/11-15)

Dr Farry: All interventions on the ESF programme are open to men and women to help them overcome personal barriers to entering employment, education or training.

Project providers are required to assess the needs of individual participants and address those specific needs.

Under Thematic Objective 8(i), a range of support is offered to economically inactive and unemployed people. Under the economically inactive category, support has been allocated to projects supporting women only. A socio-economic analysis of Northern Ireland which was undertaken as part of the development of the ESF Operational programme found that there was a disproportionately high level of economically inactive people in Northern Ireland when compared with the rest of the UK. Within this category was a high proportion of lone parents, the majority of whom are women.

Thematic objective 9 addresses families in need, a high proportion of which are lone parent families. Evidence from the pilot Community Family Support Programme showed a high percentage of women on this Programme. A total of 1,321 participants were supported over the three cycles of the Pilot, of which 887 (67.1%) were female and 434 (32.9%) were male. This support will continue in the 2014-2020 Programme.

Through Thematic Objective 10, ESF funding provides support for apprenticeship training. Implementation of the new Apprenticeship Strategy in 2016 will include the development and testing of a range of measures to support gender participation across all occupations.

All project providers must, as part of the conditions of the award of funding, agree to collect information on all nine categories of the Section 75 legislation, including data on gender.

They are required to describe at the application stage how equality of opportunity will be promoted and monitored throughout the programme. In addition, the Northern Ireland Statistics & Research Agency will collect Section 75 data for monitoring purposes. All monitoring data collected by project providers must be broken down by gender.

Mr Allister asked the Minister for Employment and Learning for a breakdown of the hospitality spend by (i) his Department; and (ii) its arm's-length bodies, in 2014/15.

(AQW 45568/11-15)

Dr Farry: The total cost of hospitality provided by my Department in 2014/15 was £43,777. The total cost of hospitality provided by my Department's arm's-length bodies in 2014/15 was £146,424.

Ms Sugden asked the Minister for Employment and Learning when does he expect (i) that the pilot testing process of the Enabling Success Strategy will begin, and (ii) to detail a time line to completion of this stage.

(AQW 45598/11-15)

Dr Farry: Improving voluntary engagement with the people in the target groups is critical to the success of 'Enabling Success'. The strategy proposes to do this through a number of projects.

The first project, the development of an outcomes framework (Project A), has already commenced with the establishment of an expert Design Team. The Design Team aims to develop an end-user focused outcomes framework using a co-design approach to inform and guide the competitive pilot testing process (Project B) going forward.

The second project is to undertake an innovative regime of competitive pilot testing (Project B) to identify, develop and test a range of approaches to improve outcomes for the target groups. Successful approaches, such as more effective ways to improve engagement with the target groups, will then be developed and evaluated further and potentially upscaled.

This is a major project which will be run in three phases over a four year project lifecycle. The project will be initiated at the earliest possible opportunity, subject to my Department securing the necessary resources to take the work forward.

In addition, the Department for Social Development is currently taking forward a geographically focused pilot in 2015/16 (Project C). This pilot is aimed at early engagement with one of the key target groups and improving employment outcomes through early intervention.

Mr Allister asked the Minister for Employment and Learning why his Department has not brought forward proposals similar to those in the Higher Education Act 2004 requiring the appointment of an independent body to deal with student complaints. **(AQW 45614/11-15)**

Dr Farry: As part of my Department's Higher Education strategy, Graduating to Success, an outcome from Project Five is that there will be a clear and standardised internal grievance procedure throughout the sector and that the remit of the Ombudsman may be extended to include higher education learner grievances. This latter commitment has been superseded by the work of the Committee for the Office of the First and deputy First Minister on the Northern Ireland Public Services Ombudsperson Bill, which proposes bringing complaints of maladministration from students and former students of Queen's University Belfast and Ulster University within the remit of the Ombudsperson.

I will fully consider the content of the Bill and respond to the Ad Hoc Committee accordingly.

Mr McNarry asked the Minister for Employment and Learning as a result of the campus move from Ulster University from Jordanstown to Belfast city centre how many staff in all categories, including ancillary staff, will be (i) affected by the move; (ii) made redundant as a result of the move; and (iii) how many jobs in all categories, including ancillary, will be created by the move.

(AQW 45717/11-15)

Dr Farry:

(i) (ii) Ulster University is an autonomous body and therefore the management of staffing issues resulting from the move to the new campus is entirely a matter for the University.

In terms of how many staff will be affected by the move and how many staff will be made redundant, I can advise that the University has indicated that, as the move comprises a transfer of activity from Jordanstown to Belfast, it is currently envisaged that staff positions will not be directly affected by the move.

(iii) In terms of the creation of jobs as a result of the move, Universities are recognised as key drivers for economic growth and the potential regenerative impacts of the development for the north of the city are therefore significant. The development has the potential to help to bring education closer to the business community, enhance the current skills base and provide both short term employment opportunities and longer term sustainable employment opportunities. The development will have a significant impact on the local economy, with the University estimating that there is the potential for between 5,000-8,000 jobs to be created by the project across construction and other sectors.

Mr Moutray asked the Minister for Employment and Learning what action his Department is taking to further encourage young people to explore careers in STEM (science, technology, engineering and mathematics) subjects.

(AQW 45768/11-15)

Dr Farry: My Department's Careers Service provides impartial, professional careers guidance to young people in school at key decision points, for example when choosing GCSE subjects and when deciding on post 16 year old and post 18 year old options. Careers Advisers emphasise the potential risks and rewards of career choices so that clients can make informed decisions about their career paths. Advisers are aware of the need to promote STEM sectors as one of the areas most likely to produce the best prospects of future job growth. Formal partnership agreements are in place with nearly all post primary schools in Northern Ireland, and over 93% of all year 12 pupils avail of one to one guidance interviews with Careers Advisers before making decisions about post 16 options.

The Careers Service recently hosted a number of Careers Awareness Sessions for parents during which Careers Advisers highlighted the current and future job opportunities in STEM related sectors. Young people and their parents are encouraged to fully explore opportunities in this area before making career decisions.

Additionally, my Department has led on the production and implementation of the STEM Strategy, 'Success through STEM', which was produced in conjunction with five other local Departments and endorsed by the Executive in March 2011. The

Strategy details 20 recommendations to promote STEM and outlines how Government and business intend to encourage more of our young people to study and pursue a career in STEM in Northern Ireland.

To support the implementation of the Strategy and encourage more of our young people to explore careers in STEM, my Department has taken forward various activities and initiatives. This includes funding successful programmes such as 'Tasty Careers', 'Bring IT On', 'IT Code Camps' and 'It's Your Choice', all of which promote the merits of STEM and help set a strong foundation for the future. My Department also funded the inaugural Science Festival in Northern Ireland, which featured over 100 events and focused on providing young people, adults and families with a wide range of interactive workshops, inspirational talks, project displays and hands-on activities to promote STEM. Total audience figures were over 43,000 and total social media reach was over 2 million people. In July 2014 I also arranged for eight further education students to attend a prestigious STEM summer camp in Worcester Polytechnic Institute in Massachusetts, USA to gain a global perspective on STEM.

I have created an additional 1,419 undergraduate places and 234 PhD places in STEM and economically relevant subject areas since 2011. My Department has also provided 18 industry backed scholarships in ICT and Engineering, with Queens University and Ulster University, which commenced in September 2014. I have worked closely with employers in creating alternative, innovative 'academies' in important areas such as Data Analytics, Cloud Computing and Software Testing. These academies are also open to non-STEM graduates from various disciplines. To date, 64 students from the Software Testers Academy, 44 from Data Analytics and 11 from Cloud Computing have gained employment.

My Department has funded the 'STEM Business Co-ordinator' post since November 2012. The Co-ordinator works closely with businesses to take forward actions to promote STEM. This has included innovative work to encourage more females to pursue STEM and the publication of several 'STEM Careers and Courses' supplements in local newspapers. These publications use local role models to highlight the numerous opportunities available in STEM and are released at key subject decision making times in the academic year.

I trust that you can appreciate the breadth of work my Department is undertaking to promote STEM subjects. If you would like any further information on any of the initiatives or programmes listed above, my officials would be pleased to help.

Mr Weir asked the Minister for Employment and Learning to detail the current number of apprenticeship trainees in North Down. (AQW 45769/11-15)

Dr Farry: As of October 2014, ApprenticeshipsNI programme occupancy in the North Down Parliamentary Constituency was 277.

A full breakdown of occupancy by apprenticeship framework and level is included at Table 1.

The latest full ApprenticeshipsNI Statistical Bulletin can be found by following the link below.
<http://www.delni.gov.uk/draft-appsni-bulletin-feb-15.pdf>

Table 1: Occupancy on ApprenticeshipsNI for participants from North Down Parliamentary Constituency only, by Level and Framework, October 2014

Framework	Level 2	Level 2/3	Level 3 Progression	Level not assigned	Total
Not Known	0	0	1	1	2
Accountancy	3	0	0	0	3
Amenity Horticulture	1	0	0	0	1
Beauty Therapy	0	0	1	0	1
Business and Administration	0	0	1	0	1
Catering and Hospitality	8	0	0	0	8
Catering and Professional Chefs	20	0	1	0	21
Child Care, Learning and Development	0	0	7	0	7
Construction	2	0	0	0	2
Construction Crafts	0	0	1	0	1
Customer Service	13	4	4	0	21
Electrical Distribution and Trans. Engineering	0	1	0	0	1
Electrotechnical	0	12	1	0	13
Engineering	1	18	5	0	24
Equine Industry	1	0	0	0	1

Framework	Level 2	Level 2/3	Level 3 Progression	Level not assigned	Total
Food Manufacture	5	0	0	0	5
Hairdressing	1	0	13	0	14
Health and Social Care	16	3	21	0	40
Heating, Ventilation, Air-Conditioning and Refrigeration	1	0	1	0	2
Hospitality	34	0	20	0	54
Hospitality and Catering	0	0	2	0	2
Insurance	3	0	1	0	4
IT and Telecoms Professional	0	0	1	0	1
IT Services and Development	1	0	0	0	1
IT User	2	0	0	0	2
Light Vehicle Body and Paint Operations	0	0	1	0	1
Management	0	0	3	0	3
MES Plumbing	1	0	2	0	3
Providing Mortgage Advice	0	0	1	0	1
Retail	11	0	7	0	18
Security Systems	3	0	0	0	3
Team Leading	5	0	0	0	5
Vehicle Body and Paint	1	0	0	0	1
Vehicle Maintenance and Repair	1	0	9	0	10
Total	134	38	104	1	277

Source: Data extracted from the DEL Client Management System on 30th January 2015

Mr Campbell asked the Minister for Employment and Learning to detail the difference in the numbers of full and part-time lecturers employed at the Ulster University, Coleraine between 2009 and 2014.

(AQW 45906/11-15)

Dr Farry: My Department provides funding to the higher education institutions for teaching, learning and research purposes. The employment of staff is the responsibility of individual institutions and my Department does not hold the information requested. You may, therefore, wish to seek this information from Ulster University directly.

Department of Enterprise, Trade and Investment

Mr Campbell asked the Minister of Enterprise, Trade and Investment for his assessment of the (i) availability of; and (ii) requirement for, quality hotel and guest house accommodation on the Causeway Coast and wider North West area in the run up to the staging of the Open Championship at Royal Portrush.

(AQW 45644/11-15)

Mr Bell (The Minister of Enterprise, Trade and Investment): Royal Portrush Golf Club (RPGC) has been invited to join the rota to host the Open Championship. It is hoped that the first event will be hosted in 2019, however this is still to be confirmed.

The potential staging of The Open Championship presents an excellent opportunity for accommodation providers in the North Coast and the Causeway Coast and Glens Council area.

In the Causeway Coast and Glens Council area, there are 204 serviced accommodation providers (Hotels, Guest Houses, Guest Accommodation and B&Bs) providing 1518 rooms and 3814 bed-spaces. Of these providers, 33 are members of the quality grading scheme providing accommodation between 1-5 stars. As well as serviced providers, the self-catering sector would also benefit from the event.

Tourism NI is always keen to see the provision of high quality, well designed and managed tourist accommodation that meets or exceeds modern visitor expectations and will continue to work closely with other government agencies, including Invest NI, to deliver additional capacity into the area in advance of any event.

Mr McNarry asked the Minister of Enterprise, Trade and Investment what guideline he has issued to the new councils on their responsibilities and activities for tourism development.
(AQW 45700/11-15)

Mr Bell: Tourism Northern Ireland has been engaging closely with the 11 new Councils to determine tourism development priorities in each of the new Local Authority areas.

This is in line with key recommendations from the Hunter Review which point to the need to strengthen relationships within the tourism sector and for Tourism Northern Ireland to develop new strategic partnerships with Councils. Tourism Northern Ireland is working with the Local Authorities to establish clarity on the roles and responsibilities of the respective bodies in developing tourism at a local and national level, with the intention that these roles and responsibilities will be underpinned by Memoranda of Understanding between the organisations.

As a statutory partner Tourism Northern Ireland supports the new Councils in developing their Tourism Plans as part of their Community Planning role. The Community Plans will identify the long term objectives and will be aligned to tourism destination plans and development themes reflecting Northern Ireland strategic tourism priorities.

Ms Sugden asked the Minister of Enterprise, Trade and Investment to list the grants and funding streams which his Department (i) has facilitated for applications in 2014/2015; and (ii) intend to open for applications in 2015/2016.
(AQW 45748/11-15)

Mr Bell:

Grants		Funding Streams	
2014/15	2015/16	2014/15	2015/16
Capability Development Solutions	Capability Development Solutions	Accelerator Programme	Accelerator Programme
Capability Development Solutions	Capability Development Solutions	Agri-Food Loan Scheme	Agri-Food Loan Scheme
Collaborative Grant for R&D	Collaborative Grant for R&D	Co-Fund NI	Co-Fund NI
Collaborative Network Programme	Collaborative Network Programme	Development Funds (Crescent Capital III & Bol Kernel Capital)	Development Funds (Crescent Capital III & Bol Kernel Capital)
Competence Centre Programme	Competence Centre Programme	Energy Efficiency Loan Scheme	Energy Efficiency Loan Scheme
Design Service	Design Service	Growth Loan Fund	Growth Loan Fund
Grant for R&D	Grant for R&D	NI Small Business Loan Fund	NI Small Business Loan Fund
Growth Accelerator Programme (GAP)	Growth Accelerator Programme (GAP)	Northern Ireland Screen Commission – Opening Doors Strategy	Northern Ireland Screen Commission – Opening Doors Strategy
Innovation Vouchers	Innovation Vouchers	Selective Financial Assistance	Selective Financial Assistance
Inward visits	Inward visits	SUPL (Sustainable Utilisation of Poultry Litter)	SUPL (Sustainable Utilisation of Poultry Litter)
Knowledge Transfer Partnership (KTP)	Knowledge Transfer Partnership (KTP)	techstart NI – QUB and UU Fund	techstart NI – QUB and UU Fund
LED Measure	LED Measure	techstart NI – SME Fund	techstart NI – SME Fund
Legal advice on export contracts	Legal advice on export contracts		Grade A Office Accommodation Loan/ Equity Fund
Market Visits & Exhibitions	Market Visits & Exhibitions		

Grants		Funding Streams	
2014/15	2015/16	2014/15	2015/16
MIS (Management Information Systems) Grant and ICT Advisory Services	MIS (Management Information Systems) Grant and ICT Advisory Services		
Northern Ireland Screen Commission – Opening Doors Strategy	Northern Ireland Screen Commission – Opening Doors Strategy		
Project Definition R&D	Project Definition R&D		
Proof of Concept	Proof of Concept		
Propel	Propel		
Property Assistance	Property Assistance		
Regional Start Initiative	Regional Start Initiative		
SC21 Aerospace Supply Chain Programme	SC21 Aerospace Supply Chain Programme		
Sectoral Support to the Creative Industries Sector Craft NI	Sectoral Support to the Creative Industries Sector Craft NI		
Selective Financial Assistance	Selective Financial Assistance		
Skills Advancement Grant	Skills Advancement Grant		
Skills Growth Programme	Skills Growth Programme		
Social Entrepreneurship Programme	Programme ends 3rd July 2015		
Solex	Solex		
Starter Market Initiatives – Czech-it-out, Going Dutch	Starter Market Initiatives – Czech-it-out, Going Dutch		
TDI (Technical Development Incentive) Grant Scheme	TDI (Technical Development Incentive) Grant Scheme		
techstart NI – Proof of Concept Fund	techstart NI – Proof of Concept Fund		
The Leader Programme	The Leader Programme		
The Leadership Team Programme	The Leadership Team Programme		
Translation / interpreting consultancy services	Translation / interpreting consultancy services		
Finance Vouchers	Finance Vouchers		
Jobs Fund Support	Ended 31st March 2015		
	Grade A Office Accommodation Loan/ Equity Fund		
Belfast and Northern Ireland Conference Subvention Scheme	Belfast and Northern Ireland Conference Subvention Scheme.		
Londonderry and Northern Ireland Conference Subvention Scheme			
Renewable Heat	Renewable Heat	Renewable Heat	Renewable Heat

Grants		Funding Streams	
2014/15	2015/16	2014/15	2015/16
	Gas to the West		
		FTC Funding application approved for building project of Concourse III Northern Ireland Science Park	To consider FTC funding for extension to Innovation Centre of the Northern Ireland Science Park

In addition, I have asked my officials to scope the potential for a Northern Ireland specific Air Route Development Fund for routes commencing from 2016/17.

Mr Allister asked the Minister of Enterprise, Trade and Investment what are the criteria by which his Department distinguishes between conventional and unconventional extraction of oil and gas.

(AQW 45755/11-15)

Mr Bell: There is currently no oil or gas extraction in Northern Ireland, conventional or unconventional, but my Department would distinguish between these two terms largely on the basis of reservoir type, hydrocarbon trapping mechanism, and production methodology.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 45355/11-15, to place a copy in the Assembly library of the visitor research presented at the recent Fermanagh and Omagh District Council meeting.

(AQW 45761/11-15)

Mr Bell: The research requested is publically accessible by other means.

The statistics presented were produced by The Northern Ireland Statistics and Research Agency (NISRA) and these are publically available via the latest statistics bulletin at:

http://www.detini.gov.uk/local_government_district_tourism_statistics_2011-2013.pdf?rev=0.

The destination specific information relating to visitor attitudes of Northern Ireland and Fermanagh specifically is available via Tourism Northern Ireland's website at: <http://www.nitb.com/Portals/2/downloads/Visitor%20Attitude%20Survey%202014.pdf>

Mr Agnew asked the Minister of Enterprise, Trade and Investment for (i) an estimate of his Department's spend on petroleum exploration licence administration in the last three years, including estimates for meetings, shale gas regulators functions, education, the provision of information to the public, and the addressing of public concerns; and (ii) how much has been received from licence fees and rental fees.

(AQW 45778/11-15)

Mr Bell: The information sought is not readily available and may only be obtained at a disproportionate cost.

In the last three financial years £1,000 has been received in licence fees.

The current Regulations do not make provision for rental fees to be paid to the Department.

Ms Sugden asked the Minister of Enterprise, Trade and Investment for an update on the Enterprise Zone in Coleraine.

(AQW 45897/11-15)

Mr Bell: The UK Government's Economic Pact, published on 14 June 2013, set out 3 commitments in relation to Enterprise Zones, focusing on Enhanced Capital Allowances (ECAs), which permit 100% first year allowances for qualifying plant and machinery expenditure. The pilot Enterprise Zone announced in the Chancellor's Budget statement in March 2014 will only offer ECAs as an incentive. The decision to designate a particular area offering ECAs is ultimately for Treasury.

My Department's role in establishing the pilot Enterprise Zone in Coleraine has been as a facilitator to ensure designation of the Enterprise Zone by Treasury once all negotiations have concluded between relevant stakeholders.

Those discussions have not yet concluded. However, my Department has held a number of meetings with the relevant parties in recent months to highlight the importance of resolving any outstanding issues quickly, and remains hopeful that formal designation can be requested from HM Treasury in the coming weeks.

Mr Moutray asked the Minister of Enterprise, Trade and Investment what action InvestNI has taken to help enhance employment in rural areas.

(AQW 45908/11-15)

Mr Bell: In the five years from 2009-10 to 2013-14 Invest NI promoted 8,794 new jobs in rural areas through extensive support to start-up and established businesses through a range of programmes like the Selective Financial Assistance (SFA)

scheme, the Jobs Fund, Regional Start Initiative, and work with councils to support the needs of local businesses through the ERDF supported LED Measure of the EU Sustainable Competitiveness Programme. Since 2011 Invest NI has now approved assistance for 99 Council projects with total investment of approximately £38.3 million and total Invest NI assistance of approximately £25.1 million, of which £17 million is ERDF.

Further, Invest NI's Regional Offices provide advice to businesses across Northern Ireland to help them identify and bring forward viable projects.

For example in 2013-14 Minister Foster announced a £5 million investment by Dungannon-based Linden Foods, which will create 179 new jobs. Invest NI has offered assistance of £520,000 to support the company's plans for growth within the food retailing sector. Also later in 2013-14, Invest NI offered £444,000 support to Omagh-based engineering firm Telestack Ltd in a £3.1 million expansion which promoted 40 jobs.

Finally, the economic benefit of any company's investments project is not limited to the Parliamentary Constituency Area or District Council Area of that project. Indeed, the 2011 Census shows that 44% of people travel to work outside of the area they live in.

Mr Ramsey asked the Minister of Enterprise, Trade and Investment to outline the cross-departmental funding grants paid to the NW200 event in the last five years.

(AQW 45937/11-15)

Mr Bell: Tourism NI has supported the North West 200 in each of the last 5 years through the Tourism Events Funding Programme as follows:

Year:	Amount Awarded: £
2011/12:	65,000
2012/13:	90,000
2013/14:	70,000
2014/15:	160,000
2015/16:	100,000
Total:	485,000

Department of the Environment

Mr McCartney asked the Minister of the Environment, pursuant to AQW 36325/11-15 to, to detail (i) how restoration could have taken place in the absence of any approved restoration schemes; (ii) whether such practice is consistent with minerals planning policy; and (iii) the checks his Department carried out to establish if the submission given by the applicant/agent was accurate.

(AQW 43579/11-15)

Mr Durkan (The Minister of the Environment): Restoration schemes are normally considered by the Department through condition of planning approval. The physical restoration of a site that does not benefit from planning approval may in its own right not require permission depending on the nature and extent of the actual works. However restoration involving significant landfill is development requiring planning permission and would not be consistent with minerals planning policy without the necessary permission.

Checks made by the Department have demonstrated that unauthorised deposition of waste has occurred in these sites and this is the subject of on-going investigations by the Environmental Crime Unit.

Mr Allister asked the Minister of the Environment what is the scale of cuts, in both actual and percentage terms, being implemented in his Department's budget in 2015/16, specifying the level of cut in each programme.

(AQW 44876/11-15)

Mr Durkan: Under the final Budget for 2015-16, my Department's non ring-fenced Resource DEL budget was reduced by 10.7% to £104.2 million, the highest percentage reduction of all the Departments. However, once an adjustment was made to ensure payment of the statutory amount of De-rating grant due to local government, the cut to the rest of my Department's budget exceeds 15%.

Implementing a cut of this scale at very short notice has required immediate and significant reductions across all my spending programmes. The table below outlines the reductions made in both actual and percentage terms.

There are a number of the Department's spending programmes which cannot be cut rapidly in the short to medium term. The DOE salary budget, whilst having been constrained as much as possible, none the less has to accommodate monthly salary

payments due to the staff employed by the Department. The annual pay bill cannot be reduced ahead of the outworking of the voluntary exit scheme later in the year. Similarly the costs for a number of related contracts, such as HR Payroll, ICT support and Accounting systems, whilst already subjected to rigorous scrutiny, cannot be reduced at this time by the same level as the overall resource DEL cut.

This has resulted, by consequence in a larger reduction in the budget available for Environmental support programmes.

As noted above with the Local Government De-rating grant not being subject to reduction the impact on the Local Government Support Programme has been less than the overall resource DEL cut.

The Road Safety Support Programme has been subjected to significant review and the budget available for contracted advertising curtailed. The 2015/16 public facing campaign will be supplemented by new promotions developed and delivered through in house resources.

	Reduction £m	Reduction %
Local Government Support Programme	3.6	8%
Environment Support Programme	6.5	17%
Road Safety Support Programme	1.4	35%
	11.5	

Lord Morrow asked the Minister of the Environment, pursuant to AQW 44897/11-15 and in respect of the section which states that, in many of the instances where taxi touting is reported, it has not been possible to take enforcement action as the alleged offender has not been a taxi driver and therefore their actions are not considered to be illegal, why this is not immediately reported to PSNI as a person operating as an illegal taxi driver given that this is a criminal offence and potentially dangerous to passengers; and to clarify whether his staff engage regularly with PSNI in order to prevent such activity.

(AQW 45603/11-15)

Mr Durkan: Under current provisions only taxi drivers are prohibited from touting, calling out or importuning a person to be carried for hire and reward in the vehicle. In many of the instances where touting has been reported, the alleged offender has been soliciting business on behalf of other taxi drivers and has not been operating as an illegal taxi driver themselves. In this regard a criminal offence will not have been committed and therefore would not necessitate a report to PSNI.

I can, however, confirm that the Driver & Vehicle Agency regularly conducts enforcement operations with the PSNI in pursuance of a wide range of illegal taxi activities and will take the requisite enforcement action where offences have been detected.

Mr Campbell asked the Minister of the Environment to detail the cost to the public purse of all operations relating to the clean up of the major pollution incidents near the River Faughan at Campsie, Londonderry since June 2013.

(AQW 45635/11-15)

Mr Durkan: Works by my Department at the Mobuoy Road waste sites from June 2013 to date have focused on; (a) removing controlled waste materials from the licensed materials recovery facility (MRF) at the City Industrial Waste (CIW) site, (b) leachate removal primarily from the lagoon on CIW site, (c) installation of new measures to manage surface water and surface leachates from impacting water quality in the local tributary that leads to the River Faughan, (d) completion of a Geophysical survey and Habitat report, (e) installation of 39 new boreholes to monitor groundwater, leachate and landfill gas across both waste sites and (f) monitoring surface water quality in the local tributary and the River Faughan.

Costs incurred by my Department to date in undertaking these works are in the region of £920,000.

Mr Agnew asked the Minister of the Environment whether his Department's Strategic Planning Division, erred when it failed to realise the proximity, or consider the likely environmental effects, of incinerator approval Z/2014/1346/F on Belfast Lough Special Protection Area.

(AQW 45671/11-15)

Mr Durkan: In response to your question AQW 45197/11-15, which specifically referred to the EIA determination undertaken for this application, I outlined the information that was available to my officials when undertaking the determination. My response to your question AQW 44208/11-15 explained the rationale for concluding that an Environmental Statement (ES) was not required. I would wish to clarify that a determination under the Environmental Impact Assessment Regulations is not a planning decision.

The information that was available for the EIA determination was also taken into account in reaching the planning decision and it included a range of information from various sources relating to Belfast Lough. The ES detailed the distance from the site to Belfast Lough SPA. The Habitats Regulations Assessment undertaken by NIEA and available to officials also highlighted this information. NIEA concluded that there were unlikely to be significant adverse effects on Belfast Lough SPA subject to mitigation. The Development Management Report that was before me also highlighted the location of Belfast

Lough to the west of the site. The mitigation requested by NIEA was included as planning conditions on each of the planning permissions.

Also material to the planning decision was the previous grant of permission for the larger development on the site and that there were no objections to either planning application.

Therefore I do not accept that my Department failed to consider the proximity or impact of the development on Belfast Lough SPA.

Ms Sugden asked the Minister of the Environment what bids he is preparing to submit for the June monitoring round.
(AQW 45708/11-15)

Mr Durkan: The return date for my Department's submission to DFP for June Monitoring is 4th June 2015. Prior to this date I will be considering the contents of the submission in terms of bids and any possible reduced requirements. The Environment Committee will also need to be advised of the content of the June Monitoring submission prior to the DFP stated return date. Once DFP have received all Departmental submissions, the Finance Minister will produce an Executive Committee paper for discussion and approval probably around mid June. Then once the Executive Committee has agreed the outcome of June Monitoring, details of all bids will be available.

Mr Agnew asked the Minister of the Environment if he has been invited, has visited or has any plans to visit any unconventional gas development sites in North America, including (i) the sites; and (ii) from whom he received an invitation.
(AQW 45721/11-15)

Mr Durkan: On 13 March 2014 I visited the offices of the Environmental Protection Agency in Washington to discuss Fracking and other Environmental issues. My predecessor Minister Attwood undertook a similar visit under his term as Minister of the Environment in March 2012 and March 2013.

I have no future plans at this moment in time, to visit any unconventional gas development sites in North America.

Mr Kinahan asked the Minister of the Environment whether representations to planning applications, which are submitted after the specified two week time period, will be accepted and given due consideration.
(AQW 45774/11-15)

Mr Durkan: Although there is no legal definition for a representation in planning, it is held to be a comment, objection or expression of support in relation to a planning application that has been submitted to the council or, as the case may be, the Department.

Section 45 (3) of the 2011 Planning Act requires that in determining any application for planning permission the council or the Department must take into account any representations relating to that application which are received by it within such period as may be specified in a development order.

The prescribed period is set out in accordance with Article 8 (1) (d) and Article 8 (2) (f) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. The Department shall not determine the application before the expiration of 14 days from either: the date on which notice of the application is first published in a newspaper; or the date stipulated on the notice to any identified occupier issued under the statutory neighbour notification procedure; or the date on which the application is first published on its website, whichever date is the later or latest. There are also particular requirements where representations are received from those who have a legal interest in the land.

The Act places a duty on the planning authority not to determine applications within the specified period but does not specify a timescale in which representations must be submitted. In practice therefore, representations can be submitted and must be taken into account up until the point at which the decision is made.

Mr Agnew asked the Minister of the Environment how much his Department has contributed, or is projected to contribute, to the joint North South Unconventional Gas Exploration and Extraction research being administered by the Republic of Ireland's Environmental Protection Agency and being carried out by CDM Smith.
(AQW 45777/11-15)

Mr Durkan: My Department is contributing €246,000 to the overall Research Programme, which is being led by CDM Smith Ireland Ltd in partnership with Queen's University Belfast, British Geological Survey, University College Dublin, University of Ulster, AMEC Foster Wheeler and Philip Lee Solicitors.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 44217/11-15, whether his Department equates the application of the precautionary principle with the requirement of evidence of environmental harm.
(AQW 45780/11-15)

Mr Durkan: Recourse to the precautionary principle is not needed if evidence of environmental harm exists, it is only relevant where there is doubt about the impacts of a proposal or there is insufficient information to ascertain the probability of risk and degree of harm. The Department applies the precautionary principle appropriately and in line with guidance and the European Commission Communication on the use of the principle.

Lord Morrow asked the Minister of the Environment for assessment of the twelve development control investigations carried out on behalf of NIEA by Queen's University Belfast Centre for Archaeological Fieldwork as part of planning regulations. (AQW 45797/11-15)

Mr Durkan: Records held by my Department indicate that during the period from January 2014 to December 2014 the Queen's University, Centre for Archaeological Fieldwork (CAF) undertook eleven development control investigations on behalf of the DOE. The investigations were undertaken on the small number of proposed development sites throughout Northern Ireland in order to comply with planning requirements. Nine of them were undertaken in order to offer some financial support for archaeological mitigation to be carried out in line with Paragraph 3.8 of Planning Policy Statement 6 where the developer was a registered charity or similar non profit-making body, or in the case of 'ordinary individuals' who did not have the means to fund such work. The Department is empowered to do this through Article 24 of The Historic Monuments and Archaeological Objects (NI) Order. Two of the eleven investigations were undertaken by CAF on the DOE's own behalf on sites at Roe Valley Country Park and Dunluce Castle. I have attached an appendix to this letter which gives an assessment of the eleven development control investigations undertaken, in order of date.

Appendix 1 – The eleven development control investigations carried out on behalf of the DOE by CAF in 2014 as part of planning regulations: -

1 Roe Valley, Co. Londonderry. March-April 2014

As part of the NIEA hydro-restoration scheme at Roe Valley Country Park, archaeological monitoring was required during the laying of a penstock pipe (c. 200m long). The pipe was laid underground, from the existing mill race, past a number of old buildings near the country park visitor centre, and terminated in the original turbine house/inlet tunnel. No features of archaeological significance were encountered.

2 Dunanney, Co. Antrim. April 2014

Planning Reference: D/2014/0072/F. Substantial extension to a dwelling on a farm where there is reported to be a souterrain (small underground complex of rooms and tunnels dating to the early medieval period). The souterrains precise location is unknown. It is therefore a potential health and safety issue within any new build scenario. No features of archaeological significance were encountered.

3 Dunluce 'D Field', Co. Antrim. July 2014

As part of the NIEA: Dunluce Project; Dunluce Castle Visitor Centre, Option Site D underwent test trenching. An archaeological evaluation was carried out in a field to the west of Dunluce Castle, village and gardens (ANT 002:003 and ANT 002:008). The work was requested by the NIEA Innovation and Strategies Division to evaluate any potential archaeological impact should this field be chosen as the location of a proposed new visitor centre. Eighteen mechanically excavated trenches (each 2mx30m) were opened, targeting possible geophysical anomalies and a representative sample of the site where no anomalies were detected. Three of the eighteen trenches contained features, although, on investigation, none of these proved to be of archaeological significance.

4 Chapel Lane, Armagh. June and July 2014

Planning Reference O/2009/0387/F. St Vincent de Paul's charitable development in Armagh. The site was monitored and the possible remains of a ditch were observed at the northern corner of the site; however, due to the health and safety concerns it could not be investigated fully. It was preserved in situ. Remains of 19th-century buildings were also uncovered.

5 Demesne of Down, Downpatrick, Co. Down. October 2014

Planning Reference S/2012/0252/F. A proposed new footpath to link the Mound of Down (DOW 037:028) and Well Lane in Downpatrick. The application site is within the historic landscape associated with the Mound of Down. The footpath was monitored and nothing of archaeological significance was encountered.

6 Vianstown Road, Bonecastle, Co. Down. October 2014

Planning Reference R/2013/0043/RM. This application site for a single dwelling is adjacent to the site of Bone Castle (DOW 037:041) described in the NISMR as having occupied a rock outcrop. The location is annotated 'Site of' Bone Castle from 2nd Edition Ordnance Survey map. Large flat slabs with lime mortar were found during the construction of a large silo in the 1980s. However, nothing of archaeological significance was encountered in 2014.

7 Cranfield, Kilkeel, Co. Down. November 2014

Planning Reference: P/2011/0681/F. Two linear features had been exposed in a previous evaluation for a single dwelling. Both of these features were exposed, and determined to contain sherds of post-medieval pottery.

8 Raffrey, Co. Down. November 2014

Planning Reference R/2014/0250/F. Application site for a new dwelling located adjacent to a recorded archaeological site (DOW023:010). Nothing of archaeological significance was encountered.

9 Drumscollop, Co. Fermanagh. December 2014

Planning Reference L/2014/0467/F. This application site for a single dwelling contained the possible below ground remains of an enclosure and suspected archaeological remains (FER191:101). No remains of the enclosure were identified during the works.

10 Dunloy, Co. Antrim. December 2014

Planning Reference D/2014/0139/F. Proposed site for a dwelling located adjacent to Knockaholet raised rath (ANT 018:020), which is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Although the rath has been previously landscaped in the past, there is a possibility of associated remains in the adjacent field. However, this evaluation did not uncover archaeological features.

11 Ballydarrog, Co. Londonderry. December 2014.

Planning Reference B/2014/0223/F. Sizeable extension to a housed was located within 25m from a recorded archaeological site (LDY 016:004). Nothing of archaeological significance was encountered.

Mr Agnew asked the Minister of the Environment to provide a list of all planning application references related to the Airport Road incinerator
(AQW 45997/11-15)

Mr Durkan: The following is a list of applications that relate to the site at 7 Airport Road, Belfast where permission has been granted for a combined heat and power generating station for the treatment of refuse derived fuel (RDF) by gasification.

Z/2012/1387/F

- Proposal: Construction and operation of a combined heat and power generating station for the treatment of refuse derived fuel (RDF) by gasification.
- Location: 7 Airport Road, Belfast, BT3 9DY.
- Decision: PERMISSION GRANTED - 22.01.2014

Z/2014/1346/F

- Proposal: Construction and operation of a combined heat and power generating station for the treatment of refuse derived fuel (RDF) by gasification - amendments to layout and design of facility and plant from that previously approved under Z/2012/1387/F
- Location: 7 Airport Road, Belfast, BT3 9DY,
- Decision: PERMISSION GRANTED - 16.02.2015

Z/2014/1473/F

- Proposal: Construction and operation of combined heat and power generating station - variation of Condition 6 (which restricted throughput to 120,000 tonnes per annum); and variation of condition 7 (which relates to the Transportation Service Management Plan) approved under planning reference Z/2012/1387/F.
- Location: 7 Airport Road, Belfast, BT3 9DY,
- CONSIDERATION ONGOING

LA04/2015/0301/F

- Proposal: Construction and operation of combined heat and power generating station - variation of condition 6 (which restricted throughput to 120,000 tonnes per annum); and variation of condition 7 (which relates to the Transportation Service Management Plan) approved under Planning Reference Z/2014/1346/F
- Location: 7 Airport Road, Belfast, BT3 9DY,
- APPLICATION RECEIVED

Department of Finance and Personnel

Ms Sugden asked the Minister of Finance and Personnel what communication his Department has had with the Northern Ireland Hotels Federation regarding VAT rates; and whether he has plans to raise the issue of a separate VAT rate for the Northern Ireland tourism/hospitality sector with HM Treasury.
(AQW 40452/11-15)

Mr Hamilton (The Minister of Finance and Personnel): Departmental Hospitality

Mr Allister asked the Minister of Finance and Personnel what was (i) her Department's spend on hospitality and (ii) each of its arms length bodies in 2014/15 and (iii) what was the breakdown thereof.
(AQW 45615/11-15)

Mrs Foster: Audited figures for the total spend on hospitality by the Department of Finance and Personnel in 2014-15 are not yet available.

As a North/South Body, the Special European Union Programmes Body (SEUPB) prepares its financial information on a calendar year basis. The total cost of hospitality provided by the body in 2014 was £2k. The SEUPB costs for hospitality are funded on a North/South basis. The Department of Finance and Personnel is responsible for 50% of this cost.

Ms Sugden asked the Minister of Finance and Personnel pursuant to AQW 40452/11-15, what communication has her Department had with the Northern Ireland Hotels Federation regarding VAT rates and what plans she has to raise the issue of a separate VAT rate for the Northern Ireland tourism/hospitality sector with HM Treasury.

(AQW 45655/11-15)

Mrs Foster: I understand AQW 40452/11-15 was posed to my predecessor, and I will now answer this question in my capacity as Finance Minister in conjunction with AQW 45655/11-15.

While I have not had any communication with the Northern Ireland Hotels Federation, they have raised the issue of a reduced VAT rate for tourism and hospitality products and services with me in my previous Ministerial role.

EU law largely prohibits a regional variation in VAT rates, and as such, any reduction would need to be applied across the UK. That said, I firmly believe that such a measure would be hugely beneficial, not only for the Northern Ireland tourism industry, but for that of the UK as a whole. This is a matter my predecessor raised as recently as February this year with the then Financial Secretary to the Treasury, David Gauke MP where he urged the Treasury to consider how a reduced rate of VAT could be used and targeted to improve the competitiveness of the UK tourism industry. In his response, the Financial Secretary rejected the call for such a reduction citing the cost to the Exchequer.

I will continue to press the case for such a VAT reduction and I intend writing again to Mr Gauke following his re-appointment as Financial Secretary in the new Government.

Mr Weir asked the Minister of Finance and Personnel to detail the estimated amount of rates lost as a result of the inability to identify ownership of empty residential property.

(AQW 45809/11-15)

Mrs Foster: The total amount of rates written-off as a result of the inability to identify ownership of empty domestic property, between the period of 1st October 2011 and 31st March 2015, was £1,044,772.

It should be noted that LPS continues to attempt to trace those liable for this written-off debt.

Mr McNarry asked the Minister of Finance and Personnel to detail the figures and calculations that indicate that the introduction of Welfare Reform, the ending of Treasury fines and a reduction in benefit fraud would provide sufficient funds to underwrite an increase in wages for teachers, nurses, ambulance personnel and fire-fighters.

(AQW 45839/11-15)

Mrs Foster: Implementation of Welfare Reform is central to ensuring that the Northern Ireland Executive budget is sustainable going forward. If not implemented, the UK Government will continue to reduce our DEL budget to compensate for the additional costs of the welfare system in Northern Ireland. We will also forgo the financial package negotiated as part of the Stormont House Agreement, including the £700 million of RRI borrowing needed to transform our public sector.

A reduction in benefit fraud in Northern Ireland would deliver saving to AME budgets and would not directly impact on the level of resources available to the Executive.

It will be for Ministers to agree future pay settlements for public sector workers in line with public sector pay policy applicable at the time.

Mr McNarry asked the Minister of Finance and Personnel to detail (i) what action she intends to take against Departments which fail to meet their efficiency savings and (ii) if she has decided on an acceptable percentage slippage level for Departments failing to meet their efficiency savings.

(AQW 45840/11-15)

Mrs Foster: In Budget 2011-15 savings were deducted from departments' baselines at the outset and departments, therefore, had to deliver the necessary savings and live within their allocated budgets. Therefore, an 'acceptable percentage slippage level for departments' was not and is not countenanced.

Limits on spending were set by the Assembly in the subsequent Budget Acts and each department accounts to the Assembly for their expenditure in their annual Resource Accounts. Any excess expenditure would be reported by the Comptroller and Auditor General.

Mrs Dobson asked the Minister of Finance and Personnel whether the procurement of goods and services are discussed, encouraged or made a mandatory requirement when negotiations are being undertaken with a promotion company of other third party in relation to an event being held within Stormont Estate.

(AQW 45849/11-15)

Mrs Foster: Organisations who apply to hold an event on the Stormont Estate are responsible for the procurement of any goods and services necessary for the event. DFP does not discuss, encourage or make mandatory the use of any particular goods or services for such events.

Mr Gardiner asked the Minister of Finance and Personnel does the Executive have the flexibility to use £700 million of capital borrowing to fund a Voluntary Exit Scheme and can her Department detail the estimated time-scale for the Scheme in 2015/16.

(AQW 45850/11-15)

Mrs Foster: The Stormont House Agreement provided the Executive with flexibility to use £700 million of capital borrowing over the next four years to fund a voluntary exit scheme. As access to this funding forms part of the Stormont House Agreement, it is critical that there is sufficient progress on implementation of Welfare Reform to ensure the Executive can access this funding.

At this stage it appears the £200 million for year one will be oversubscribed. First allocations are due to be agreed by the Executive as part of June monitoring (subject to Welfare Reform and subsequently an Executive Budget being agreed).

Work has continued pending, budgetary agreement, based upon the need to make progress within previously agreed timescales.

Mr Allister asked the Minister of Finance and Personnel to confirm that Special Advisers whose service is terminated by a ministerial reshuffle are not entitled to an annual salary pay progression at the 1st August following their reappointment.

(AQW 45852/11-15)

Mrs Foster: Where Special Advisers are reappointed within one week of their previous NICS employment being terminated, they are considered to be in continuous employment.

Mr Allister asked the Minister of Finance and Personnel to detail the salary bands applicable to all grades within the Civil Service.

(AQW 45853/11-15)

Mrs Foster: This information is available on the DFP website at the following link: <http://www.dfpni.gov.uk/pay>

Mr Hussey asked the Minister of Finance and Personnel, pursuant to AQT 2111/11-15 for an update on the civil service pay claim.

(AQW 45946/11-15)

Mrs Foster: The matter remains with the Executive for consideration.

Mr Allister asked the Minister of Finance and Personnel whether Special Advisers' pension and contribution arrangements are in line with those prevailing in the Northern Ireland Civil Service Pension Scheme.

(AQW 45951/11-15)

Mrs Foster: Special Advisers' pension and contribution arrangements are in line with those prevailing in the Northern Ireland Civil Service Pension Scheme.

Department of Health, Social Services and Public Safety

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety how many contracts have been (i) awarded; and (ii) advertised to provide ambulance or patient and client transport services to providers other than the NI Ambulance service, in each area and in each of the last three financial years; and to detail the value of each contract awarded.

(AQW 43290/11-15)

Mr Wells (The Minister of Health, Social Services and Public Safety): The information in the table below has been provided by HSC organisations and refers to purchases of independent sector ambulance services, taxi services for patient and clients and air ambulance services. Contracts may cover a period of several years.

Area	Number of contracts awarded	Total value of each contract awarded	Number of contracts advertised
2011/12			
Belfast HSC Trust	1	£100,000	1
South Eastern HSC Trust	1	£7,336,665	1
NIAS Trust ⁽¹⁾	0	£2,000	0
2012/13			
Western Trust ⁽¹⁾	1	£15,600	0

Area	Number of contracts awarded	Total value of each contract awarded	Number of contracts advertised
Western Trust ⁽¹⁾	0	£5,983 £26,483 £2,830 £27,457 £5,561	0
NIAS Trust ⁽¹⁾	0	£33,000 £1,000	0
2013/14			
Regional	1	£3,000,000	1
Belfast HSC Trust	0	n/a	1
South Eastern HSC Trust	1	£600,000	1
Southern HSC Trust	2	£7,074,986 £141,835	1
Western HSC Trust	1	£7,343,128	1
Western HSC Trust ⁽¹⁾	0	£8,192 £194,829 £8,568 £6,081	0
NIAS Trust(1)	0	£13,000 £5,000	0

Note (1): Purchased under single tender/direct award arrangements

Source: Health and Social Care Trusts and Business Services Organisation

Ms McCorley asked the Minister of Health, Social Services and Public Safety (i) how many Neurological Care Advisors will be put into post; (ii) where they be based; and (iii) whether Huntingdon's Disease will be one of the conditions covered under these posts.

(AQW 45070/11-15)

Mr Wells: Six neurological care advisors will be put into post.

These are regional posts which will be based in the Belfast Trust providing outreach to other Trusts.

The care advisors will provide advice, support and information to people living with neurological conditions, including Huntingdon's Disease.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for a breakdown of the number of children on waiting lists for diagnosis for Autism Spectrum Disorder, broken down by Health and Social Care Trust area.

(AQW 45072/11-15)

Mr Wells: Table 1 below contains a breakdown of the number of children on waiting lists for a diagnosis for Autism Spectrum Disorder by Health and Social Care Trust area at 31 March 2015.

Table 1

Health and Social Care Trust area	No. of Children
Belfast	663
Northern	377
South Eastern	128
Southern	24
Western	191
Total	1,383

Mrs Dobson asked the Minister of Health, Social Services and Public Safety how many patients with multiple sclerosis are currently receiving (i) Tecfidera; (ii) Interferon Beta; (iii) Lemtrada; (iv) Aubagio; (v) Copaxone; and (iv) Fingolimod; and how many patients are currently waiting to access one of these treatments.

(AQW 45138/11-15)

Mr Wells: Information on the number of patients with multiple sclerosis currently receiving Tecfidera; Interferon Beta; Lemtrada; Aubagio; Copaxone; and Fingolimod at 31st March 2015 are shown below. Belfast HSC Trust has also provided information on the number of patients with multiple sclerosis currently receiving other disease modifying therapies and these have also been included below.

Specified disease modifying therapies:	Number of patients receiving treatment at 31st March 2015
Tecfidera	190
Betaferon	72
Aubagio	20
Copaxone	286
Fingolimod	61
Lemtrada	0
Other disease modifying therapies:	
Rebif 22	175
Rebif 44	258
Avonex	383
Extavia	16
Tysabri	119
Total	1,580

At 31st March 2015 there were 31 patients waiting to start one of these disease modifying therapies. Of these, 8 were waiting to commence Tysabri, and 5 Lemtrada. The remaining 18 patients had not yet indicated which of the treatments they wish to start from a choice of Copaxone, Rebif, Betaferon, Anonex, Extavia

Mr McGlone asked the Minister of Health, Social Services and Public Safety, in relation to the Business Service Organisation, Payroll Shared Services Centre, how much has been spent on (i) the acquisition of new computer equipment, systems and programs; and (ii) the maintenance of computer equipment, systems and programs by the Health and Social Care Board in the last three years.

(AQW 45160/11-15)

Mr Wells: The new system for HR, Payroll, Travel and subsistence (HRPTS) was acquired as an integrated system and it is therefore not possible to segregate the cost of the payroll only element of it.

There were 24 reported complaints in the last twelve months regarding payroll issues associated with payments processed by the Business Service Organisation, Payroll Shared Services Centre.

Mr McGlone asked the Minister of Health, Social Services and Public Safety to detail the number of reported complaints in the last twelve months regarding payroll issues associated with payments processed by the Business Service Organisation, Payroll Shared Services Centre.

(AQW 45161/11-15)

Mr Wells: The new system for HR, Payroll, Travel and subsistence (HRPTS) was acquired as an integrated system and it is therefore not possible to segregate the cost of the payroll only element of it.

There were 24 reported complaints in the last twelve months regarding payroll issues associated with payments processed by the Business Service Organisation, Payroll Shared Services Centre.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail (i) the waiting time for a routine appointment with a urology consultant in Fermanagh; (ii) the waiting time for patients from Fermanagh to travel to see a urology consultant, including whether specific days are dedicated to patients from Fermanagh in this clinic; and (iv) what consideration has been given to offering urology clinics in the South West Acute Hospital.

(AQW 45190/11-15)

Mr Wells: The waiting time information specifically for Fermanagh patients is not held by my Department. The latest statistics for waiting times in this specialty is available at <http://www.dhsspsni.gov.uk/index/statistics/hospital/waitingtimes/waitingtimes-outpatient.htm#outpatients>

- (i) [//www.dhsspsni.gov.uk/index/statistics/hospital/waitingtimes/waitingtimes-outpatient.htm#outpatients](http://www.dhsspsni.gov.uk/index/statistics/hospital/waitingtimes/waitingtimes-outpatient.htm#outpatients)
- (ii) All urology patients including Fermanagh patients are offered appointments chronologically. Appointments are offered to patients either in South West Acute Hospital or in Craigavon Area Hospital, whichever is sooner.
- (iii) A consultant urologist from Craigavon Area Hospital provides a full day urology outreach clinic in the South West Acute Hospital twice monthly.

Mrs Overend asked the Minister of Health, Social Services and Public Safety to detail how many Northern Health and Social Care Trust staff have been affected by delays in receiving wages as a result of the transfer of payroll to the Business Services Organisation (BSO) in the last six weeks.

(AQW 45276/11-15)

Mr Wells: A total of 164 Northern Trust staff in March 2015 (0.67% of total staff paid) and 699 staff in April 2015 (3.47% of total staff paid) received off-cycle payments in relation to issues with their regular pay/wages.

BSO Payroll Shared Service Centre (SSC) representatives met with the representatives of the Northern Trust Domiciliary Care Management team on Monday 27 April. It was agreed that SSC Payroll representatives would hold a further workshop with line managers to review payroll issues within the next few weeks. In the interim, the staff were provided with SSC contact details so that any queries can be addressed and SSC management has committed to monitoring payments to this group of staff for the next three months, which will include a full review of every line submitted in staff timesheets. If staff have suffered losses (e.g. bank charges and failed direct debits) as a result of not receiving net pay and allowances as expected, these will be considered on their individual merits and where it can be clearly demonstrated that any such loss was due to employer errors, then a resolution should be agreed between staff and the HSC employer.

Mrs Overend asked the Minister of Health, Social Services and Public Safety what action should be taken by Northern Health and Social Care Trust domiciliary care staff affected by delays in receiving wages as a result of the transfer of payroll to the Business Services Organisation (BSO) in the last six weeks.

(AQW 45277/11-15)

Mr Wells: A total of 164 Northern Trust staff in March 2015 (0.67% of total staff paid) and 699 staff in April 2015 (3.47% of total staff paid) received off-cycle payments in relation to issues with their regular pay/wages.

BSO Payroll Shared Service Centre (SSC) representatives met with the representatives of the Northern Trust Domiciliary Care Management team on Monday 27 April. It was agreed that SSC Payroll representatives would hold a further workshop with line managers to review payroll issues within the next few weeks. In the interim, the staff were provided with SSC contact details so that any queries can be addressed and SSC management has committed to monitoring payments to this group of staff for the next three months, which will include a full review of every line submitted in staff timesheets. If staff have suffered losses (e.g. bank charges and failed direct debits) as a result of not receiving net pay and allowances as expected, these will be considered on their individual merits and where it can be clearly demonstrated that any such loss was due to employer errors, then a resolution should be agreed between staff and the HSC employer.

Mr B McCreagh asked the Minister of Health, Social Services and Public Safety to outline the process for nursing homes securing a top up rate for higher dependency residents.

(AQW 45283/11-15)

Mr Wells: Each year the Health and Social Care Board (HSCB), following discussion with representatives from independent sector providers, establishes a regional rate for residential and nursing home care. This rate is used by HSC Trusts as a guide price as to what is fair and affordable.

If a nursing home owner/manager believes a review of tariff rates is required for individual residents assessed as having a higher level of dependency, they should approach the relevant Trust to request a meeting to consider their particular circumstances.

Mr Agnew asked the Minister of Health, Social Services and Public Safety what action is being taken to increase service provision for people under the age of 18 who require help with drug addiction.

(AQW 45318/11-15)

Mr Wells: It is important to note that research shows that the majority of young people who use substances are not addicted or physically/psychologically dependant. That is not to say they do not experience difficulties or harms related to their substance misuse, however they therefore require a different level of clinical response than adults who are dependent. Those young people who use drugs or alcohol problematically are likely to be vulnerable and experiencing a range of problems, of which substance misuse is one.

There is a range of general services provided across all sectors responding to the needs of children, young people and families. All the Health and Social Care Trusts provide family support services and work in partnership with voluntary and

community sector organisations to support the prevention and early intervention agenda, including the need to reduce and minimise the significant harm caused by both legal and illegal use of drugs and alcohol. The range of organisations providing family support services is listed in the Family Support website which can be accessed at www.familysupportni.gov.uk.

Young people may also require specialist substance misuse services, ranging from information, education and awareness raising through to treatment and support. Under our alcohol and drug strategy, the New Strategic Direction for Alcohol and Drugs Phase 2, a range of services covering these tiers of response is commissioned across Northern Ireland and these are outlined on the Public Health Agency Website at: <http://www.publichealth.hscni.net/publications/drug-and-alcohol-directories-services>. The PHA is currently in the process of re-tendering for a range of services and these are due to come on-stream in July 2015.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 43733/11-15, to detail all suppliers of private ambulances, broken down by Health and Social Care Trust.
(AQW 45341/11-15)

Mr Wells: The table below indicates the independent ambulance services (private and voluntary) used by each Health and Social Care Trust. The British Red Cross, Order of Malta and St John Ambulance Service are voluntary ambulance services.

HSC Trust	Independent ambulance service providers
Belfast	Aeromedics Patient Discharge Service ProParamedics St John Ambulance Service
Northern	British Red Cross North West Community Ambulance ProParamedics St John Ambulance Service
South Eastern	British Red Cross MTS
Southern	British Red Cross Pro Paramedics St John Ambulance Service
Western	British Red Cross Concierge Practitioners NI Order of Malta ProParamedics St John Ambulance Service
Northern Ireland Ambulance Service	British Red Cross Concierge Practitioners NI Order of Malta ProParamedics St John Ambulance Service

Source: HSC Trusts

Mr Lunn asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Central Gateway Teams in each Health and Social Trust by (i) gender; (ii) grade; and (ii) location.
(AQW 45391/11-15)

Mr Wells: A breakdown of relevant social workers by Trust, gender and Agenda for Change Band is presented in the tables below. Locations have been provided where possible. These figures were supplied by the HSC Trusts, and have not been verified by the Department.

Belfast HSC Trust**Gateway Services**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	3	21
7	1	8
8A+	0	1

These teams are based at Forster Green and the Saintfield Road.

Family Support/Intensive Family Support Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	2
6	8	51
7	2	16
8A+	1	4

These teams are based in the Carlisle Centre, the Shankill Wellbeing Centre, the Knockbreda Centre, the Beech Hall Centre, the Arches Centre and the Bradbury Centre.

Court Services

Agenda for Change Band	Male Headcount	Female Headcount
5	1	0
6	0	1
7	0	4
8A+	0	1

This team is based at the Shankill Centre.

Northern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	23
7	0	13

These teams are based at the Beeches Resource Centre, the Braid Valley site, Coleraine Child Care Office, the Ferrard site, Oriel House and Toome Business Park.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	1
6	6	50
7	1	22

These teams are based at the Armour site, Ballymoney; the Braid Valley site; Carrickfergus; Coleraine Child Care Office; Coleraine Community Care Unit; Derryloran Industrial Estate; the Ferrard site; Glengormley; Sperrin House, and the Westlands site.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
6	2	1
8A+		1

These teams are based at the Ferrard site, and the old Route Hospital site.

South Eastern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	1	2
6	8	12
7	4	6

The main hub for this team is in Lisburn, with offices for North Down & Ards, and Down.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	2	3
6	2	44
7	8	22

The Family Intervention Team is based in offices in Lisburn, North Down & Ards, and Down.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	8

The Court Children's Service team is based in Lisburn and Ards.

The South Eastern Trust has provided a composite figure for staff at Band 8A and above across all three teams, shown below.

Agenda for Change Band	Male Headcount	Female Headcount
8A+	5	13

Southern HSC Trust**Central Gateway Teams**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	1	26
7	0	8
8A+	1	1

The Southern Trust's Gateway Teams are based in Armagh, Craigavon, Newry, and Dungannon.

Family Intervention Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	6
6	4	49
7	0	12
8A+	2	1

The Southern Trust's Family Intervention Teams are based in Armagh (Rural and Urban), Dungannon, Newry, Lurgan, Portadown, and Banbridge.

Children's Court Service

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	4
8A+	0	1

The Children's Court Service Teams are based in Newry, Craigavon and Dungannon.

Western HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	16
7	0	3

The Central Gateway Team is based at Coleshill, Whitehill and at Tyrone & Fermanagh Hospital.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	1	1
6	5	36
7	2	10

These teams are based at Rosstown House, Shantallow Health Centre, Limavady Health Centre, Coleshill Community Services Department, the South West Acute Hospital, Bankmore Business Park and Strabane County Buildings.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	2
7	1	0

Mr Lunn asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Family Intervention Teams in each Health and Social Care Trust by (i) gender; (ii) grade; and (iii) location.

(AQW 45392/11-15)

Mr Wells: A breakdown of relevant social workers by Trust, gender and Agenda for Change Band is presented in the tables below. Locations have been provided where possible. These figures were supplied by the HSC Trusts, and have not been verified by the Department.

Belfast HSC Trust**Gateway Services**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	3	21
7	1	8
8A+	0	1

These teams are based at Forster Green and the Saintfield Road.

Family Support/Intensive Family Support Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	2
6	8	51
7	2	16
8A+	1	4

These teams are based in the Carlisle Centre, the Shankill Wellbeing Centre, the Knockbreda Centre, the Beech Hall Centre, the Arches Centre and the Bradbury Centre.

Court Services

Agenda for Change Band	Male Headcount	Female Headcount
5	1	0
6	0	1
7	0	4
8A+	0	1

This team is based at the Shankill Centre.

Northern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	23
7	0	13

These teams are based at the Beeches Resource Centre, the Braid Valley site, Coleraine Child Care Office, the Ferrard site, Oriel House and Toome Business Park.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	1
6	6	50
7	1	22

These teams are based at the Armour site, Ballymoney; the Braid Valley site; Carrickfergus; Coleraine Child Care Office; Coleraine Community Care Unit; Derryloran Industrial Estate; the Ferrard site; Glengormley; Sperrin House, and the Westlands site.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
6	2	1
8A+		1

These teams are based at the Ferrard site, and the old Route Hospital site.

South Eastern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	1	2
6	8	12
7	4	6

The main hub for this team is in Lisburn, with offices for North Down & Ards, and Down.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	2	3
6	2	44
7	8	22

The Family Intervention Team is based in offices in Lisburn, North Down & Ards, and Down.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	8

The Court Children's Service team is based in Lisburn and Ards.

The South Eastern Trust has provided a composite figure for staff at Band 8A and above across all three teams, shown below.

Agenda for Change Band	Male Headcount	Female Headcount
8A+	5	13

Southern HSC Trust**Central Gateway Teams**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	1	26
7	0	8
8A+	1	1

The Southern Trust's Gateway Teams are based in Armagh, Craigavon, Newry, and Dungannon.

Family Intervention Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	6
6	4	49

Agenda for Change Band	Male Headcount	Female Headcount
7	0	12
8A+	2	1

The Southern Trust's Family Intervention Teams are based in Armagh (Rural and Urban), Dungannon, Newry, Lurgan, Portadown, and Banbridge.

Children's Court Service

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	4
8A+	0	1

The Children's Court Service Teams are based in Newry, Craigavon and Dungannon.

Western HSC Trust

Central Gateway Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	16
7	0	3

The Central Gateway Team is based at Coleshill, Whitehill and at Tyrone & Fermanagh Hospital.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	1	1
6	5	36
7	2	10

These teams are based at Rosstown House, Shantallow Health Centre, Limavady Health Centre, Coleshill Community Services Department, the South West Acute Hospital, Bankmore Business Park and Strabane County Buildings.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	2
7	1	0

Mr Lunn asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Court Children's Service Teams in each Health and Social Care Trust by (i) gender; (ii) grade; and (iii) location.

(AQW 45393/11-15)

Mr Wells: A breakdown of relevant social workers by Trust, gender and Agenda for Change Band is presented in the tables below. Locations have been provided where possible. These figures were supplied by the HSC Trusts, and have not been verified by the Department.

Belfast HSC Trust**Gateway Services**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	3	21
7	1	8
8A+	0	1

These teams are based at Forster Green and the Saintfield Road.

Family Support/Intensive Family Support Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	2
6	8	51
7	2	16
8A+	1	4

These teams are based in the Carlisle Centre, the Shankill Wellbeing Centre, the Knockbreda Centre, the Beech Hall Centre, the Arches Centre and the Bradbury Centre.

Court Services

Agenda for Change Band	Male Headcount	Female Headcount
5	1	0
6	0	1
7	0	4
8A+	0	1

This team is based at the Shankill Centre.

Northern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	23
7	0	13

These teams are based at the Beeches Resource Centre, the Braid Valley site, Coleraine Child Care Office, the Ferrard site, Oriel House and Toome Business Park.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	1
6	6	50
7	1	22

These teams are based at the Armour site, Ballymoney; the Braid Valley site; Carrickfergus; Coleraine Child Care Office; Coleraine Community Care Unit; Derryloran Industrial Estate; the Ferrard site; Glengormley; Sperrin House, and the Westlands site.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
6	2	1
8A+		1

These teams are based at the Ferrard site, and the old Route Hospital site.

South Eastern HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	1	2
6	8	12
7	4	6

The main hub for this team is in Lisburn, with offices for North Down & Ards, and Down.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	2	3
6	2	44
7	8	22

The Family Intervention Team is based in offices in Lisburn, North Down & Ards, and Down.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	8

The Court Children's Service team is based in Lisburn and Ards.

The South Eastern Trust has provided a composite figure for staff at Band 8A and above across all three teams, shown below.

Agenda for Change Band	Male Headcount	Female Headcount
8A+	5	13

Southern HSC Trust**Central Gateway Teams**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	1	26
7	0	8
8A+	1	1

The Southern Trust's Gateway Teams are based in Armagh, Craigavon, Newry, and Dungannon.

Family Intervention Teams

Agenda for Change Band	Male Headcount	Female Headcount
5	0	6
6	4	49
7	0	12
8A+	2	1

The Southern Trust's Family Intervention Teams are based in Armagh (Rural and Urban), Dungannon, Newry, Lurgan, Portadown, and Banbridge.

Children's Court Service

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	0
7	0	4
8A+	0	1

The Children's Court Service Teams are based in Newry, Craigavon and Dungannon.

Western HSC Trust**Central Gateway Team**

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	2	16
7	0	3

The Central Gateway Team is based at Coleshill, Whitehill and at Tyrone & Fermanagh Hospital.

Family Intervention Team

Agenda for Change Band	Male Headcount	Female Headcount
5	1	1
6	5	36
7	2	10

These teams are based at Rosstown House, Shantallow Health Centre, Limavady Health Centre, Coleshill Community Services Department, the South West Acute Hospital, Bankmore Business Park and Strabane County Buildings.

Court Children's Service Team

Agenda for Change Band	Male Headcount	Female Headcount
5	0	0
6	0	2
7	1	0

Mr Lunn asked the Minister of Health, Social Services and Public Safety whether an equality impact assessment has been completed in relation to gender imbalance of social work staff employed in each Health and Social Care Trust's (i) Family Intervention teams; (ii) Central Gateway teams; and (iii) Court Children's Services teams.

(AQW 45394/11-15)

Mr Wells: HSC Trusts have confirmed that they have not completed Equality Impact Assessments in relation to gender within social work staff.

Social work, in common with the other caring professions, tends to attract more women than men. Initiatives have been undertaken, on occasion, to try to increase the proportion of male applicants to professional social work training courses, with limited success.

Currently around 19% of the registrants on the Social Care Register are men.

Mr Swann asked the Minister of Health, Social Services and Public Safety for an update on any feasibility study his Department has completed on the introduction of an air ambulance service.

(AQW 45400/11-15)

Mr Wells: The Health and Social Care Board has submitted a report to my Department on the feasibility and the appropriateness of establishing a dedicated Helicopter Emergency Medical Service in Northern Ireland. I am currently awaiting the report of the Emergency Aeromedical Support service group, established by the Republic of Ireland's Department of Health to consider the provision of a dedicated Emergency Aeromedical Support service. This will include recommendations in relation to the potential for expansion of the geographical reach of the service, including an all-island service. When the report is received, I will consider its recommendations in conjunction with the Health and Social Care Board's study before making a decision on this matter.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety whether he intends to increase the numbers of medical graduates training in General Practice, as recommended by reviews of GP workforce on repeated occasions over the last several years.

(AQW 45421/11-15)

Mr Wells: The number of GPs per head in Northern Ireland remains comparable with that in England and Wales. However, GP services in Northern Ireland remain under pressure given an increase from 7.2m GP consultations in 2004 to 12.7m consultations in 2014.

There are a number of strands of medical workforce planning under way at present. The Centre for Workforce Intelligence (CFW) has been appointed to review the medical workforce including undergraduate intake levels. In addition, the Health and Social Care Board are currently undertaking some work specifically on GP workforce planning (e.g. examining initiatives to improve the recruitment and retention of trained GPs and including areas such as part time working and child care arrangements). No final decision will be taken until the Department has considered the findings of these reviews. Any increase to the number of GP trainees would require increased funding and any decisions would need to take account of the overall funding position for health.

On 1 April 2015 a wide ranging package of investment in GP services, totalling in excess of £15m was announced. Whilst this will not deal with all the challenges we face from rising demand it will help us address and plan for the current and future challenges that we face, including implementing Transforming Your Care.

Included in the package is:

- Up to £3.1million of investment in Out Of Hours GP services.
- Up to £1.2million of investment helping GPs meet demand for blood tests and other diagnostic work in the community delivered through GP Federations.
- Up to £300,000 to recruit and retain GPs.
- Releasing up to £10million of funding for GP Practices to borrow to upgrade and expand their premises and £350,000 to meet the ongoing costs of these new premises.

The package of measures announced will also reduce the level of bureaucracy facing our GPs, so they can spend more time with their patients and less time filling in forms. Consideration is also being given to how GPs wishing to return to practise in Northern Ireland can be facilitated to do so on a timelier basis.

Over recent years the Department and the HSC have been active in deploying innovative eHealth solutions to support the service transformation programme. This can potentially reduce the number and type of consultations a patient needs with their GP. Likewise, telemonitoring and telecare programmes are both provided regionally through the Telemonitoring NI service and have the potential to alleviate some of the burden on primary care providers.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety why he has consistently refused to take action on a looming GP workforce crisis which is now threatening out of hours GP services, with shifts being left unfilled, and which has started to lead to GP practices being unable to recruit for vacant positions.

(AQW 45422/11-15)

Mr Wells: The number of GPs per head in Northern Ireland remains comparable with that in England and Wales. However, GP services in Northern Ireland remain under pressure given an increase from 7.2m GP consultations in 2004 to 12.7m consultations in 2014.

There are a number of strands of medical workforce planning under way at present. The Centre for Workforce Intelligence (CFW) has been appointed to review the medical workforce including undergraduate intake levels. In addition, the Health and Social Care Board are currently undertaking some work specifically on GP workforce planning (e.g. examining

initiatives to improve the recruitment and retention of trained GPs and including areas such as part time working and child care arrangements). No final decision will be taken until the Department has considered the findings of these reviews. Any increase to the number of GP trainees would require increased funding and any decisions would need to take account of the overall funding position for health.

On 1 April 2015 a wide ranging package of investment in GP services, totalling in excess of £15m was announced. Whilst this will not deal with all the challenges we face from rising demand it will help us address and plan for the current and future challenges that we face, including implementing Transforming Your Care.

Included in the package is:

- Up to £3.1million of investment in Out Of Hours GP services.
- Up to £1.2million of investment helping GPs meet demand for blood tests and other diagnostic work in the community delivered through GP Federations.
- Up to £300,000 to recruit and retain GPs.
- Releasing up to £10million of funding for GP Practices to borrow to upgrade and expand their premises and £350,000 to meet the ongoing costs of these new premises.

The package of measures announced will also reduce the level of bureaucracy facing our GPs, so they can spend more time with their patients and less time filling in forms. Consideration is also being given to how GPs wishing to return to practise in Northern Ireland can be facilitated to do so on a timelier basis.

Over recent years the Department and the HSC have been active in deploying innovative eHealth solutions to support the service transformation programme. This can potentially reduce the number and type of consultations a patient needs with their GP. Likewise, telemonitoring and telecare programmes are both provided regionally through the Telemonitoring NI service and have the potential to alleviate some of the burden on primary care providers.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety how a further review of medical workforce will help to tackle the immediate problem of inadequate numbers of GP trainees being trained.

(AQW 45423/11-15)

Mr Wells: The number of GPs per head in Northern Ireland remains comparable with that in England and Wales. However, GP services in Northern Ireland remain under pressure given an increase from 7.2m GP consultations in 2004 to 12.7m consultations in 2014.

There are a number of strands of medical workforce planning under way at present. The Centre for Workforce Intelligence (CFW) has been appointed to review the medical workforce including undergraduate intake levels. In addition, the Health and Social Care Board are currently undertaking some work specifically on GP workforce planning (e.g. examining initiatives to improve the recruitment and retention of trained GPs and including areas such as part time working and child care arrangements). No final decision will be taken until the Department has considered the findings of these reviews. Any increase to the number of GP trainees would require increased funding and any decisions would need to take account of the overall funding position for health.

On 1 April 2015 a wide ranging package of investment in GP services, totalling in excess of £15m was announced. Whilst this will not deal with all the challenges we face from rising demand it will help us address and plan for the current and future challenges that we face, including implementing Transforming Your Care.

Included in the package is:

- Up to £3.1million of investment in Out Of Hours GP services.
- Up to £1.2million of investment helping GPs meet demand for blood tests and other diagnostic work in the community delivered through GP Federations.
- Up to £300,000 to recruit and retain GPs.
- Releasing up to £10million of funding for GP Practices to borrow to upgrade and expand their premises and £350,000 to meet the ongoing costs of these new premises.

The package of measures announced will also reduce the level of bureaucracy facing our GPs, so they can spend more time with their patients and less time filling in forms. Consideration is also being given to how GPs wishing to return to practice in Northern Ireland can be facilitated to do so on a timelier basis.

Over recent years the Department and the HSC have been active in deploying innovative eHealth solutions to support the service transformation programme. This can potentially reduce the number and type of consultations a patient needs with their GP. Likewise, telemonitoring and telecare programmes are both provided regionally through the Telemonitoring NI service and have the potential to alleviate some of the burden on primary care providers.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety how he can equate the lack of action on increasing GP workforce with the policy of Transforming Your Care which envisions patients being cared for increasingly at home rather than in hospital and with the ageing demographic of the population who require increased GP consultations, longer consultation times and more home visiting.

(AQW 45424/11-15)

Mr Wells: The number of GPs per head in Northern Ireland remains comparable with that in England and Wales. However, GP services in Northern Ireland remain under pressure given an increase from 7.2m GP consultations in 2004 to 12.7m consultations in 2014.

There are a number of strands of medical workforce planning under way at present. The Centre for Workforce Intelligence (CFW) has been appointed to review the medical workforce including undergraduate intake levels. In addition, the Health and Social Care Board are currently undertaking some work specifically on GP workforce planning (e.g. examining initiatives to improve the recruitment and retention of trained GPs and including areas such as part time working and child care arrangements). No final decision will be taken until the Department has considered the findings of these reviews. Any increase to the number of GP trainees would require increased funding and any decisions would need to take account of the overall funding position for health.

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Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety how he will ensure that GPs who continue to rent from the Health and Social Care Trusts will be able to extend their reimbursed clinical space to keep pace with provision of services to an increasingly elderly population and the shift of service provision to the community.

(AQW 45425/11-15)

Mr Wells: The number of GPs per head in Northern Ireland remains comparable with that in England and Wales. However, GP services in Northern Ireland remain under pressure given an increase from 7.2m GP consultations in 2004 to 12.7m consultations in 2014.

There are a number of strands of medical workforce planning under way at present. The Centre for Workforce Intelligence (CFW) has been appointed to review the medical workforce including undergraduate intake levels. In addition, the Health and Social Care Board are currently undertaking some work specifically on GP workforce planning (e.g. examining initiatives to improve the recruitment and retention of trained GPs and including areas such as part time working and child care arrangements). No final decision will be taken until the Department has considered the findings of these reviews. Any increase to the number of GP trainees would require increased funding and any decisions would need to take account of the overall funding position for health.

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their GP. Likewise, telemonitoring and telecare programmes are both provided regionally through the Telemonitoring NI service and have the potential to alleviate some of the burden on primary care providers.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of Staff Nurses across Health and Social Care Trusts who received a 1 per cent pay uplift during 2014/15; and whether this uplift is permanent. **(AQW 45434/11-15)**

Mr Wells: Information on the number of Staff Nurses across Health and Social Care Trusts who received a 1% uplift during 2014/15 and whether this uplift is permanent is not readily available and can only be obtained at a disproportionate cost.

However, most qualified nursing staff would have received at least a 1% increase in pay, either due to incremental progression (if eligible) or due to a 1% non-consolidated award. The only nursing staff not eligible for at least a 1% increase would be new staff or those not meeting performance requirements.

Mr Agnew asked the Minister of Health, Social Services and Public Safety what evaluation has been made of the impact that reintroducing prescription charges would have on (i) people with a long term condition; (ii) emergency hospital admissions; and (iii) economic productivity of those with long term conditions. **(AQW 45435/11-15)**

Mr Wells: The consultation on the evaluation of the Individual Funding Request process which recently ended, sought views on the re-introduction of prescription charges to support the establishment of a Specialist Medicines Fund. Responses to that consultation are currently being analysed and will inform any further consultation on the reintroduction of prescription charges. Relevant impact assessments will be undertaken as part of that process.

Mr Agnew asked the Minister of Health, Social Services and Public Safety what (i) discussion; and (ii) meetings his Department has had with organisations representing patient groups with long term conditions regarding the impact of reintroducing prescription charges. **(AQW 45436/11-15)**

Mr Wells: Following the issue of a consultation document on the outcome of the evaluation of the Individual Funding Request process, which included a recommendation that prescription charges should be reintroduced to support the establishment of a Specialist Medicines Fund, officials participated in consultation events around Northern Ireland. Representatives from a range of organisations representing patient groups, including some for people with long term conditions, attended those events.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety how he plans to deliver Transforming Your Care and care for the ageing demographic when the number of district nurses have been cut. **(AQW 45451/11-15)**

Mr Wells: I recognise the role of District Nurses as one of the key health professionals helping deliver the home as the hub of care, by caring for patients in their own home and keeping them out of hospital. In support of this, my Chief Nursing Officer has undertaken a review of District Nursing Services, and a draft service development framework, 'A District Nursing Service for Today and Tomorrow' is in the final stages of development. This has been framed to reflect the vision and principles of Transforming your Care, and will ensure that we develop and transform our District Nursing Service with the right nurses, with the right skills, in the right place to deliver safe and effective person centre care. In addition significant investment has been made in District Nursing of approximately £2.5 million recurrent. The numbers of district nurses in training have increased each year since 2012 and I intend to increase the numbers in training again for 2015/2016.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the current level of unpaid hours worked by Health and Social Care staff, as unpaid overtime; and what consideration has been given to quantifying and providing payment for this work. **(AQW 45454/11-15)**

Mr Wells: The current level of unpaid hours worked by Health and Social Care staff, as unpaid overtime, is not collated centrally by individual HSC Employers and is therefore unknown.

Part 2 Section 3 of the Agenda for Change Terms and Conditions of Service provides for additional hours worked to be accumulated as time off in lieu (TOIL) and converted to payment if TOIL is not able to be taken within a reasonable timeframe, normally 3 months.

A copy of the Handbook is available at:

http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/AfC_tc_of_service_handbook_fb.pdf

Ms McCorley asked the Minister of Health, Social Services and Public Safety when a decision will be made in relation to the Infrastructure Grant; and for what purpose the fund will be designated. **(AQW 45486/11-15)**

Mr Wells: The 67 voluntary and community organisations that receive core support from my Department were advised in December 2014 to expect changes in the way that funding is provided to the sector. Details are being finalised for 2015/2016 and I hope to be in a position to make an announcement in the coming weeks.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Central Gateway Teams in each Health and Social Trust by (i) gender; (ii) grade; and (ii) location.
(AQW 45487/11-15)

Mr Wells: I refer the Member to the response given to AQWs 45391, 45392 and 45393.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Family Intervention Teams in each Health and Social Care Trust by (i) gender; (ii) grade; and (iii) location.
(AQW 45488/11-15)

Mr Wells: I refer the Member to the response given to AQWs 45391, 45392 and 45393.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of social work staff employed in the Court Children's Service Teams in each Health and Social Care Trust by (i) gender; (ii) grade; and (iii) location.
(AQW 45489/11-15)

Mr Wells: I refer the Member to the response given to AQWs 45391, 45392 and 45393.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety whether an equality impact assessment has been completed in relation to gender imbalance of social work staff employed in each Health and Social Care Trust's (i) Family Intervention teams; (ii) Central Gateway teams; and (iii) Court Children's Services teams.
(AQW 45490/11-15)

Mr Wells: I refer the Member to the answer given to AQW 45394/11-15.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety to detail the current waiting times for (i) assessment; (ii) diagnosis; and (iii) treatment of children following a referral for suspected autism spectrum disorder.
(AQW 45508/11-15)

Mr Wells: The information requested is not held centrally and was requested from the Health and Social Care (HSC) Board. In line with ministerial standards, the HSC Board monitors waiting times for the commencement of assessments and the commencement of intervention post diagnosis. The HSC Board does not currently monitor diagnostic waiting times.

Table 1 below details the number of patients waiting for an assessment for autism at 31 March 2015 by HSC Trust and length of time waiting

Table 1

HSC Trust	Length of time waiting								Total
	0 – 4 weeks	4 – 8 weeks	8 – 13 weeks	13 – 18 weeks	18 – 26 weeks	26 – 39 weeks	39 – 52 weeks	>52 weeks	
Belfast	45	59	47	63	92	147	166	44	663
Northern	67	65	72	63	64	46	0	0	377
South Eastern	23	14	31	21	34	5	0	0	128
Southern	9	12	3	0	0	0	0	0	24
Western	21	36	32	33	51	18	0	0	191
Total	165	186	185	180	241	216	166	44	1,383

Source: HSC Board

Please note these figures have not been validated by the Department

Table 2 below details the number of patients waiting for treatment/intervention following a diagnosis of autism at 31 March 2015 by HSC Trust and length of time waiting.

Table 2

HSC Trust	Length of time waiting				Total
	0 – 4 weeks	4 – 8 weeks	8 – 13 weeks	>13 weeks	
Belfast	39	37	53	102	231
Northern	61	44	29	12	146
South Eastern	12	14	19	45	90
Southern	1	0	0	0	1
Western	16	14	17	11	58
Total	129	109	118	170	526

Source: HSC Board

Please note these figures have not been validated by the Department

Mr McGlone asked the Minister of Health, Social Services and Public Safety what value of construction work funded from the capital budget his Department intends to start in the 2015/16 financial year.

(AQW 45509/11-15)

Mr Wells: The total value of construction work which includes enabling works funded from the capital budget in 2015/16 is £117,360,194. This includes 10 capital projects which are due to commence construction/enabling works in 2015/16 with a value of £5,235,345.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 45053/11-15, for his assessment of the level of support provided to paramedics in such circumstances or whether changes should be made to make their responses, more closely aligned with the approach taken by the Fire and Rescue Service.

(AQW 45559/11-15)

Mr Wells: My Department has not carried out an assessment of the level of support provided to paramedics who have been at the scene of a fatal road traffic collision. Any decision to change the current support arrangements for frontline Northern Ireland Ambulance Service staff would be a matter for the Northern Ireland Ambulance Service HSC Trust.

Mr McKinney asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44923/11-15, to detail the discussion he has had with his counterparts in the Republic of Ireland concerning the banning of psychoactive substances in Northern Ireland.

(AQW 45587/11-15)

Mr Wells: As these three questions are related, I propose to answer these together.

The issue of New Psychoactive Substances is an area that my Department has raised through both the British-Irish Council and the North-South Ministerial Council, and I will ensure it remains on the agenda of these key groups. Previous Ministers at this Department have raised this issue with the Home Secretary on a regular basis, seeking a more robust and consistent approach and advocating a legislative approach similar to that effectively adopted by the Republic of Ireland.

Following this lobbying, the Home Office established an Expert Panel to look at the UK's legislation. The Panel reported in late 2014, and its main recommendation was that the UK Government brings forward legislation to undertake a general ban on the sale of psychoactive substances – providing exemptions for existing products like alcohol, prescription medicines, etc. I understand this proposal is similar to the legislation already brought forward in Ireland.

I am pleased that the UK Government has broadly accepted this recommendation and the Home Office is currently working with us and the other Devolved Administrations to develop appropriate proposals. I hope this legislation can be brought forward early in the life of the new UK Government. My officials and I will continue to work with the Home Office to see this brought forward as soon as possible, and I would ask that all parties' MPs in Westminster support this work as it goes through the legislative process.

Mr McKinney asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44923/11-15, for his assessment of the Republic of Ireland's approach to the banning of all psychoactive substances; and whether his Department has considered such an approach whilst leasing with the Home Office concerning the issue.

(AQW 45588/11-15)

Mr Wells: As these three questions are related, I propose to answer these together.

The issue of New Psychoactive Substances is an area that my Department has raised through both the British-Irish Council and the North-South Ministerial Council, and I will ensure it remains on the agenda of these key groups. Previous Ministers

at this Department have raised this issue with the Home Secretary on a regular basis, seeking a more robust and consistent approach and advocating a legislative approach similar to that effectively adopted by the Republic of Ireland.

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Mr McKinney asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44923/11-15, for his assessment of the effectiveness of the Criminal Justice (Psychoactive Substances) Act in the Republic of Ireland which has substantially lowered the supply of novel psychoactive substances in closing 102 premises which supplied such substances. **(AQW 45589/11-15)**

Mr Wells: As these three questions are related, I propose to answer these together.

The issue of New Psychoactive Substances is an area that my Department has raised through both the British-Irish Council and the North-South Ministerial Council, and I will ensure it remains on the agenda of these key groups. Previous Ministers at this Department have raised this issue with the Home Secretary on a regular basis, seeking a more robust and consistent approach and advocating a legislative approach similar to that effectively adopted by the Republic of Ireland.

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Mr Campbell asked the Minister of Health, Social Services and Public Safety to outline the planned financial reductions in the current year, within which the Fire and Rescue Service will be expected to operate. **(AQW 45613/11-15)**

Mr Wells: The proposed 2015/16 current expenditure allocation for the Northern Ireland Fire and Rescue Service (NIFRS) is £69,777,855, which represents a reduction of £4,061,145 (5.5%) from the opening 2014/15 position.

NIFRS has been asked to prioritise its savings proposals based on those that minimise the impact on service delivery and ensure the continued safety of the public and firefighters who provide the service. Discussions between Departmental officials and NIFRS senior team regarding the savings proposals are ongoing to ensure these principles are met.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to detail the waiting list time for hip replacements in the Western Health and Social Care Trust. **(AQW 45616/11-15)**

Mr Hamilton: Information on the number of people waiting, in weeks, for hip replacement surgery in the Western HSC Trust, at 31st December 2014, the most recent quarter for which official statistics are available, is detailed in the table below.

Number of people waiting, in weeks, for hip replacement surgery in the Western HSC Trust, at 31st December 2014

	0-6 weeks	>6-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks	Total waiting
Western HSC Trust	76	92	68	52	131	419

Source: DHSSPS Inpatient Waiting Times Dataset

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether there will be any change to the strategic priorities in health spend as outlined by his predecessor; and for his assessment of the current strategic priorities, following his recent appointment to the post. **(AQW 45647/11-15)**

Mr Hamilton: My strategic priority is to build a world class health and social care service for Northern Ireland. I believe this can be achieved through reform, transformation and innovation – including a more integrated and cohesive infrastructure; using the skills and experience of frontline staff to drive change; the adoption of new approaches and technologies; partnership with industry; and a culture of openness to new ideas.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the progress of the Transforming Your Care plan, including the implementation of the 99 targets.

(AQW 45649/11-15)

Mr Hamilton: As highlighted by Sir Liam Donaldson in his report, 'The Right Time, The Right Place', progress in respect of the delivery of the service changes envisaged by the Transforming Your Care Review has been slower than anticipated. Whilst acknowledging the constrained financial context in which we are working to deliver TYC, I believe that it is essential that we continue the implementation of the service model envisaged by TYC.

My Department is currently preparing a progress report on the 99 proposals outlined in the 2011 report 'Transforming Your Care: A Review of Health and Social Care in Northern Ireland' and I will provide an update to the Northern Ireland Assembly once that work has been completed.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether the Transforming Your Care plan remains his Department's core strategic document in reforming the delivery of health services from institutional settings to community settings closer to the patients home.

(AQW 45650/11-15)

Mr Hamilton: I can confirm that 'Transforming Your Care: A Review of Health and Social Care in Northern Ireland' continues to guide the reform of health and social care service delivery.

As I stated on taking up post as Health Minister, I am committed to continuing with the transformation agenda including the TYC vision for the future model of health and social care delivery. I believe that this will ensure services are structured and delivered in a safe and sustainable manner making best use of all resources available to us.

Ms Sugden asked the Minister of Health, Social Services and Public Safety how his Department is supporting young people with mental health issues in East Londonderry.

(AQW 45652/11-15)

Mr Hamilton: Table 1 below contains a breakdown of the number of children on waiting lists for a diagnosis for Autism Spectrum Disorder by Health and Social Care Trust area at 31 March 2015.

Table 1

Health and Social Care Trust area	No. of Children
Belfast	663
Northern	377
South Eastern	128
Southern	24
Western	191
Total	1,383

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety whether he will bring forward proposals to implement the 1 per cent pay increase for Health Service employees.

(AQW 45710/11-15)

Mr Hamilton: I refer the Member to the answer provided to AQO 8187/11-15

Mr Beggs asked the Minister of Health, Social Services and Public Safety to detail, broken down by specialism, (i) the period during which elective surgery was suspended during the last winter period; and (ii) the estimated number of operations which were unable to take place.

(AQW 45711/11-15)

Mr Hamilton: It is assumed this question refers to cancellation of non-urgent elective operations due to increased pressures on hospitals. Such cancellations may be considered by HSC Trusts at times of increased unscheduled care pressures, as part of their escalation plans to improve patient flow and ensure sufficient bed capacity to accommodate unscheduled admissions.

Information is not collected on periods during which elective surgery is suspended. The number of operations cancelled because of unscheduled care pressures will vary across individual sites and dates and some sites will be unaffected.

The table below indicates the number of operations cancelled because of hospital pressures during the period January to March 2015. Information is not centrally available on the breakdown by specialty.

Number of Elective Operations Cancelled due to Hospital Pressures:

January to March 2015

Month	HSC Trust				
	Belfast	Northern	South Eastern	Southern	Western
Jan- 15	110	50	25	1	162
Feb- 15	148	42	6	14	65
Mar- 15	13	48	14	0	7
Total	271	140	45	15	234

Source: Trusts F5 Cancelled Operations monthly return

Mrs Dobson asked the Minister of Health, Social Services and Public Safety why radiographers in Northern Ireland did not receive the 1 per cent pay rise recommended by the Independent Pay Review Body and secured by their colleagues in England, Scotland and Wales.

(AQW 45720/11-15)

Mr Hamilton: Under the 2014/15 HSC Pay Award, radiographers employed under the Agenda for Change (AfC) Terms and Conditions of Service were rewarded with either the incremental progression or a 1% non consolidated payment but not both.

England, Wales and Northern Ireland rejected the NHS Pay Review Body's recommendation. The Scottish Government accepted the recommendations in full.

Northern Ireland adopted the same approach to that taken in England in relation to the 2014/15 pay award.

Ms Lo asked the Minister of Health, Social Services and Public Safety to outline the rationale for the Belfast Health and Social Care Trust's decision to end the registration of activity based summer and childcare schemes; and what impact this will have on families who can no longer use childcare vouchers with these schemes.

(AQW 45758/11-15)

Mr Hamilton: I refer you to my answer to AQW 45695/11-15.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to outline the waiting time for a review appointment for Haematology and Oncology patients in the Bridgewater Suite in Belfast City Hospital, for each of the last three years.

(AQW 45775/11-15)

Mr Hamilton: A review appointment is different from a first appointment in that it is scheduled for a 'clinically appropriate' time, which can range from weeks to years depending on the patient's individual case.

Consequently the time waited beyond this clinically appropriate time has been provided rather than the total time waited.

Information on the time waited beyond the clinically appropriate time for a consultant led outpatient appointment in the Haematology specialty in the Bridgewater Suite, is provided in the table overleaf.

Number of patients, by time waited beyond their clinically indicated review date, for an outpatient appointment in the haematology specialty in the Bridgewater Suite

	0-6 months	>6-12 months	>12 months
End April 2013	506	<5	0
End April 2014	503	33	<5
End April 2015	440	179	37

Source: Belfast HSC Trust

Review clinics for Oncology patients are not held in the Bridgewater Suite in Belfast City Hospital. The Belfast HSC Trust has advised that review clinics in the Oncology specialty are held in the Cancer Centre, Belfast, and other cancer units in Northern Ireland.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety to detail the number of incidents the Northern Ireland Fire and Rescue Service responded to, broken down by command unit, in each of the last five years.

(AQW 45805/11-15)

Mr Hamilton: The table below details the number of incidents the Northern Ireland Fire and Rescue Service responded to, by Area Command, in each of the last 5 years.

	2010/11	2011/12	2012/13	2013/14	2014/15
Eastern Command	9191	8000	7431	7347	7272
Northern Command	6773	5840	5415	5329	4952
Southern Command	7732	6840	5832	5965	5696
Western Command	7088	6470	5630	5408	4861
Grand Total	30784	27150	24308	24049	22781

Mr Weir asked the Minister of Health, Social Services and Public Safety what departmental support is available for young people from North Down with a mental health problem.

(AQW 45883/11-15)

Mr Hamilton: Services of this nature are commissioned by the Health and Social Care Board and delivered by the Trusts.

Child and Adolescent Mental Health Services (CAMHS) in Northern Ireland are provided through a stepped care model, based on the clinical needs of the individual. Services are provided by four CAMHS teams, with Belfast HSC Trust providing services to both the Belfast and South Eastern HSC Trust areas, including North Down.

Inpatient care for young people, when required, is provided in Beechcroft, the Regional Child and Adolescent Inpatient Mental Health Unit at the Forster Green Hospital site in Belfast.

CAMHS in the North Down area are provided by a local community-based team in James Street, Newtownards. This is a multidisciplinary team which specialises in the assessment and intervention for under 18s with mental health needs, and their families/carers.

Services for children and young people presenting in crisis, and requiring assessment and intervention within 24-48 hours, are provided by a mobile Crisis Assessment Intervention Team, available 7 days per week to GPs and Emergency Departments.

There are also specialist services for young people with eating disorders or drug and alcohol issues. A number of voluntary sector organisations also provide support to young people with mental health problems.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety whether he will meet with the Northern Ireland Fire and Rescue Service (NIFRS) as a matter of urgency in order to discuss the serious shortfall in the NIFRS budget and the resulting safety concerns as raised by the service.

(AQW 45919/11-15)

Mr Hamilton: My predecessor met with both the NIFRS Chair and the Fire Brigades Union (FBU), who represent the majority of NIFRS operational personnel, to discuss the NIFRS budget.

Engagement between my Department's senior officials and NIFRS senior team regarding the savings proposals has been extensive and is ongoing.

I will not preside over unsafe services and any changes to service delivery must ensure the continued safety of both the public and the firefighters who deliver the service.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail his Department's bids to the June monitoring round.

(AQW 45920/11-15)

Mr Hamilton: In the constrained financial context of 2015/16, my Department will seek additional current and capital expenditure funding through the In Year Monitoring processes in order to avoid service consequences and to provide additional services and treatments for patients.

If successful, additional income from June Monitoring would enable me to address a range of critical front line service pressures in areas such as elective care, mental health, learning disability, specialist drugs, children's services, TYC, public health and unscheduled care. It would also help address the shortfall in capital funding across a number of areas including major projects, general capital/Maintaining Existing Services, Medical Equipment and ICT.

Mr Dallat asked the Minister of Health, Social Services and Public Safety when white cars operated by the Northern Ireland Fire and Rescue Service and used in emergency activities will be fitted with high visibility chevrons to clearly identify them as emergency vehicles operating at high speed.

(AQW 45928/11-15)

Mr Hamilton: From 2014-15 all rapid response cars (now red in colour) purchased by the Northern Ireland Fire and Rescue Service (NIFRS) have been fitted with chevrons and battenburg. This specification will be used for any subsequent procurements as existing vehicles are replaced, and NIFRS estimate that all rapid response cars will be fitted with the new livery by 2018/19.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety for an update on negotiations with the Royal College of Midwives and Health and Social Care trade unions, seeking to deliver a 1 per cent pay increase for local midwives and maternity support workers; and to indicate when he anticipates this matter will be appropriately resolved.

(AQW 45940/11-15)

Mr Hamilton: Departmental officials met with representatives from the Royal College of Midwives (RCM) and other Health and Social Care Trade Unions on 28 April 2015. A further meeting with the Joint Secretaries of the main HSC Trade Unions is scheduled for 2 June 2015.

I would anticipate that these discussions will help inform an affordable pay/settlement for 2015/16.

Mr Hussey asked the Minister of Health, Social Services and Public Safety how many children have been born en-route to the South West Acute Hospital from the Omagh area since the new hospital opened.

(AQW 45952/11-15)

Mr Hamilton: The Western Trust have confirmed that six babies from the Omagh area have been born before arrival at the South West Acute Hospital since the hospital opened on 21 June 2012.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Western Health and Social Care Trust spent on staff travel expenses in each of the last two years.

(AQW 45975/11-15)

Mr Hamilton: Spend by the Western Health and Social Care Trust on staff travel expenses in each of the last two years was:

- 2014/15 - £5,136,916
- 2013/14 - £5,586,034

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 25912/11-15, to detail (i) when the Southern Health and Social Care Trust will recommence permanent admissions to statutory residential homes, including Crozier House; and (ii) when Skeagh House will reopen.

(AQW 45982/11-15)

Mr Hamilton: The Health and Social Care Board has recently agreed Trust proposals for reform, which will now be subject to public consultation by individual Trusts. The position regarding permanent admissions to homes will be maintained until this process has been completed and final proposals for change have been agreed.

I am not therefore in a position to comment on the proposals for Skeagh House until the outcome of this consultation process is known.

Ms Sugden asked the Minister of Health, Social Services and Public Safety what immediate steps are being taken to ensure that all Northern Ireland recipients of the Independent Living Fund receive information about plans for changes to the administration of their awards.

(AQW 45983/11-15)

Mr Hamilton: All ILF recipients in NI will receive a letter at the end of May 2015 from ILF UK explaining the change of administration from ILF UK to the Scottish Independent Living Fund. I anticipate that ILF recipients will enjoy a seamless transfer to the new system and the payment of their awards will continue to be made using the existing method of payment.

Ms Sugden asked the Minister of Health, Social Services and Public Safety how he will ensure that current data for recipients of the Independent Living Fund (ILF) in Northern Ireland is transferred securely and safely to the Scottish Independent Living Fund Infrastructure, as successor to the UK Independent Living Fund .

(AQW 45986/11-15)

Mr Hamilton: My officials have liaised closely with senior officials from ILF UK and they are currently drafting an agreement with ILF UK in respect of the secure transfer of ILF NI users' data to the Scottish Independent Living Fund (via the Scottish Government).

Mr McKinney asked the Minister of Health, Social Services and Public Safety for an update on the future of the Cottages Children's Respite facility in Derry.

(AQW 45999/11-15)

Mr Hamilton: The Western Health and Social Care Trust's review of its respite services has been extended until after the summer holiday period. This will ensure further engagement with all of the key stakeholders in respect of the proposed service model.

Mr McKinney asked the Minister of Health, Social Services and Public Safety, considering the new Independent Living Fund will be administered through the Scottish Individual Funding Request infrastructure, whether there will be any impact on payments that recipients of this fund will receive.

(AQW 46002/11-15)

Mr Hamilton: All ILF recipients in NI will receive a letter at the end of May 2015 from ILF UK explaining the change of administration from ILF UK to the Scottish Independent Living Fund. I anticipate that ILF recipients will enjoy a seamless transfer to the new system and the payment of their awards will continue to be made using the existing method of payment.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail the attention deficit hyperactivity disorder services that are available for adults.

(AQW 46003/11-15)

Mr Hamilton: The clinical needs of adults with ADHD who have resulting or associated mental health issues are met through generic mental health services.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail the current waiting time for an autism assessment in each Health and Social Care Trust.

(AQW 46004/11-15)

Mr Hamilton: The figures requested are not held centrally and have been sourced from the Health and Social Care (HSC) Board. Table 1 overleaf details waiting times at, 30th April 2015, for children waiting for an assessment for autism by HSC Trust and length of time waiting.

HSC Trust	Length of time waiting								Total
	0 – 4 weeks	> 4 – 8 weeks	> 8 – 13 weeks	> 13 – 18 weeks	> 18 – 26 weeks	> 26 – 39 weeks	> 39 – 52 weeks	> 52 weeks	
Belfast	43	47	69	40	106	138	160	78	681
Northern	52	57	76	69	82	50	15	0	401
South Eastern	22	25	13	24	30	14	0	0	128
Southern	11	13	10	0	0	0	0	0	34
Western	44	21	39	28	52	21	0	0	205
Total	172	163	207	161	270	223	175	78	1,449

Source: HSC Board

Please note these figures have not been validated by the Department; figures refer to those aged 0 -17

Mr Dunne asked the Minister of Health, Social Services and Public Safety what his Department has done to increase the number of defibrillators in public spaces and in training people in their use.

(AQW 46012/11-15)

Mr Hamilton: My Department has developed a Community Resuscitation Strategy for Northern Ireland. The strategy was launched in July 2014 and aims to increase the number of people trained in CPR. The promotion of public access defibrillation is an integral part of the strategy, and one of the objectives of the strategy focuses on how to improve the availability of, and access to, the automated external defibrillators that are in place across Northern Ireland. The Department of Health, Social Services and Public Safety has no statutory responsibility to ensure that defibrillators are placed in public spaces or to offer training to individuals or organisations that purchase their own defibrillators.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Patient and Client Council spent on staff travel expenses in each of the last two years.

(AQW 46037/11-15)

Mr Hamilton: Spend by the Patient Client Council on travel expenses in each of the last two years was:

- 2014/15 - £68,806
- 2013/14 - £51,634

Mr Cree asked the Minister of Health, Social Services and Public Safety why Northfield House, Donaghadee is included in the list of residential care homes being considered for possible closure.

(AQW 46043/11-15)

Mr Hamilton: All Health and Social Care Trusts, including the South Eastern Trust, used regionally agreed criteria to evaluate each of their residential care homes and to develop proposals for their future use. A summary of the South Eastern Trust proposals is available at - http://www.hscboard.hscni.net/board/meetings/May%202015/Making%20Choices%20%20Proposals%20on%20Statutory%20Residential%20Care%20Homes/index.html#P-1_0

The Trusts presented their proposals to the Health and Social Care Board, who agreed on 19 May that each Trust should proceed to publicly consult on their individual proposals for change. I re-iterate my commitment that no-one will be required to leave their home against their wishes.

Mr Dunne asked the Minister of Health, Social Services and Public Safety for an update on the future of the Northfield House Residential Home in Donaghadee.

(AQW 46056/11-15)

Mr Hamilton: The future role and function of statutory residential care homes is currently under review and no final decisions have yet been made. The Health and Social Care Board recently approved Trust proposals for reform, including the South Eastern Trust's proposal for Northfield House. However, these remain proposals at this stage and will be subject to public consultation by individual Trusts.

Ms Sugden asked the Minister of Health, Social Services and Public Safety how the revised care standards for nursing homes are being incorporated and used by the Regulation and Quality Improvement Authority.

(AQW 46076/11-15)

Mr Hamilton: Revised care standards for nursing homes were published on 13 April 2015 and are used by the Regulation and Quality Improvement Authority as the basis of their registration and inspections of these establishments effective from the date of publication.

Ms Sugden asked the Minister of Health, Social Services and Public Safety whether any of the £6.25m funding from the Atlantic Philanthropies/Delivering Social Change Dementia initiative has been allocated within the Northern Health and Social Care Trust area.

(AQW 46078/11-15)

Mr Hamilton: Implementation of the Atlantic Philanthropies/Delivering Social Change Dementia initiative is being taken forward on a regional basis by a project team led by the Health and Social Care Board and the Public Health Agency, and working in close collaboration with all five Health and Social Care Trusts, including the Northern Trust.

Over the lifetime of the project, investment is planned on a public information campaign, developing and rolling out dementia specific training for HSC staff, providing additional support for carers, and development of innovative models of respite. These measures are designed to benefit people with dementia and their carers across Northern Ireland.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to outline the rationale behind his decision to transfer the administration of the Independent Living Fund to Scotland; and detail the projected savings his Department will make as a result of the move.

(AQW 46083/11-15)

Mr Hamilton: My decision to implement these new arrangements is underpinned by the outcome of my Department's public consultation on how Independent Living Fund (ILF) users in Northern Ireland would be best supported after the closure of the ILF. It was clear that the majority of respondents preferred the creation of a successor body to the ILF UK.

I consider that these new arrangements are the most cost-effective solution to ensure that ILF recipients in Northern Ireland continue to be supported and I am very pleased that I have been able to work with the administration in Scotland to achieve this agreement. The cost of administering these new services will be the same as for the current service provided by ILF UK

Mr McKinney asked the Minister of Health, Social Services and Public Safety to outline the actions his Department, and his Scottish counterparts, will take to facilitate transferring the administration of the Independent Living Fund to Scotland.

(AQW 46085/11-15)

Mr Hamilton: Independent Living Fund (ILF) Scotland and ILF Northern Ireland are currently working in conjunction with ILK UK regarding the secure transfer of ILF NI users' data to the Scottish ILF (via the Scottish Government) in relation to the administration and management of this process.

ILF UK has been integral in the training of newly appointed staff in ILF Scotland to ensure consistency of service that replicates the service that is currently provided to try and ensure a seamless transition.

Mr Agnew asked the Minister of Health, Social Services and Public Safety for an update on the proposed closure of the 20 bed GP ward at Bangor Community Hospital.

(AQW 46132/11-15)

Mr Hamilton: The consultation exercise on the future of intermediate care in the North Down and Ards conducted by the Southern Eastern Trust area ended on 29 April 2015.

The Trust is currently analysing the consultation responses.

Department of Justice

Lord Morrow asked the Minister of Justice how many cases are currently in the court system involving unlicensed or illegal taxi provision, and any related charges, broken down by court division.

(AQW 45687/11-15)

Mr Ford (The Minister of Justice): The number of cases currently in the court system involving unlicensed or illegal taxi provision, and related charges, broken down by court division are set out in the table below.

Court Division	Number of Cases
Antrim	1
Ards	2
Armagh And South Down	3
Belfast	3
Craigavon	1
Fermanagh And Tyrone	3
Londonderry	1
Total	14

Mr D McIlveen asked the Minister of Justice what strategy his Department has in place to address crime in rural areas in North Antrim

(AQW 45741/11-15)

Mr Ford: My Department has brought forward Building Safer, Shared and Confident Communities: A Community Safety Strategy for Northern Ireland 2012-2017. The Strategy contains a commitment to make rural communities safer by reducing opportunities to commit crime.

My Department chairs a multi-agency rural crime delivery group, which consists of representatives from the PSNI, NFI Mutual and the Department of Agriculture and Rural Development.

The group has developed an action plan which contains a range of actions being taken forward to tackle rural crime. The action plan and progress reports on delivery of this commitment at a strategic and local level are available on the DOJ website.

Examples of local measures currently being delivered to address crime in rural areas of North Antrim include: the Farm Watch scheme, the Ballymena Secured programme, rural wardens project, mobile CCTV and Neighbourhood Watch schemes.

Lord Morrow asked the Minister of Justice for his assessment on the effectiveness of Sexual Offences Prevention Orders; and what amendments will be made in the forthcoming Justice Bill to these Orders.

(AQW 45742/11-15)

Mr Ford: The sexual offences prevention order (SOPO) is a civil order which can be imposed by the court to assist in managing the risks posed by individual sex offenders living in the community. It can be a useful risk minimisation tool both in its own right and when used in combination with other measures addressing the specific risks posed by the most serious offenders being managed on a multi-agency basis under the public protection arrangements (PPANI).

SOPOs are widely used for public protection purposes. In 2014, 141 orders were handed down by the courts and 573 SOPOs are currently in force. In 2014, the police returned 38 orders to court on breach, where the offender faced criminal charges carrying a maximum penalty of five years imprisonment. In the event of a very serious breach, the court has the ability to impose an extended sentence for public protection, if it considers this necessary.

There is significant evidence that the PPANI arrangements have been successful in managing the risks posed by offenders, as demonstrated by the Criminal Justice Inspection Northern Ireland report in 2011.

There are no amendments to the SOPO provisions in the forthcoming Justice Bill.

Mr Moutray asked the Minister of Justice to outline (i) what action his Department is taking to appoint a state pathologist on a full time permanent basis; and (ii) when he expects the position to be filled.

(AQW 45763/11-15)

Mr Ford: A further recruitment competition is being planned with a view to an appointment of a State Pathologist by the end of the year.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45351/11-15, to detail the cost to the Probation Board for Northern Ireland of compiling the pre-sentence report and the number of staff involved.

(AQW 45804/11-15)

Mr Ford: A Pre-Sentence report for a Magistrates' Court is prepared by Probation Board to assist the court in determining the most suitable method of dealing with an offender.

PBNI has advised that a Pre-Sentence Report for a case of this nature would have been prepared by a Probation Officer and cost in the region of £102.00

Mrs Dobson asked the Minister of Justice to detail the current levels of sickness absence within Northern Ireland Prison Service staff broken down by (i) category of staff; (ii) duration of sickness absence; and (iii) type of sickness absence.

(AQW 45823/11-15)

Mr Ford: Official information detailing levels of sickness absence across the entire Northern Ireland Civil Service (NICS), including the Northern Ireland Prison Service, is compiled by the Northern Ireland Statistics and Research Agency and published annually. The most recently published report 'Sickness Absence in the Northern Ireland Civil Service' which provides an analysis of sickness absence data for NICS staff over the 2013/2014 financial year was published in October 2014 and can be downloaded via the following link: http://www.nisra.gov.uk/publications/Sickness_in_the_nics.html

The 2014/2015 report is due for publication later this year.

A more detailed analysis could only be provided at a disproportionate cost.

Mrs Dobson asked the Minister of Justice to detail the ratio of administration staff to discipline staff in the Northern Ireland Prison Service in each month of the last three years.

(AQW 45824/11-15)

Mr Ford: The ratio of administration staff to discipline staff in the Northern Ireland Prison Service in each month of the last three years is shown in the following table:

Table: Ratio of Full Time Equivalent staff at Admin Grade to Prison Grade

2012/2013	Ratio	2013/2014	Ratio	2014/2015	Ratio
30/04/12	1: 3.37	01/05/13	1: 3.41	01/05/14	1: 3.25
31/05/12	1: 3.37	01/06/13	1: 3.46	01/06/14	1: 3.25
30/06/12	1: 3.35	01/07/13	1: 3.43	01/07/14	1: 3.29
31/07/12	1: 3.34	01/08/13	1: 3.34	01/08/14	1: 3.29
31/08/12	1: 3.30	01/09/13	1: 3.33	01/09/14	1: 3.27
30/09/12	1: 3.43	01/10/13	1: 3.35	01/10/14	1: 3.27
31/10/12	1: 3.26	01/11/13	1: 3.28	01/11/14	1: 3.23
30/11/12	1: 3.60	01/12/13	1: 3.20	01/12/14	1: 3.29
31/12/12	1: 3.47	01/01/14	1: 3.19	01/01/15	1: 3.27
31/01/13	1: 3.55	01/02/14	1: 3.16	01/02/15	1: 3.24
01/03/13	1: 3.45	01/03/14	1: 3.23	01/03/15	1: 3.22
01/04/13	1: 3.34	01/04/14	1: 3.26	01/04/15	1: 3.21

Mr Dallat asked the Minister of Justice to detail the number of prison officers on duty at Magilligan Prison during the (i) day; and (ii) night shift.

(AQW 45932/11-15)

Mr Ford: It is not possible to provide an exact figure on the number of staff present at Magilligan Prison as this figure fluctuates on a daily basis. Staffing levels are influenced by a number of factors including the regimes available, the shift patterns, annual leave and staff sickness.

Mr McCallister asked the Minister of Justice what steps his Department is taking to utilise technological advancement to improve the efficiency of the justice system.

(AQW 45936/11-15)

Mr Ford: There are many areas where my Department is using a wide range of advanced technologies to improve the efficiency of the justice system:

- Forensic Science (FSNI) has implemented a new DNA system which can accurately and more efficiently analyse results against much smaller DNA samples.
- Video links are widely used across the Criminal Justice organisations to reduce the movement of prisoners and to improve the efficiency of giving evidence in court.
- The Prison Service is running a pilot using Skype to facilitate foreign national and family virtual visits.
- AccessNI have just completed the implementation of a new public online system to process criminal record checks.
- The Causeway Data Sharing Mechanism generates and maintains the Northern Ireland Criminal History Database using electronically shared information and provides secure controlled web based access to view the Criminal Records across the justice system.
- The Courts and Tribunal Service (NICTS) operate an Integrated Court Operating System which integrates with Causeway and speeds up the justice system through the improved flow of information.

In addition, a number of new technology initiatives are underway:

- The Legal Services Agency is implementing a new public online system to handle the entire Legal Aid application process.
- FSNI are implementing a new integrated Case Management System which will speed up the processing of evidence submitted by the PSNI.
- Compensation Services are implementing a new public online system to process criminal injury and damage claims.
- NICTS are replacing the Court Funds Office system with new technology to streamline and improve the service to clients.

My Department is considering options to enhance the Causeway system to make optimum use of the latest technology and to support digital working initiatives such as support for the increased use and sharing of video evidence; increased use of digital courts and the sharing of digital case files with all parties.

These are some key examples of both existing and future use of technology to improve speed and efficiency of the justice system in my Department.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45105/11-15, to detail (i) the cost of damage caused, (ii) what equipment will have to be replaced; and (iii) if those responsible have been charged with criminal offences and whether it will be dealt with by the courts or the Prison Service.

(AQW 46046/11-15)

Mr Ford: The cost of damage to Roe House integrated recreation room was £4702.89. Damage was sustained to a pool table and running machine, and a 32" TV set will require replacement. A current PSNI investigation is ongoing regarding this incident.

Mr D McIlveen asked the Minister of Justice to outline the benefits that having the National Crime Agency fully operational will bring to North Antrim.

(AQW 46061/11-15)

Mr Ford: The National Crime Agency will be able to use its powers across Northern Ireland. Its officers already had powers in respect of immigration and revenue and customs offences but, from 20 May 2015, they also have powers of a constable, subject to the agreement of the Chief Constable, and can undertake civil recovery in the devolved field. This will undoubtedly assist our law enforcement effort in tackling serious and organised crime.

Mr D McIlveen asked the Minister of Justice for his assessment of the Independent Review of the Prosecution of Related Sexual Abuse and Terrorism Cases conducted by Sir Keir Starmer.

(AQW 46218/11-15)

Mr Ford: The Starmer Review is a matter for the Director of Public Prosecutions. That said, the Report is clearly a thorough and well-considered review. I welcome the Director's decision to publish the Report in full and to accept all its findings without reservation. I also welcome the programme of change that is underway based on Sir Keir's recommendations and that the Director has offered a sincere apology to the three victims involved in the cases in question.

Mr Allister asked the Minister of Justice for his assessment of the findings of the Independent Review of the Prosecution of Related Sexual Abuse and Terrorism Cases conducted by Sir Keir Starmer.
(AQW 46290/11-15)

Mr Ford: The Starmer Review is a matter for the Director of Public Prosecutions. That said, the Report is clearly a thorough and well-considered review. I welcome the Director's decision to publish the Report in full and to accept all its findings without reservation. I also welcome the programme of change that is underway based on Sir Keir's recommendations and that the Director has offered a sincere apology to the three victims involved in the cases in question.

Department for Regional Development

Mr Lyttle asked the Minister for Regional Development what cycling provision will be included in the Dublin Road improvement scheme.
(AQW 45622/11-15)

Mr Kennedy (The Minister for Regional Development): My Department will shortly be commencing a road maintenance scheme on the Dublin Road, where resurfacing works are being undertaken but no alterations to the existing road layout are proposed.

I can, however, confirm that my Department is currently developing a number of cycling schemes elsewhere in Belfast City Centre.

Lord Morrow asked the Minister for Regional Development, in relation to the reported £170,000 taxi costs for Translink staff, to list (i) the average journey in miles and cost; (ii) the frequency of such average journeys each month; and (iii) the ten longest journeys, shown by miles and cost.
(AQW 45738/11-15)

Mr Kennedy: Translink has advised me that invoices raised in relation to such activity average 250 per month. They stipulate a pick-up and set down location, but not specific mileage. They are therefore unable to provide the level of detail requested. However, we can advise that over the last 3 years an estimated 9,000 individual trips were made.

Without analysis of the individual invoices I can however advise that the longest taxi operations carried out in the past were for Conductors being transported between Belfast and Londonderry Depots. The circumstances where this would be necessary are where spare Coleraine and Londonderry Conductors are not available, spare staff from Belfast are utilised. In order for these staff to be in place for the start of services from Londonderry, taxis are required to depart Belfast at 04.30 prior to public transport services being available. The Conductor then returns to Belfast by train after finishing his / her duty in Londonderry. The road distance in this instance is 72 miles and an average taxi cost is £86.00.

By way of context, 11 such journeys were made between Belfast and Londonderry in the last year.

Mr Eastwood asked the Minister for Regional Development whether an objection to a disabled parking bay application would prohibit the implementation of the bay.
(AQW 45743/11-15)

Mr Kennedy: When considering an application for a disabled parking bay, my Department must adhere to the requirements of Schedule 4 of The Road Traffic Regulation (NI) Order 1997 and its well established criteria and procedures for assessing applications for disabled parking bays. If an objection is received after the neighbourhood notification, or after the required Notice of Intention has been published in the media, my Department must give full consideration to this, and will attempt to resolve it as quickly as possible.

My Department's procedures require that a withdrawal of an objection must be confirmed in writing by the objector. If an objection cannot be resolved, and my Department wishes to proceed with a disabled parking bay proposal, a submission is made by the relevant TransportNI Divisional Manager to my Department's Director of Transport Strategy, Policy and Legislation, with a reasoned recommendation as to why the proposal should proceed without recourse to a Public Inquiry, or why a Public Inquiry should be held.

Lord Morrow asked the Minister for Regional Development whether (i) there is any connection between the firm with exclusive use of the taxi rank at Central Station and the provision of taxis for use by Translink staff; (ii) all taxis for staff are pre-booked in line with regulations; and (iii) records of taxis booked for staff are maintained.
(AQW 45744/11-15)

Mr Kennedy: Translink has advised me that the contract for the provision of taxi services for passengers to / from the taxi rank at Central Station awarded to Value Cabs also included the provision of a taxi service for NIR operational requirements for staff and NIR clients, as required.

All staff taxi requirements are pre-booked in line with regulations and a record of all such bookings is maintained.

Mr Dunne asked the Minister for Regional Development for his assessment of the risk to road users and pedestrians following the decision to carry out only one cut of grass beside roadways and carriageways in North Down rather than the previous five cut cycle.

(AQW 45762/11-15)

Mr Kennedy: My Department is facing a £60 million Resource budget pressure in 2015/16, more than half of which has fallen to TransportNI. This budget pressure has created an immediate impact on the delivery of routine maintenance services right across Northern Ireland, including North Down.

The budget allocation currently available to TransportNI is only sufficient to cover our fixed costs and since 1 April 2015 there has been no funding available to engage external contractors to carry out routine maintenance activities, including grass cutting.

I share your concerns about the impact this could have on road safety but I will not be allowing road safety related maintenance to be stopped altogether and our internal workforce will be providing a skeletal routine maintenance service. In relation to grass cutting, this will allow all areas to be cut once between April and October with sightlines at bends and junctions being cut more frequently as required for safety reasons.

For the rest of this year TransportNI will be entirely dependent upon funding allocations from monitoring rounds to deliver its full range of maintenance activities, including grass cutting services provided by Councils. Should the financial position improve following the outcome of subsequent monitoring rounds, I will, of course, review this position.

Mr Moutray asked the Minister for Regional Development how many complaints NI Water has received relating to disrupted water supplies for each of the last three years in Upper Bann

(AQW 45764/11-15)

Mr Kennedy: NI Water does not hold information according to constituency boundaries. The information available relates to the overall number of complaints relating to properties within Northern Ireland affected by water supply interruptions (e.g. no water, water quality, low pressure etc), split by domestic and non-domestic properties.

Type of Supply	Number of Complaints		
	2012/13	2013/14	2014/15
Domestic	27,222	28,709	32,469
Non-Domestic	5,914	5,940	6,892
Total	33,136	34,649	39,361

Mr Moutray asked the Minister for Regional Development how much his Department has spent in each of the last five years dealing with disruptions to water supplies.

(AQW 45765/11-15)

Mr Kennedy: Disruptions to water supplies are an operational matter for NI Water. Such disruptions can be caused by a wide variety of issues outside the company's control. However, I am advised by NI Water that its expenditure over the past five financial years repairing broken, leaking or burst water pipes (all part of public infrastructure for which it is responsible) is as follows:

- 2010/11 £6.4 million
- 2011/12 £6.3 million
- 2012/13 £5.5 million
- 2013/14 £5.2 million
- 2014/15 £4.5 million

Mr Moutray asked the Minister for Regional Development to outline his Department's planned capital investment in Upper Bann between now and the end of this Assembly's mandate.

(AQW 45766/11-15)

Mr Kennedy: My Department's planned capital investment in Upper Bann for the financial year April 2015 to March 2016 is some £15.3 million, subject to appropriate project approvals.

While the actual spend on some projects/schemes may be within one council area or constituency, the benefits of such schemes are not confined to the council area or constituency in which they are located.

Mr Rogers asked the Minister for Regional Development to detail (i) the number of vehicle damage claims received by each area section office in the last ten years; and (ii) the amount of compensation awarded for these claims during this time. **(AQW 45802/11-15)**

Mr Kennedy: Details of the number of compensation claims for vehicle damage received by TransportNI Section Office area, in each of the last ten years, are set out in the table below. As my Department's Claims Unit's database does not link to the Government accounting system, details of the amount of compensation paid out for these claims could only be obtained at disproportionate cost as it would necessitate an extensive manual search of relevant files by clerical staff.

Vehicle Damage Claims Received from 2005/2006 to 2014/2015 Per Section Office

Section Office	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	2014 /15	Total
Antrim	57	42	29	35	56	53	67	61	57	34	491
Ballymena	84	62	66	59	129	126	84	39	54	28	731
Larne	12	11	7	21	21	13	16	18	23	19	161
Ballymoney	36	28	39	41	40	51	19	21	9	10	294
Moyle	9	4	7	8	11	17	10	1	3	4	74
Coleraine	37	40	46	47	40	25	23	15	27	19	319
Limavady	6	20	15	16	15	18	10	15	16	3	134
Newtownabbey	49	49	49	96	89	99	68	71	62	55	687
Carrickfergus	20	19	13	21	33	40	14	60	22	8	250
Ards	63	81	85	73	151	154	111	89	89	67	963
North Down	27	17	23	22	35	43	21	26	12	13	239
Armagh	49	59	54	68	93	104	82	82	78	49	718
Craigavon	66	78	75	38	58	96	53	42	50	43	599
Banbridge	40	56	35	66	61	55	43	32	45	25	458
Down	62	66	66	56	119	162	71	80	114	45	841
Newry & Mourne	126	183	126	156	278	292	138	170	155	101	1,725
Strangford Ferry	0	0	1	1	1	0	2	0	0	0	5
Belfast North	36	39	54	44	41	28	37	25	28	46	378
Belfast South	40	57	59	66	62	57	68	65	32	57	563
Castlereagh	23	22	27	35	17	39	22	30	25	13	253
Lisburn	116	122	141	182	256	217	150	162	187	110	1,643
Cookstown	37	61	70	115	189	239	127	73	56	59	1,026
Magherafelt	22	41	19	34	91	83	53	30	25	45	443
Dungannon	55	88	81	127	123	112	98	61	51	34	830
Fermanagh	68	72	88	135	134	125	79	52	49	40	842
Omagh	52	93	110	252	250	178	108	86	60	39	1,228
Strabane	17	25	29	27	14	21	21	14	21	15	204
Londonderry	37	42	39	40	79	112	58	25	21	40	493
Total	1,246	1,477	1,453	1,881	2,486	2,559	1,653	1,445	1,371	1,021	16,592

Source: TransportNI Claims Unit database

Mr Weir asked the Minister for Regional Development what plans he has to increase the number of evening train services on the Belfast-Dublin line.

(AQW 45812/11-15)

Mr Kennedy: There are currently no plans in place to increase the number of evening train services on the Belfast-Dublin line. You will be aware that a project to refurbish the Enterprise fleet is expected to be completed later this year.

Mr McGlone asked the Minister for Regional Development, pursuant to AQW 38793/11-15, of the total number of 22,399 new meters installed, (i) how many meters were installed in new build properties; (ii) how many meters were installed in non-domestic properties; (iii) how many new boundary boxes were installed; and (iv) how many new non-domestic customers were added to the NI Water billing system as a result of the Phase 3 metering contract, in each year.

(AQW 45825/11-15)

Mr Kennedy: The table below sets out:

- the number of meters installed at new build properties
- the number of meters installed at non-domestic properties
- the number of new boundary boxes installed during the Phase 3 metering contract

With regard to the number of new non-domestic customers added to the billing system, the data requested is not held in a manner which allows NI Water to differentiate between new non-domestic customers added to the billing system through unmeasured charges introduced from 1 April 2007, (with subsequent transfer to measured charging) and those new non-domestic customers added to the billing system solely as a result of metering activities undertaken through the Phase 3 metering contract. This position was previously advised in the reply to AQW 38798/11-15.

Year	Number of meters installed at new build properties	Number of meters installed at non-domestic properties	Number of new boundary boxes installed**
2007/08	3,220	2,154	1,174
2008/09	11,460	4,886	2,325
2009/10	3,945	933	621

** This is the number of new boundary boxes installed at existing premises. At new build properties the boundary box is installed as part of the new connection process and not part of the Phase 3 metering contract.

Mr McGlone asked the Minister for Regional Development, pursuant to AQW 38793/11-15, for a breakdown of the costs paid to Enterprise Managed Services Ltd by NI Water in 2006/07, prior to the contract commencing on site; and to which part of the tendered price does this money relate.

(AQW 45828/11-15)

Mr Kennedy: The contract for meter installation activities was awarded to Enterprise Managed Services Ltd in January 2007, with meter installation work commencing April 2007. The period between January 2007 and April 2007 was designated as the mobilisation period. During this period the contractor was required to establish an office, assemble and equip a workforce, establish data exchange arrangements, prepare data files, and prepare customer notifications. The costs paid to the contractor in accordance with the contract pricing schedule are set out in the table below.

Pricing Schedule Section	Activity Description	Costs paid
1	Implementation and set-up (office set-up, assemble and equip workforce, vehicles)	£44,000
2	Survey (data files, data exchange arrangements, work batches)	£33,000

Mr McGlone asked the Minister for Regional Development, pursuant to AQW 38793/11-15, what percentage reduction to its original tender the successful tenderer applied to each section 1-4 of the pricing schedule in the tender contract documents.

(AQW 45830/11-15)

Mr Kennedy: The Phase 3 metering contract was procured through a tendering process which included a bidding auction. Through the auction process, tenderers were invited to review and revise their prices. The percentage reductions in each section of the pricing schedule offered by the successful tenderer at the close of the auction are set out in the table below.

Pricing Schedule Section	Activity Description	Percentage Reduction offered through tender auction %
1	Implementation	0
2	Survey	27

Pricing Schedule Section	Activity Description	Percentage Reduction offered through tender auction %
3	Meter Implementation	4.4
4*	Automated Meter Reading Installation	Excluded from auction
5	Uplift Charges	0

* The pricing schedule in the released tender documents included a section 4 which related to Automated Meter Reading installation; however a decision was taken to not proceed with this part of the contract and this was excluded from the bidding auction.

Mr McNarry asked the Minister for Regional Development to detail the cost of (i) land purchase; (ii) architectural fees; and (iii) building work for the terminal buildings at (a) Dundonald; and (b) Cairnshill Park and Ride facilities.

(AQW 45835/11-15)

Mr Kennedy: Details of costs of land purchase, architectural fees and building works for the terminal buildings at Dundonald and Cairnshill Park and Ride facilities respectively are set out below:

Dundonald Park & Ride

Land costs for the full Park & Ride site	£1,515,000
Architectural/design fees for terminal building	£5,000
Construction costs for terminal building	£305,000

Cairnshill Park & Ride

Land costs for the full Park & Ride site	£6,250,000
Architectural/design fees for terminal building	£33,000
Construction costs for terminal building	£200,000

Lord Morrow asked the Minister for Regional Development, in relation to the reported £170,000 taxi costs for Translink staff, what is the criteria for staff to avail of this service; and by what level of staff is this most used.

(AQW 45854/11-15)

Mr Kennedy: Translink has advised that these taxi costs relate to various operational circumstances. For instance, taxis are sometimes required to move train crews between depots (inter-depot working). Inter-depot working allows for major depots to cover smaller country depot staff requirements without the requirement for localised overtime.

Also, employee taxi hire arises on occasions when train crews are required to be transferred from one location to another. The end location for a working day may differ from the member of staff's starting location. Likewise, there may not be appropriate public transport links to where they need to go at the time of day they require to travel, i.e. very early starts/late finishes. Some depots/sign-on points are not located on public transport routes.

Equally, taxis are also used during service exigencies, e.g. security alerts, line closures and other service requirements, e.g. accidents, when there is a requirement to reinstate services promptly and ensure reliability of the timetable as far as is possible. In such instances, train crews often need to be re-positioned following completion of their shifts.

The categories of staff that would most often be required to use such facilities are Conductors and Train Drivers.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45227/11-15 and given this contract is approaching six years in existence, (i) what was the stated duration of the tender when advertised in 2009; and to list the other tendered for contracts in his Department and its arm's-length bodies over the last three years.

(AQW 45858/11-15)

Mr Kennedy: Translink has advised that the contract in question commenced on 12/10/2009, with the initial period running until 11/10/2012. There were also contract extensions which allowed the contract to continue to 11/10/2015, when it is scheduled to be retendered.

My Department does not hold the information requested, Central Procurement Directorate would retain information on tenders that it managed for my Department.

Translink has however volunteered a copy of the list of Matters for Approval from April 2012 – March 2015 will be made available in the Assembly Library. This list does not solely relate to tenders but also includes Economic Appraisals and other approvals submitted to Translink's monthly Executive Committee meetings and Board Finance & Project Tracking Committee meetings.

Lord Morrow asked the Minister for Regional Development for a breakdown of the £170,000 Translink expenditure on taxi provision for staff, shown by facility.

(AQW 45861/11-15)

Mr Kennedy: Translink has advised that they do not have readily available the level of detail requested.

Invoices received cover multiple journeys, depending on activity during the relevant period being reported. They identify pick-up and drop-off points, which are sometimes, but not always, the 'facility', i.e. the operating depot to which the query refers.

There is no separation on invoices of those journeys undertaken by staff and those taxi services provided for passengers, as required in the event of exceptional operational circumstances.

Mr Weir asked the Minister for Regional Development for an update on the grass cutting schedule for 2015 in North Down.

(AQW 45866/11-15)

Mr Kennedy: Due to budgetary pressures in 2015/16, my Department is only able to provide a skeleton routine maintenance service at the present time.

With regard to grass cutting, my Department's internal workforce will carry out one full cut of all areas under its maintenance control. This cut has commenced in the North Down area and it is anticipated that it will be completed by mid July 2015.

Subject to in-year funding and resources, grass areas classified as sightlines may receive additional cuts.

This is not the service that my Department wishes to provide, however it is a direct consequence of the challenging budgetary position.

Mr D McIlveen asked the Minister for Regional Development for his assessment of the safety provisions for (i) spectators; and (ii) participants at this year's North West 200.

(AQW 45899/11-15)

Mr Kennedy: Responsibility for safety at road race events rests with the event organiser. My Department's involvement extends only to making the necessary road closure orders to facilitate motor racing events on public roads.

Mr Campbell asked the Minister for Regional Development what changes have been made in the past twenty years to the manned handover system for trains at the Coleraine Rail Crossing, Bushmills Road.

(AQW 45907/11-15)

Mr Kennedy: Translink has assumed that the query relates to what is known within the organisation as the 'token block' system.

The system would have last been altered 26 years ago when Coleraine Station was re-signalled in 1989. The tablet instruments would have been interfaced with the new route relay Interlocking which remains unchanged to the present day.

Once the construction work on the new signalling system is complete, the token exchange for trains travelling to and from Londonderry will no longer be a requirement, as the sections will be track circuited and therefore the trains will not have to stop. However, trains travelling to and from Portrush will still be worked under the current arrangements, as this is not part of the Coleraine to Londonderry project.

Mr Agnew asked the Minister for Regional Development what contingency plans have been put in place should the River Faughan become contaminated with toxic leachate from illegal landfill sites; and at what additional cost to the public purse.

(AQW 45942/11-15)

Mr Kennedy: NI Water has contingency plans for all of its water treatment works, including Carmoney which treats water abstracted from the River Faughan. These plans have been formulated to provide a framework for dealing with and limiting the impact of a total loss of supply from the water treatment works. The contingency plan for Carmoney identifies that in the event of total loss of production, provision of all of the required water supply would be achieved by increasing production at other water treatment works.

The cost of implementing the contingency cannot yet be calculated but would, based on the requirements of the plan in the particular circumstances, include pumping costs associated with the transfer of water from the alternative water treatment works during the period of loss of supply from Carmoney Water Treatment Works. There may also be costs associated with the re-establishment of Carmoney Water Treatment Works into supply along with the possible need for additional treatment.

NI Water also has in place Drinking Water Safety Plans (DWSP) for all its water treatment works and associated supply areas, including the Carmoney Treatment Works. The DWSP for Carmoney Water Treatment Works identifies the potential for risk to the water quality of the raw water supply to the Works from waste sites within the Faughan River catchment area. NI Water continues to work closely with the Department of the Environment's Northern Ireland Environment Agency to minimise any potential impacts on drinking water quality and keep under review any risks identified to inform the DWSP risk assessment process.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45405/11-15, how much income has been generated since the commencement of the contract; and how this income has been utilised by Translink to off-set costs or subsidise public transport services, broken down by financial year.

(AQW 45958/11-15)

Mr Kennedy: Translink has advised that the income derived from this contract is £15,000 per annum. Therefore cumulatively this amounts to £90,000 over the six years that the contract has been running to date.

The money generated is utilised to offset funding required to operate public transport services but cannot be aligned to a specific service.

Mr Eastwood asked the Minister for Regional Development whether group bookings are accepted for travel on the Derry-Belfast train service before 9.30am

(AQW 45992/11-15)

Mr Kennedy: Translink has advised me that group bookings will be taken subject to supply, during both peak and off-peak periods. Many of NIR's peak services have very high levels of demand, and as a result they would not take group bookings as this would result in regular commuters being displaced.

Mr Eastwood asked the Minister for Regional Development whether group bookings for the Derry-Belfast train service can be purchased on the Translink website.

(AQW 45993/11-15)

Mr Kennedy: Translink has advised me that all group bookings (10+ customers) must be purchased through NIR Travel and are not available on-line.

Mr Eastwood asked the Minister for Regional Development to detail the occupancy levels on each of the Derry-Belfast train services for each of the last three years

(AQW 45994/11-15)

Mr Kennedy: Translink has advised me that NI Railways do not measure occupancy levels on a daily basis. However seat occupancy was last reviewed in early November 2014. The table below highlights the high levels of seat occupancy on 'early morning' Belfast-bound trains:

Train Departure	Seat Occupancy
06:05 ex Londonderry	91%
06:20 ex Coleraine	115%
07:13 ex Londonderry	116%
07:19 ex Coleraine	127%
09:19 ex Coleraine	85%
09:33 ex Londonderry	85%

Mr Dunne asked the Minister for Regional Development to outline the rationale behind the use of cameras to identify and penalise motorists who use bus lanes in Belfast City Centre.

(AQW 46010/11-15)

Mr Kennedy: Over recent years, my Department has made significant improvements to the road network to give buses greater priority through the introduction of bus lanes, bus-only streets and bus gates. These measures are aimed at reducing journey times and improving the reliability of buses and are in keeping with my Department's policy of encouraging a modal shift away from private to public transport.

Whilst the majority of drivers do not abuse the bus priority measures, surveys undertaken in 2007 and 2013 found that a significant number of unauthorised vehicles do so. This reduces the effectiveness of the bus priority measures and frustrates the majority of drivers who do not drive in bus lanes. Therefore, my Department has introduced cameras to improve the enforcement of bus lanes, bus gates and bus-only streets with effect from 1 June 2015.

Before introducing the cameras, the bus lanes were enforced solely by the Police Service of Northern Ireland (PSNI), as time and resources permitted. Following the introduction of the cameras, the bus lanes will continue to be enforced by the PSNI as a criminal offence, with my Department enforcing them as a civil offence.

To allow drivers to get used to the new enforcement measures, my Department will issue "warning letters" to unauthorised drivers recorded as driving in bus lanes, bus gates or bus-only streets for an initial three week period following the introduction of the enforcement cameras. Thereafter, unauthorised drivers will be issued with a £90 Penalty Charge Notice, which will be reduced to £45 if paid within 14 days. An appeals procedure is also in place.

Further Information on the enforcement of bus lanes is available on NI Direct at www.nidirect.gov.uk/bus-lane-cameras

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45294/11-15 and AQW 45024/11-15, to clarify (i) how there is no safety issue, when fully wheelchair accessible public hire taxis have no safe place to drop off or pick up disabled passengers at Central Station, Belfast, given the prohibition of use of the exclusive rank; and (ii) if this is breaching the Disability Discrimination Act 1995, by failing to ensure both the choice of, and adequate access to, fully accessible wheelchair taxis at all times.

(AQW 46045/11-15)

Mr Kennedy: Translink has advised that the Public Hire taxi rank at Mays Meadow is adequate to facilitate safe drop off / pick up of wheelchair users at Central Station.

Public hire taxis that are fully wheelchair accessible may also avail of the bespoke set-down area within the car park at Central Station, or indeed the specifically designated disabled parking spaces. The car park operates a policy of providing free parking for the first 20 minutes, which facilitates those simply dropping passengers off but not intending a lengthy stay.

The drop-off and disabled parking areas are adjacent to the pedestrian exit from the car park, immediately across from the May's Meadow entrance to the station building where lift access to the main entrance / concourse is readily available.

Lord Morrow asked the Minister for Regional Development whether there is a provision for the use of taxi services included in some Translink staff member contracts to transport them to and from work; and if so, what percentage of staff benefit from this provision.

(AQW 46048/11-15)

Mr Kennedy: Translink has advised that provision of taxi services for staff is not incorporated into any staff contracts.

Department for Social Development

Lord Morrow asked the Minister for Social Development in relation to Disability Living Allowance appeals, to detail the total cost of (i) venue hire; and (ii) panel payments, per division, in (a) 2012/13; (b) 2013/14; and (c) 2014/15.

(AQW 45459/11-15)

Mr Storey (The Minister for Social Development): The information cannot be provided in the format requested. The Appeals Service arranges for all types of benefit appeals to be heard at venues throughout Northern Ireland based on the postal district within which the appellant resides. Therefore, a breakdown of the venue hire costs and panel member fees and expenses for Disability Living Allowance (DLA) appeals is not available.

However the tables below detail the cost of venue hire by tribunal district for all benefit appeals; the total cost of panel members fees and expenses; the total number of appeals that have received a tribunal hearing; and the proportion of which relate to DLA appeals.

Tribunal District	Venue Hire Cost	Venue Hire Cost	Venue Hire Cost
	2012/13 (£)	2013/14 (£)	2014/15 (£)
Armagh	5,316.00	4,776.00	2898.00
Ballymena	24,811.94	28,449.98	13,988.13
Ballymoney	2,122.11	2,147.12	2,025.57
Banbridge	4,967.16	5,203.89	3,787.56
Belfast	-	-	-
Coleraine	8,769.00	9,926.53	9,702.00
Cookstown	7,019.00	6,688.00	3,733.14
Craigavon	22,402.00	26,641.00	13,515.00
Downpatrick	10,034.00	9,933.30	10,032.00
Dungannon	8,555.00	18,070.00	7,469.76
Enniskillen	11,621.00	12,312.00	8,677.26
Limavady	2,832.00	4,308.00	3,201.44
Londonderry	15,480.00	26,762.00	13,018.99

Tribunal District	Venue Hire Cost	Venue Hire Cost	Venue Hire Cost
	2012/13 (£)	2013/14 (£)	2014/15 (£)
Magherafelt	7,462.00	9,139.00	6,354.00
Newry	10,260.00	11,394.00	9,936.00
Newtownards	17,527.20	23,205.12	14,811.24
Omagh	1,018.00	3,174.00	2,918.40
Strabane	3,900.00	7,998.00	3,162.30
Grand Total	164,096.41	210,127.94	129,230.79

Panel Members Fees & Expenses	2012/13	2013/14	2014/15
Total	£2,961,507.88	£3,655,209.04	£2,927,282.57
Appeals heard ¹	2012/13	2013/14	2014/15
Total	20,625	25,120	16,727
DLA	5,857	5,768	5,372

1 Includes the number of appeals that progressed to hearing and either reached a final outcome or were adjourned pending a further hearing.

Mr Easton asked the Minister for Social Development how many unfair dismissal cases have been brought against his Department over the last two years.

(AQW 45540/11-15)

Mr Storey: In the past two years there have been four claims of unfair dismissal brought against my Department.

Mr McCallister asked the Minister for Social Development when he intends to conduct a review of the Caravans Act (Northern Ireland) 2011.

(AQW 45640/11-15)

Mr Storey: Section 4(6) of the Caravans Act (NI) 2011 commits the Department to review Parts 1 and 2 of the Schedule to the Act not later than five years after it has come into operation and at least once in every period of five years thereafter.

As the Caravans Act came into operation in September 2011, it is therefore due to be reviewed before September 2016.

Parts 1 and 2 of the Schedule deal with the implied terms in agreements for residential occupiers. However, the review will consider the whole Act.

The Department is currently collecting data to support the review of the Act.

Mr Eastwood asked the Minister for Social Development when the decontamination of the Fort George site will be completed.

(AQW 45663/11-15)

Mr Storey: My Department cannot appoint a contractor to undertake the decontamination works at Fort George until Outline Planning Permission has been secured for the Development Framework. I anticipate that a Planning decision will be made by my Ministerial colleague Mark H. Durkan in the near future.

The decontamination works are expected to take between 12 and 18 months to procure and complete. This means that if Outline Planning Permission is granted now, the works will not be completed before 31 March 2016. My officials will therefore continue to work with Council to determine the best approach to, and timetable for, the remediation of Fort George.

Mr Eastwood asked the Minister for Social Development (i) to detail whether the Programme for Government commitment of delivering 2,000 social homes in 2014/15 was delivered; and (ii) for a breakdown of new social home builds per constituency.

(AQW 45683/11-15)

Mr Storey:

- (i) The PfG target to secure 2000 new social housing starts during the 2014/15 Programme year was not only met but exceeded. In total, housing associations started work on 2013 new units of social housing during the period April 2014 to March 2015.

Across the 4 year PfG period, work has commenced on 6101 new social housing units, thereby exceeding the PfG starts target of 6000 new social starts.

(ii) Broken down by Parliamentary Constituency

Constituency	No.
Belfast East	40
Belfast North	144
Belfast South	32
Belfast West	268
East Antrim	32
East Londonderry	85
Fermanagh & South Tyrone	65
Foyle	566
Lagan Valley	195
Mid Ulster	99
Newry & Armagh	14
North Antrim	10
North Down	180
South Antrim	69
South Down	32
Strangford	156
Upper Ban	9
West Tyrone	17
Total	2013

Mr Hussey asked the Minister for Social Development to outline any changes in his Department's commitment to the Paisley Park Project in recent months.

(AQW 45740/11-15)

Mr Storey: My Department officials are continuing to work collaboratively with Paisley Park Sports Development Company Ltd and Belfast City Council to ensure the future of the Paisley Park Sports Complex. This may involve the provision of a lease or licence on the facility by either my Department, or Belfast City Council following transfer of the asset under Reform of Local Government.

Proposals for the redevelopment of the complex have been drawn up by the Company, and my Department has been asked to consider funding some elements of the proposal.

The budget my Department would use to support this type of capital work is to transfer to local Councils under Reform of Local Government. As a result, the Department's Capital Programme for 2014/15 and 2015/16 has been focused on the practicalities of delivering projects before the planned transfer, now April 2016.

Due to the scale of the work related to the proposals and the risk of slippage beyond the planned transfer dates it has not been possible to consider funding at this time.

Mr Hussey asked the Minister for Social Development how many Freedom of Information requests the Charity Commission for Northern Ireland has received in the last two years; and of these, how many remain unanswered.

(AQW 45789/11-15)

Mr Storey: In 2013-14 the Charity Commission for Northern Ireland received 13 Freedom of Information requests, all were responded to. In 2014-15 the Charity Commission for Northern Ireland received 46 Freedom of Information requests, all were responded to.

Mr Dickson asked the Minister for Social Development whether his Department will bring forward legislation to effectively regulate the payment of upfront fees in the private rental sector.

(AQW 45811/11-15)

Mr Storey: The 'Tenancy Deposit Scheme' introduced by my Department in April 2013 safeguards tenancy deposits paid by a tenant at the start of a tenancy. In the first two years of operation over 40,000 deposits have been protected.

Protecting tenants from fees charged specifically by letting agents is one of a number of issues being considered under the review of the role and regulation of the Private Rented Sector which is currently underway. Developments in other jurisdictions, in relation to letting agents, will be considered under the review. A discussion document will issue before Summer to garner views. A consultation paper, on proposals for change, will issue before the end of 2015. Any legislation that will need to be introduced will be taken forward during 2016/17.

The Department of Enterprise, Trade and Investment can investigate any unreasonable charges under the Unfair Terms in Consumer Contract Regulations 1999.

Ms Sugden asked the Minister for Social Development for his assessment of how the transfer of powers for economic redevelopment, to new local councils, is likely to impact the community and voluntary sector.

(AQW 45838/11-15)

Mr Storey: At this time I am unable to make an assessment of how the transfer of powers for economic redevelopment to the new local Councils is likely to impact on the Voluntary and Community Sector. However, I have met with all the Councils to discuss the transfer of powers. I, and my Department are keen to support Councils to take on board their new powers and I consider that Councils are best placed to determine how to implement the powers and to maximise benefits for the Voluntary and Community Sector.

Mr Ramsey asked the Minister for Social Development, in considering the potential passage of the Regeneration Bill, what formula his Department intends to use to distribute the Community Infrastructure Fund between councils.

(AQW 45981/11-15)

Mr Storey: Subject to the successful passage of the Regeneration Bill a total of £56.5 million will be transferred to councils on 1st April 2016. In order to determine the percentage of this £56.5m that should be allocated to each Council my officials devised the funding allocation model. The allocation awarded to each Council in the model is largely determined on the following basis of apportionment:

- Income deprived population settlements bands A to G for tackling disadvantage;
- Total population for physical development;
- Income deprived population of district for community development, and
- Programme costs excluding Laganside for salaries and GAE.

The budget in relation to the Community Investment Fund is included in bullet point three above, community development and will be allocated on the basis of deprived population within a council area.

It is important to note that the funds will be transferred as a single unit and it will be for Councils and their locally elected representatives to decide how best to address the needs of their areas.

Northern Ireland Assembly

Friday 5 June 2015

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mr A Maginness asked the First Minister and deputy First Minister to detail the number of staff employed (i) directly by their Department; and (ii) by its agencies, who currently earn less than the living wage.
(AQW 39030/11-15)

Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister): Based on net hours worked, there are no staff employed (i) directly by our Department and (ii) by its Arms Length Bodies, who currently earn less than the living wage.

Ms Lo asked the First Minister and deputy First Minister when the next round of the Ethnic Minority Development Fund will be available.
(AQW 40551/11-15)

Mr P Robinson and Mr M McGuinness: A public call for applications for the 2015/16 Minority Ethnic Development Fund was opened on 27 March 2015 and closed on 27 April. All applicants were informed of the outcome of their application on 8 May.

Mr Agnew asked the First Minister and deputy First Minister to detail the organisations that have (a) applied for; and (b) received funding as part of the Ethnic Minority Development Fund for Tier 1 and Tier 2, in each of the last three years.
(AQW 41301/11-15)

Mr P Robinson and Mr M McGuinness: Following the recommendations of an evaluation of the 2003-2011 Minority Ethnic Development Fund three tiers of funding were introduced in the 2013/14 financial year. Accordingly, the information requested exists for the last two financial years.

Tier 1 successful applications (including financial year(s) the award spans)

- | | |
|--|--|
| ■ ArtsEkta (2013/14) | ■ NICEM (2013/14) |
| ■ Ballymena Inter-Ethnic Forum (2013/14 & 2014/15) | ■ South Belfast Roundtable (2013/14 & 2014/15) |
| ■ Connect NICEM (2013/14) | ■ NICRAS (2013/14 & 2014/15) |
| ■ Dialogue for Diversity (2013/14 & 2014/15) | ■ South Tyrone Empowerment Programme (2013/14) |

Tier 1 unsuccessful applications (including financial year application was received in)

- | | |
|---|---|
| ■ NICEM / Barnardo's (2013/14) | ■ Communities (2013/14) |
| ■ Phoenix ADHD Project (2013/14) | ■ Counselling All Nations Services (2013/14) |
| ■ ACSONI (2013/14) | ■ East Belfast Community Counselling Centre (2013/14) |
| ■ Northern Ireland Sikh Cultural Centre (2013/14) | ■ NICRAS (2013/14) |
| ■ One World Creative (2013/14) | ■ NICEM (2013/14) |
| ■ PIPS Newry and Mourne Limited (2013/14) | ■ Barnardo's NI Policy & Research Unit (2014/15) |
| ■ Barnardo's Tuar Ceatha (2013/14) | ■ Belfast Migrant Centre (2014/15) |
| ■ Omagh Women's Aid (2013/14) | ■ Whiterock Children's Centre (2014/15) |
| ■ Polish NI Community Network (2013/14) | ■ Lagan Village Youth and Community Group (2014/15) |
| ■ Egyptian Society of Northern Ireland (2013/14) | ■ South Belfast Roundtable (2014/15) |
| ■ East Belfast Community Counselling Centre (2013/14) | ■ NICEM (2014/15) |
| ■ Horn Of Africa People's Aid NI (2013/14) | ■ Belfast Migrant Centre (2014/15) |
| ■ Whiterock Children's Centre (2013/14) | |
| ■ Challenge of Change Network for Black and Ethnic | |

Tier 2 successful applications

- ACSONI
- An Munia Tober
- Armagh Travellers Support Group
- ArtsEkta
- Ballymena Inter Ethnic Forum
- Ballymoney Community Resource Centre
- Barnardo's Tuar Ceatha
- Belfast Islamic Centre
- Bryson Intercultural
- Chinese Welfare Association
- Cookstown and Western Shores Area Network
- Craigavon Intercultural Programme
- Craigavon Travellers Support Committee
- EMBRACE
- GEMS NI
- Homeplus NI
- NICEM
- NICEM North West
- NICRAS
- North Down YMCA
- North West Migrants Forum
- Omagh Ethnic Communities Support Group
- PECA (Polish Educational and Cultural Association) (award pending)
- South Belfast Roundtable
- The Welcome Project
- Wah Hep Chinese Community Association

Tier 2 unsuccessful applications

- Active Citizens Engaged
- All Nations Ministries
- Annadale and Haywood Resident's Association
- Belfast Migrant Centre
- Enagh Youth Forum
- Ethnic Minorities Empowerment Association
- Fountain Dance and Fitness Association
- Foyle Multicultural Forum
- Headliners
- Horn of Africa People's Aid NI
- Minority Focus
- Muslim Association of Coleraine
- Polish NI Community Network
- South Down Family Health Initiative
- Strabane Ethnic Community Association
- Training For Women Network Ltd
- Volunteer Now
- Whiterock Creche Association

Ms Sugden asked the First Minister and deputy First Minister for an update on the children's budgeting pilot.
(AQW 43430/11-15)

Mr P Robinson and Mr M McGuinness: Research is being undertaken for the Northern Ireland Children's Commissioner (NICCY) by the Social Research Unit (SRU) in Dartington to identify the extent and effectiveness of direct public funding being provided for services impacting on the well-being of children and young people.

OFMDFM officials have been involved in providing data for this project. Junior Minister Bell and Junior Minister McCann updated the Delivering Social Change (DSC) Programme Board on 21 January 2015, encouraging all departments to work with NICCY in collating the necessary data for this research.

We await follow-up from NICCY to assess how this work can inform the approach we will take to any budgeting pilot taking account of available resources in light of budgetary constraints.

Mr Agnew asked the First Minister and deputy First Minister whether the issue of female genital mutilation will be included in the Racial Equality Strategy.
(AQW 43771/11-15)

Mr P Robinson and Mr M McGuinness: Officials are currently completing the analysis of the 16 week consultation on the revised Racial Equality Strategy. Many issues and concerns were raised within the context of the consultation including female genital mutilation.

The issue of FGM engages a number of different departments. The Department of Finance and Personnel, for example, has produced Multi-Agency Guidelines.

The guidelines set out a multi-agency response and strategies to encourage agencies to co-operate and work together on the issue. The Department of Justice is taking forward proposals to include provisions relating to FGM in the Serious Crime Bill.

The Department of Health, Social Services and Public Safety and the Department of Education also have a key role to play in tackling this matter.

Mr Lyttle asked the First Minister and deputy First Minister for an update on the outcome of the children's budgeting pilot.
(AQW 44263/11-15)

Mr P Robinson and Mr M McGuinness: Research is being undertaken for the Northern Ireland Children's Commissioner (NICCY) by the Social Research Unit (SRU) in Dartington, to identify the extent and effectiveness of direct public funding provided for services impacting on the well-being of children and young people.

OFMDFM officials have been involved in providing data for this project, and other departments have been encouraged to work with NICCY.

We await the outcome from NICCY to assess how this work can inform the approach we will take to any budgeting.

Mr McCausland asked the First Minister and deputy First Minister how their Department engages with stakeholder organisations in relation to international human rights commitments such as the United Nations Convention on the Rights of the Child.

(AQO 8010/11-15)

Mr P Robinson and Mr M McGuinness: OFMDFM has lead responsibility for a range of United Nations Conventions.

In each of these areas our officials work with officials in appropriate Whitehall departments to provide input to UK state reports, mid-term reports and briefings for delegations attending UN oral examinations.

When preparing inputs, OFMDFM officials consult with appropriate departments and relevant stakeholders to identify issues which may be of particular interest to the UN.

In regards to the United Nations Convention on the Rights of the Child there is ongoing formal and informal engagement with stakeholders. This engagement supported our contribution to the recent State Party Report on UNCRC. In addition, OFMDFM is currently funding the development of an NGO report on UNCRC.

Mr Maskey asked the First Minister and deputy First Minister for an update on the Child Poverty Strategy.

(AQO 8014/11-15)

Mr P Robinson and Mr M McGuinness: The Executive's first Child Poverty Strategy 'Improving Children's Life Chances' was published in March 2011. Three Annual Reports have been published, most recently the Third Annual Report on 2 March 2015, providing updates on progress against the Strategy.

Mr Buchanan asked the First Minister and deputy First Minister when the Executive plan to consider the recommendations submitted by the Minister of Finance and Personnel in relation to equal pay claims for PSNI and NIO staff.

(AQW 45255/11-15)

Mr P Robinson and Mr M McGuinness: Executive business and all aspects of the Executive decision making process are confidential.

Ms Fearon asked the First Minister and deputy First Minister to outline the programme of summer camps in 2015 as part of Together: Building a United Community.

(AQO 8114/11-15)

Mr P Robinson and Mr M McGuinness: The Summer Camp Pilot Programme 2015 has been widely promoted. It was advertised in the 3 main daily newspapers the Belfast Telegraph, the Irish News and the News Letter - on 15 April. It was also advertised on the Department's website, was tweeted from our Twitter account and was placed on our Facebook page.

Over 2,500 stakeholders were also advised when the Programme opened and other key partners including the Community Relations Council, Department of Education, Department of Culture Arts and Leisure, Rural Community Network, Education Authority and local Councils were asked to circulate to their stakeholders.

The Programme closed for applications on 8 May and the assessment and selection is on track to meet our target of delivering 100 Camps in 2015.

The Programme is about building positive relationships among young people aged 11 to 19 from diverse backgrounds across all parts of our community. Camps should be fun and offer a range of age appropriate activities according to young people's interests but good relations-based learning must be at the heart of Camps.

Camps must be run on a cross community basis and can be at local or regional level. They will offer young people an opportunity to get to know other young people from different parts of our community, to have fun, to try new experiences and to help to build longer term relationships.

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 44681/11-15, to detail the number of applications received for strand 1 and strand 2 funding streams, broken down by constituency.

(AQW 45591/11-15)

Mr P Robinson and Mr M McGuinness: The Summer Camps Pilot Programme 2015 closed for applications at 3pm on 8th May 2015. A total of 154 applications were received by the Programme Administrator, the Education Authority by that date.

Information is not held on the breakdown of applications by constituency but, from the information provided by the Education Authority, the following table shows the number of applications received by each of the 5 Education Authority regions for Strand 1 and Strand 2 funding.

	South Eastern Region	Western Region	Belfast	North Eastern Region	Southern Region	Total
Strand 1 Applications	10	25	45	28	10	118
Strand 2 Applications	7	7	14	2	6	36
Total	17	32	59	30	16	154

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 44682/11-15, to detail each of the key stakeholders indicated.

(AQW 45592/11-15)

Mr P Robinson and Mr M McGuinness: Key stakeholders included representatives from the Equality Commission for Northern Ireland, the Northern Ireland Commissioner for Children and Young People, the Commissioner for Older People for Northern Ireland, the Children's Law Centre, Age NI, the Age Sector Platform and the Northern Ireland Youth Forum.

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 40568/11-15, to detail the Area Plan projects that were informed by the Steering Group within the Social Investment Fund Northern Zone that their applications had not been successful.

(AQW 45654/11-15)

Mr P Robinson and Mr M McGuinness: In November 2013, the Northern Zone's Steering Group deemed 97 concepts ineligible for SIF support and it was the responsibility of the Steering Group Chairs to inform those involved of the decisions. The remaining 10 projects were prioritised and of these six projects will be funded within the Zone's £9million funding allocation. Details of these are available on the OFMDFM website. The ineligible Area Plan projects comprised 64 capital and 33 revenue concepts and details of each have been placed in the Assembly Library.

Ms Sugden asked the First Minister and deputy First Minister whether the report on the delivery of the Disability Strategy for 2013/14 is available in the public domain.

(AQW 45872/11-15)

Mr P Robinson and Mr M McGuinness: The first annual report on the delivery of the Executive's Disability Strategy, setting out the actions that all departments have undertaken, is currently being finalised and will be published in the near future.

Department of Agriculture and Rural Development

Mrs Dobson asked the Minister of Agriculture and Rural Development for an update on the activities undertaken by her Department to influence and monitor the progress of the Transatlantic Trade and Investment Partnership negotiations, including the nature and outcome of analysis regarding potential risks and opportunities for the local agri-food industry, rural communities and the wider economy.

(AQW 45757/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): The Transatlantic Trade and Investment Partnership (TTIP) negotiations are very important for farmers in the north of Ireland. I and my officials are monitoring developments closely. A potential TTIP agreement offers both opportunities and potential threats for the industry here.

The implications of a deal depend very much on what is negotiated and I believe that any TTIP agreement needs to be balanced between creating opportunities for growth and offering protection to vulnerable sectors. While growth in the economy is certainly to be welcomed, I remain cautious as to the figures being quoted to support the TTIP. Along with my concerns about potential impacts on the environment, workers rights and public services, I also have some trepidation regarding prospective negative impacts on the agri-food industry.

My Department has not commissioned research specific to the possible impact of a TTIP deal between the EU and US. However, it has commissioned two research projects over the last ten years which have examined the impacts of reducing EU import tariffs. This research shows that the beef industry would be the one most affected by the more extreme tariff reduction scenarios. Therefore, I am taking a close interest in the progress of the TTIP negotiations and am keen that the needs of the beef industry in particular are properly considered. I am aware that local beef exporters are very keen to gain access to the US market, citing the fact that the prices paid there for manufacturing meat are higher than those on offer in the EU. However, in our own market, our farmers would be going into direct competition with US producers. In my view, it is absolutely essential

that all imports into the EU meet the high health, environmental and animal welfare standards required from EU producers. In addition, any agreement must include proper recognition for our Protected Geographical Indication for food products.

Export markets have always been important for our industry and significant progress has been made in recent months to secure important new export opportunities. A recent inspection by the Chinese officials of our pork processors went well. We are also making good progress on negotiating access for our beef and poultry exports to China. My officials have been working closely with industry to prepare for a range of other inward approval inspections by the Philippines, Australia and US across a range of commodities. A TTIP deal could further increase the opportunities to expand exports, but there is a need to tread carefully.

I have used the avenues open to me to make the case for balance and fairness in any potential TTIP deal. TTIP is regularly discussed at meetings between Defra and Devolved Ministers. My officials liaise on this issue with Defra and Department of Business, Innovation and Skills officials through working groups and regular contact and we have provided briefing to MEPs and the Joint Ministerial Committee (on Europe). It is very unlikely that a TTIP deal will be concluded in this calendar year, but I will continue to monitor developments and to exert further influence when most needed. Where necessary, I will push for safeguards for vulnerable local industries such as the beef sector and seek an outcome that properly balances the risks and opportunities for the agri-food sector.

Mrs Dobson asked the Minister of Agriculture and Rural Development for her assessment of the (i) extent; and (ii) impact of meat importation on local farmers and the wider economy.
(AQW 45818/11-15)

Mrs O'Neill:

- (i) Figures available from the HMRC trade website indicate that the value of meat and meat preparations imported by firms registered in the north of Ireland were worth almost £380 million in 2014. Of this total, almost £16 million were imports from non-EU countries. Sales of meat by food processing firms in the north of Ireland were estimated to be worth almost £2,300 million in 2013 (latest DARD figures available).
- (ii) A proportion of this imported meat will have been subject to additional processing before resale. This value-adding activity creates employment and contributes to the local economy.

The meat industry in the north operates within a single European market with free movement of goods, services, capital and people. Given this context, there is no prima facie reason why meat imports would have any particular long term differential impact on local farmers compared with farmers elsewhere in the EU.

Ms Sugden asked the Minister of Agriculture and Rural Development how her Department is working with the Department for Regional Development to deliver the commitment to tackle poverty and social isolation, through providing rural community transport and protecting the existing services.
(AQW 45834/11-15)

Mrs O'Neill: Through the Tackling Rural Poverty and Social Isolation Programme my Department continues to fund the Assisted Rural Travel Scheme (ARTS) working in partnership with the Department for Regional Development (DRD). This Scheme provides free or half fare travel to those rural dwellers with a SmartPass (mainly the elderly and disabled) on Rural Community Transport Partnership vehicles across the north of Ireland.

Mr D McIlveen asked the Minister of Agriculture and Rural Development what strategy her Department has in place for sustainable development, particularly in relation to the food industry.
(AQW 45900/11-15)

Mrs O'Neill: Whilst policy responsibility for sustainable development currently sits with OFMDFM, my Department has published a Departmental Sustainability Statement and taken the lead in delivering Strategic Objective 4.2, Promote Sustainable Land Management, of the NI Sustainable Development Implementation Plan.

Key actions undertaken by my Department in support of sustainable development include:

- Implementation of the Nitrates Action Programme and the Manure Efficiency Technology Scheme;
- Development of Flood Risk and Hazard Maps, and Flood Risk Management Plans;
- Development of the Rural Development Programme 2014-2020 in line with the Europe 2020 strategic objectives of smart, sustainable and inclusive growth, incorporating action on the environment and climate change as cross cutting objectives; and
- Delivery of the Woodland Grant scheme, supporting the creation of new woodland.

The Agri-Food Strategy Board, appointed by the DETI Minister and myself, has also identified sustainable growth as a key theme in its strategic action plan for development of the agri-food sector, Going for Growth.

In its response to Going for Growth, the Executive has welcomed the Board's commitment to sustainable growth and my Department has undertaken to progress various actions in support of this approach including:

- Establishing an Expert Working Group to develop an Agricultural Land Use Strategy which will detail a series of principles and practical actions to assist land owners, land managers and government in pursuit of sustainable land use;
- Developing a new Environmental Farming Scheme which will include measures to sustain and enhance biodiversity, improve water quality, increase woodland creation and help mitigate against climate change; and
- Funding a range of relevant R&D and knowledge exchange programmes, including work on Green House Gas emissions in local food production systems and genetic improvement.

Looking to the future, as part of the restructuring of Executive Departments which will come into operation following next year's Assembly elections, the new Department of Agriculture, Environment and Rural Affairs will take on OFMDFM's current policy responsibility for sustainable development strategy.

Mr Moutray asked the Minister of Agriculture and Rural Development to detail the level of funding her Department has provided to the Young Farmers' Clubs of Ulster in each of the last four years.

(AQW 45910/11-15)

Mrs O'Neill: The Young Farmer's Clubs of Ulster (YFCU) was provided funding by DARD through a Letter of Offer for a three year period (2011-2014) to the value of £75K per annum (£225K in total). This period of funding ended on 31 March 2014. The programme of work was completed within the timescales and met all of the monitoring requirements.

Following completion of this programme, the YFCU submitted a new proposal and received a Letter of Offer for grant in aid of £75k per year for a two year period (2014-16) amounting to £150K in total. To date, £60K has been paid and a further £15K will be paid on submission of a satisfactory annual report in June 2015. An interim verification check was carried out in January 2015 and the organisation is on target to meet its objectives in line with the agreed delivery schedule.

Mr Moutray asked the Minister of Agriculture and Rural Development to detail the action her Department is taking to tackle animal cruelty on farms.

(AQW 45911/11-15)

Mrs O'Neill: The welfare of animals here is protected by the Welfare of Animals Act 2011. The Act includes significant powers to protect animals from unnecessary suffering, including domestic pets and horses. It allows action to be taken before an animal actually suffers, as opposed to after the event. The 2011 Act also recognises that causing unnecessary suffering to any animal is a very serious offence and it contains tough penalties which reflect this.

Since the 2011 Act came into operation I have introduced the Welfare of Farmed Animals Regulations 2012, which lays down the standards for the protection of animals kept for farming purposes, and the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations 2012.

My Department plays an important and active role in implementing this legislation in the north of Ireland. To ensure compliance, Veterinary Inspectors carry out a rigorous on-going programme of farm animal welfare inspections. These are programmed as part of the statutory cross compliance surveillance to assess whether on-farm welfare meets the standards laid down in the legislation. Welfare inspections are also carried out as a result of complaints from members of the public or are targeted as a result of information produced by vets working in meat plants.

My Veterinary staff work closely with our colleagues in CAFRE (Collage of Agriculture Food and Rural Enterprise) to promote an active role in educating livestock keepers in good farming practice and standards of welfare for farmed animals. In addition, my Department published Codes of Practice setting out the standards of care required for sheep, beef cattle, meat chickens, dairy cows, pigs and laying hens.

The Member will be aware following the adoption of a Private Member's Motion on animal cruelty on 31 March 2014, I initiated a Review of the Implementation of the Welfare of Animals Act 2011. My officials are taking this Review forward in conjunction with the Department of Justice and an Interim Report has now been produced and consulted on. The Review has considered the implementation of the 2011 Act across four themes; Sentencing, Delivery Structures, Working Together and Serving the Public. The Review will take account of any views on the Interim Report and any new evidence it receives through the consultation process as it prepares its Final Report which is due to be published later this year.

My Department gives high priority to the welfare of animals and operates a rigorous enforcement policy to ensure full compliance with regulatory requirements. Any breaches are investigated thoroughly and offenders prosecuted as necessary

Mr Moutray asked the Minister of Agriculture and Rural Development to outline the meetings her Department has been engaged in this year on animal welfare.

(AQW 45912/11-15)

Mrs O'Neill: Details of meetings regarding animal welfare, held between 1 January 2015 and 19 May 2015, which have involved my Department and external organisations, are set out in the table below. Meetings between my Department's Veterinary Service and individual farmers have not been included.

Date	Topic of discussion	External Organisation met
15 May	Review of the Implementation of the Welfare of Animals Act 2011	Members of the Review Steering Group and Delivery Body Reference Group - Council Animal Welfare Project Board, PSNI, Public Prosecution Service and NI Courts and Tribunal Service
1 May	Dog Breeding	Canine Breeders Ireland
24 April	Council Structures for non-farmed animal welfare enforcement post LGR	Chief Executive Fermanagh and Omagh District Council, Welfare of Animals Act 2011 Local Government Project Board Chair and Secretary
24 March	Interim Report of the Review of the Implementation of the Welfare of Animals Act 2011	ARD Committee
18 March	Non-farmed animal welfare enforcement	Welfare of Animals Act 2011 Local Government Project Board
13 March	Welfare Of Animals in Transport Regulations. Discussion around Official Veterinarian Welfare Work in Meat Plants	Ulster Farmers Union
4 March	Animal Health and Welfare Stakeholder Forum	Ulster Farmers Union, Organic NI, N.I. Veterinary Association, The Association of Veterinary Surgeons Practising in NI, Livestock and Meat Commission, Animal Health and Welfare N.I and Ulster Society for the Prevention of Cruelty to Animals
24 February	Resourcing Non-farmed animal welfare enforcement	Welfare of Animals Act 2011 Local Government Project Board Chair and Secretary
3 February	Range of equine issues including animal welfare	Equine Council of N.I.
28 January	Animal welfare issues	Naomi Long and East Belfast community
23 January	Non-farmed animal welfare enforcement	Welfare of Animals Act 2011 Local Government Project Board
08 January	Resourcing Non-farmed animal welfare enforcement	Welfare of Animals Act 2011 Local Government Project Board Project Board Chair and Secretary

Mr Allister asked the Minister of Agriculture and Rural Development how many (i) veterinary; and (ii) other staff have been permitted to designate their headquarters to regional offices, while they continue to travel to Dundonald House, with resulting entitlement to travel expenses to Dundonald House; and what are the resulting reimbursed travel costs for these staff.

(AQW 45956/11-15)

Mrs O'Neill: Staff within Veterinary Service and the rest of the Department are not permitted to designate their headquarters to regional offices while they continue to travel to Dundonald House. Any decisions on where staff are headquartered are made and authorised by senior management taking account of factors such as the business need of the Department or to meet DDA or welfare adjustments.

All staff who travel on official business and comply with the terms and conditions of the Travel and Subsistence section of the NICS Staff Handbook are entitled to claim the appropriate expenses. DARD has a number of staff from other offices that are required to regularly attend meetings in Dundonald House. In such instances they are required to submit a claim which is assessed against the travel and subsistence guidelines before being approved by a more senior manager.

Mr Frew asked the Minister of Agriculture and Rural Development for an update on any funding opportunities for farm modernisation and investment.

(AQW 45972/11-15)

Mrs O'Neill: The proposed Farm Business Improvement Scheme (FBIS) is an important part of the draft Rural Development Programme (RDP) 2014-2020 which was formally submitted to the European Commission on 14 October 2014. The proposed FBIS includes a package of measures aimed at knowledge transfer, innovation, cooperation and capital investment.

Since receiving the European Commission's observation letter on the draft RDP on 31 March 2015, my officials have been engaged in a process of negotiation with the Commission to address the comments raised and gain approval for our Programme as quickly as possible.

In parallel, my officials are continuing to work on the necessary business cases and the design of schemes so that we can start to open schemes once the necessary EU and business case approvals are in place.

The recent Whole Farm Needs Assessment survey exercise has offered farmers an opportunity to inform us of the barriers they face in meeting their business objectives and will provide very useful information to help my Department shape the FBIS to best meet their needs.

In rolling out the proposed FBIS, the early focus will be on making advice and support available to farmers to help them clearly identify their needs and make the right decisions about developing their business.

Mr Dunne asked the Minister of Agriculture and Rural Development for an update on the steps her Department has recently taken to improve farm safety.

(AQW 46011/11-15)

Mrs O'Neill: Farm Safety is a cross cutting element of my Department's work. I am committed to the safety of our farmers.

My Department works as a member of the Farm Safety Partnership (FSP) which was formed in May 2012. The partners include representatives from the Health and Safety Executive (HSE), Ulster Farmers Union, Young Farmers Clubs of Ulster, National Farmers Union Mutual and NIAPA.

On 7th April, 2014, the FSP's second action plan was launched. It reflects, and seeks to build, on progress on the earlier Plan and the new aim is "to influence future behaviour so that farmers, their families and their employees are capable, motivated and able to work safely to reduce accidents on farms".

This year my Department has continued its support of the Farm safety Partnership. In June Monitoring, 2015/16, my Department transferred £90k to HSE as part of the ongoing commitment to the multimedia campaign of the FSP. This campaign is hard hitting and all indications are that it has been very successful in raising awareness in our farming community to the dangers on our farms.

As part of the 2014/2020 Rural Development Programme (RDP) officials are currently developing programmes under the Knowledge Transfer measure. Knowledge Transfer will incorporate Business Development Groups that will focus on Farm Safety as one of their discussion topics. In addition, through the Farm Family Skills component of the measure, officials are developing programmes that will focus on Farm Health and Safety.

My Department continues to maintain the FarmSafeNet on line training package. This package allows Farmers to go online and complete Farm Safety related training. On completion of the FarmSafeNet training participants are provided with a unique code that they can quote as evidence that they have completed the course. Since its launch in July 2014 over 950 farmers have completed the FarmSafeNet package.

Officials in my Department are working with colleagues in HSE to develop the Make It Safer tool. This is a tool that will allow farmers to assess the dangers on their individual farms and record actions to make their farms safer. It is hoped to launch this tool later this year.

My Department has also engaged with FSP colleagues via the Slurry Working Group. This group has been set up to look specifically at the dangers associated with slurry handling. The work of the group is ongoing.

In CAFRE Farm Safety is an integral part of all courses and training is provided to students and industry.

Mr D McIlveen asked the Minister of Agriculture and Rural Development how her Department promoted the fact that musical bands were eligible to apply for equipment through the micro grant scheme.

(AQW 46060/11-15)

Mrs O'Neill: The Rural Micro Capital Grant Programme opened for applications on 13 April 2015 and closed on 22 May 2015. The Programme is designed to provide financial support to rurally based community-led voluntary organisations to help improve or develop their facilities or assets which in turn will contribute to alleviating poverty or improving social inclusion within their local community. The Rural Support Networks (RSNs) have been engaged to promote and deliver the Micro Grants Programme on a sub-regional basis to ensure as wide a reach and impact as possible.

The Programme was promoted through printed media, social media and on the DARD and RSNs websites. All applicants were recommended to contact their local RSN to discuss the suitability of their project and were also provided with Guidance Notes that set out the eligibility criteria for the Programme. The Programme was open to application from a broad range of rural groups and did not involve targeting organisations involved in specific activities. The key message relayed through promotion of the Programme was the importance of funding projects that can strengthen community links, tackle poverty and reduce social isolation.

Department of Culture, Arts and Leisure

Ms Sugden asked the Minister of Culture, Arts and Leisure to list the grants and funding streams which her Department (i) has facilitated for applications in 2014/2015; and (ii) intend to open for applications in 2015/2016.

(AQW 45747/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): The information you request is set out in the attached schedules. I should point out that the North South Bodies operate on a calendar rather than a fiscal year basis.

2014/15

Provider	Year	Grant Scheme	Funding Stream
Waterways Ireland	2014	Sponsorship Programme that allows relevant groups to apply for a grant to support a waterway based event/festival etc.	
Waterways Ireland	2015	Sponsorship Programme that allows relevant groups to apply for a grant to support a waterway based event/festival etc.	
Foras na Gaeilge	2014	Scéim na gCampaí Samhraidh (Summer camps)	Education
Foras na Gaeilge	2014	Ceanneagraíochtaí (Lead Organisations)	Education
Foras na Gaeilge	2014	Áisaonad [Coláiste Ollscoile Naomh Muire, Béal Feirste] – maoiniú tionscadail (Education Aids)	Education
Foras na Gaeilge	2014	Scéim Scoláireachtaí [trí Ghael Linn, Conradh na Gaeilge, Cumann na bhFiann, Oideas Gael, Cumann an Phiarsaigh] (Scholarships)	Education
Foras na Gaeilge	2014	Ciste Infheistíochta do Bhunú Soláthar Naíscolaíochta (Investment Fund for Establishing Pre-School Provision)	Education
Foras na Gaeilge	2014	Ciste Leabhar do leabharlanna scoile (Book fund for school libraries)	Education
Foras na Gaeilge	2014	Ciste do Ghaelcholáistí (Fund for Irish language colleges)	Education
Foras na Gaeilge	2014	Scéim Fhoghlaim Ríomhchuidithe (Aided Learning Scheme)	Education
Foras na Gaeilge	2014	Scéim Fhoghlaim Fadsaoil (Lifelong Learning Scheme)	Education
Foras na Gaeilge	2014	Scéim Thacaíochta don Ghaelscolaíocht (Support Scheme for IME)	Education
Foras na Gaeilge	2014	Scéim Bunaithe agus Forbartha Gréasáin (Establishing and Developing language Networks)	Community and Business
Foras na Gaeilge	2014	Scéim Tacaíochta Gnó (Business Support Scheme)	Community and Business
Foras na Gaeilge	2014	Scéim Nuálachais sa Réimse Gnó (Innovation in Business Scheme)	Community and Business
Foras na Gaeilge	2014	Scéim Nuachtán Ar Líne (On-line Newspaper)	Community and Business
Foras na Gaeilge	2014	Scéim Iris Stílmhaireachtála (Lifestyle Magazine)	Community and Business
Foras na Gaeilge	2014	Na Ceanneagraíochtaí (Lead Organisations)	Community and Business
Foras na Gaeilge	2014	Ionaid Ghaeilge (Irish language Centres)	Community and Business
Foras na Gaeilge	2014	Scéim na gComplachtaí Drámaíochta (Drama Companies)	Arts and Public Sector
Foras na Gaeilge	2014	Scéim na bhFéilte (Festivals Scheme)	Arts and Public Sector
Foras na Gaeilge	2014	Scéim na nOifigeach Gaeilge (Irish Language Officers – in local authorities)	Arts and Public Sector
Foras na Gaeilge	2014	Scéimeanna Cholmille (various grants to support the mission of Colmille)	Colmille
Ulster-Scots Agency	2014	Financial Assistance Scheme (FAS)	

Provider	Year	Grant Scheme	Funding Stream
Ulster-Scots Agency	2014	Financial Assistance Scheme (FAS) - Small Grants	
Ulster-Scots Agency	2014	Financial Assistance Scheme (FAS) for Voluntary and Community Groups	
Ulster-Scots Agency	2014	Financial Assistance Scheme (FAS) for Voluntary and Community Groups - Small Grants	
Ulster-Scots Agency	2014	Partnership Funding	
Ulster-Scots Agency	2014	Festival Funding	
Ulster-Scots Agency	2014	Ulster-Scots Summer Schools Funding	
Ulster-Scots Agency	2014	Music and Dance Tuition	
Ulster-Scots Agency	2014/15	Community Impact Grants	
Foras na Gaeilge	2014/15	Scéim na nImeachtaí Óige (Youth Events)	Education
Department	2014/15	Sign Language Partnership Group	
Department	2014/15	Cultural Awareness Strategy	
Department	2014/15	Gaeltacht Bursary Scheme	
Department	2014/15		Core Funding:- Lagan Canal Trust, Lough Neagh Partnership, Lagan Valley Regional Park & Outdoor Recreation NI
Department	2014/15	Community Festivals Fund	
Stadium Programme	2014/15	Cregagh Primary School - ICT project	PETPSE
Stadium Programme	2014/15	Falls Partnership Initiative - Roden Street Community Group	PETPSE
Stadium Programme	2014/15	Falls Partnership Initiative - Divis Joint Development Committee	PETPSE
Stadium Programme	2014/15	Tackling Poverty through Sport - IFA	PETPSE
Stadium Programme	2014/15	Tackling Poverty through Sport - GAA	PETPSE
Stadium Programme	2014/15	Tackling Poverty through Sport - IRFU	PETPSE
Arts Council Northern Ireland	2014/15	Creative Industries Innovation Fund	
Arts Council Northern Ireland	2014/15	Annual Funding Programme	
Arts Council Northern Ireland	2014/15	Musical Instruments for Bands	
Arts Council Northern Ireland	2014/15	Support for the Individual Artist - Travel Awards	
Arts Council Northern Ireland	2014/15	Support for the Individual Artist - Artist International Development Fund (Individuals)	
Arts Council Northern Ireland	2014/15	Support for the Individual Artist - Artist International Development Fund (Organisations)	
Arts Council Northern Ireland	2014/15	Support for the Individual Artist - Self-Arranged Residencies	

Provider	Year	Grant Scheme	Funding Stream
Northern Ireland Museums Council	2014/15	Accredited Museum Grant Programme	
Northern Ireland Museums Council	2014/15	Acquisition Fund	
Northern Ireland Screen	2014/15	Northern Ireland Screen Fund	
Northern Ireland Screen	2014/15	Ulster Scots Broadcast Fund	
Northern Ireland Screen	2014/15	Skills Development	
Northern Ireland Screen	2014/15	Irish Language Broadcast Fund	
Northern Ireland Screen	2014/15	Creative Learning Centres (DCAL funding)	
Northern Ireland Screen	2014/15	Lottery Film Fund	
Northern Ireland Screen	2014/15	Third Party Organisations - Exhibition sector (DCAL funding)	
Northern Ireland Screen	2014/15	INTO FILM Clubs (DCAL funding)	
Northern Ireland Screen	2014/15	Development Activity	
Department	2014/15	N/A	TBUC - Cross Community Youth Sports Programme
Foras na Gaeilge	2015	Scéim na gCampaí Samhraidh (Summer camps)	Education
Foras na Gaeilge	2015	Ceanneagraíochtaí (Lead Organisations)	Education
Foras na Gaeilge	2015	Áisaonad [Coláiste Ollscoile Naomh Muire, Béal Feirste] – maoiniú tionscadail (Education Aids)	Education
Foras na Gaeilge	2015	Scéim Scoláireachtaí [trí Ghael Linn, Conradh na Gaeilge, Cumann na bhFiann, Oideas Gael, Cumann an Phiarsaigh] (Scholarships)	Education
Foras na Gaeilge	2015	Ciste Infheistíochta do Bhunú Soláthar Naíscolaíochta (Investment Fund for Establishing Pre-School Provision)	Education
Foras na Gaeilge	2015	Scéim Fhoghlaim Ríomhchuidithe (Aided Learning Scheme)	Education
Foras na Gaeilge	2015	Scéim Fhoghlaim Fadsaol (Lifelong Learning Scheme)	Education
Foras na Gaeilge	2015	Scéim Thacaíochta don Ghaelscolaíocht (Support Scheme for IME)	Education
Foras na Gaeilge	2015	Scéim Phobail Gaeilge (Irish language in the Community)	Community and Business
Foras na Gaeilge	2015	Scéim Raidió Pobail (Community Radio)	Community and Business
Foras na Gaeilge	2015	Scéim Bunaithe agus Forbartha Gréasáin (Establishing and Developing language Networks)	Community and Business
Foras na Gaeilge	2015	Scéim Tacaíochta Gnó (Business Support Scheme)	Community and Business
Foras na Gaeilge	2015	Scéim Nuálachais sa Réimse Gnó (Innovation in Business Scheme)	Community and Business

Provider	Year	Grant Scheme	Funding Stream
Foras na Gaeilge	2015	Scéim Iris Chlóite (Printed Magazine)	Community and Business
Foras na Gaeilge	2015	Scéim Líonraí Gaeilge (Irish language Networks)	Community and Business
Foras na Gaeilge	2015	Na Ceanneagraíochtaí (Lead Organisations)	Community and Business
Foras na Gaeilge	2015	Na Bailte Seirbhíse Gaeltachta (Gaeltacht Service Towns – proposed by year end)	Community and Business
Foras na Gaeilge	2015	Misean Oirthear Bhéal Feirste (East Belfast Mission)	Community and Business
Foras na Gaeilge	2015	Ionaid Ghaeilge (Irish language Centres)	Community and Business
Foras na Gaeilge	2015	Scéim na gComplachtaí Drámaíochta (Drama Companies)	Arts and Public Sector
Foras na Gaeilge	2015	Scéim na bhFéilte (Festivals Scheme)	Arts and Public Sector
Foras na Gaeilge	2015	Scéim na nOifigeach Gaeilge (Irish Language Officers – in local authorities)	Arts and Public Sector
Foras na Gaeilge	2015	Scéim Sainchúrsaí Oiliúna don Earnáil Phoiblí (Specialised Training for the Public Service)	Arts and Public Sector
Foras na Gaeilge	2015	Scéimeanna Cholmcille (various grants to support the mission of Colmcille)	Colmcille
Foras na Gaeilge	2015	Scéim Nuachtán Ar Líne (On-line Newspaper)	Community and Business
Ulster-Scots Agency	2015	Financial Assistance Scheme (FAS)	
Ulster-Scots Agency	2015	Financial Assistance Scheme (FAS) - Small Grants	
Ulster-Scots Agency	2015	Financial Assistance Scheme (FAS) for Voluntary and Community Groups	
Ulster-Scots Agency	2015	Financial Assistance Scheme (FAS) for Voluntary and Community Groups - Small Grants	
Ulster-Scots Agency	2015	Partnership Funding	
Ulster-Scots Agency	2015	Festival Funding	
Ulster-Scots Agency	2015	Ulster-Scots Summer Schools Funding	
Ulster-Scots Agency	2015	Music and Dance Tuition	
Sport Northern Ireland	2014/15	Athlete Investment Programme	
Sport Northern Ireland	2014/15	Sport Matters Community Capital Programme	

2015/16

Provider	Year	Grant Scheme	Funding Stream
Ulster-Scots Agency	2015/16	Community Impact Grants	
Department	2015/16	N/A	TBUC - Cross Community Youth Sports Programme

Provider	Year	Grant Scheme	Funding Stream
Department	2015/16		DCAL Inland Fisheries Group Funding -Angling Outreach Event Fund
Department	2015/16	Sign Language Partnership Group	
Department	2015/16	Gaeltacht Bursary Scheme	
Department	2015/16		Core Funding:- Lagan Canal Trust, Lagan Valley Regional Park & Outdoor Recreation NI
Department	2015/16	Community Festivals Fund	
Department	2015/16	Sub Regional Programme for Football	Sub Regional Programme
Arts Council Northern Ireland	2015/16	Annual Funding Programme	
Arts Council Northern Ireland	2015/16	Support for the Individual Artist - Travel Awards	
Arts Council Northern Ireland	2015/16	Support for the Individual Artist - Artist International Development Fund (Individuals)	
Arts Council Northern Ireland	2015/16	Support for the Individual Artist - Artist International Development Fund (Organisations)	
Arts Council Northern Ireland	2015/16	Support for the Individual Artist - Self-Arranged Residencies	
Northern Ireland Museums Council	2015/16	Accredited Museum Grant Programme	
Northern Ireland Museums Council	2015/16	Acquisition Fund	
Northern Ireland Screen	2015/16	Northern Ireland Screen Fund	
Northern Ireland Screen	2015/16	Ulster Scots Broadcast Fund	
Northern Ireland Screen	2015/16	Skills Development	
Northern Ireland Screen	2015/16	Irish Language Broadcast Fund	
Northern Ireland Screen	2015/16	Creative Learning Centres (DCAL funding)	
Northern Ireland Screen	2015/16	Lottery Film Fund	
Northern Ireland Screen	2015/16	Third Party Organisations - Exhibition sector (DCAL funding)	
Northern Ireland Screen	2015/16	INTO FILM Clubs (DCAL funding)	
Northern Ireland Screen	2015/16	Development Activity	
Foras na Gaeilge	2016	Scéim Bunaithe agus Forbartha Gréasáin (Establishing and Developing language Networks)	Community and Business

Provider	Year	Grant Scheme	Funding Stream
Foras na Gaeilge	2016	Scéim Tacaíochta Gnó (Business Support Scheme)	Community and Business
Foras na Gaeilge	2016	Scéim Nuálachais sa Réimse Gnó (Innovation in Business Scheme)	Community and Business
Foras na Gaeilge	2016	Scéim Iris Chlóite (Printed Magazine)	Community and Business
Foras na Gaeilge	2016	Scéim Nuachtán Ar Líne (On-line Newspaper)	Community and Business
Foras na Gaeilge	2016	Na Ceanneagraíochtaí (Lead Organisations)	Community and Business
Foras na Gaeilge	2016	Ionaid Ghaeilge (Irish language Centres)	Community and Business
Foras na Gaeilge	2016	Misean Oirthear Bhéal Feirste (East Belfast Mission)	Community and Business
Foras na Gaeilge	2016	Scéim na gComplachtaí Drámaíochta (Drama Companies)	Arts and Public Sector
Foras na Gaeilge	2016	Scéim na bhFéilte (Festivals Scheme)	Arts and Public Sector
Foras na Gaeilge	2016	Scéim na nOifigeach Gaeilge (Irish Language Officers – in local authorities)	Arts and Public Sector
Foras na Gaeilge	2016	Scéim Sainchúrsaí Oiliúna don Earnáil Phoiblí (Specialised Training for the Public Service)	Arts and Public Sector
Ulster-Scots Agency	2016	Financial Assistance Scheme (FAS)	
Ulster-Scots Agency	2016	Financial Assistance Scheme (FAS) - Small Grants	
Ulster-Scots Agency	2016	Financial Assistance Scheme (FAS) for Voluntary and Community Groups	
Ulster-Scots Agency	2016	Financial Assistance Scheme (FAS) for Voluntary and Community Groups - Small Grants	
Ulster-Scots Agency	2016	Partnership Funding	
Ulster-Scots Agency	2016	Festival Funding	
Ulster-Scots Agency	2016	Ulster-Scots Summer Schools Funding	
Ulster-Scots Agency	2016	Music and Dance Tuition	
Sport Northern Ireland	2015/16	Athlete Investment Programme	

Mr B McCrea asked the Minister of Culture, Arts and Leisure whether her Department's arm's-length bodies are included in the Voluntary Exit Scheme.

(AQW 45783/11-15)

Ms Ní Chuilín: The Public Sector Transformation Fund comprising £700m over 4 years, is designed to enable NICS departments and arm's length bodies (ALBs) to resource the various staff reduction schemes across the public sector. The Stormont House Agreement states that the fund is available for voluntary exit schemes (VES) across the public sector.

NICS employees, below Permanent Secretary (and analogous) grade were eligible to apply for exit under an NICS-wide VES which was launched on 2 March 2015.

Staff in the wider public sector, including my Department's ALBs, were not eligible to apply for exit under the NICS Scheme launched on 2 March. ALBs were however invited to implement their own VES and were eligible to apply for funding from the 15/16 Transformation Fund for the implementation of the scheme, in the same way in which the NICS-wide VES did.

Mr Eastwood asked the Minister of Culture, Arts and Leisure to detail the amount of funding made available through the City of Culture Legacy Fund.

(AQW 45821/11-15)

Ms Ní Chuilín: Between January 2014 and March 2015, my Department invested a total of £6,037,273 in City of Culture Legacy projects to maintain momentum after 2013.

This is in addition to the funding allocated through the Arts Council / Derry City Council Legacy Fund which provides a mechanism for continued investment in the arts and cultural sector following the City of Culture year.

The total value of the fund is £900,000 to be spent over 3 years (2014-2017).

This fund has been completely allocated.

Mr Dunne asked the Minister of Culture, Arts and Leisure what her Department has done to increase the number of defibrillators within sports clubs and other public areas; and to train people to use defibrillators.

(AQW 46008/11-15)

Ms Ní Chuilín: My Department is fully aware of its role in supporting the provision of Automatic Emergency Defibrillators (AEDs) not just for the use of those participants who take part in culture, arts and leisure activities but for the wider community at accessible venues.

Whilst there is currently a renewed focus on this issue my Department has a record of AED provision to the community through its arms length bodies, sports governing bodies, through specific funding programmes and as part of the legacy from major sporting events.

In terms of AED provision in Sport, for example, the IFA has provided 75 Defibrillators to senior, intermediate and junior clubs as part of a Health Programme funded through DCAL Promoting Equality, Tackling Poverty and Social Exclusion provisions. Similarly the GAA has so far achieved coverage of 80% of its clubs with AED provision. As a legacy from the 2013 World Police and Fire Games, Heartsine Technologies Inc. gifted 45 defibrillators for distribution to local schools.

My Department is aiming to add to the provisions already made and currently Libraries NI is currently deploying 40 AEDs to its busiest Library locations. In addition, Sport NI has undertaken to carry out a 'mapping' exercise of AED provision across the sports sector. My Department will continue working to ensure that DCAL buildings and its ALBs sites have AED provision and trained volunteers.

My Department recognises the imperative of ensuring that there is appropriate training associated with each AED for those volunteers willing to be trained and willing to act in the event of a cardiac incident. The examples given above have all included relevant training for example GAA has an average of 6 trained volunteers for each AED and Libraries NI is training two staff for each of its AEDs.

Mr Weir asked the Minister of Culture, Arts and Leisure what consideration has been given to extending the provision of classes in British sign language.

(AQW 46044/11-15)

Ms Ní Chuilín: Responsibility to provide free sign language classes cuts across a number of Departments.

Provision of British and Irish Sign Languages can be an effective early intervention for Deaf children and a rehabilitative action for people with acquired deafness to tackle the social isolation that frequently accompanies deafness. Health and social care, education and further and higher education therefore have a central role to play.

Although there is a clear distinction between my Department's remit to promote British and Irish Sign Languages as indigenous languages and the provision of free sign language classes for Deaf individuals and their families, I support their right to access free classes. My Department has funded various levels of BSL classes and continues to fund BSL Levels 1 and 2 for parents of Deaf children.

Mr B McCrea asked the Minister of Culture, Arts and Leisure whether she is preparing a bid for funding for the Confederation of Ulster Bands in the June monitoring round.

(AQW 46073/11-15)

Ms Ní Chuilín: I am not preparing a bid for funding for the Confederation of Ulster Bands in the June monitoring round. However I will be submitting a bid for the Musical Instruments for Bands Scheme.

Ms Sugden asked the Minister of Culture, Arts and Leisure for her assessment of creative incubation spaces for business retail and exhibition; and whether she has any plans to develop such a space in East Londonderry.

(AQW 46074/11-15)

Ms Ní Chuilín: As the Government lead for the development of the Creative Industries I am aware of the importance of providing small local businesses in the sector with opportunities to develop.

The Department for Social Development has supported the North West Social Enterprise Hub in Derry which is working with a number of emerging social enterprises, including some in the creative sector. These include an art collective "The Social Study and Gallery" whose main focus is on contemporary art and defining photography. This collective has been provided with retail test trading incubation premises as part of the social enterprise hub programme.

The North Western hub is also currently providing mentoring and incubation space to two further creative social enterprise businesses; Culture Craft, whose business focuses on combining contemporary art and metal work, and Urban Visuals, whose social enterprise focuses on contemporary street art.

The Western Hub based in Strabane is currently working with a newly established craft collective that are trading from the test retail unit based at the hub. DCAL have also supported this project.

Through the North West Socio Economic Development Programme, a number of cultural hubs received funding to purchase high tech equipment and software. These included hubs in Coleraine, Portstewart and Limavady such as the Ballysally Youth and Community Centre, Flowerfield and the Glens Community Association. These hubs can provide a centre of gravity for localised and joined up approaches to cultural-led community engagement, growing the creative industries and wider economic and social development.

Mr Allister asked the Minister of Culture, Arts and Leisure what innovative actions, and with what effect, have been taken by her Department since the introduction of the Autism Strategy.

(AQW 46116/11-15)

Ms Ní Chuilín: My Department supports the Autism Strategy through our commitment to establishing activity programmes that raise participation levels of people with autism through cultural, arts and leisure activities. My Department is also committed to raising awareness amongst staff and our service providers on the needs of people with autism, their families and carers. A wide range of initiatives and activities delivered by my Department and its Arms Length Bodies have contributed to the delivery of the Autism Strategy. These have included:-

- Sport NI providing funding of £6,261 to Autism Initiatives NI under the Active Awards for Sport Programme to provide Balance-ability training for two staff to deliver a 'Learn to Cycle' Programme for children under 16 years who have a diagnosis of Autism Spectrum Disorder (ASD). The Project delivered 3 programmes for a total of 90 children in 3 areas of the north of Ireland. This involved 44 participants. In the current round of Active Awards for Sport, Sport NI are assessing a further projects including an application from Autism Initiatives NI to develop and deliver autism specific swimming lessons for children.
- DCAL's Inland Fisheries Group has established a Community Outreach Team to increase participation in angling either directly or through Angling First Ltd. Inland Fisheries Group has provided £10k to Angling First Ltd to support the use of angling to address a range of issues including Autism. Groups reached so far include St Joseph Boys PS, Down Residential Project, Larchwood Care, Spring Meadows, Mountfern Adult Centre and Extern Fermanagh/Enniskillen.
- The Arts Council support the Drake Music Project which facilitates access to independent music making for children and adults with complex disabilities. This year they will deliver music programmes which use state of the art technologies to those with visual impairment, physical disability, hearing impairment, autism, learning disabilities, dyspraxia and ADHD. The workshops provide support to the carers, parents, peers and siblings associated with target groups.
- Drake Music also delivers outreach workshops in schools and daycentres with partnership groups such as Brian Injury Matters, Headway, Cedar Foundation and both the South Eastern Health and Social Services Trust and the Western Health and Social Services Trust. This initiative has a target of 126 attendees per week over the course of the year and a target audience of 1080.
- Autism NI has been National Museums NI's 'Charity of the Year' for the last two years. During that period, National Museums has raised awareness of Autism Spectrum Disorder through a range of initiatives including a Children's Art Exhibition at the Ulster Museum, a light show at the Ulster Museum during Autism Awareness month, prominent display of Autism NI merchandise at all sites and providing complimentary family passes for distribution to Charity members. Representatives of Autism NI delivered training to front-of-house staff to enhance the visitor experience for people on the autism spectrum.
- Libraries NI has run Music Therapy and Read Aloud sessions across a range of age groups and across a number of libraries. There are a number of other examples of local libraries working with individuals who are on the autism spectrum, autism units in schools and adult groups either regularly or on a one-off basis.
- On 21 January 2015 Belfast Central Library hosted the launch of a strategic partnership with the Cedar Foundation's and its new signposting and information service for people with autism. The service operates weekly from Belfast Central Library and also from libraries in Derry, Omagh and Enniskillen.
- At Armagh Observatory two individuals with ASD benefit from therapeutic work-experience 3-4 hours per week providing personal development such as improved communication and computer skills with the support of a job coach provided by Mencap. Armagh Planetarium offers free visits to all forty special schools in the north of Ireland. To date, twenty three schools have accepted the invitation, benefitting 447 children including those with autism.

To continue to raise awareness of autism, my Department has promoted World Autism Awareness Day on 2nd April 2015, by issuing an Autism Factsheet across the Department including all its ALBs.

My Department will continue to make a significant contribution to deliver the Autism Strategy and developments taking place across the north of Ireland with a view to identifying opportunities for further engagement and provision.

Ms Lo asked the Minister of Culture, Arts and Leisure for an update on the Strategy for Culture and Arts.

(AQW 46140/11-15)

Ms Ní Chuilín: I am developing an Arts and Culture strategy to ensure recognition is given to the value that arts and culture has in enriching the lives of individuals, building the capacity of our communities, growing our economy and creating a more inclusive society.

I believe that arts and culture deserve a central place in society given their importance in contributing to positive health and well being and developing skills and confidence on an individual level. Arts and culture are also an inspirational driver for the creative industries, artistic excellence and make a significant contribution to creating a cohesive society and promoting tourism.

My vision for the strategy is that it is fully inclusive. It is vitally important that all stakeholders including arts groups, communities and individuals play an active part in the creative development of the strategy.

A Ministerial Arts Advisory Forum and Inter Departmental Steering Group have been set up to help inform the development of the Strategy and co-design events are taking place with stakeholders. The broad themes of the Strategy will be developed through this co-design phase leading to a public consultation starting in early summer 2015.

Ms Lo asked the Minister of Culture, Arts and Leisure what bids she is planning for the June monitoring round to help alleviate the impact of departmental cuts to the arts sector.

(AQW 46141/11-15)

Ms Ní Chuilín: I plan to submit a number of composite bids in resource and capital in June Monitoring to help alleviate the impact of the Executive's cuts to the arts and other sectors within my remit.

Mr Allister asked the Minister of Culture, Arts and Leisure to detail the travel and subsistence costs incurred by her Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46156/11-15)

Ms Ní Chuilín: The information you have requested is provided in the table below.

Year	Travel And Subsistence Costs (£)		
	Minister	Special Advisers	Support Staff
2011-12 (from May 2011)	3,247	0	6,147
2012-13	1,598	0	2,539
2013-14	244	0	294
2014-15	1,525	0	1,839

Mr Gardiner asked the Minister of Culture, Arts and Leisure to detail every ministerial direction issued by her Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46274/11-15)

Ms Ní Chuilín: My Department has not issued any Ministerial directions since May 2007.

Mr Weir asked the Minister of Culture, Arts and Leisure to detail the criteria for qualifying for a grant under the Department's tackling poverty initiative ; and what geographical criteria or restrictions apply to applications.

(AQW 46285/11-15)

Ms Ní Chuilín: All of the activity supported by my Department is focussed on the Promoting Equality, Tackling Poverty and Social Exclusion (PETPSE) agenda, aimed at improving the lives of those most in need. This includes the activity undertaken directly by the Department as well that of our Arm's Length Bodies.

There is no specific grant scheme administered by my Department in relation to PETPSE as this agenda underpins all departmental activity and is the central driving force to DCAL's core functions.

Mr Weir asked the Minister of Culture, Arts and Leisure what is the 2015-16 budget for her Department's tackling poverty initiative and how much of this is capital funding.

(AQW 46286/11-15)

Ms Ní Chuilín: All of the activity supported by my Department is focussed on the Promoting Equality, Tackling Poverty and Social Exclusion (PETPSE) agenda, aimed at improving the lives of those most in need. This includes the activity undertaken directly by the Department as well that of our Arm's Length Bodies.

There is no specific grant scheme administered by my Department in relation to PETPSE as this agenda underpins all departmental activity and is the central driving force to DCAL's core functions.

Mr Weir asked the Minister of Culture, Arts and Leisure whether there is a closing date for applications for 2015-16 under the tackling poverty initiative.

(AQW 46287/11-15)

Ms Ní Chuilín: All of the activity supported by my Department is focussed on the Promoting Equality, Tackling Poverty and Social Exclusion (PETPSE) agenda, aimed at improving the lives of those most in need. This includes the activity undertaken directly by the Department as well that of our Arm's Length Bodies.

There is no specific grant scheme administered by my Department in relation to PETPSE as this agenda underpins all departmental activity and is the central driving force to DCAL's core functions.

Mr Moutray asked the Minister of Culture, Arts and Leisure to detail how much funding has been allocated through the Musical Instruments for Bands scheme in each of the last three years.

(AQW 46291/11-15)

Ms Ní Chuilín: The Arts Council has awarded the following funding to the Musical Instruments for Bands Scheme in each of the last three years.

2012/13	£202,691
2013/14	£196,874
2014/15	£104,415

An allocation of £200,000 was made available to the Arts Council in 2014-2015. An amount of £104,415 was awarded due to a reduction in the number and quality of applications in that year.

Mr Moutray asked the Minister of Culture, Arts and Leisure to outline what assistance and advice her Department will give to bands given funding to the Musical Instruments for Bands scheme has been put on hold.

(AQW 46292/11-15)

Ms Ní Chuilín: Alternative funding sources for bands would be through the Arts Council's lottery funded Small Grants Programme and Equipment Programme which cover funding for equipment and tuition.

In addition, some individual musicians may qualify for an interest free loan for the purposes of purchasing their own musical instruments through the Arts Council's 'Take it away' scheme.

Bands can also apply for support from the Ulster-Scots Agency through its Music and Dance Tuition Programme, although this is not for the purposes of purchasing instruments.

A number of years ago my Department commissioned research into marching bands in the North of Ireland and the final study document is available on the Department's website. The accompanying guidance note, which can be found at the web address provided below, offers advice on fundraising which bands may find useful.

www.dcalni.gov.uk/marching_bands_in_northern_ireland_guidance_notes.pdf

Mr Moutray asked the Minister of Culture, Arts and Leisure to detail how much funding bands have received through the Arts Council's lottery funded Small Grants Programme and Equipment Programme in each of the last three years.

(AQW 46293/11-15)

Ms Ní Chuilín: Details of the funding provided to bands through the Arts Council's lottery funded Small Grants Programme in each of the last three years is provided below.

2012/13	£10,800
2013/14	£7,790
2014/15	£12,584

No grants were made to bands under the Arts Council's Equipment programme.

Mr I McCrea asked the Minister of Culture, Arts and Leisure to outline the opening hours of every library in Mid Ulster for each of the last three years.

(AQW 46384/11-15)

Ms Ní Chuilín: The opening hours for each library in Mid Ulster for each of the last three years are set out at Annex A.

ANNEX A**Libraries in Mid Ulster****Opening Hours April 2011 - May 2012**

Library	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours
Coalisland Library 2-4 Lineside, The Cornmill, BT71 4LT	10:00- 6:00	10:00- 6:00	CLOSED	10:00- 8.00	10:00- 6:00	10:00- 5:00	41
Cookstown Library 13 Burn Rd, Cookstown, BT80 8DJ	9:30- 8:00	9:30- 8:00	1-00-8:00	9:30-8:00	9:30- 5:00	9:30-5:00	53.5
Draperstown Library High St, Draperstown, BT45 7AD	CLOSED	1:30- 8:00	CLOSED	CLOSED	10:00- 1:00 2:00- 5:00	10:00- 1:00 2:00-4:30	18
Maghera Library 1 Church St, Maghera, BT46 5EA	9:30- 5:00	1:00- 8:00	9:30-5:00	1:00-8:00	9:30- 5:00	9:30-5:00	44
Magherafelt Library The Bridewell, 6 Church St, Magherafelt, BT45 6AN	9:30- 8:00	9:30- 8:00	9:30-8:00	9:30-8:00	9:30- 5:00	9:30-5:00	57
Moneymore Library * 8 Main Street, Moneymore, BT45 7PD	1:00- 6:00	10:00- 1:00 2:00- 6:00	CLOSED	CLOSED	2:00- 6:00	10:-1:00 2:00-5:00	22

* Closed 30 November 2011

Revised Opening Hours June 2012 – October 2014

Library	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours
Coalisland Library 2-4 Lineside, The Cornmill, BT71 4LT	9.30- 5.00	9.30- 5.00	CLOSED	9.30-7.30	9.30- 5.00	9.30-5.00	40
Cookstown Library 13 Burn Rd, Cookstown, BT80 8DJ	9.30- 8.00	9.30- 8.00	9.30-8.00	9.30-8.00	9.30- 5.00	9.30-5.00	57
Draperstown Library High St, Draperstown, BT45 7AD	CLOSED	1.30- 8.00	CLOSED	CLOSED	10.00- 1.00 2.00- 5.00	10.00- 1.00 2.00-4.30	18
Maghera Library 1 Church St, Maghera, BT46 5EA	10.00- 5.00	2.00- 8.00	10.00-5.00	10.00- 5.00	10.00- 5.00	10.00- 4.00	40
Magherafelt Library The Bridewell, 6 Church St, Magherafelt, BT45 6AN	10.00- 8.00	10.00- 5.00	10.00-5.00	10.00- 8.00	10.00- 5.00	10.00- 5.00	48

Emergency Opening Hours Implemented November 2014

Library	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours
Coalisland Library 2-4 Lineside, The Cornmill, BT71 4LT	9.30- 5.00	9.30- 5.00	CLOSED	9.30-7.30	9.30- 5.00	9.30-5.00	40

Library	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours
Cookstown Library 13 Burn Rd, Cookstown, BT80 8DJ	9.30-5.00	9.30-8.00	9.30-5.00	9.30-5.00	9.30-5.00	9.30-5.00	48
Draperstown Library High St, Draperstown, BT45 7AD	CLOSED	1.30-8.00	CLOSED	CLOSED	10.00-1.00 2.00-5.00	10.00-1.00 2.00-4.30	18
Maghera Library 1 Church St, Maghera, BT46 5EA	10.00-5.00	2.00-8.00	10.00-5.00	10.00-5.00	10.00-5.00	10.00-4.00	40
Magherafelt Library The Bridewell, 6 Church St, Magherafelt, BT45 6AN	10.00-5.00	10.00-5.00	10.00-5.00	10.00-8.00	10.00-5.00	10.00-5.00	45

Mr Campbell asked the Minister of Culture, Arts and Leisure what are the estimated annual savings resulting from the reduction in opening hours of public libraries.

(AQW 46521/11-15)

Ms Ní Chuilín: Libraries NI has informed me that the estimated savings in 2015/16 resulting from the reduction in opening hours in its libraries is £1.581 million. Savings beyond this period are currently not available.

Mr D McIlveen asked the Minister of Culture, Arts and Leisure what her Department has done to increase the capability of groups in rural protestant areas to access funding for cultural activities.

(AQW 46596/11-15)

Ms Ní Chuilín: Funding disbursed by my Department, its ALBs and DCAL funding administered by the local Councils in the case of the Community Festivals Fund ("CFF") is open to all relevant groups regardless of location or religious background. Funding programmes are widely advertised, particularly digitally and allow equal access for all.

The Arts Council and Ulster-Scots Agency ("U-SA") also participate in funding roadshows to raise awareness of funding opportunities, a large proportion of which are likely to be in rural areas. Each year the Arts Council identifies any local authority areas which do not appear to be applying for or receiving grants, and prioritises these when delivering roadshows.

The Arts Council has built into its decision-making processes a range of mechanisms which aim to ensure the needs of rural communities are considered when developing new policy or programme interventions. This is reflected in its Five Year Plan which aims to increase the proportion of arts activities in rural areas by creating greater opportunities for marginalised rural communities to engage in the arts, particularly through participation based planning and in its proposed Community Arts Strategy which commits to working with rural stakeholders to promote greater access and take-up of programme funding.

With regard to the CFF, local authorities must provide advice and assistance to help build capacity in festival organisations, for example, through the provision of training.

With regard to the U-SA, it seeks to increase the capability of groups in rural areas through funding the operation of the Ulster-Scots Community Network. This is an umbrella body committed to representing the interests of Ulster-Scots groups by supporting them, helping them to build capacity and working with them to promote individual activities.

In addition, my Department provides opportunities for groups in rural areas to access cultural activities free of charge. For example, NI Screen's Digital Film Archive has prioritised outreach work which involves presentations and learning programmes on a wide variety of subjects and has particularly focussed on community groups in rural areas.

After School Film Clubs are exclusively set up in the most deprived and hard to reach areas and provide pupils and teachers with an opportunity to participate in free weekly screenings, film reviews and film-making.

The Creative Learning Centres deliver a range of free programmes and services that focus on marginalised and disadvantaged schools and communities. Key priorities include the extension of the programme of activities into rural areas and hard to reach groups not previously covered by the centres with specific key performance targets relating to schools in rural areas.

Mr McQuillan asked the Minister of Culture, Arts and Leisure how much departmental funding has been allocated to the Northern Ireland Tug-of-War Association in 2013/14 and 2014/15.

(AQO 8271/11-15)

Ms Ní Chuilín: I can advise that in 2013/14, my Department provided a grant of ten thousand pounds to the Tug of War Association to deliver a schools and community Tug of War training and participation programme as part of the 2013 World Police and Fire Games legacy.

In addition, the Tug of War Association received three hundred and eighty pounds in 2014/15, through the DCAL funded Together: Building a United Community cross community youth sports programme pilot project.

Sport NI, an arms length body of my Department, has not provided any funding to the Tug of War Association in the last two years. However, Sport NI's Anti-Doping Officer has been providing specialist support to the Association regarding the International Federation requirements for drug testing provision at the 2015 European Tug of War Championships.

Furthermore, the Anti-Doping Officer has also been providing educational support to the NI Team competitors and a Pure Winner Clean Sport Workshop has been delivered to the team as part of their preparation for the European Championships.

The Championships will be held in Belfast from 3rd to 6th September and provides another great opportunity for the north of Ireland to show that it can host very successful international sporting events.

Mr McCausland asked the Minister of Culture, Arts and Leisure for an update on the Gaeltacht Quarter, including the support her Department has provided for it.

(AQO 8272/11-15)

Ms Ní Chuilín: Since I launched the Gaeltacht Quarter Action Plan in October 2013, my department has provided a total of £758, 801 (seven hundred and fifty eight thousand, eight hundred and one pounds) to support the implementation of the Gaeltacht Quarter Action Plan.

This funding has supported a number of key capital projects, a programme to celebrate and promote the heritage of the Quarter and the Irish language locally and beyond and staff costs for three posts in Forbairt Feirste.

Some of the projects include:-

- the development of a Gaeltacht Quarter mobile 'APP' aimed at the promotion of tourism in the area – this is due to be launched this summer; and
- the construction and delivery of a handball alley at Colaiste Feirste in partnership with Belfast City Council and Sport NI. This project completed in March 2015.
- My officials are currently working with Belfast City Council and An Ciste Infheistíochta Gaeilge on a capital project to redevelop the Cumann Chluain Árd Irish language learning and community centre and a proposal for a new build radio broadcasting facility for Raidió Fáilte.

I am placing a list of all the projects funded in the Assembly Library for information.

Mr McMullan asked the Minister of Culture, Arts and Leisure to outline the sub-regional facilities for soccer, GAA and rugby.
(AQO 8273/11-15)

Ms Ní Chuilín: The Executive endorsed an investment of circa £36m for Sub Regional Stadium Development for Football as a priority in the next CSR.

A Strategic Outline Case (SOC) has been prepared and submitted to DFP for approval. The SOC outlines a proposed two phased approach for the roll-out of the Sub Regional Stadium Programme. Phase One will focus on soccer and GAA, with a second stage to be taken forward in the future to encompass rugby sub regional facilities.

It is acknowledged that sub regional work will be required for rugby as well as further work at sub regional level for soccer and GAA. This will be a separate programme subject to its own appraisal process and subject to funding availability.

My Department has been developing the Sub Regional Programme for Soccer and have worked closely with the IFA to ensure that the programme is aligned to the IFA Facilities Strategy, while ensuring the NI Executive and DCAL's priorities have been fully incorporated within the programme.

It is envisaged that the Sub Regional Programme for Soccer will be formally launched in Autumn 2015 and step through the assessment process including various audits of need, competitions and business case planned for 2015/16 with capital delivery to be undertaken in the financial years 2016-2018.

Mr McElduff asked the Minister of Culture, Arts and Leisure for an update on the Strategic Action Plan for the Creative Industries in West Tyrone, including any future plans for collaboration with other Departments.

(AQO 8274/11-15)

Ms Ní Chuilín: My Department is the lead within government for the development of the creative industries and has achieved a great deal to aid this fast growing sector across the North, including in West Tyrone.

The Creative Industries Innovation Fund operated from 2009 to 2015, supported nine projects in West Tyrone, with a total investment of more than £120,000.

In addition, in 2014/15 the North West Socio Economic Development Programme provided funding for a number of organisations in West Tyrone including the Churchtown Community Association in Castlederg, Strabane Ethnic Community Association and Sion Stables in Sion Mills.

I have set up a Ministerial Action Group on the Creative Industries which includes my Ministerial colleagues in Education, Employment & Learning and Enterprise, Trade & Investment. The inaugural meeting of this group took place in September 2014.

The purpose of the group is to provide a forum for stakeholders in the Creative Industries to engage with Government, to tackle barriers to supporting the growth of the sector and to provide the creative industries with a collective voice to highlight how the creative and cultural industries can support economic growth and wider social change.

Mrs Dobson asked the Minister of Culture, Arts and Leisure when she was first made aware of safety concerns regarding the Casement Park Stadium Project.

(AQO 8275/11-15)

Ms Ní Chuilín: I was aware that a project of this nature would have important public safety aspects to be considered throughout the development process.

I was aware that Safety Technical Group (STG) which established by Sport NI at the request of my Department was involved in discussions about safety – that was the purpose of the group from the beginning.

At no time was I aware of the allegations that safety concerns had been ignored and that the dialogue had broken down between the STG and the Department.

I was shocked to hear the concerns raised by the Chair of the STG on 30th April 2015 in relation to the proposed design of the redeveloped Casement Park and associated public safety requirement.

I am totally committed to delivering a first class modern stadium at Casement that meets the highest standards and I am determined that there will be no compromise on safety.

I have commissioned an independent Project Assessment Review to look at the technical issues associated with the programme and Casement Park in particular.

Dr McDonnell asked the Minister of Culture, Arts and Leisure for an update on the provision of automated external defibrillators in buildings occupied by her Department and its arm's-length bodies.

(AQO 8276/11-15)

Ms Ní Chuilín: My Department has a record of defibrillator provision through its arm's length bodies, sports governing bodies, funding programmes and as part of the legacy from major sporting events. My Department also recognises the importance of the associated training in using these devices.

Libraries NI is currently deploying forty defibrillators to its busiest Library locations. Other ALB buildings that hold defibrillators are Armagh Observatory, The AmmA Centre (NI Screen's multimedia creative learning centre), Waterways Ireland HQ in Enniskillen, the HQ of Outdoor Recreation NI and the Sports Institute.

National Museums has four defibrillators for use across its sites. For events which attract large audiences it engages first aiders from the Red Cross or St John's Ambulance Service ensuring that defibrillators are available.

Sport NI and Foras na Gaeilge have undergone a procurement exercise for the supply of defibrillators at locations including the House of Sport, Tollymore National Outdoor Centre and Foras na Gaeilge venues in Belfast.

The GAA reports that 80% of its clubs now have defibrillators. In addition, the IFA has provided seventy-five defibrillators through DCAL Promoting Equality, Tackling Poverty and Social Exclusion through Sport Programme. As a legacy from the 2013 World Police and Fire Games, Heartsine Technologies Inc. gifted 45 defibrillators for distribution to local schools.

The provision of defibrillators in NICS buildings, including DCAL buildings, is currently under consideration. We are awaiting the outcome of a study by the Community Resuscitation Working Group / NI Ambulance Service on the way forward for the NI Civil Service and will comply with its findings.

Mr Frew asked the Minister of Culture, Arts and Leisure how she will ensure that departmental officials engage with angling clubs to both plan for future work on rivers and enhance the sport of angling.

(AQO 8277/11-15)

Ms Ní Chuilín: My Departmental officials are well aware of the importance of engaging with angling clubs as they are key stakeholders on river improvement works and the future development and promotion of the sport of angling.

Officials are keen to meet with angling clubs and can advise on the development of an action plan for the river concerned, local issues impacting on the river and proposed works to improve the situation.

My Department already informs angling clubs of proposed in-river works to be undertaken by government departments and agencies on waters under club control to ensure the protection of fisheries habitats. We are also seeking ways to involve angling club members in monitoring the water quality of their own waters.

My staff have also been directly involved on a number of fisheries habitat improvement projects on a number of rivers working along with the local angling club. My Department works with angling clubs in supportive breeding programmes for enhancing fish stocks.

Over the past year the Department has been engaging with angling clubs on the development of a Fishery Management Plan for Lough Neagh and its tributaries. A major consultation event on this was held in the Ecos Centre, Ballymena in June last year, with a significant number of local angling clubs in attendance.

My Department's Chief Fisheries Officer chairs the NI Angling Forum, which was established following the Strategic Review of Angling. The governing bodies of the different angling disciplines are represented on the Forum, together with Sport NI and the recently appointed Angling Development officer. The NI Angling Forum has an important role to play in the promotion and development of angling in the North. The angling development officer will assist angling clubs to develop the sport of angling and increase their membership.

Officials are continuing to develop an Angling Outreach Programme, which encourages angling clubs to become more involved and active in their local communities. A major part of this is encouraging children and young people, particularly those from disadvantaged backgrounds, to have a first experience of angling and it has been very successful to date with over 1100 new anglers in 2014. Participants at such events can learn new skills and continued involvement in angling can provide health and well being benefits for individuals and is a positive alternative to anti-social activities. The outreach programme can also enhance club membership, increase the community value of fisheries and improve awareness of environmental issues.

My staff help to develop good relationships between angling clubs and the communities they are based in by encouraging access to fisheries not only for angling but for other recreational uses such as walking and bird watching to maximise the use of these community assets.

My staff have introduced a policy whereby any angling club wishing to manage a Public Angling Estate Fishery will be required to engage with the local community to meet PETFSE targets.

Department of Education

Mr Agnew asked the Minister of Education to provide details, for each Education and Library Board, on (i) the number of children that applied for nursery (ii) the number of children that were not allocated their first preference place at nursery last year and (iii) the number of additional nursery school places which were created this year to meet the demand.

(AQW 45844/11-15)

Mr O'Dowd (The Minister of Education):

- (i) A total of 23,452 applications were received for a pre-school place in the 2014/15 academic year.
- (ii) Of the 23,215 applications received during Stage 1 of the admissions process, 3,210 did not obtain a place in their first preference setting. This information is not recorded for those applications received at Stage 2 or late in the admissions process.

For 2014/15 admissions 99.9% of children whose parents engaged with the admissions process to the end obtained a funded pre-school place.

- (iii) The table below breaks down the information at (i) & (ii) by each region of the Education Authority:

Region	Total Applications 2014/15	Stage 1 Applications 2014/15	Not placed in 1st Preference 2014/15	Additional Places* 2015/16
Belfast	3723	3713	516	28
Western	3954	3904	517	68
North Eastern	5055	4973	525	21
South Eastern	5074	5024	810	70
Southern	5646	5601	842	73
Total	23452	23215	3210	260

* includes places created following approval of development proposals and additional places approved under the Department's Temporary Flexibility arrangements for 2015/16.

Each region of the Education Authority also allocates additional places to settings in the voluntary/private sector to meet demand as the admissions process progresses. The total number of additional places allocated to the voluntary/private sector for 2015/16 will not, therefore, be known until the start of the new academic year when all requests for places will have been met.

Mr Agnew asked the Minister of Education to provide details for this year and last year on (i) the total number of children with first preferences for each nursery in the Belfast Education and Library Board; (ii) the total number of children with first preferences for each nursery in the Southern Education and Library Board; and (iii) the total number of available places in each nursery in the Belfast Education and Library Board and Southern Education and Library Board.

(AQW 45845/11-15)

Mr O'Dowd: The Information requested is detailed in the tables below.

Southern Region

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
CBS Naiscoil Nursery Unit	30	35	26	34
College Farm Nursery School	52	51	52	51
Grove Nursery School	52	72	52	66
Railway Street Nursery School	26	46	26	51
Tandragee Nursery School	78	71	78	89
Hardy Memorial PS Nursery Unit	52	67	52	57
Orchard County PS Nursery Unit	26	35	26	25
Saints & Scholars PS Nursery Unit	26	28	26	32
St John's PS Nursery Unit, Middletown	26	23	26	21
St Mary's PS Nursery Unit, Granemore	26	36	26	31
Button Moon Playgroup	26	22	26	26
Clady Tiny Tots Playgroup	24	14	24	14
Dara Playgroup	26	24	26	21
Earlybird Playgroup	20	9	20	10
Keady Community Playgroup	26	30	26	23
Little Acorns, Derrynoose	23	20	23	16
Little Villagers Playgroup	24	23	24	18
Loughgall Playgroup	20	12	26	14
Naiscoil Pairce Glaise	23	17	26	26
O'Fiaich Playgroup	20	8	20	14
Orchard Playgroup, Armagh	24	19	24	9
Poyntzpass Playgroup	24	40	24	17
Rainbow Stop Playgroup	52	39	52	45
Scotwell House Playgroup	52	25	52	32
St Peter's Playgroup	26	29	26	27
Tiny Tots Corner Playgroup	24	15	24	10
Banbridge Nursery School	52	54	52	58
Downshire Nursery School	52	68	52	73
Dromore Nursery School	78	72	78	65
All Saints Nursery PS Unit (Annaclone)	26	28	26	30
Ballydown PS Nursery Unit	26	37	26	41
Bronte PS Nursery Unit	26	28	26	28
Drumadonnell PS Nursery Unit	26	30	26	21
Fair Hill PS Nursery Unit	26	40	26	31

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Gilford PS (Craigavon) Nursery Unit	26	34	26	27
St Mary's PS (Banbridge) Nursery Unit	26	48	26	42
Child's Play Day Nursery	22	11	22	19
Humpty Dumpty Playgroup	26	7	26	9
Jolly Jesters Playgroup	36	15	36	13
Ladybird Lane Playgroup	22	10	22	11
Laurencetown Playgroup	26	23	26	23
Leitrim Playgroup	26	14	26	24
Little Friends Private Day Care	54	32	54	26
Loughbrickland Pre-School Playgroup	26	17	26	19
Rainbow Playgroup Dromore	26	16	26	20
Rathfriland Pre-School Playgroup	26	46	24	39
St Mary's Playgroup, Banbridge	26	7	26	9
The Old Station Day Care Nursery	24	16	24	27
Cookstown Nursery School	52	80	52	47
Holy Trinity PS Nursery Unit	52	74	78	75
Moneymore PS Nursery Unit	26	38	26	37
Naiscoil Eoghain Nursery Unit	#	#	26	19
Orritor PS Nursery Unit	26	26	26	25
Phoenix Integrated PS Nursery Unit	#	#	26	19
St Peter's PS (Moortown) Nursery Unit	26	29	26	24
Ballinderry Bridge Playgroup	52	35	52	28
Beacon Playgroup	24	13	24	11
Bosco Playgroup	25	11	25	11
Discovering Kids Playgroup	52	31	52	29
Jack and Jill Pre-School Playgroup	24	21	24	15
Lissan Cross Community Playgroup	24	21	24	17
Little Acorns Playgroup Coagh	26	19	26	16
Pomeroy Playgroup	52	33	52	34
Tiny Tots Pre-School Education Centre	52	41	52	41
Tiny Tots Playgroup Stewartstown	24	24	24	13
Twinkle Playgroup	48	40	48	29
Drumnamoe Nursery School	104	93	104	95
Edenderry Nursery School	52	74	52	67
Harrison Nursery School	52	49	52	53
Millington Nursery School	78	97	78	103
St John the Baptist Nursery School	52	57	52	67
Ballyoran PS Nursery Unit	52	24	52	40
Bocombra PS Nursery Unit	26	42	26	63

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Carrick PS (Lurgan) Nursery Unit	52	52	52	59
Dickson PS Nursery Unit	26	22	26	33
Donacloney PS Nursery Unit	26	35	26	36
Drumgor PS Nursery Unit	52	37	52	50
Hart Memorial PS Nursery Unit	52	64	52	48
King's Park PS Nursery Unit	78	87	78	87
Lurgan Model PS Nursery Unit	26	28	26	36
Maralin Village PS Nursery Unit	26	39	26	35
Portadown Integrated PS Nursery Unit	52	58	52	64
Seagoe PS Nursery Unit	52	33	52	35
Tullygally PS Nursery Unit	52	17	52	29
Waringstown PS Nursery Unit	26	30	26	37
St Anthony's PS Nursery Unit	78	85	78	98
St Brendan's PS Nursery Unit	52	53	52	48
St Francis' PS (Lurgan) Nursery Unit	78	110	78	70
St Patrick's PS (Aghacommon) Nursery Unit	26	35	26	25
Aghagallon Playgroup	20	17	24	23
Derrytrasna Playgroup	24	8	24	15
Happy Tots Playgroup	#	#	26	*
Little Acorns, Derrymore	26	32	26	22
Little Oaks Pre-School	52	*	52	6
Loughshore Playgroup, Maghery	14	7	14	6
Naiscoil Chois Locha	24	16	24	18
Naiscoil na Banna	24	10	24	10
Peatlands Playgroup	26	23	26	21
Richmount Playgroup	#	#	16	12
Trinity Park Pre-School Nursery	52	14	52	17
Dungannon PS Nursery School	52	40	52	48
Fivemiletown Nursery School	26	30	26	30
Little Flower Nursery School	52	55	52	54
Bush PS Nursery Unit	#	#	26	19
Howard PS Nursery Unit	26	30	26	36
Naiscoil Ui Neill Nursery Unit	26	20	26	31
Primate Dixon PS Nursery Unit	26	35	26	32
St Patrick's PS (Dungannon) Nursery Unit	104	102	104	88
Windmill Integrated PS Nursery Unit	26	34	26	40
Aughnacloy Playgroup	48	28	48	25
Ballygawley Early Years Ltd	48	33	48	42
Benburb Playgroup	26	22	26	32

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Brockagh Playgroup	16	22	16	14
Caledon Playgroup	26	16	26	20
Clogher Valley Playgroup	26	23	26	23
Forever Friends Playgroup	26	24	26	19
Happy Days Playgroup C'island	24	26	24	30
Kiddiwinkles Playgroup	24	8	24	7
Kids R Us Playgroup	24	*	24	*
Killyman Playgroup	26	18	26	15
Little Acorns Playgroup (Killyman)	24	27	24	23
Lollipop Playgroup	70	52	70	58
Moy Area Playgroup	26	31	26	43
Naiscoil Aodha Rua	24	24	26	22
Newmills Playgroup	26	28	26	14
Paddington Playgroup	26	31	26	36
Panda Cross Playgroup	40	34	40	37
Rainbow Playgroup Eglisli	30	30	26	29
Washingford Playgroup	16	9	16	6
Woodland Adventure Playgroup	26	7	26	10
Ashgrove Nursery School	52	64	52	79
Kilkeel Nursery School	78	96	78	83
Seaview Nursery School	78	106	78	82
St Malachy's (Carnagat) Nursery School	52	40	52	37
Annalong PS Nursery Unit	26	30	26	30
Bessbrook PS Nursery Unit	26	31	26	21
Cloughoge PS Nursery Unit	52	63	52	70
St Clare's Abbey PS NU	52	33	52	42
St Joseph's PS (Bessbrook) Nursery Unit	52	38	52	50
St Joseph's Convent PS (Newry) Nursery Unit	52	70	52	56
St Malachy's PS (Carrickcroppan) NU	52	31	52	35
St Mary's PS (Mullaghbawn) Nursery Unit	26	37	26	38
St Patrick's Community PS (Crossmaglen) NU	52	52	52	57
St Patrick's PS (Cullyhanna) Nursery Unit	26	32	26	39
St Patrick's PS (Mayobridge) Nursery Unit	26	31	26	35
St Patrick's PS (Newry) Nursery Unit	52	62	52	53
St Peter's PS (Cloughreagh) Nursery Unit	26	43	26	44
Atticall Playgroup Community Centre	26	19	26	10
Busy Bees Playgroup	24	16	24	21
Carrick Pre-School	24	22	24	19

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Clonduff Playgroup	50	51	52	48
Daisy Chain Playgroup	16	8	16	8
Dominican Playgroup	24	17	24	18
Dunnaman Playgroup	28	6	28	18
Forkhill Playgroup	24	16	24	21
Giggles Day Care	24	*	25	11
Glenn and Barr Playgroup	24	16	24	32
Happy Days Playgroup Newry	26	7	26	5
Happy Faces Playgroup	24	26	24	31
Jolly Tots Playgroup	40	13	26	21
Kidzone Playgroup	24	18	24	10
Killean Playgroup	24	17	24	22
Kingdom Playgroup	24	22	24	14
Little Folk Playgroup	52	41	52	24
Little People Playgroup	24	22	24	23
Lower Mourne Playgroup	24	14	24	18
Meigh Community Playgroup	26	34	26	24
Naiscoil Chamlocha	24	7	24	*
Naiscoil an Chreagain	16	12	16	14
Naiscoil an Iuir	16	16	16	12
Naiscoil na mBeann	24	16	24	9
Naiscoil Shliabh gCullinn	24	20	24	20
Rascals 'n' Ruffians Playgroup	26	28	26	21
Strawberry Tree Playgroup	26	32	26	33
Windmill Playgroup	24	8	24	8
1	#: Setting not offering places in this year			
	2.* refers to a figure <5 suppressed to avoid the identification of individuals			

Belfast Region

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Cliftonville PS Nursery Unit	26	39	26	37
Arellian Nursery School	52	54	52	78
Brefne Nursery School	26	45	26	38
Edenderry Nursery School	52	56	52	60
Glenbank Nursery School	26	39	26	40
Glendhu Nursery School	26	34	26	27
Hope Nursery School	52	56	52	42

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
McArthur Nursery School	52	52	52	60
New Lodge Nursery School	52	53	52	48
Oldpark Nursery School	52	45	52	50
Ravenscroft Nursery School	52	57	52	64
Sandbrook Nursery School	52	52	52	67
Shaftesbury Nursery School	52	44	52	57
Stanhope Street Nursery School	52	20	52	33
Tudor Lodge Nursery School	52	53	52	63
Victoria Nursery School	26	17	26	16
Avoniel PS Nursery Unit	52	42	52	33
Ballysillan PS Nursery Unit	26	41	26	30
Black Mountain PS Nursery Unit	26	21	26	25
Botanic PS Nursery Unit	26	34	26	41
Dundela Infants' PS Nursery Unit	52	85	52	74
Euston Street PS Nursery Unit	52	65	52	52
Fane Street PS Nursery Unit	26	29	26	33
Greenwood PS Nursery Unit	52	72	52	56
Harmony PS Nursery Unit	52	30	52	39
Knocknagoney PS Nursery Unit	26	32	26	35
Lowwood PS Nursery Unit	52	43	52	51
Nettlefield PS Nursery Unit	52	61	52	48
Orangefield PS Nursery Unit	52	70	52	74
Rosetta PS Nursery Unit	30	34	30	40
Seaview PS Nursery Unit	52	64	52	67
Stranmillis PS Nursery Unit	52	63	52	56
Taughmonagh PS Nursery Unit	52	48	52	66
Wheatfield PS Nursery Unit	26	24	26	22
Hazelwood Integrated PS Nursery Unit	52	57	52	65
Gaelscoil Na Bhfal Nursery Unit	26	27	26	27
Naiscoil Bheann Mhadagain	26	23	26	30
Naiscoil Bhreandain	52	37	52	51
Naiscoil an Droichid	26	27	26	29
Naiscoil an tSleibhe Dhuibh	26	21	26	32
Bethlehem Nursery School	52	75	52	76
Cathedral Nursery School	52	52	52	52
Holy Child Nursery School	52	47	52	46
Holy Cross Nursery School	52	57	52	70
Holy Family Nursery School	52	56	52	61
Holy Rosary Nursery School	52	65	52	73

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Matt Talbot Nursery School	52	49	52	43
Our Lady's Nursery School	55	74	55	60
St Bernadette's Nursery School	52	39	52	35
St Maria Goretti Nursery School	52	59	52	66
St Martin's Nursery School	52	57	52	51
St Mary's Nursery School	52	57	52	62
St Michael's Nursery School	52	53	52	64
St Oliver Plunkett Nursery School	52	67	52	61
St Peter's Nursery School	52	51	52	53
St Teresa's Nursery School	52	55	52	64
Holy Child PS Nursery Unit	26	36	26	39
St Anne's PS Nursery Unit	52	81	52	92
St Bride's PS Nursery Unit	52	101	52	107
St Clare's PS Nursery Unit	52	58	52	48
St Malachy's PS Nursery Unit	52	55	52	56
St Matthew's PS Nursery Unit	52	43	52	45
St Paul's PS Nursery Unit	52	44	52	53
St Vincent de Paul PS Nursery Unit	26	32	26	44
Belmont Pre-School Playgroup	48	60	48	55
Benmore Playgroup	24	30	24	42
Bright Sparks	#	#	16	*
Carew II Family & Training Centre	16	15	16	14
Child's Play Day Nursery	#	#	24	*
Cranmore Integrated Playgroup	24	34	24	22
Early Learners Day Nursery	24	8	32	*
First Steps Playgroup	#	#	16	6
Flutterbies Playgroup	24	5	24	11
Forge Integrated Playgroup	48	48	48	46
Hillcrest Day Nursery	24	0	16	*
Holy Cross Pre-School P/Group	24	7	24	11
Kiddies Castle Playgroup	#	#	8	0
Kids @ BT9	12	9	16	17
Little Hands Little Feet Day Nursery	11	6	8	8
Malone Playschool/Nursery School	60	16	60	10
Naiscoil An Lonnain	24	12	16	8
Naiscoil Mhic Reachtain	17	17	17	15
Naiscoil Na Mona	26	16	16	14
Our Lady's Playgroup	16	*	16	6
Play and Learn Playgroup	24	27	24	16

Name	2014/15		2015/16	
	Available places	1st Preference applications	Available places	1st Preference applications
Resurrection Nursery & P/Group	19	14	19	20
Springfield PS Playgroup	16	11	32	23
Springhill Playgroup	24	12	24	15
St Colmcille's Pre-School P/G	96	64	96	76
St John's Pre- School Playroup	25	26	24	26
St Oliver Plunkett Playgroup	26	27	26	14
St Vincent de Paul Pre-school Playgroup	24	6	48	8
Stepping Stones Pre-School Playgroup	24	25	24	17
Sunshine Playgroup	24	35	48	25
T.L.C. Playgroup	20	11	20	13
The 174 Trust Playgroup	16	13	22	12
Wee Care Day Nurseries (Kings Road)	24	11	32	21
Wishing Well Family Centre	16	15	16	7

- 1 #: Setting not offering places in this year
2. * refers to a figure <5 suppressed to avoid the identification of individuals

Mr Weir asked the Minister of Education how many applicants for primary one places failed to receive a placement in stage one for 2015/16, broken down by constituency.

(AQW 45882/11-15)

Mr O'Dowd: Over 24,000 applications were dealt with during the primary admissions process.

There were 80 children who were unplaced at the close of the primary admissions process on 29 April 2015. The constituency for these children is based on their home address.

The breakdown by constituency is set out in the following table (Constituency data for applicants not admitted to first preference school is based on the location of the school):

Constituency	Not Admitted to 1st Preference School	Unplaced
Belfast East	122	10
Belfast North	69	4
Belfast South	109	4
Belfast West	14	2
East Antrim	31	0
East Londonderry	7	0
Fermanagh/South Tyrone	8	2
Foyle	29	1
Lagan Valley	85	14
Mid Ulster	15	1
Newry and Armagh	44	4
North Antrim	69	5
North Down	128	24
South Antrim	33	0
South Down	13	1

Constituency	Not Admitted to 1st Preference School	Unplaced
Strangford	36	2
Upper Bann	42	1
West Tyrone	14	2
External	0	3
Totals	868	80

The Regional Offices of the Education Authority will continue to work with parents to ensure that all children are placed in a suitable school.

Mr Weir asked the Minister of Education how many sign language interpreters have been provided for deaf pupils in local schools in each of the last five years.

(AQW 46053/11-15)

Mr O'Dowd: The Education Authority has advised that the number of sign language interpreters provided for deaf pupils in each of the last five financial years is as follows:

- 2010/11 - 3
- 2011/12 - 2
- 2012/13 - 3
- 2013/14 - 3
- 2014/15 - 5

Mr Weir asked the Minister of Education whether a parent is obliged to inform a primary school of a change of circumstances in the weeks following an application which would mean their child no longer meets the entrance requirements.

(AQW 46106/11-15)

Mr O'Dowd: Where a school is oversubscribed with applications it is required to rank the applicants based on the school's published admissions criteria in order to distinguish which children it can accept to the last available place. Places are allocated based on the information provided by the parent/guardian on the child's application form.

The Board of Governors has a duty to verify "qualifying information" contained within applications to its school if, at the point of applying the admissions criteria, it has "general knowledge or belief" of a problem with false information within applications. The duty to verify is established at the point where a school applies its admissions criteria. Parents are provided the opportunity to update application information during the application process, however there is no legal duty to do so. It is a matter for the school's Board of Governors to decide how to treat applications from children whose addresses changed post application.

The Board of Governors, as the admissions authority within the Open Enrolment process, is responsible for setting the admissions criteria that will be used to determine which pupils to admit. The Department plays no role in the setting of these criteria. The Department, however, provides guidance on the duty of a Board of Governors to verify application information by way of a Circular issued to all schools. This information can be found on the Departmental website at www.deni.gov.uk Circular 2013/24 'Guidance on a School's Duty to Verify Application Information'.

Mr Weir asked the Minister of Education whether a primary school can approve and then revoke a child's admission to the school if the child moved address post application, and no longer qualifies on the basis of distance.

(AQW 46108/11-15)

Mr O'Dowd: Where a school is oversubscribed with applications it is required to rank the applicants based on the school's published admissions criteria in order to distinguish which children it can accept to the last available place. Places are allocated based on the information provided by the parent/guardian on the child's application form.

The Board of Governors has a duty to verify "qualifying information" contained within applications to its school if, at the point of applying the admissions criteria, it has "general knowledge or belief" of a problem with false information within applications. The duty to verify is established at the point where a school applies its admissions criteria. Parents are provided the opportunity to update application information during the application process, however there is no legal duty to do so. It is a matter for the school's Board of Governors to decide how to treat applications from children whose addresses changed post application.

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Mr Weir asked the Minister of Education whether any guidance is given to primary schools when making admission decisions based on distance from the school, as to whether they should use an address given at the time of application, or an address at the time of decision if the applicant has subsequently moved.

(AQW 46112/11-15)

Mr O'Dowd: Where a school is oversubscribed with applications it is required to rank the applicants based on the school's published admissions criteria in order to distinguish which children it can accept to the last available place. Places are allocated based on the information provided by the parent/guardian on the child's application form.

The Board of Governors has a duty to verify "qualifying information" contained within applications to its school if, at the point of applying the admissions criteria, it has "general knowledge or belief" of a problem with false information within applications. The duty to verify is established at the point where a school applies its admissions criteria. Parents are provided the opportunity to update application information during the application process, however there is no legal duty to do so. It is a matter for the school's Board of Governors to decide how to treat applications from children whose addresses changed post application.

The Board of Governors, as the admissions authority within the Open Enrolment process, is responsible for setting the admissions criteria that will be used to determine which pupils to admit. The Department plays no role in the setting of these criteria. The Department, however, provides guidance on the duty of a Board of Governors to verify application information by way of a Circular issued to all schools. This information can be found on the Departmental website at www.deni.gov.uk Circular 2013/24 'Guidance on a School's Duty to Verify Application Information'.

Mr Allister asked the Minister of Education to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46123/11-15)

Mr O'Dowd: The travel and subsistence costs incurred by the Department of Education on trips outside the north of Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff are detailed in the table below.

Financial year*	2011-12 £'000	2012-13 £'000	2013-14 £'000	2014-15** £'000
Minister	Nil	2	7	2
Special Advisor	Nil	1	6	-
Support Staff	Nil	2	3	1
Total	Nil	5	16	3

* Financial years have been reported since May 2011.

** Based on draft 2014-15 accounts, subject to audit.

Ministerial car fuel costs are not included in this answer as the cost associated with travel outside the north of Ireland cannot be identified.

Mr Agnew asked the Minister of Education, pursuant to AQW 44685/11-15, to outline when this matter will be resolved.

(AQW 46133/11-15)

Mr O'Dowd: Staff in the Department and the Education Authority (EA) are working together to finalise the Education Authority (EA) pay remit business case as quickly as possible. Once finalised, it will be submitted to the Department of Finance and Personnel for its consideration, in accordance with the Executive's Public Sector Pay Policy.

Once the necessary approval is secured, the EA will undertake a two stage process to ensure eligible staff receive their pay rise. The first requires the processing of changes in basic pay, arising from any associated uplift (i.e. pay award and/or incremental progression for eligible staff) before the subsequent determination and payment of any associated pay arrears. This can take up to four months to complete, from the date of securing the necessary approval.

All staff will receive what is due to them, backdated to January 2015.

Lord Morrow asked the Minister of Education what criteria is applied in Fermanagh to the schools that have applied for access to the Extended Schools Programme.

(AQW 46142/11-15)

Mr O'Dowd: The Extended Schools programme is targeted at those schools serving the most socially disadvantaged communities. The programme is not subject to an application process; rather Extended Schools funding is made available to schools which meet set eligibility criteria which are indicators of disadvantage.

The current criteria, based on information from the Multiple Deprivation Measure (NIMDM 2010), apply equally across all schools and state that a school must have the following in order to qualify for Extended Schools funding:

- 51% or more of pupils drawn from a Neighbourhood Renewal Area or the 30% most disadvantaged wards/super output areas (using both the MDM and Education Domain); and/or
- 37% or more of pupils with a Free School Meal Entitlement or, in the case of Nursery Schools, pupils with parents in receipt of Jobseeker's Allowance at or above 37%.

Schools entitled to Extended Schools funding are identified by my Department via the data submitted by individual schools as part of the annual School Census exercise.

Mr Weir asked the Minister of Education to list the non-statutory projects which CCEA progressed during 2014/15. (AQW 46159/11-15)

Mr O'Dowd: I am informed by CCEA that in 2014/15 it spent £2,212,065 on non-statutory projects (based on CCEA's draft accounts for 2014/15 and may change during the finalisation of the year-end accounts process). Non-statutory projects may support statutory activity in the education sector and CCEA conducted the following in 2014/15;

Description

- | | |
|--|--|
| ■ Vocational Qualifications Advice & Support DEL | ■ Talking and Listening Feasibility Study |
| ■ Irish Medium Support (Earmarked Fund) | ■ Using ICT Standard Setting Year - Implementation |
| ■ Irish Language Reading Programme (Earmarked Fund) | ■ Special Educational Needs: Emotional Literacy for Social Emotional Behavioural Difficulties Pupils |
| ■ Financial Capability Review | ■ Special Educational Needs: Moderate Learning Difficulties/Severe Learning Difficulties Key Stage 2/3 Support Materials |
| ■ STEMworks: Using ICT Taster Events | ■ Special Educational Needs: Thinking Skills and Personal Capability Framework |
| ■ Teacher Insight | ■ Special Educational Needs: Q Skills Standard Setting & Recording |
| ■ Review of Drugs Guidance NI Schools | ■ Special Educational Needs: Literacy Resources Key Stage 3 (Severe Learning Difficulties) |
| ■ Review of Relationship and Sexual Education Guidance and Support Materials | ■ Special Educational Needs: STEM Resources Key Stage 3 (Moderate Learning Difficulties) |
| ■ Revision of Specifications GCE/GCSE | ■ Special Educational Needs: Modification of Key Stage 3 Tasks |
| ■ EU European Qualifications Framework Work Programme | ■ Cross Phase Curriculum Monitoring |
| ■ Transition Guidance | ■ Using ICT Voluntary Moderation Key Stage 3 Preparation |
| ■ Entitlement Framework Development | ■ Thinking Skills and Personal Capability Guidance with Subject Contexts |
| ■ Entry Level Qualifications Support | ■ E-Moderation Cross Curricular Skills Using ICT at KS3 |
| ■ Development of Vocational Qualifications | ■ Cross Curricular Skills Task Workshops and Support |
| ■ Qualifications Technology Roadmap | ■ Cross Curricular Skills Talking and Listening Support |
| ■ Computer Based Assessment (CBA) | ■ Cross Curricular Skills UICT Key Stage 3 Support |
| ■ Pension Auto-Enrolment / Real Time Information Implementation | |
| ■ Demonstrating Progression within a Level | |
| ■ Foundation Stage Assessment Guidance | |
| ■ In Service Training Operational Costs | |
| ■ Using ICT Statutory Assessment Development | |
| ■ eProgress File | |
| ■ CBA Future Scoping | |

Mr Weir asked the Minister of Education how much CCEA spent on non-statutory projects in 2014/15. (AQW 46160/11-15)

Mr O'Dowd: I am informed by CCEA that in 2014/15 it spent £2,212,065 on non-statutory projects (based on CCEA's draft accounts for 2014/15 and may change during the finalisation of the year-end accounts process). Non-statutory projects may support statutory activity in the education sector and CCEA conducted the following in 2014/15;

Description

- | | |
|---|--|
| ■ Vocational Qualifications Advice & Support DEL | ■ STEMworks: Using ICT Taster Events |
| ■ Irish Medium Support (Earmarked Fund) | ■ Teacher Insight |
| ■ Irish Language Reading Programme (Earmarked Fund) | ■ Review of Drugs Guidance NI Schools |
| ■ Financial Capability Review | ■ Review of Relationship and Sexual Education Guidance and Support Materials |

- Revision of Specifications GCE/GCSE
- EU European Qualifications Framework Work Programme
- Transition Guidance
- Entitlement Framework Development
- Entry Level Qualifications Support
- Development of Vocational Qualifications
- Qualifications Technology Roadmap
- Computer Based Assessment (CBA)
- Pension Auto-Enrolment / Real Time Information Implementation
- Demonstrating Progression within a Level
- Foundation Stage Assessment Guidance
- In Service Training Operational Costs
- Using ICT Statutory Assessment Development
- Talking and Listening Feasibility Study
- Using ICT Standard Setting Year - Implementation
- Special Educational Needs: Emotional Literacy for Social Emotional Behavioural Difficulties Pupils
- Special Educational Needs: Moderate Learning Difficulties/Severe Learning Difficulties Key Stage 2/3 Support Materials
- Special Educational Needs: Thinking Skills and Personal Capability Framework
- Special Educational Needs: Q Skills Standard Setting & Recording
- Special Educational Needs: Literacy Resources Key Stage 3 (Severe Learning Difficulties)
- Special Educational Needs: STEM Resources Key Stage 3 (Moderate Learning Difficulties)
- Special Educational Needs: Modification of Key Stage 3 Tasks
- Cross Phase Curriculum Monitoring
- Using ICT Voluntary Moderation Key Stage 3 Preparation
- Thinking Skills and Personal Capability Guidance with Subject Contexts
- E-Moderation Cross Curricular Skills Using ICT at KS3
- Cross Curricular Skills Task Workshops and Support
- Cross Curricular Skills Talking and Listening Support
- Cross Curricular Skills UICT Key Stage 3 Support
- eProgress File
- CBA Future Scoping

Mr Weir asked the Minister of Education how much CCEA spent on hospitality in 2014/15; and to detail the savings anticipated in this budget area in 2015/16.

(AQW 46161/11-15)

Mr O'Dowd: I am informed by CCEA that its hospitality spend in 2014/15 is £339,425. This figure is based on draft 2014/15 accounts which are still subject to audit completion. They are in line with the Department's definition of hospitality which is based on guidance provided by the Department of Finance and Personnel. Expenditure on hospitality includes refreshments for committees, meetings, training courses, conferences, etc. CCEA has an initial saving plan in place for 2015/16 and anticipates a reduction in expenditure in this area of £157,000.

CCEA holds a significant number of events and meetings in support of examinations, curriculum and assessment (in excess of 4,000 annually). These include training provided for teachers and meetings relating to the conduct of examinations. The number of events held is dependent on activity.

Mr Weir asked the Minister of Education how much CCEA spent on the printing and distribution of print resources in 2014/15; and to outline the anticipated savings that will result from utilising digital formats on 2015/16.

(AQW 46162/11-15)

Mr O'Dowd: I am informed by CCEA that in 2014/15, it spent £1,752,229 on printing and distribution costs. The figure provided includes CCEA's total print costs, total courier costs and total postage costs including the printing and distribution of examinations papers and assessment material. The 2014/15 figure detailed is based on CCEA's draft accounts for 2014/15 and may change during the finalisation of the year-end accounts process.

CCEA's initial saving plan anticipates a reduction in expenditure of £157,000 in 2015/16 through the reductions in printing, distribution and postage. The plan will remain under constant review throughout the year.

Mr Beggs asked the Minister of Education to list the school bus routes that are paid for on a daily basis where the journey is less than 2 miles; and to detail the annual cost of providing such services.

(AQW 46165/11-15)

Mr O'Dowd: The Education Authority informs me that all school bus routes operated within the Education Authority are over 2 miles. Consequently the annual costs for providing services within the category of under 2 miles is Nil.

Mr Agnew asked the Minister of Education to detail the funding committed by his Department for (i) shared campus projects; (ii) shared education projects.

(AQW 46170/11-15)

Mr O'Dowd: The Shared Education Signature Project is a £25m project, jointly funded by Office of First Minister and deputy First Minister (OFMdFM), Atlantic Philanthropies (AP) and Department of Education (DE). DE have committed £5m for the period up to June 2018.

Mr Agnew asked the Minister of Education when the Strategic Review of Integrated Education will commence.
(AQW 46171/11-15)

Mr O'Dowd: I am currently considering the advantages and disadvantages of a number of potential options for a future review of integrated education.

Mr Agnew asked the Minister of Education to outline the differences between an area plan and a strategic review of an area.
(AQW 46172/11-15)

Mr O'Dowd: The current area plans determine the future educational needs and requirements of pupils by the former Education and Library Board area, covering all school sectors. They are living documents that can be amended, enhanced and refined over time to adjust to changing needs and circumstances.

Following decisions I made on Development Proposals for Portadown Integrated and Clintyclay Primary Schools, I commissioned NICIE, CCMS and the former Southern Education and Library Board to carry out strategic reviews to determine the need for additional integrated places in both the Craigavon and Dungannon areas. I would expect the strategic reviews to have agreed terms of reference, scope, action plans with associated timescales for completion and detailed analysis and evaluation of where the actual demand from parents for integrated education is located. This would culminate in a report detailing the outcomes of the review along with options and recommendations for the way forward. These findings will help inform the relevant area plan and underpin the proposals for change highlighted in it.

Mr A Maginness asked the Minister of Education what procedures are in place to ensure that schools which have been placed in formal intervention are provided with the required resources and support.
(AQW 46176/11-15)

Mr O'Dowd: The procedures relating to the Formal Intervention Process are set out in Annex C of Every School a Good School – A Policy For School Improvement and can be accessed via the following link:

http://www.deni.gov.uk/esags_policy_for_school_improvement_-_final_version_05-05-2009.pdf

In summary, when a school enters the Formal Intervention Process it is the responsibility of the school's Board of Governors to prepare and implement an action plan to address the areas for improvement identified by the Education and Training Inspectorate (ETI). In taking this work forward the school will be supported by the Education Authority and, in the case of catholic maintained schools, the CCMS.

The action plan will identify the support and resources required to address the areas for improvement. The Education Authority will provide guidance and support through its regional Curriculum Advisory Support Service (CASS). The Education Authority is also required to ensure that it is content that the actions proposed are capable of addressing effectively the areas for improvement.

The school's action plan is quality-assured by the ETI and the school's progress in addressing the areas for improvement identified in the inspection is monitored and reported on by the ETI.

Ms Sugden asked the Minister of Education how his Department is working with officials in the Department of Agriculture and Rural Development to support and promote youth work in rural areas.
(AQW 46179/11-15)

Mr O'Dowd: The Department of Agriculture and Rural Development is a member of the stakeholder Regional Advisory Group, which has provided advice to the Education Authority and the Youth Council which has helped to inform the development of the 2015-16 Regional Youth Development Plan.

Ms Sugden asked the Minister of Education whether his Department will update Priorities for Youth: Improving young people's lives through youth work, to compliment the new Education Authority.
(AQW 46180/11-15)

Mr O'Dowd: Schedule 2 (Paragraph 4) of the Education Act provides that any reference to a dissolved body in any statutory provision or document shall, from 1 April 2015, be construed as a reference to the Education Authority. This means that the Department does not need to make large numbers of amendments to regulations or documents merely to substitute references to the ELBs or Staff Commission with references to the Education Authority.

Priorities for Youth is currently being implemented, by the Education Authority and the Youth Council, collaboratively as appropriate, through a phased approach with full implementation expected by the end of 2016.

Ms Sugden asked the Minister of Education how his Department is promoting and supporting youth work in rural areas, to reflect the aims and objectives of Priorities for Youth: Improving young people's lives through youth work.
(AQW 46181/11-15)

Mr O'Dowd: Priorities for Youth states that targeted youth provision will be supported to meet the needs of young people living in rural isolation as they may be at greater risk of social inclusion, marginalisation or isolation because they experience a combination of barriers to learning.

The future planning, funding and delivery of youth work will be based on composite assessment of local and regional need by the Education Authority and the Youth Council. A Regional Youth Development Plan for 2015-16, informed through stakeholder engagement in the form of the Regional Advisory Group, has been developed to address the Department's priorities in the regional and local context.

Mr Weir asked the Minister of Education to outline the changes proposed by CCEA regarding invigilating examinations during 2015/16; and to detail the implications for schools.

(AQW 46185/11-15)

Mr O'Dowd: I am informed that CCEA has issued a communication to schools stating that it plans to make changes to the invigilation of examinations for the January 2016 series. The communication also seeks the views of schools on options for the future of the invigilation service.

CCEA expects to finalise its plans on invigilation by September this year.

Mr Weir asked the Minister of Education what coordination is taking place between his Department and the Department of Health, Social Services and Public Safety to ensure early intervention and help for parents of deaf children.

(AQW 46188/11-15)

Mr O'Dowd: I remain committed to the close collaboration between the Education and Health sectors, and other Departments, in supporting pupils with special educational needs, including those with a hearing loss.

As an example of coordination between the sectors to help ensure early intervention, The Education (NI) Order 1996, Article 14, places a duty on Health and Social Care Trusts (HSCTS) to inform the Education Authority, after consulting with the parent, that a child who has not attained the lower limit of compulsory school age has, or probably has, special educational needs (SEN). In addition, if the EA is to undertake a statutory assessment, it will seek the advice of the HSCT's in relation to children with a hearing loss.

To further facilitate intervention as early as possible close liaison is maintained at all times with all relevant parties, including Health professionals and parents, to ensure that an appropriate network of support is available as soon as possible following diagnosis by Health professionals, tailored to the individual needs of each child.

Once a child with hearing loss has been brought to the attention of the Education Authority, which may be through the New Born Hearing Screening Programme, specific support services will be provided by Qualified Teachers of the Deaf and other support staff for children and parents. Support for parents may include:

- Support to assist them in adjusting to deafness in a child;
- Provision of information on the nature and impact of deafness;
- Provision of information to inform their decision making about communication approaches and education options;
- Advice regarding the effective use and maintenance of hearing aids/cochlear implants at home;
- Co-ordinating and facilitating contact with other families with deaf children, professionals and voluntary organisations.

My Department will continue to work closely with the Department of Health, Social Services and Public Safety and other key Departments/Agencies to ensure that joined up working is effective for those children and young people with hearing loss who rely on the services of more than one sector.

Mr Weir asked the Minister of Education what provision is in place, or being considered, to provide sign language training for the parents of deaf children.

(AQW 46189/11-15)

Mr O'Dowd: The Education Authority has advised that while it facilitates limited training for parents of deaf children through the National Deaf Children's Society, its priority has been and will continue to be provision of direct support to children and young people with hearing loss.

Mr Gardiner asked the Minister of Education how many fines were issued to parents, or prosecutions taken forward, in each of the previous Education and Library Boards for truancy, in each year from 2007.

(AQW 46207/11-15)

Mr O'Dowd: My Department does not use the term truancy. Absence is classed as either authorised or unauthorised.

When a referral for absence is accepted by the Education Welfare Service the Education Welfare Officer will try to work with the children, young people and their families to facilitate improved attendance and thereby improve educational outcomes. When parents/carers refuse to engage with the service or continually hamper EWS engagement with them and their children, a decision may be made to progress the matter through the courts and a Parental Summons is sought. The parent/carer is

then required to participate in the court process and commit to taking action to improve the child or young person's school attendance.

It would be important to note that parents are not prosecuted for a child/young person's absence from education. Rather parents are prosecuted for not co-operating with the Education Welfare Service who would want to support families who have been referred.

The Interim Chief Executive of the Education Authority has provided the information as follows:

Number of fines issued to Parents, or prosecutions taken forward for Truancy from 2007

*Please note, where the number recorded is below 5 the precise number cannot be reported due to Data Protection.

	Number of Pupils	
	Fines	Prosecutions
2007 - 2008		
Belfast Region	*	28
North Eastern Region	0	7
South Eastern Region	0	0
Southern Region	9	16
Western Region	9	19
Total	20	70
2008 – 2009		
Belfast Region	*	*
North Eastern Region	0	*
South Eastern Region	*	6
Southern Region	7	18
Western Region	7	12
Total	21	44
2009 – 2010		
Belfast Region	*	23
North Eastern Region	0	0
South Eastern Region	*	*
Southern Region	11	45
Western Region	*	35
Total	18	104
2010 – 2011		
Belfast Region	*	17
North Eastern Region	*	6
South Eastern Region	7	8
Southern Region	23	37
Western Region	8	45
Total	44	113
2011 – 2012		
Belfast Region	*	17
North Eastern Region	*	10
South Eastern Region	*	*
Southern Region	12	37

	Number of Pupils	
	Fines	Prosecutions
Western Region	14	26
Total	36	93
2012 – 2013		
Belfast Region	*	16
North Eastern Region	13	68
South Eastern Region	*	5
Southern Region	25	67
Western Region	4	33
Total	47	189
2013 - 2014		
Belfast Region	6	9
North Eastern Region	6	49
South Eastern Region	1	14
Southern Region	34	59
Western Region	13	31
Total	60	162
2014 - 2015		
Belfast Region	0	*
North Eastern Region	*	41
South Eastern Region	*	6
Southern Region	9	32
Western Region	11	44
Total	24	126
Overall Total	272	901

Mr Gardiner asked the Minister of Education for an update on discussions within his Department regarding the future criteria for eligibility for free school meals and any other passported benefits in advance of Welfare Reform.

(AQW 46208/11-15)

Mr O'Dowd: In advance of agreement of the Welfare Reform Bill in the Assembly, some preliminary consideration was given to the identification of potential options for determining eligibility for free school meals under Universal Credit. However, as no agreement has been reached to date on how Welfare Reform, including Universal Credit, will be implemented here, this work has not been progressed.

Mr Craig asked the Minister of Education, if a member of teaching staff has been reported for suspected substance abuse, to detail how tests are carried out by the Education Authority or his Department to discover whether illegal substances have been taken by the person under investigation.

(AQW 46250/11-15)

Mr O'Dowd: My Department does not employ teachers. This would be a matter for the Boards of Governors, as the employer, in conjunction with the relevant Employing Authority.

Employing authorities do not carry out tests on individuals to ascertain whether or not illegal substances have been taken. Their role is to provide appropriate advice, guidance and support in any case of suspected substance abuse.

The appropriate procedure for dealing with substance abuse is contained in the link below to the document TNC 2005/5, Alcohol and Drug Misuse Policy and Procedures for Teachers in Grant Aided Schools.

http://www.deni.gov.uk/alcohol_and_drug_misuse_policy_2005_5.pdf

Mr Weir asked the Minister of Education to detail the percentage of primary school pupils in North Down that receive free school meals; and how this compares with the Northern Ireland average.

(AQW 46273/11-15)

Mr O'Dowd: In 2014/15, the proportion of primary school pupils resident in North Down entitled to free school meals is 21.5%. This compares to 31.7% in Northern Ireland overall.

These figures include pupils in nursery, reception and year 1-7 classes. Free school meal entitlement includes nursery unit pupils that are in receipt of Income Support (IM) or income-based Jobseekers Allowance (JSA). These are two of the benefits which determine eligibility for free school meals.

Mr B McCrea asked the Minister of Education how many children have received statements of Special Educational Needs in each of the last five years, broken down by constituency.

(AQW 46304/11-15)

Mr O'Dowd: This information is not held by constituency. The Education Authority has advised that the number of children who received statements of special educational needs, broken down by region, was as follows:

April 2010 – March 2011

Belfast	389
North Eastern	296
South Eastern	368
Southern	327
Western	274
Total	1654

April 2011 – March 2012

Belfast	382
North Eastern	335
South Eastern	318
Southern	389
Western	327
Total	1751

April 2012 – March 2013

Belfast	320
North Eastern	396
South Eastern	521
Southern	414
Western	356
Total	2007

April 2013 – March 2014

Belfast	444
North Eastern	400
South Eastern	520
Southern	446
Western	427
Total	2237

April 2014 – March 2015

Belfast	455
North Eastern	433
South Eastern	685
Southern	468
Western	484
Total	2525

Mr B McCrea asked the Minister of Education how many children requiring statements of Special Educational Needs have had previous statements from other UK jurisdictions, in each of the last five years, broken down by constituency.

(AQW 46305/11-15)

Mr O'Dowd: The Education Authority has advised that four of the five regions do not hold this information.

The South Eastern region does not hold this information by constituency but has advised that the number of children who received statements in the north of Ireland who had previous statements in England, Scotland or Wales was as follows:

- 1 April 2010 – 31 March 2011 - 6
- 1 April 2011 – 31 March 2012 - 5
- 1 April 2012 – 31 March 2013 - 5
- 1 April 2013 – 31 March 2014 - *
- 1 April 2014 – 31 March 2015 - *

*denotes fewer than 5 pupils suppressed due to potential identification of individual pupils.

Mrs Cochrane asked the Minister of Education to detail (i) the amount of funding provided per child when temporary flexibility is applied in a pre-school playgroup or nursery setting; and (ii) if the 8:1 and 13:1 staff to pupil ratio is waived when temporary flexibility places are allocated.

(AQW 46338/11-15)

Mr O'Dowd: 'Learning to Learn – A Framework for Early Years Education and Learning' introduced temporary flexibility in class size for nursery schools and nursery units up to a maximum class size of 30. It is designed to allow some flexibility, per class, where the school request it, and the relevant Pre-School Education Advisory Group (PEAG) recommends it. The maximum class size will otherwise remain at 26 and the approved class size will return to 26 at the end of the school year.

Temporary flexibility is not available to non-statutory pre-school education providers. Where places are allocated in non-statutory settings by the relevant PEAG as part of the Pre-School Education Programme, settings must meet the conditions of funding for the Programme, including the need to maintain a staff to pupil ratio of 1:8 as required by their registration with the Health and Social Care Trusts under the Children (NI) Order 1995.

DE issued guidance on temporary flexibility to schools in January 2015, which made it clear that:

- Temporary flexibility will only be approved to address a shortage of pre-school places for target age children within an area which cannot be met by any other pre-school provider in the Pre-School Education Programme;
- The flexibility is not designed to enable schools to admit additional pupils whose circumstances the Board of Governors did not sufficiently prioritise within the admission criteria in the first instance, or solely to meet parental preference for one setting; and
- A school requesting temporary flexibility must confirm that its premises and staffing structure can support the increase and maintain a staffing ratio of 1:13 adults to children and that the school can operate in line with the funding arrangements.

Approved additional places are funded on an equivalent per pupil basis in the next financial year. All pupil count and other funding arrangements, as outlined in the Common Funding Scheme, apply to the temporarily increased enrolment number for the school.

Mr Agnew asked the Minister of Education to outline the difference between a planning authority and a management authority.

(AQW 46352/11-15)

Mr O'Dowd: The Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) are planning authorities.

The EA has a significant, overarching role to co-ordinate the planning relating to all publicly funded schools regardless of management type. Article 6(1) of The Education and Libraries (NI) Order 1986 (the 1986 Order) places a statutory duty on the EA to "... secure that there are available in its area sufficient schools for providing primary and secondary education and the schools available for an area shall not be deemed to be sufficient unless they are sufficient in number, character and equipment to afford for all pupils opportunity for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes, and of the different periods for which they may be expected to remain at school ..."

Article 142(1)(b) of The Education Reform (NI) Order 1989 places a statutory duty on CCMS to "promote and co-ordinate, in consultation with the Trustees of Catholic maintained schools, the planning of the effective provision of Catholic maintained schools". The plans drawn up by CCMS are factored into the overall planning co-ordinated by the EA.

The EA is the managing authority for controlled schools. Article 7 of the 1986 Order provides that the Authority "...may provide primary, secondary and special schools within its area and shall maintain and manage any such school ...".

The managing authority for a voluntary school (Catholic maintained, denominational or non-denominational) or a grant-maintained integrated school is the Board of Governors, and for an Independent school is the proprietor. Under Article 142(1)(c) of the 1989 Order, CCMS has a duty to "promote the effective management and control of Catholic maintained schools by the Boards of Governors of such schools".

The managing authority will deal with the day to day running of the relevant school and in some cases, will also be the employing authority.

Mr Eastwood asked the Minister of Education to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

(AQW 46368/11-15)

Mr O'Dowd: A total of four Major Capital Works Projects in the Foyle constituency were announced to be taken forward in planning in June 2012 and January 2013 and work was ongoing to progress these in 2013/14.

■ Eglinton Primary School	£2.6m
■ Ardnashee School and College	£7.4m
■ Foyle College and Ebrington Primary School	£31.45m
■ Craigback/Mullabuoy/Listress Primary Schools	£2m

Three School Enhancement Projects in the Foyle constituency were approved for funding in March 2014.

■ St Columb's College	£2.669m
■ Newbuildings PS	£1.923m
■ Broadbridge PS	£2.63m

Mr Lyttle asked the Minister of Education for an update on the Atlantic Philanthropies Shared Education programme; and whether funding will be made available for the Together: Building a United Community commitment to roll out a nursery and primary school buddy system.

(AQW 46372/11-15)

Mr O'Dowd: The Delivering Social Change Shared Education Signature Project is jointly funded by the Office of the First Minister and Deputy First Minister, the Department of Education and Atlantic Philanthropies. The first call of the application process closed on 18 December. Thirty two partnership applications involving seventy three schools have been approved with a further ten partnerships being invited to resubmit after addressing identified issues.

A second call for applications closed on 22 May. The Education Authority is currently assessing the applications prior to approval by the Project Board and it is anticipated that all applicants will be informed of its decision before the end of June.

The nursery and primary school buddy scheme is a separate commitment within Together: Building a United Community. The position on the implementation of this commitment remains as set out in my reply to AQW 45699/11-15.

Mr Weir asked the Minister of Education, pursuant to AQW 44944/11-15, why the Education Authority are bringing forward this guidance rather than his Department.

(AQW 46390/11-15)

Mr O'Dowd: The Education Authority (EA) has a statutory duty to ensure that efficient and effective primary and secondary education services are made available. As such, the EA is best placed to take forward the guidance. Departmental officials are assisting the EA in that process.

Mr McQuillan asked the Minister of Education how many primary and secondary school students with permanent addresses outside Northern Ireland are currently being educated in Northern Ireland.

(AQW 46412/11-15)

Mr O'Dowd: According to the school census, there are 114 primary school and 442 post-primary school pupils with permanent addresses outside the north of Ireland that attend schools here.

These figures include boarder pupils and pupils in nursery and reception classes in primary schools.

Mr Campbell asked the Minister of Education to estimate the extent of bullying in primary schools between 2009 and 2014. (AQW 46416/11-15)

Mr O'Dowd: There is currently no requirement for schools to report bullying incidents and no detailed figures for levels of bullying in primary or secondary schools are available.

DE collates annual statistics on the total number of suspensions and expulsions, including those occurring as a result of bullying behaviour. These are available at: <http://www.deni.gov.uk/index/facts-and-figures-new/education-statistics/suspensions-and-expulsions.htm>. These returns, however, only analyse the recorded cause for all suspensions / expulsions and do not distinguish between primary and post-primary schools.

The Department undertakes periodic research into the bullying experiences of pupils. The most recent research report (The Nature and Extent of Bullying in Schools in the North of Ireland, 2011) surveyed 60 primary schools and interviewed 904 Year 6 pupils. It found that 39% of the Year 6 pupils reported being bullied at school in the 2 months preceding the survey. This compares to previous reports which found 43% of Year 6 pupils surveyed in 2007 and 40% of those surveyed in 2002 reported being bullied.

This research uses a wide and inclusive definition of bullying and records behaviours which may have occurred only once or twice. The figures quoted should therefore only be considered indicative. The full report, which provides a much more detailed analysis, is available at: http://www.deni.gov.uk/no_56_report_final_2011.pdf

I believe the paucity of reliable, quantitative data on bullying in schools hinders each school's ability to monitor the problem and assess the effectiveness of their policies in addressing it. It also hinders the ability of DE to monitor the true scale and nature of the problem, identify emerging trends and ensure appropriate policies are in place to respond to this difficult issue.

I have therefore included a requirement for all grant-aided schools to monitor and record bullying incidents as part of an Anti-Bullying Bill which I will soon be introducing to the Assembly.

Mr Lyttle asked the Minister of Education to detail (i) how many funded primary school places are needed; (ii) how many funded primary school places are available; and (iii) where the funded primary school places are in East Belfast for 2015/16. (AQW 46424/11-15)

Mr O'Dowd: The information in the table below, provided by the Education Authority, shows the primary schools within East Belfast constituency, the approved admissions number (places available) and the number of funded places needed (number of 1st preference applications received).

School	Admission Number	1 st Pref Applications
Belmont PS	84	120
Euston Street PS	56	47
Elmgrove PS	85	85
Avoniel PS	55	21
Orangefield PS	58	74
Greenwood PS	87	83
Knocknagoney PS	58	37
Dundela Infants PS	84	91
Victoria Park PS	60	48
Dundonald PS	116	137
Gilnahirk PS	60	63
Cregagh PS	29	26
Lisnasharragh PS	60	55
Branial PS	58	51
Tullycarnet PS	79	10
Lead Hill PS	30	11
Brooklands PS	95	60

School	Admission Number	1 st Pref Applications
St Joseph's PS Holland Drive	60	61
St Matthew's PS	55	38
Totals	1,269	1,118

Mr Lyttle asked the Minister of Education to detail (i) how many funded secondary school places are needed; (ii) how many funded secondary school places are available; and (iii) where the funded secondary school places are in East Belfast for 2015/16.

(AQW 46425/11-15)

Mr O'Dowd: The information in the table below, provided by the Education Authority, shows the post-primary schools within the East Belfast constituency, the approved admissions number (places available) and the number of funded places needed (number of 1st preference applications received).

School	Admissions Number	1 st Pref Applications
Ashfield Girls' High School	113	102
Ashfield Boys' High School	110	107
Grosvenor Grammar School	155	131
Bloomfield Collegiate	100	73
Campbell College	130	102
Strathearn School	110	169
Dundonald High School	120	35
Our Lady and St Patrick's College	180	220
Totals	1,018	939

Mr Weir asked the Minister of Education, pursuant to AQW 44944/11-15, what is the legal status of guidance issued by the Education Authority.

(AQW 46439/11-15)

Mr O'Dowd: Guidance by its nature is indicative only and is intended to be helpful to parents to whom, in this case, it is directed. The guidance is likely to make reference to the relevant legislation currently in place.

Mr Weir asked the Minister of Education, pursuant to AQW 45594/11-16, what is the legislative basis for his answer.

(AQW 46440/11-15)

Mr O'Dowd: The legislative provisions for compulsory school age and funded pre-school include:

- i Article 45 and 46 of the Education and Libraries (Northern Ireland) Order 1986
- ii. Article 17(8) of the Education (Northern Ireland) Order 1998
- iii. Article 16 of the Education (Northern Ireland) Order 1996.

Mr Weir asked the Minister of Education, pursuant to AQW 44775/11-15, to detail the costs associated with the computer-based assessment pilot.

(AQW 46442/11-15)

Mr O'Dowd: I am informed by the Council for the Curriculum, Examinations and Assessment (CCEA) that the 2015/16 budget for the computer-based assessment pilot for autumn 2015 is £400k, of which £370k relates to fees for assessment suppliers and £30k relates to implementation costs covering information events, training support and resources such as guidance documents.

Mr Weir asked the Minister of Education to detail the projected enrolments for each post-primary school in North Down for the 2015/16 and 2016/17 academic years.

(AQW 46443/11-15)

Mr O'Dowd: Projected figures are collected from each school individually for the subsequent year only as part of their school census return. The table below details these projected figures for 2015/16 alongside the actual enrolments for 2014/15 for purposes of comparison. Projected figures for 2016/17 are not available.

Projected enrolments for schools situated in the former North Down LGD, 2015/16

	2014/15 actual	2015/16 projected
Bangor Academy and 6th Form College	1448	1465
Bangor Grammar School	875	877
Glenlola Collegiate	1060	1065
Priory College	549	567
St Columbanus' College	593	628
Sullivan Upper School	1077	1075

Source: school census

Notes:

- 1 Projected figures are based on data provided by schools as part of their school census submission. It includes pupils in years 8-15 and pupils in learning support centres.

Mr Agnew asked the Minister of Education to detail the outcome of the discussions about the joint sixth form in the Lisanelly shared campus project.

(AQW 46455/11-15)

Mr O'Dowd: There are no plans for a joint sixth form for the schools moving to the Lisanelly Shared Education Campus. The schools will retain their own sixth forms with the intention that there will be significant educational sharing on the campus for appropriate year groups.

Mr Agnew asked the Minister of Education for an update on his Department's review of their arm's-length bodies; and when will the findings be published.

(AQW 46456/11-15)

Mr O'Dowd: On 1 April 2015, the 5 Education and Library Boards and their Staff Commission were replaced by the Education Authority (EA). In terms of the EA's remit, the only other matter currently under consideration is whether it might also deliver support and funding for all youth services.

In this regard, on 20 April, I launched a public consultation on proposals for the future of the Youth Council. The public consultation will run until 12 June, after which time I will consider the responses received before deciding on the best way forward. Any change in approach would require primary legislation to repeal the Youth Service (NI) Order, which would be subject to the legislative process within the Assembly.

Reviews of the governance and organisation structures of both CnaG and NICIE were carried out in 2014 and the recommendations of those reviews are currently being implemented. In addition, a review of the governance and organisation structures of CCMS is currently underway. I consider these to be part of the normal engagement between my Department and the bodies concerned, ensuring that they continue to be fit for purpose, particularly now that the EA is up and running.

Mr Agnew asked the Minister of Education for a breakdown of the staffing levels for the Education Authority Delivery Directorate and the total cost of salaries.

(AQW 46457/11-15)

Mr O'Dowd: The Education Authority Delivery Directorate comprises two teams: the School Amalgamations and Controlled Sector Support Team and the Education Authority Programme Management Office.

The Education Authority Programme Management Office is supported by four staff (3.25 full-time equivalents) as follows: 0.5 Grade 5; 1 Grade 7; 1 Staff Officer; and 0.75 Executive Officer 2. The total annual cost of salaries for the Programme Management Office, inclusive of national insurance and pension costs, is £178,963.

Mr Agnew asked the Minister of Education to detail how the different management types in (i) controlled; (ii) Maintained; (iii) Voluntary Grammar; (iv) Grant Maintained; and (v) Integrated sectors are funded.

(AQW 46458/11-15)

Mr O'Dowd: All grant-aided schools (other than Special schools and Hospital schools), are funded under the Common Funding Scheme.

Under the Local Management of Schools funding arrangements, every school receives a delegated budget to meet their day-to-day running costs. It is the responsibility of the Boards of Governors and Principals of individual schools to determine spend, planning and the use of the available delegated funding to maximum effect in accordance with their school's own needs and relative priorities.

Schools are funded according to their relative need, using a range of measures (including pupil numbers, premises size, level of social deprivation and additional needs, etc.). Common monetary values are set for each factor within the relevant formula stream (one for Nursery and Primary and one for Post-primary schools), and these determine the size of the delegated budget for each school.

Controlled schools (which include controlled integrated and controlled Irish Medium), and Maintained schools (which include other maintained and Irish Medium maintained); are all funded through the Education Authority (EA). Voluntary Grammar schools (VGS) and Grant-Maintained Integrated (GMI) schools receive their funding directly from the Department. GMI and VGS receive reimbursement for non-recoverable VAT costs on a claims basis from the DE.

Separate funding arrangements apply to Landlord Maintenance (directly funded by EA for their schools and formula funded for GMI and VGS), and separate arrangements for Capital costs.

Schools may also receive funding from centre funds from their relevant Funding Authority. These include, for example compensation to prescribed limits for teaching and non-teaching substitutions and absenteeism, costs for statemented SEN pupils, rates etc. In addition there is specific programme funding – for example Extended Schools.

Certain costs for services are met by the EA, for example home-to-school transport, Curriculum Advisory Services, CIT costs associated with the C2K arrangements etc.

Finally all schools may receive funding from outside sources and all can generate voluntary contributions, Parent Teacher Association funds etc.

Mr Agnew asked the Minister of Education for an update on the strategic review of additional integrated primary provision in the Portadown, Craigavon and Lurgan areas.

(AQW 46459/11-15)

Mr O'Dowd: Last year I commissioned the NI Council for Integrated Education (NICIE), in conjunction with the then Southern Education and Library Board (SELB), to carry out a strategic review of the need for additional integrated primary provision in the Portadown, Craigavon and Lurgan areas. I understand that NICIE and the Southern Region of the Education Authority are continuing to work on this review. An interim report on the work carried out to date was submitted to my Department on 2 June 2015.

Mr Weir asked the Minister of Education to detail (i) the enrolment figures for each primary school in the Strangford constituency in 2014/15; and (ii) the projected enrolment figures for each primary school in the Strangford constituency for 2015/16.

(AQW 46489/11-15)

Mr O'Dowd: Projected figures are collected from each school individually for the subsequent year only as part of their school census return. The table overleaf details these projected figures for 2015/16 alongside the actual enrolments for 2014/15.

Primary schools in Strangford constituency, their 2014/15 actual enrolments, and their projected 2015/16 enrolments

School name	2014/15 actual enrolment	2015/16 projected enrolments
Abbey Primary School	600	607
Academy Primary School	413	413
Alexander Dickson Primary School	89	85
Andrews Memorial Primary School	351	351
Ballynahinch Primary School	228	231
Ballywalter Primary School	170	179
Carrickmannon Primary School	99	101
Carrowdore Primary School	151	156
Castle Gardens Primary School	244	247
Comber Primary School	386	405
Derryboy Primary School	79	86
Drumlins Integrated Primary School	171	178
Grey Abbey Primary School	91	92
Killinchy Primary School	336	327
Killyleagh Primary School	79	81
Kircubbin Integrated Primary School	199	200

School name	2014/15 actual enrolment	2015/16 projected enrolments
Kirkistown Primary School	105	125
Londonderry Primary School	386	386
Loughries Primary School	68	68
Millennium Integrated Primary School	299	333
Moneyrea Primary School	198	210
Newtownards Model Primary School	404	418
Portaferry Integrated Primary School	63	63
Portavogie Primary School	253	254
Regent House Prep Dept	97	90
St Caolan's Primary School	68	68
St Finian's Primary School	157	156
St Joseph's Primary School, Crossgar	80	86
St Mary's Primary School, Comber	62	67
St Mary's Primary School, Killyleagh	97	97
St Mary's Primary School, Kircubbin	159	153
St Mary's Primary School, Portaferry	208	201
St Mary's Primary School, Saintfield	74	70
St Patrick's Primary School, Ballynahinch	268	265
St Patrick's Primary School, Portaferry	131	113
Victoria Primary School, Ballyhalbert	135	136
Victoria Primary School, Newtownards	527	538
West Winds Primary School	183	190

Source: NI school census

Notes:

- Figures include nursery, reception and year 1 - 7 classes.
- Projected figures are based on data provided by schools as part of their school census submission.

Mr Weir asked the Minister of Education to detail (i) the enrolment figures in Andrews Memorial Primary School, Comber for each of the last five years; and (ii) the project enrolment figures for 2015/16.

(AQW 46490/11-15)

Mr O'Dowd: Historical enrolment figures for Andrews Memorial Primary School and its projected enrolments for 2015/16 are as follows:

2010/11	310
2011/12	320
2012/13	329
2013/14	340
2014/15	351
2015/16 (projected enrolments)	351

Source: NI school census

Notes:

- Projected figures are based on data provided by the school as part of its school census submission.

Mr McNarry asked the Minister of Education to provide (i) the names of the trustees of the Teacher's Pension Scheme; (ii) who they represent; and (iii) their length of tenure.

(AQW 46516/11-15)

Mr O'Dowd: The NI Teachers' Pension Scheme is an unfunded statutory public sector pension scheme managed by the Department of Education. It does not have trustees.

Mr Kinahan asked the Minister of Education how many and what percentage of children allocated a funded pre-school place for 2015/16 were granted their first choice.

(AQW 46519/11-15)

Mr O'Dowd: At the end of Stage 1 of the pre-school admissions process on 17 April, 20,221 children (85.6%) were offered a place in their first preference setting.

Information on those children offered their first preference during Stage 2 is not recorded.

By the end of Stage 2, on 29 May, 23,257 (99.8%) of children whose parents stayed with the admissions process to the end received the offer of a funded pre-school place.

Mr Kinahan asked the Minister of Education how many of the 39 children who have not yet been awarded a funded pre-school place have one or both parents or guardians in work.

(AQW 46520/11-15)

Mr O'Dowd: This information is not collected by the Education Authority.

Mr McCallister asked the Minister of Education what action his Department has taken to ensure the Board of Governors in schools of all management types are more reflective of the religious, cultural and socio economic makeup of the local population.

(AQW 46527/11-15)

Mr O'Dowd: School Boards of Governors are comprised of different groups of people. Typically there will be individuals nominated by the Trustees or Transferors, individuals nominated or appointed by my Department, parent governors and teacher governors.

School governors are volunteers and those nominated or appointed by my Department self nominate in response to publicised opportunities. I recognise the value in having diversity amongst governors and to this end my Department, when re-constituting Boards of Governors, advertises governor opportunities widely in an effort to attract applications from all walks of life. All applications are welcome.

Mr Middleton asked the Minister of Education whether he will consider an alternative to the provision of a classroom assistant for pupils of secondary school age if a mentor is more appropriate for their needs.

(AQW 46529/11-15)

Mr O'Dowd: A statement of special educational needs details the educational and non-educational provision, as agreed by all relevant parties, needed to meet the individual needs of the child concerned. The Education Authority is bound by legislation to provide the specific support detailed in the statement, including a classroom assistant if appropriate.

Mrs Dobson asked the Minister of Education when he plans to achieve the Programme for Government commitment to ensure that at least one year of pre-school education is available to every family that wants it.

(AQO 8283/11-15)

Mr O'Dowd: I have consistently achieved the Programme for Government commitment to ensure at least one year of funded pre-school education is available to every family that wants it.

The admissions process for 2015/16 has just concluded and parents whose children had not been placed at the end of stage one received letters on Saturday 30 May advising them if their child had been placed at stage two.

I am happy to advise members that for 2015/16 admissions, 99.8% of children whose parents stayed with the admissions process received the offer of a funded pre-school place

To set this in context: applications for 2015/16 admissions have increased by over 400; almost 450 more children have been placed and almost 200 more children placed in their first preference setting.

Places remain available in all regions and I would encourage the parents of children who have not been placed to stay in contact with their local region of the Education Authority.

Mr Easton asked the Minister of Education how his Department determines the priority for new builds for schools.

(AQO 8284/11-15)

Mr O'Dowd: Schools in the estate have differing and ever changing needs for investment. Changes to enrolment numbers, the condition and suitability of the premises to deliver the curriculum, the use of temporary accommodation and the social needs of the pupils all need to be assessed within the context of area plans at the point when announcements of projects to proceed in planning are made.

The last announced list of projects was in June 2014. The projects were selected from a long list of potential schemes submitted by Boards and school planning authorities and a protocol was applied. This protocol is available to view on the Departments website.

The protocol is revised and improved prior to each subsequent capital announcement. For the June 2014 announcement the schools were subject to Gateway checks including whether they were viable and sustainable in the context of my 'Schools for the Future: A Policy for Sustainable Schools'.

The criteria and weightings in the protocol have evolved as a result of learning from previous announcements and in support of the priorities for major capital investment. At the last iteration additional criteria were added to reflect social issues such as the percentage of children with a statement of educational need and those in receipt of free school meals.

The protocol identifies and prioritises the schools that are in most need of a new build subject to available budget in the year of announcement and beyond.

Ms Ruane asked the Minister of Education for an update on the furniture and equipment budget for St. Joseph's Primary School, Carnacaville, Newcastle.

(AQO 8285/11-15)

Mr O'Dowd: I have committed almost £1.7m to the SEP project at St Joseph's. This will provide 6 new build classrooms a new multi-purpose hall and refurbish the existing school building.

As you know, the Executive's Budget has been cut by the Westminster Government by £1.5b over the last five years. As a direct result of this cut there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE's) remit, ensuring that the priority is keeping teachers and classroom assistants in classrooms.

I have allocated a further £1.8m for F&E needs at capital projects on site, which will fully meet in-year needs on SEP projects, including St Joseph's.

DE officials have prepared an in-year bid to the Department of Finance and Personnel to address the remaining shortfall in funds for the F&E requirements of other capital projects currently on site.

Mr McMullan asked the Minister of Education for an update on the proposed hydrotherapy pool for Roddensvale Special School, Larne.

(AQO 8286/11-15)

Mr O'Dowd: The economic appraisal for the hydrotherapy pool at Roddensvale has been approved and the pool will be installed when capital budget becomes available.

As Roddensvale School is a controlled special school it is the responsibility of the Education Authority (EA). I understand that the scheme has been fully designed and a competition to appoint a contractor is underway however given the significant cut to the EA's minor works capital budget for FY15/16 it is not currently possible to confirm a projected date for delivery of this project.

Both I and the EA remain committed to this scheme but the timing of delivery remains dependent upon the available budget.

Mr Poots asked the Minister of Education to outline the latest projections for primary school enrolments over the next five years.

(AQO 8287/11-15)

Mr O'Dowd: The actual 2014/15 primary school (years 1-7) enrolments are 165,548.

The most recent projected enrolments for grant-aided primary schools are published on my Department's website and are based on the 2013/14 enrolment data and population projections:

- The projected 2015/16 enrolments are 166,946.
- The projected 2016/17 enrolments are 169,334.
- The projected 2017/18 enrolments are 170,862.
- The projected 2018/19 enrolments are 171,350.
- The projected 2019/20 enrolments are 170,580.

The projected figures based on 2014/15 school census data and population projections will be published in August.

Mr Cree asked the Minister of Education when he wrote to the First Minister and deputy First Minister in relation to the exception of teachers from fair employment provisions as contained in Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

(AQO 8288/11-15)

Mr O'Dowd: I have not written to OFMdfM on this matter.

The Fair Employment and Treatment (NI) Order 1998 is the responsibility of OFMdfM.

Ms P Bradley asked the Minister of Education for an update on the site of the proposed new build for Abbey Community College, Monkstown.

(AQO 8289/11-15)

Mr O'Dowd: Abbey Community College is one of the sixteen new build projects I announced to advance in planning in June 2014.

Abbey Community College is due to open in September 2015, following the closure of Newtownabbey Community High School and Monkstown High School. The new school will initially be located at the former Monkstown High School site.

In regard to the new build project, a site selection report was completed in September 2014 identifying three potential sites for the new school. These were: the site currently occupied by Newtownabbey Community High School; the current site of Monkstown High School; and a site owned by the Department of Health, Social Services and Public Safety.

A feasibility study was recently completed and my Department is currently preparing the business case for the project that will identify the preferred option and hence the preferred site. It is anticipated that the business case will be complete in the summer of 2015

Mrs McKeivitt asked the Minister of Education what percentage of post-primary schools provide cardiopulmonary resuscitation training to pupils on an annual basis.

(AQO 8290/11-15)

Mr O'Dowd: The Department does not collate information on the specific topics that pupils are taught about in the classroom.

The minimum of what should be taught in our schools is detailed in legislation as high level Areas of Learning and within this framework schools can introduce topics, make connections and draw on a wide range of resources from a range of sources to meet the needs of their pupils.

The Areas of Learning provide opportunities for schools to provide cardiopulmonary resuscitation training for their pupils through Personal Development and Mutual Understanding in primary school and Learning for Life and Work in post-primary school but the decision to take up such opportunities is a matter for each teacher/school.

The Department of Education does recognise that this is an important issue and we will be working with the Department of Health, Social Services and Public Safety in taking forward implementation of its Community Resuscitation Strategy. This will include facilitating the availability of CPR training resources through the C2k ICT managed service.

Mr Anderson asked the Minister of Education for his assessment of this year's pre-school nursery provision.

(AQO 8291/11-15)

Mr O'Dowd: As members are aware, the Executive has a Programme for Government commitment to ensure at least one year of pre-school education is available to every family that wants it.

The admissions process for 2015/16 has just concluded and parents whose children had not been placed at the end of stage one received letters on Saturday 30 May advising them if their child had been placed at stage two.

I am pleased to advise members that for 2015/16 admissions 99.8% of children whose parents stayed with the admissions process received the offer of a funded pre-school place:

To set this in context: applications for 2015/16 admissions have increased by over 400; almost 450 more children have been placed and almost 200 more children placed in their first preference setting. A total of 39 children, whose parents engaged with the process to the end remain unplaced.

Places remain available in settings in all regions and I would encourage the parents of children who have not been placed to stay in contact with their local region of the Education Authority.

Mr Weir asked the Minister of Education to detail the (i) development proposals awaiting decisions; and (ii) timescale for those decisions.

(AQW 46622/11-15)

Mr O'Dowd: A list of published Development Proposals (DPs) awaiting decisions is available on my Department's website:

http://www.deni.gov.uk/index/schools-and-infrastructure-2/area-planning/14-schools_estate_devprop_pg/current_development_proposals.htm

As outlined in Circular 2014/21, I endeavour to make a decision on each DP as soon as practicable following the end of the statutory two month objection period. However, the time taken can vary depending on the individual circumstances of each proposal.

Mr Kinahan asked the Minister of Education to detail the protocol for schools seeking a temporary variation in their enrolment figures.

(AQW 46641/11-15)

Mr O'Dowd: The policy and procedure by which schools can seek a temporary variation of their admission and/or enrolment numbers is explained in detail in the Department's Circular 2015/03, which can be viewed on the DE website at www.deni.gov.uk.

Department for Employment and Learning

Mr Easton asked the Minister for Employment and Learning to detail the current budget of St Mary's University College, Belfast.

(AQW 45371/11-15)

Dr Farry (The Minister for Employment and Learning): Please see my answer to AQW45149/11-15 which you previously asked.

My Department's recurrent block grant allocation to St Mary's University College for academic year 2014/15 is £4,533,743.

However, the college's overall operating budget for the year will also include income from other sources such as student fees. My Department does not hold details of such income.

Mr Weir asked the Minister for Employment and Learning to detail what action is being taken to encourage mature students to enrol at local universities.

(AQW 45666/11-15)

Dr Farry: In academic year 2009/10 the total number of mature students enrolled at Northern Ireland's Higher Education Institutions¹ was 31,475. Latest figures available for 2013/14 show an increase in enrolments to 32,450. Although this increase is encouraging, we know that in order to grow our economy the traditional supply of skills from education will not be enough. With over 80% of the 2020 workforce already having completed their compulsory school education, more needs to be done to ensure higher education is accessible to learners of all kinds, including mature students and those already in employment. This is an express aim of my Department's Skills and Higher Education Strategies.

In addition, my Department is implementing Access to Success its regional strategy to widen participation in higher education which I launched in September 2012. The strategy has a strong focus on the creation of a more accessible sector in which the people who are most able but least likely to participate are given every encouragement and support to apply to, and to benefit from, higher education.

Significant progress has been made on a range of measures in the strategy. These include the launch in March 2014 of 'Reach Higher' a single, centralised and co-ordinated higher education awareness and aspiration raising campaign to better communicate the benefits of higher education to under-represented sections of the community including adult learners. Indeed, the subject of one of two television advertisements and a case study used in the campaign is a mature female learner with two children.

In addition, Access to Success introduced a requirement for higher education institutions to produce an annual Widening Access and Participation Plan (WAPPs) for approval by my Department. These WAPPs must include details of the institution's initiatives to widen participation among groups that are under-represented in higher education including adult learners.

The needs of mature learners in higher education can differ significantly from those of traditional school leavers. Mature learners are demonstrably more likely to have parental and caring responsibilities and my Department, through the student support package, provides a number of targeted grants to support Northern Ireland domiciled learners with such responsibilities. These grants include the Childcare Grant, the Parent's Learning Allowance and the Adult Dependents' Grant.

Evidence also shows that mature learners are more likely to study at the postgraduate level and on a part-time basis. My Department currently provides a student support package for Northern Ireland domiciled part-time learners to help in the main with their tuition fees, and it is targeted at students from lower income backgrounds. For individuals wishing to undertake postgraduate study, my Department funds the Postgraduate Awards Scheme, which has supported over 700 postgraduate places this year. However, no standardised student support package is available for postgraduate students similar to the package in place for full-time undergraduate students. Therefore, to continue to encourage mature learners into higher education, my Department will be launching a consultation in the coming weeks to explore enhanced support packages for both part-time and postgraduate students.

I trust you find this information helpful.

1 Source Higher Education Statistics Agency (HESA).

Lord Morrow asked the Minister for Employment and Learning following Mr Justice Horner's High Court judgement delivered on Thursday 30 April 2015 in the case known as CS, to detail what reviews have taken place and measures introduced to ensure there can be no repetition of a student under a Sexual Offences Prevention Order being permitted access as occurred on this occasion in the relevant facility and all similar facilities within his departmental remit.

(AQW 45689/11-15)

Dr Farry: Since the case in question, Queen's University has taken the following measures:

The General Regulations of the University have been revised to specify that students must notify the institution as soon as they are placed under investigation by police – this enables an immediate risk assessment to be undertaken to determine whether they may continue on their programme of study. Students who fail to report that they are subject to a police investigation will be referred to the University's Conduct Regulations.

Queen's University has also made contact with the Police Service of Northern Ireland (PSNI) expressing concern that it was not informed of the individual's police and court bail conditions, nor was it contacted as part of the police investigation. Discussions are ongoing with the PSNI and other statutory agencies in this regard, including protocols to ensure the timely sharing of information, in all similar cases, going forward.

Both St Mary's University College and Stranmillis University College adhere to the same Queen's University procedures.

Under the provisions of Ulster University's Student Admission's Policy all applicants/students are required to declare any criminal convictions. Applicants/students intending to engage in regulated activity with children and/or vulnerable adults are required to declare any existing convictions and to undergo an AccessNI enhanced disclosure check prior to the commencement of a programme of study. Applicants/students who do not consent to an enhanced check are not permitted to register at the University. The University's procedures for dealing with criminal conviction disclosures are outlined in the Admissions Policy.

Colleges have in place robust criminal convictions disclosure policies, which incorporate an operational working protocol with external organisations such as the Public Protection Unit of the PSNI, the Northern Ireland Association for the Care and Resettlement of Offenders and the Probation Board for Northern Ireland.

These policies and protocols, in combination with standard operating procedures, provide a framework through which informed decisions can be made regarding participation of students with criminal convictions. Colleges carry out risk assessments on all students declaring a criminal conviction. As an integral part of this process, all students are obliged to inform the college of a criminal offence upon enrolment, or immediately following the application of a conviction.

Colleges are not informed of all convictions imposed through the judicial system and can only take steps to assess the risk where they are made aware of criminal convictions either by the student, as required as part of the enrolment process, or by the appropriate agencies as part of college protocol.

Mr Weir asked the Minister for Employment and Learning to detail the current strategies being pursued or proposed to be pursued to reduce the level of youth unemployment in North Down.

(AQW 45770/11-15)

Dr Farry: My Department recognises the high social and economic cost of youth unemployment and is committed to creating and improving opportunities for our young people at a time when youth unemployment in NI remains higher than the UK average.

The Youth Employment Scheme (YES) was introduced to help young people aged between 18 and 24 years to develop the skills to compete for jobs and sustain employment. The scheme has proven to be very successful. For example, in the catchment area for Bangor JobCentre, a total of 206 young people participated on one or more elements of YES between July 2012 and March 2015. Latest figures show that, of these participants, 92 moved into subsidised or unsubsidised employment. Work is currently being progressed to introduce a refreshed scheme from June 2015 as part of the Employment Service Client Offer.

An example of the Employment Service's engagement with employers was an initiative with Bangor Chamber of Commerce and Charter NI that emanated in a Work Placement Event in Bangor's Kilcooley Estate, in November 2014. The aim was to help young people aged between 18 and 24 with employability skills. Ten employers and 93 clients from the Bangor area attended, with 110 placement/job opportunities available on the day. The event was very successful with 45 work placement opportunities filled, and eight clients entered employment.

My Department has recently introduced Into Work Training Support, which enables clients to undertake short accredited training courses and industry standard training courses to improve their employability. In addition, Enterprise Allowance, a new measure of support for those clients seeking to start their own business was made available in April.

My Department's main employment programme, Steps 2 Success (S2S) commenced on 20th October 2014. The programme is delivered in the Greater Belfast area, which includes North Down, by Ingeus; supported by a number of local organisations either as members of their direct end-to-end supply chain or as specialist providers.

Its primary purpose is the delivery of a flexible personalised service tailored to meet individual needs which will help people move into, and remain in, employment. S2S is available to all eligible jobseekers irrespective of their employability need or age. Clients who are in receipt of Jobseeker's Allowance and aged between 18 and 24 will be mandated onto S2S after 9 months on benefit.

As you will be aware, I have also undertaken a review of Youth Training and consultation on the interim report of the review closed on 10 February 2014. It is planned that the proposed new youth training scheme will be available to all young people aged 16-24, facilitating progression into an apprenticeship, further education or sustained employment. A series of pilot activities will be implemented throughout the 2015/16 academic year to test key aspects of the system, prior to its implementation in 2016/17.

Mr D McIlveen asked the Minister for Employment and Learning for his assessment of the decision of Queen's University Belfast to cut bursaries for students from disadvantaged backgrounds by almost 70 per cent over four years.

(AQW 45870/11-15)

Dr Farry: As Minister with responsibility for higher education in Northern Ireland, your question has been transferred to me for a response.

Reductions in public funding for 2015/16 have resulted in a cut of £16.1m to the grant from my Department to the higher education institutions for the purposes of teaching and research. In response, I have introduced a range of measures to help to mitigate the additional financial pressures on higher education institutions, while at the same time asking institutions to protect, as far as possible, available student places. These measures include a phased reduction to the minimum level of reinvestment of additional student fee income that an institution is required to make on initiatives to widen participation in higher education. However, I have also sought assurances from the institutions that there will be no diminution of their commitment to, or outcomes for, widening participation.

Queen's University has decided to reduce the overall level of its expenditure on widening participation in 2015/16. However, you should note that this reduction in expenditure has allowed the university to protect approximately 380 undergraduate places which would otherwise have been lost to Northern Ireland students. Also, Queen's has demonstrated its continuing commitment to widening participation through increased investment in outreach initiatives aimed at raising the aspiration and educational attainment of the most disadvantaged in our society.

As part of our monitoring arrangements of support for disadvantaged students, my Department approves an annual Widening Access and Participation Plan with each higher education institution in Northern Ireland. These plans detail the amount of money each institution plans to reinvest in programmes to attract additional students from under-represented groups, and includes a requirement that each institution pay a minimum bursary of 10% of the tuition fee to students in receipt of the maximum maintenance grant.

In academic year 2011/12, Queen's University offered bursaries well in excess of the minimum expected level. However, since 2012 my officials have encouraged higher education providers, including Queen's University, to rebalance their expenditure on widening participation measures to spend more on outreach initiatives, while at the same time continuing to provide bursaries targeted at the most disadvantaged students. This is because there is clear evidence that outreach activities are a much better vehicle than bursaries to facilitate the participation in higher education of the under-represented groups identified in Access to Success, my Department's strategy for widening participation. From 2011/12 to 2013/14, Queen's expenditure on outreach activities almost doubled to £1.9m and is set to increase again in 2015/16.

Mr Ramsey asked the Minister for Employment and Learning if a decision has been taken to remunerate governors at each of the six regional colleges.

(AQW 45915/11-15)

Dr Farry: A business case has been prepared by my Department which, with my approval, has been forwarded to the Department of Finance and Personnel (DFP) for consideration.

Under the terms of the Further Education (Northern Ireland) Order 1997, the amounts and conditions under which my Department may remunerate chairs and members require the prior approval of DFP.

Lord Morrow asked the Minister for Employment and Learning, pursuant to AQW 45689/11-15, and in light of similar earlier incidents at other college facilities, (i) what action was taken across all facilities under his departmental remit in the aftermath of the earlier cases; and (ii) whether this was enforced at Queens University at the time of the most recent incident of conviction in July 2014.

(AQW 45970/11-15)

Dr Farry: Since the case in question, Queen's University has taken the following measures:

The General Regulations of the University have been revised to specify that students must notify the institution as soon as they are placed under investigation by police – this enables an immediate risk assessment to be undertaken to determine whether they may continue on their programme of study. Students who fail to report that they are subject to a police investigation will be referred to the University's Conduct Regulations.

Queen's University has also made contact with the Police Service of Northern Ireland (PSNI) expressing concern that it was not informed of the individual's police and court bail conditions, nor was it contacted as part of the police investigation. Discussions are ongoing with the PSNI and other statutory agencies in this regard, including protocols to ensure the timely sharing of information, in all similar cases, going forward.

Both St Mary's University College and Stranmillis University College adhere to the same Queen's University procedures.

Under the provisions of Ulster University's Student Admission's Policy all applicants/students are required to declare any criminal convictions. Applicants/students intending to engage in regulated activity with children and/or vulnerable adults are required to declare any existing convictions and to undergo an AccessNI enhanced disclosure check prior to the commencement of a programme of study. Applicants/students who do not consent to an enhanced check are not permitted to register at the University. The University's procedures for dealing with criminal conviction disclosures are outlined in the Admissions Policy.

Colleges have in place robust criminal convictions disclosure policies, which incorporate an operational working protocol with external organisations such as the Public Protection Unit of the PSNI, the Northern Ireland Association for the Care and Resettlement of Offenders and the Probation Board for Northern Ireland.

These policies and protocols, in combination with standard operating procedures, provide a framework through which informed decisions can be made regarding participation of students with criminal convictions. Colleges carry out risk assessments on all students declaring a criminal conviction. As an integral part of this process, all students are obliged to inform the college of a criminal offence upon enrolment, or immediately following the application of a conviction.

Colleges are not informed of all convictions imposed through the judicial system and can only take steps to assess the risk where they are made aware of criminal convictions either by the student, as required as part of the enrolment process, or by the appropriate agencies as part of college protocol.

Mr Middleton asked the Minister for Employment and Learning whether there are any further developments in relation to the Ulster University Magee Campus acquiring the land at Foyle College following its move to the new site at the Waterside.
(AQW 46109/11-15)

Dr Farry: Ulster University signed an option to purchase agreement in December 2009. The option was exercised in December 2011. There is no firm date for Foyle College to vacate the site but I am advised that this is anticipated to take place in summer 2017. The University has confirmed that it would complete the purchase six months after Foyle College vacates the site subject to satisfactory compliance with all terms of the agreement.

Mr Ramsey asked the Minister for Employment and Learning to outline any departmental plans to change the payment structure of Educational Maintenance Allowance payments to eligible students.
(AQW 46314/11-15)

Dr Farry: I can advise the member that my Department has no plans to change the payment of the £30 a week means-tested Education Maintenance Allowance, (EMA), every two weeks. The £100 bonuses will continue to be paid twice a year. My Department, and joint owners the Department of Education, carried out an extensive independent review of the EMA scheme, followed by a public consultation, launched on 30 July 2012, for fourteen weeks. The findings of the responses formed the policy changes introduced in academic year 2013/2014. I can confirm a change to how EMA is paid to the student did not form part of the stakeholder's responses to the consultation, nor has it been raised as an issue with my Departmental officials in the past.

Mr Beggs asked the Minister for Employment and Learning for his assessment of the range of community education courses available in East Antrim.
(AQO 8299/11-15)

Dr Farry: The promotion of social inclusion through education and learning is a priority for my Department and all six Further Education Colleges. In the East Antrim area, the Northern Regional College is the main provider of community education courses.

The college is committed to providing a wide range of courses for adults in all of its main campuses, as well as in a number of community outreach centres.

Courses that are delivered in the community enable individuals and small groups to undertake training in an informal environment that will help them to gain the knowledge, skills and qualifications to develop their employment and career prospects, while others are more recreational in nature.

The college has developed a Community Strategy to ensure that the number of opportunities it can offer to learners in its catchment area can be maximised by working in partnership with a range of organisations, including Neighbourhood Renewal and the Big Lottery.

As lead partner in the "Living and Learning Together" Big Lottery Funded project, which is active in Antrim and Magherafelt, the college is providing a number of courses free of charge to learners in the community. These courses aim to enhance and develop skills, address health and wellbeing issues and develop social inclusion.

In the last academic year, the college delivered over 118 community based courses in the East Antrim area which included Essential Skills, counselling, food safety and creative crafts.

The college is also continuing to provide a wide range of Horizons programmes that have been specifically designed for adults with special needs a range of courses to help develop their skills and are delivered across a number of adult day centres.

Mr A Maginness asked the Minister for Employment and Learning to outline any departmental plans to resolve the pay dispute at Queen's University Belfast, where staff who participated in six hours of strike action over three days have had three days full pay withheld.

(AQO 8300/11-15)

Dr Farry: My Department provides funding to the local Higher Education Institutions for teaching and learning and research purposes. The Institutions, however, are responsible for their own policies and procedures, including employment matters.

Although I have not been made aware of the issue, my Department does not have any remit to intervene in this matter.

Mr Craig asked the Minister for Employment and Learning to outline the impact the Budget for 2015/16 will have on the work of the South Eastern Regional College.

(AQO 8301/11-15)

Dr Farry: The process to determine impacts on provision from individual college budget allocations for 2015/16 has not yet reached completion. Therefore, I am unable to provide a detailed and final assessment of the impact on the further education sector in general, or South Eastern Regional College, in particular, at this time.

Early indications from colleges are that part time places will be affected. Although individual college budgets have been set, these may need to be revisited.

There is no doubt that the cuts of £12m imposed on the further education sector will have a serious effect on the ability of the sector to maintain current levels of service. Undoubtedly, there will be reductions in both student places and staff numbers.

Crucial to mitigating against the worst impact of these cuts is the use of £6m End Year Flexibility, which my Department is seeking approval for from the Executive in the June Monitoring Round.

As the budget setting process comes to a conclusion, my officials will continue to work with the sector to ensure provision offered continues to meet the skills needs of current and future employers as much as possible within budget constraints.

Mrs D Kelly asked the Minister for Employment and Learning to outline his departmental plans for launching a new youth training scheme.

(AQO 8302/11-15)

Dr Farry: My Department is currently conducting a comprehensive review of youth training. An interim report was published in November 2014, setting out a range of proposals under four themes, namely; the core components of the youth training system; supporting young people; delivery and employer engagement structures; and ensuring quality.

A public consultation on the interim report, which closed in February 2015, confirmed support for a new youth training system at level 2 to deliver professional and technical training through a new, baccalaureate style award equating to five GCSEs at grades A* - C, including English and mathematics. All participants will have access to structured work-based learning, and it is intended that the system will be open to all 16-24 year olds requiring skills development, whether they are in employment, starting a new job role or currently not in employment.

Building upon the interim report proposals and stakeholder feedback, policy commitments are being finalised for the new youth training system and the strategy, with the attendant action plan, is expected to be published before the summer recess. Following publication it is intended that there will be piloting of elements of the proposed approach throughout 2015/16. It is anticipated that the new youth training system will commence in 2016/17.

Mr Buchanan asked the Minister for Employment and Learning for his assessment of the new Steps 2 Success programme.

(AQO 8303/11-15)

Dr Farry: My Department's main employment programme, Steps 2 Success, commenced on 20th October 2014. It is delivered across Northern Ireland by 3 Lead Contractors; supported by a number of local organisations. Evaluation of the programme will be based on official statistics which will not be available until Autumn 2015.

However, the Quality Improvement Team within my Department is responsible for evaluating the quality of the service delivery throughout the participant journey from referral to Steps 2 Success to sustained employment. An initial quality evaluation was conducted by the team which identified good practice within each Lead Contractor and supply chain.

Information obtained from the Department's systems indicates that between 20th October 2014 and 30th April 2015 a total of 22,861 clients were referred to the Lead Contractors of which 18,790 clients started. These are indicative figures that have not been validated by the Northern Ireland Statistics and Research Agency who are responsible for the production of official statistics in respect of the programme. The referral and attachment of more than 18,000 clients, in what was a relatively short period of time, indicates a positive start to the programme.

The programme's primary purpose is the delivery of a flexible personalised service tailored to meet individual needs to help people move into and remain in employment.

Two dedicated teams within my Department, Contract Management Branch and the Quality Improvement Team are already monitoring the programme delivery to ensure a high quality service is delivered to all participants.

Contract Management Branch monitors the performance of the Lead Contractors against the Performance Indicators. In circumstances where under performance is identified the Lead Contractors will be required to take remedial action.

Mr McMullan asked the Minister for Employment and Learning to outline the availability of defibrillators at each university and college campus.

(AQO 8304/11-15)

Dr Farry: Each higher education institution and further education college is responsible for its own policies and procedures, including the provision of defibrillators. My Department does not collate information on the availability of defibrillators however the member may wish to request the information directly from the institutions.

Mr Girvan asked the Minister for Employment and Learning to outline the number of apprentices in South Antrim.

(AQO 8305/11-15)

Dr Farry: Mr Speaker, with your permission I wish to group questions seven and fourteen, and would like to request an additional minute for the answer.

Latest published figures indicate that, at 31 January 2015, 461 apprentices from the South Antrim Parliamentary Constituency were undertaking ApprenticeshipsNI funded training in a range of subject areas. Engineering has the highest programme occupancy in any single area with 88 apprentices.

Of the overall number, 228 apprentices are working towards Level 3 apprenticeship framework qualifications, including 46 undertaking a Level 2 en route to Level 3 apprenticeship, and 233 apprentices are working towards Level 2 apprenticeship framework qualifications.

My Department is in the early stages of testing Higher Level Apprenticeships as part of the implementation of Securing our Success – the new Northern Ireland Strategy on Apprenticeships. Between 2013 and 2014, 106 people took up Higher Level Apprenticeships across Northern Ireland. However, it is not possible to determine how many people took up these apprenticeships in the South Antrim Constituency.

At present, seven pilot Higher Level Apprenticeships are underway across five occupational areas covering professional services; ICT; engineering; accountancy and life sciences.

Off-the-job training in respect of these pilots is being provided by four Further Education Colleges including the Northern Regional College who are working with six employers including Schrader Electronics, AES Limited and Michelin to deliver an engineering apprenticeship.

In total, there are now over one-hundred and twenty higher level apprentices working with forty six different employers across Northern Ireland.

My Department has been working with Further Education Colleges, Universities, employers and other stakeholders to develop additional pilot Higher Level Apprenticeships which will be available from September 2015. These additional pilots will broaden the range of occupational areas where higher level apprenticeships are being offered and will see a significant increase in the number of opportunities available.

Mr Givan asked the Minister for Employment and Learning to outline the current financial pressures facing local universities and colleges.

(AQO 8306/11-15)

Dr Farry: As a result of the budget reductions passed on to my Department by the Executive, the annual funding to the four higher education institutions in Northern Ireland has been reduced by £16.1m. This compounds the fact that the institutions are already underfunded when compared to English institutions by approximately £39m per annum.

With regard to the Further Education sector, there is no doubt that colleges are facing significant financial pressures ahead. In allocating budgets, I have tried to ensure that front line services are protected as far as possible. Unfortunately, it is inevitable that the required cuts will have implications for the range of provision offered and for staffing requirements in the colleges. Decisions regarding the specific curriculum offer and related staffing requirements are, however, a matter for each individual college.

The further education sector budget has been reduced by £12 million. This will be partially mitigated by proposed use of £6 million End Year Flexibility in June Monitoring, subject to the Executive agreement. This is, in effect, the use of college reserves. In addition to the budget cuts, colleges will have to factor in a range of inescapable inflationary financial pressures.

Department of Enterprise, Trade and Investment

Mr Eastwood asked the Minister of Enterprise, Trade and Investment (i) how many potential foreign investors visited each constituency in the each of the last five years; and (ii) how many of those companies subsequently invested in each constituency in each year.

(AQW 45027/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): A breakdown of inward investment visits by Parliamentary Constituency Area (PCA) over the last five financial years is provided at table 1 below. Please note that figures for 2014-15 are not yet available. The total number of visits by PCA will exceed the number of individual companies having visited due to the fact that companies can visit more than once per annum and each visit programme can include more than one PCA.

In relation to the specific data sought by part (ii) of the question it should be recognised that it is not possible to establish a direct relationship between individual visits and specific employment-related inward-investment projects. For example, a company may often visit a number of different locations within Northern Ireland before making a decision whether to invest and where to locate. It may also visit on a number of different occasions.

The number of inward investment projects in the last financial five years, broken down by PCA, is provided at table 2 below. Please note that figures for 2014-15 are not yet available.

Table 1: Inward Investment Visits by Parliamentary Constituency Area 2009-10 to 2013-14

Year	Visits
2009-10	Belfast East (34), Belfast North (17), Belfast South (48), Belfast West (12), East Antrim (9), East Londonderry (5) Foyle (13), Lagan Valley (3), Newry & Armagh (1), North Down (5), South Antrim (4), South Down (1), Strangford (2)
2010/11	Belfast East (47), Belfast North (22), Belfast South (54), Belfast West (7), East Antrim (19), East Londonderry (2), Foyle(10), Lagan Valley (7), Newry & Armagh (6), North Antrim (2),North Down (2), South Antrim (2), Strangford (1)
2011/12	Belfast East (51),Belfast North (25), Belfast South (62), Belfast West (7), East Antrim (14), East Londonderry (3), Foyle (7), Lagan Valley (1), Mid-Ulster (1), Newry & Armagh (3), North Antrim (1), Strangford (1), Upper Bann (2)
2012/13	Belfast East (53), Belfast North (36), Belfast South (63), Belfast West (9), East Antrim (16), East Londonderry (3), Foyle (4), Lagan Valley (7), Newry & Armagh (3), North Antrim (4), North Down (1), South Antrim (5), South Down (1)
2013/14	Belfast East (56), Belfast North (35), Belfast South (87), Belfast West (14), East Antrim (13), East Londonderry (3), Fermanagh & South Tyrone (4), Foyle (8), Lagan Valley (23), Newry & Armagh (3), North Antrim (1), North Down (3), South Antrim (2), South Down (1), Strangford (1), Upper Bann (1), West Tyrone (3)

Notes:

- 1) The number of visits to PCAs exceeds the number of companies to have visited due to the fact that companies can visit more than once and each visit programme can include more than one PCA.
- 2) A credible visit is defined as one where Invest NI can claim to have promoted a DCA or PCA by bringing a potential inward investor, who has an identifiable project proposal, to that area.
- 3) In addition to the above listed visits, Invest NI has also facilitated a number of visits by other organisations e.g. influencers, overseas governments and trade bodies, which serve to strengthen FDI & Trade links in overseas markets.

Table 2: Inward investment projects supported by Invest NI by Parliamentary Constituency Area 2009-10 to 2013-14

Year	Number of projects
2009-10	Belfast East (70), Belfast North (15), Belfast South (33), Belfast West (13), East Antrim (16), East Londonderry (13), Fermanagh & South Tyrone, (24), Foyle (14), Lagan Valley (24), Mid Ulster (22), Newry & Armagh (16), North Antrim (6), North Down (4), South Antrim (21), South Down (6), Strangford (6), Upper Bann (35), West Tyrone (19)
2010/11	Belfast East (56), Belfast North (9), Belfast South (30), Belfast West (6), East Antrim (17), East Londonderry (11), Fermanagh & South Tyrone (16), Foyle (4), Lagan Valley (9), Mid-Ulster (27), Newry & Armagh (14), North Down (1), South Antrim (18), South Down (2), Strangford (8), Upper Bann (26), West Tyrone (6)
2011/12	Belfast East (46), Belfast North (13), Belfast South (33), Belfast West (9), East Antrim (9), East Londonderry (7), Fermanagh & South Tyrone (23), Foyle (10), Lagan Valley (11), Mid-Ulster (16), Newry & Armagh (13), North Antrim (5), South Antrim (14), South Down (8), Strangford (3), Upper Bann (32), West Tyrone (7)
2012/13	Belfast East (39), Belfast North (14), Belfast South (48), Belfast West (15), East Antrim (23), East Londonderry (8), Fermanagh & South Tyrone (30), Foyle (10), Lagan Valley (19), Mid-Ulster (20), Newry & Armagh (14), North Antrim (4), North Down (2), South Antrim (24), South Down (5), Strangford (13), Upper Bann (43), West Tyrone (23)

Year	Number of projects
2013/14	Belfast East (39), Belfast North (13), Belfast South (35), Belfast West (11), East Antrim (17), East Londonderry (2), Fermanagh & South Tyrone (13), Foyle (8), Lagan Valley (26), Mid-Ulster (17), Newry & Armagh (8), North Antrim (8), North Down (8), South Antrim (32), South Down (7), Strangford (5) Upper Bann (31), West Tyrone (25)

Notes:

- 1) Invest NI revises performance data on a regular basis to ensure that it reflects implemented projects; therefore, the data above may differ to previously published information.

Mrs Dobson asked the Minister of Enterprise, Trade and Investment for his assessment of the (i) extent; and (ii) impact of meat importation on local farmers and the wider economy.

(AQW 45819/11-15)

Mr Bell: I am aware in the calendar year 2014 Northern Ireland imported £379 million of meat and meat preparations and exported £390 million. Historically the balance of trade between meat imports and exports had been in the favour of imports – 10 years ago we imported £178 million and exported £67 million. However I am pleased to now report that this situation has been dramatically reversed - over the last 5 years exports have grown by 58% and imports by 42%.

At present many categories of European meat are substantially cheaper to that produced in Northern Ireland. However as the UK is a member of the European Union we are obliged to fulfil the free trade policies of the EU. 88% of our meat imports are from countries within the EU free trade zone.

The task for Invest NI is to encourage and assist Northern Ireland meat processors to export more of its high quality meat products to global markets such as the Middle and Far East that are prepared to pay premium prices and thereby increase the growth in meat exports. Invest NI is continuously engaged with retail and food service buying organisations in many countries to fulfil this objective.

Mr Lyttle asked the Minister of Enterprise, Trade and Investment how his Department is helping to promote the capability and products of the local aerospace industry to the global market.

(AQW 45864/11-15)

Mr Bell: Invest Northern Ireland takes the lead in promoting the capabilities of Northern Ireland aerospace internationally through an integrated programme of inward and outward missions, participation at trade shows including Farnborough and Paris, and through participation in supply chain events. In the last three financial years Invest NI has supported 77 Northern Ireland aerospace companies to exhibit at global aerospace events.

Invest NI has also co-ordinated a number of inward visits from airframe manufacturers, including Boeing and Airbus, and companies involved in assembling major aerostructures to expose the aerospace supply chain in Northern Ireland to global opportunities. Northern Ireland is developing a strong reputation in the sector. Indeed Northern Ireland companies are involved in supplying all of the world's major aircraft programmes.

Through a programme of targeted support, Invest NI assists companies to undertake strategic investment in research, development, skills and facilities that can deliver greater competitiveness and enable Northern Ireland aerospace companies to extend their international reach. The industry has set the ambitious target of doubling turnover from £1 billion per annum to £2 billion and increasing employment from 8,000 to 12,000 high value jobs over the next ten years.

Mr Lyttle asked the Minister of Enterprise, Trade and Investment how his Department is assisting the manufacturing sector.

(AQW 45865/11-15)

Mr Bell: Invest Northern Ireland offers a wide range of assistance to the manufacturing sector with support for investment and job creation as well as a suite of programmes addressing all the key aspects of business development and competitiveness, such as training and skills enhancement, research and development, management and leadership, marketing, trade development, business improvement and access to finance.

Between 2010/11 and 2014/15, Invest NI offered £285 million of assistance to the manufacturing sector and this support contributed towards investment commitments of £1.9 billion and the promotion of 12,702 new jobs.

Recent examples of such support include assistance towards a £40 million investment by Delta Print & Packaging in Belfast, a £27 million capital investment by Dunbia in Dungannon to create 209 new jobs and support export growth; and the creation of 12 new jobs at Smith's Engineering Works in Ballymena.

My Department also works closely with the Utility Regulator to seek to address energy costs which are a key concern for manufacturers, large and small and with colleagues in the Department for Employment and Learning to enhance the skills available to manufacturing companies.

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment for his assessment of the benefits of an increase in the number of airline routes and frequency of flights at the George Best Belfast City airport.

(AQW 45935/11-15)

Mr Bell: To rebalance the Northern Ireland economy, we need to ensure quick and easy air access for Northern Ireland businesses, international investors and inbound visitors. George Best Belfast City Airport, along with Northern Ireland's other airports, plays a key role in providing connectivity to business and inbound tourism destinations.

I am encouraged by the recent re-entry of KLM to the Northern Ireland market and the expansion of the Flybe network from George Best Belfast City Airport. KLM's global network will provide Northern Ireland residents a greater range of destinations which can be accessed from Northern Ireland.

I am also convinced that the recent successful bid for Belfast to host the air route development conference Routes Europe in 2017 will provide a tremendous opportunity to showcase the Northern Ireland proposition to airlines and other regions in Europe and build mutually beneficial relationships.

Mr Swann asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 42410/11-15, given the oil and gas industry, and the Minister, define the shale layer (carboniferous viséan Murlough Bay formation), as an unconventional resource can he explain (i) how oil and gas exploration within this layer is considered a conventional process; and (ii) can he provide the legal precedence and source of this definition

(AQW 45965/11-15)

Mr Bell:

- (i) The relevant information is contained in the answers provided to AQW 42410/11. Exploration drilling is deemed a conventional process and does not distinguish between the type of rock it is moving through;
- (ii) No. I am not aware of a legal definition of the terms unconventional and conventional with respect to hydrocarbon resources.

Mr Agnew asked the Minister of Enterprise, Trade and Investment (i) what meetings have taken place between the Health and Safety Executive and Bombardier subsequent to the approval of the waste gasification plant at airport road; (ii) what was the subject of these meetings; (iii) what was the outcome of the meetings; (iv) on what date did the meetings take place; and (v) which organisations were in attendance.

(AQW 46005/11-15)

Mr Bell:

- (i) HSENI have had 4 meetings with Bombardier in relation to this planning application.
- (ii) These meetings discussed the technical nature of the application for the development of the Combined Heat and Power (CHP) plant in this location, its proximity to the Calor site and management of the risks using the Dangerous Substances and Explosive Atmosphere Regulations (DSEAR) regime.
- (iii) The nature of these meetings was as follows:

On 14th June 2013 HSENI met with Bombardier's technical consultant to discuss the technical requirements arising from HSENI's responses to the planning service consultation. The outcomes agreed were:

- 1 Bombardier to consider perimeter gas monitoring;
- 2 Bombardier to review effluent retention pond design; and
- 3 Bombardier to prepare DSEAR Assessment.

On 10th September 2013 HSENI met with Bombardier to discuss comments in the initial consultations, including HSENI's comments in the reply to the planning service consultation. Those present were representatives of HSENI, Bombardier and their support team, DOE Waste Team, George Best City Airport, NIEA (various) and Belfast City Council. Proposals for the Addendum to the Environmental Statement were discussed and agreed at this meeting. The outcomes agreed were:

- 1 Changes to Environmental Statement;
- 2 Bombardier to consider perimeter gas monitoring;
- 3 Bombardier to review effluent retention pond design; and
- 4 Bombardier to prepare DSEAR Assessment.

On 28th January 2015 HSENI met with Bombardier to discuss Off Site Emergency Plan arrangements for Calor Gas, risk framework for Calor Gas, progress regarding actions at previous meetings and preparations being made for construction phase of the CHP Plant. The outcome agreed was that Bombardier should move towards preparing for the construction phase.

On 1st May 2015 HSENI met with Bombardier and their construction team, Belfast Harbour Commissioners and Calor Gas to discuss arrangements for CHP Plant construction phase. Discussions were had regarding the perimeter gas monitoring (Bombardier and Calor Gas), site access control, management of construction personnel (in particular arrangements for emergency evacuation) and DSEAR assessment. A path forward was agreed with a potential role for HSENI Construction Inspection team and likely construction schedule.

(iv) The dates of the meetings are as follows:

HSENI with technical consultant representing Bombardier on 14th June 2013

HSENI met with Bombardier on 10th September 2013, 28th January 2015 and 1st May 2015

(v) The organisations in attendance are listed in part (iii).

Mr B McCrea asked the Minister of Enterprise, Trade and Investment for his assessment of the projected increase in aircraft production and the impact on the local economy.

(AQW 46007/11-15)

Mr Bell: The global aerospace sector is witnessing a period of unprecedented growth with market forecasts in the civil aerospace sector projecting the need for 29000 new aircraft by 2032. The aerospace sector in Northern Ireland is benefiting from this growth and the local sector has set the ambitious target of doubling turnover from £1billion per annum to £2billion and increasing employment from 8000 to 12000 high value jobs over the next ten years in response to these market conditions.

Mr Agnew asked the Minister of Enterprise, Trade and Investment (i) whether the don't advise against permission instruction for the Health and Safety Executive in the Planning Advice for Developments near Hazardous Installations guidelines equates to a no objection response to a planning proposal; (ii) whether Health and Safety Executive advice to the planning service equated to no objection to planning application Z/2012/1387/F; and (iii) whether that advice was based on the addendum to the environmental statement.

(AQW 46023/11-15)

Mr Bell: This reply concerns planning application Z/2012/1387/F for a Combined Heat and Power Plant at Bombardier, Airport Road, Belfast.

When an application comes to HSENI they apply the land use planning methodology - planning advice for developments near hazardous installations (PADHI). After application of this framework HSENI will respond that they "Advise Against" or "Don't Advise Against" the granting of planning permission on health and safety grounds that arise from the possible consequences of a major accident at the hazardous installation. Under PADHI, HSENI cannot issue a No Objection or Objection decision regarding a planning application. A Don't Advise Against decision does not equate to a no objection response as, if they feel it is justified, HSENI may suggest conditions on the granting of a planning approval or may make other comments if they consider them to improve public safety. It is up to the planning authority to decide whether or not to take the advice into account when it makes a decision on the planning application.

In the particular case of Z/2012/1387/F, the proposed development constituted an industrial facility within the Land Use Planning zones of the adjacent Calor Gas COMAH site. On application of the planning advice for developments near hazardous installations (PADHI) guidelines, a Don't Advise Against reply was appropriate. However HSENI recognised that it was in the public interest that the applicant should liaise directly with Calor Gas to minimise total risk and that at an early stage the applicant should carry out a full and formal risk assessment as required under the Dangerous Substances and Explosive Atmospheres Regulations, to minimise fire & explosion risks. To minimise costs and time delays, this Risk Assessment is best done at the design stage which is why this was mentioned in HSENI's reply.

There have been several changes made to the proposed development including those in the addendum to the environmental statement. HSENI were made aware of these changes, none of which have affected HSENI's reply of Don't Advise Against.

Mr Hussey asked the Minister of Enterprise, Trade and Investment how many jobs InvestNI has promoted in (i) Northern Ireland; and (ii) West Tyrone over the last three years.

(AQW 46029/11-15)

Mr Bell: In the 3 years between 1st April 2011 and 31st March 2014 Invest NI's support helped promote (i) 23,448 new jobs in Northern Ireland. Included in this figure were (ii) 1,228 new jobs in the West Tyrone constituency.

Information on the number of jobs promoted in 2014-15 will be published shortly by Invest NI.

Mr Hussey asked the Minister of Enterprise, Trade and Investment how many jobs InvestNI has created in (i) Northern Ireland; and (ii) West Tyrone over the last three years.

(AQW 46031/11-15)

Mr Bell: In the 3 years between 1st April 2011 and 31st March 2014 Invest NI's support helped create (i) 18,569 new jobs in Northern Ireland. Included in this figure were (ii) 727 jobs in the West Tyrone constituency.

Information on the breakdown of the number of jobs created in 2014-15 will be published shortly by Invest NI.

Mr Hussey asked the Minister of Enterprise, Trade and Investment how much InvestNI has invested in (i) Northern Ireland; and (ii) West Tyrone in the last three years.

(AQW 46035/11-15)

Mr Bell: In the 3 years between 1st April 2011 and 31st March 2014 Invest NI offered assistance valued at (i) £423million, which contributed towards business development projects that planned to invest £2,076million in the Northern Ireland economy.

Included in this support was (ii) £11.3million, which contributed towards business development projects that planned to invest £63.2million in the West Tyrone constituency.

Information on the regional breakdown of support offered during 2014-15 will be published shortly by Invest NI.

Mr Agnew asked the Minister of Enterprise, Trade and Investment what concerns the Health and Safety Executive has raised to each of the planning approvals related to the proposed incinerator at Airport Road, Belfast.

(AQW 46064/11-15)

Mr Bell: HSENI has received 1 planning consultation and an addendum from DOE planning in relation to a Combined Heat and Power plant for refuse derived fuel, Airport Road Belfast.

As a statutory consultee, HSENI, on receipt of the planning consultations for Z/2012/1387/F, applied the Planning Advice for Developments near Hazardous Installations Guidelines and informed planning service that a "Don't Advise Against" reply was appropriate on both occasions.

On the first response HSENI detailed further measures for consideration. These measures included:

- 1 Bombardier to consider perimeter gas monitoring;
- 2 Bombardier to review effluent retention pond design; and
- 3 Bombardier to prepare Dangerous Substances and Explosive Atmosphere Regulation Assessment.

On the second response to the DOE planning addendum, HSENI acknowledged that the changes made in the application and those assurances given during subsequent meetings indicated that the suggested measures are to be implemented.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment to detail the number of (i) new jobs promoted; (ii) new jobs created; (iii) assistance offered; and (iv) total investment in each of the 26 district council areas during the 2014/15 financial year, broken down by (a) locally owned companies; and (b) externally owned companies.

(AQW 46067/11-15)

Mr Bell: The information you have requested is not currently available for the latest year (2014-15) as Invest NI's sub-regional results have not yet been released.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment to detail the number of visits facilitated by InvestNI for potential inward investors to each of the 26 council areas during the 2014/15 financial year.

(AQW 46068/11-15)

Mr Bell: The information you have requested is not currently available for the latest year (2014-15) as Invest NI's sub-regional results have not yet been released.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment to outline the (i) number; and (ii) percentage of the jobs created by (a) locally owned companies; and (b) externally owned companies with Invest NI support in each of the 26 district council areas, during the 2014/15 financial year, which offer a salary above the Northern Ireland Private Sector Median

(AQW 46069/11-15)

Mr Bell: The information you have requested is not currently available for the latest year 2014-15 as Invest NI's sub-regional results have not yet been released.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment to detail the number of new jobs created from first time external investors that were supported by Invest NI during the 2014/15 financial year in each of the 26 council districts.

(AQW 46070/11-15)

Mr Bell: The information you have requested is not currently available for the latest year (2014-15) as Invest NI's sub-regional results have not yet been released.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment (i) where the proposed Avanti satellite pilot scheme will take place; (ii) when it will take place; (iii) how many (a) domestic; and (b) non-domestic customers will take part; (iv) what speeds will be involved; and (v) what the pilot will cost.

(AQW 46101/11-15)

Mr Bell: The Avanti project, which is attracting funding of £886,000 from the UK Government, will be implemented in Scotland and Northern Ireland with counties Fermanagh and Antrim chosen as the test areas in Northern Ireland due to their geography and clustering of premises.

Avanti has engaged with Fermanagh and Omagh, Antrim and Newtownabbey, Causeway Coast and Glens, Lisburn and Castlereagh, and Mid and East Antrim District Councils to secure their assistance in promotional activity commencing in June 2015. Up to 500 premises across the two counties will be selected to participate on a first-come, first-served basis and the breakdown between residential and business premises will therefore be determined by the registrations received.

Avanti will offer packages providing download speeds of up to 30 Megabits per second.

Mr Middleton asked the Minister of Enterprise, Trade and Investment what action her Department has taken to ensure access to super fast broadband in rural areas of the Foyle constituency.

(AQW 46107/11-15)

Mr Bell: In recent years my Department has supported a number of projects, including one specifically targeted in the Foyle basin, aimed at increasing the footprint of fixed-wireless superfast broadband networks.

My Department also led on the deployment of Fibre-to-the-Cabinet technology to nearly 2,500 cabinets across Northern Ireland, including 162 serving the Foyle constituency, enabling the delivery of superfast broadband.

In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement project (NIBIP) which will, inter alia, extend the availability of superfast broadband to those who have limited choice across Northern Ireland and including exchange areas serving the Foyle constituency. Further details on the project can be found on the NI Direct platform at <http://www.nidirect.gov.uk/index/information-and-services/leisure-home-and-community/technology-and-online-services/broadband-improvement-project.htm>.

Recognising that NIBIP will not deliver superfast broadband to all premises, in February 2015, my Department awarded a further contract to BT for delivery of the Superfast Roll-out Programme, under which they will provide superfast broadband improvements for 38,000 premises across Northern Ireland, by December 2017, including in areas within the Foyle constituency. The project has commenced with an extensive survey and design process, which will take several months to complete. Further details on roll-out will be published to the NI Direct platform when available.

My officials are also assisting the Department of Culture, Media and Sport in its expansion of the Super-connected Cities Programme in Northern Ireland. Under the expansion, branded as Super-connected Northern Ireland, there is an opportunity for the new Super-Councils to deliver a voucher scheme, similar to those delivered in the Belfast and Derry & Strabane District Council areas, to support the installation costs of high speed broadband access for businesses, charities and social enterprises.

Mr Campbell asked the Minister of Enterprise, Trade and Investment whether he will hold discussions with the management of each of Northern Ireland's three airports to establish what realistic measures can be taken to reverse the numbers of local people travelling to Dublin airport for International flights.

(AQW 46127/11-15)

Mr Bell: As Minister of Enterprise, Trade and Investment it is my intention to work with all of Northern Ireland's airports to support their route development endeavours.

My Department is in ongoing dialogue with our airports to attract routes to destinations currently served by Dublin Airport and which could be served directly from Northern Ireland. Providing direct access to destinations such as Germany, Scandinavia and Canada would provide increased choice for Northern Ireland residents and improve our linkages to important business and inbound tourism markets.

Northern Ireland has recently been successful in attracting the air route development conference Routes Europe which will take place in Belfast in 2017, with over 100 airlines and approximate 1,200 delegates expected. This conference bid was jointly delivered by Invest NI, Visit Belfast and Tourism NI. I am confident this will provide a tremendous opportunity to showcase the Northern Ireland proposition to airlines and other regions in Europe, build mutually beneficial relationships and secure new routes to enhance our international connectivity.

My Department is also scoping the potential for a specific Air Route Development Fund for Northern Ireland.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment how many local jobs have been created since 2010.

(AQW 46130/11-15)

Mr Bell: Invest NI is only able to measure the number of jobs created since 2011-12. In the 4 years between 1st April 2011 and 31st March 2015 Invest NI's support helped create 19,606 new jobs in locally-owned businesses in Northern Ireland.

Mr Allister asked the Minister of Enterprise, Trade and Investment to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46158/11-15)

Mr Bell: The Department of Enterprise Trade and Investment has published key information on ministerial trips overseas for the period April-September 2014 on its website. Further periods will be added at regular intervals. The link is http://www.detini.gov.uk/index/deti-about-home/financial_arrangements/deti_minister_overseas_travel.htm

The additional information asked for is not held on the departmental accounting system at the level of detail requested and could only be collated from other sources at disproportionate cost.

Mr Beggs asked the Minister of Enterprise, Trade and Investment how many complaints have been made to the Health and Safety Executive regarding sub-standard electricity supplies in private sector tenancies.

(AQW 46174/11-15)

Mr Bell: The Health and Safety Executive for Northern Ireland (HSENI) receives a very small number of complaints about sub-standard electricity supplies in private sector tenancies. During the last 20 years HSENI estimates there have been 6 complaints, alleging sub-standard electrical work following bathroom or kitchen renovation work.

HSENI's enforcement remit for health and safety at work issues in domestic properties (which includes private sector tenancies) is confined to peripatetic work activities (workers who travel from place to place to work) or their effects.

Therefore the safety of the electrical installation in rented accommodation would not be a matter for HSENI unless it could be linked to the actual work activity of a peripatetic worker eg. electrician, heating engineer etc.

District Councils have been given new enforcement powers under The Private Tenancies (Northern Ireland) Order 2006 to ensure that unfitness and serious disrepair are addressed. Regulation 7 (1) (c) (i) of this Order requires the landlord to keep the installations in the dwelling- house for the supply and use of electricity in repair and in proper working order. This addresses the particular issue of the condition of the electrical installation in properties under private tenancy.

Ms Boyle asked the Minister of Enterprise, Trade and Investment what actions InvestNI are taking to progress the expressions of interest that have been made by potential investors to locate their business at the InvestNI Business Park at Melmount Road, Strabane.

(AQW 46228/11-15)

Mr Bell: Since the opening of Strabane Business Park Invest NI has met with a number of businesses that had expressed an interest in locating within the estate.

It is then for each business to decide whether they wish to pursue their interest further and, if so, to ensure they have the requisite funding in place for their proposed development.

Whilst it is unfortunate that these interactions have to date not resulted in actual sales and investment Invest NI continues to engage with businesses interested in locating within the Park.

Mr B McCrea asked the Minister of Enterprise, Trade and Investment for his assessment of the local mobile technology industry.

(AQW 46397/11-15)

Mr Bell: Telecommunications policy is a reserved matter and the telecommunications market in Northern Ireland, as in other regions of the UK, is also fully privatised and independently regulated by Ofcom.

With regard to mobile coverage, obligations are established through licences issued by Ofcom which, as the regulator, is directly responsible for monitoring mobile coverage and performance of the Mobile Network Operators (MNOs). In that context, while my Department has regular contact with the MNOs, its influence is limited.

As you may be aware, the MNOs have been investing quite significantly in their 2G and 3G networks in recent years as well as commencing the roll-out of their 4G infrastructure. This has had a positive impact in Northern Ireland, particularly with regard to 2G services for which, according to Ofcom's infrastructure reports, coverage has increased by some 15% on the A & B roads across the region in the last year alone. I understand that the MNO investments are set to continue until 2017.

EE

EE has advised my officials that its network is in a 'robust state' across all technologies as they have ensured that there is sufficient availability and resilience built into their network to meet customer demands.

Vodafone

Vodafone expects its ongoing investment to lead to considerable improvements in its network in Northern Ireland, indicating that the upgrades will bring 2G coverage to over 99% of the population and, 4G coverage to somewhere in the mid-nineties by roll-out completion.

They have pointed to some barriers to network roll-out that are particular to Northern Ireland, most specifically around the planning process, and have advised that they have written to Minister Durkan in that regard.

Three

Three advises that in 2014 it has invested significantly in its network throughout Northern Ireland by increasing the number of mast sites, leading to a 19% increase in coverage on its network. All of Three's Northern Ireland sites have been upgraded with Advanced 3G technology and they are soon to commence the roll out of 4G.

In relation to dropped calls, Three has reported a substantial improvement since July 2014 as a result of its network upgrades. In addition, the introduction of its 'Feel at Home' service means that since August 2013, its customers have been able to use their phones when abroad at no additional cost in 18 countries, including the Republic of Ireland. This means that Three customers living and working in border areas should be able to use their voice and data allowances free from the worry of bill shock.

O2

Similarly, O2 is reporting that through its ongoing initiatives, including its network consolidation programme with Vodafone (Project Beacon) it expects outdoor coverage on its 2G, 3G and 4G platforms, in percentage terms, to reach the mid-high nineties by 2017.

Mobile Infrastructure Project (MIP)

Despite these market-led investments, everyone fully recognises that there are areas that still struggle with coverage and for that reason the UK Government is implementing the Mobile Infrastructure Project (MIP).

This project will see the deployment of up to 70 new mast sites across Northern Ireland designed to address the issue of complete voice, text and basic data 'not-spots' i.e. those areas where there is no coverage from any operator. The first site is expected to go live in the second quarter of 2015. While the project is focused on 2G technology, it is understood that the operators will future-proof the infrastructure being deployed, in order to further support 3G, 4G and beyond, where possible. My officials regularly provide assistance to DCMS colleagues on the implementation of the project locally.

Partial Not Spots

Furthermore, in December 2014, the UK Government announced that it had reached an agreement with the MNOs which will see the mobile industry investing £5 billion in UK infrastructure and increasing coverage by 2017 with a view to addressing the issue of 'partial not-spots' i.e. those areas where coverage is provided by just one or two of the four MNOs.

Roaming

With regard to mobile roaming, my predecessor wrote to Ed Vaizey MP, Minister for Culture and the Digital Economy, in the context of the ongoing negotiations on the European Single Market for Electronic Communications, registering disappointment that the ambitions around the removal of mobile roaming charges have been curtailed and replaced with a roaming allowance for consumers. As a result she has encouraged the UK Government to press for the highest allowance available to reduce the adverse impact of inadvertent roaming and I will continue to add my weight to that argument as negotiations progress.

Given this ongoing activity, I am of the view that the time is not yet right for my Department to consider any local intervention in the mobile market. However, my officials are maintaining a watching brief and, once the current initiatives have completed, will assess whether there is a need for any further government intervention.

Mr B McCrea asked the Minister of Enterprise, Trade and Investment how his Department plans to increase the number of Initial Public Offerings.

(AQW 46398/11-15)

Mr Bell: The decision on whether to become a public listed company rests with individual businesses.

As Enterprise Minister I am committed to promoting and supporting business development and creating the best economic conditions in which local companies can grow, compete globally and if appropriate become publically listed through Initial Public Offerings.

Mr Humphrey asked the Minister of Enterprise, Trade and Investment for an update on the Forthriver Innovation Centre.
(AQO 8318/11-15)

Mr Bell: Belfast City Council has made significant progress in its plans to develop an Innovation Centre on the Forthriver Business Park. A Contractor has been appointed and ground work is underway on the site.

Mr Hussey asked the Minister of Enterprise, Trade and Investment for his assessment of the support his Department and InvestNI has given to Omagh and Strabane since 2011.

(AQO 8311/11-15)

Mr Bell: In the three years between 1st April 2011 and 31st March 2014, Invest NI's activity in Omagh District Council included three hundred and fifty six offers of support totalling seven point seven million pounds of assistance, contributing towards forty six point one million pounds of investment.

During the same period Invest NI's total activity in Strabane District Council Area has included two hundred and sixteen offers of support totalling three point seven million pounds of assistance, contributing towards seventeen point one million pounds of investment.

The development of Strabane Business Park has released approximately sixteen acres of new industrial land to support economic development not only within Strabane but also the wider West Tyrone area.

Mr Ross asked the Minister of Enterprise, Trade and Investment for his assessment of the importance of an event such as the Giro d'Italia Gran Fondo for Northern Ireland.

(AQO 8312/11-15)

Mr Bell: The 2014 Giro d'Italia Grande Partenza was a tremendous success, showcasing Northern Ireland's spectacular scenery to a potential seven hundred and seventy five million viewers in one hundred and sixty four countries across the world and creating an economic impact of approximately two point five million pounds.

It attracted two hundred and twenty seven thousand visitors, vastly exceeding the one hundred and forty thousand target.

Through the Giro, we demonstrated our ability to deliver an outstanding event on the world stage and confirmed Northern Ireland's reputation as a wonderful place not only to visit, but to invest, do business, work and study.

Following this success, Tourism NI has secured a Gran Fondo, a unique sportive-style legacy event aimed at amateur cyclists.

Up to four thousand cyclists are expected to ride the choice of the one hundred and seventy seven kilometre Mourne route or the fifty eight kilometre Strangford route.

The Gran Fondo will increase awareness of Northern Ireland as a premium cycling and tourism destination and will have a positive economic impact with riders and their families filling local hotels and restaurants.

Mr F McCann asked the Minister of Enterprise, Trade and Investment to outline any new initiatives designed to create job opportunities for young people.

(AQO 8313/11-15)

Mr Bell: The Regional Start Initiative is an Invest NI programme that provides support to locally focused entrepreneurs, including young people. The programme encourages entrepreneurs to produce a business plan which provides a template to plan and access sources of funds.

Under Local Government Reform responsibility for enterprise awareness, including initiatives to support young Entrepreneurs, transferred to the councils on the 1st April 2015. The Department in conjunction with Invest NI will work closely with Councils in the development of these initiatives.

Mr G Robinson asked the Minister of Enterprise, Trade and Investment what input his Department has in attracting Foreign Direct Investment for the development of businesses at the former Shackleton Barracks site at Ballykelly.

(AQO 8314/11-15)

Mr Bell: Invest NI will include the former Shackleton Barracks on visit programmes for potential inward investors as appropriate.

The final decision on investment location however rests solely with the investor.

Invest NI will market any suitable industrial property developed on the site to potential investors through its commercial property database. This can be accessed through the NI Business Information website.

Mr Clarke asked the Minister of Enterprise, Trade and Investment for his assessment of InvestNI's annual performance report in relation to its Programme for Government commitments.

(AQO 8315/11-15)

Mr Bell: The performance of Invest NI against the original Programme for Government targets of the agency is outstanding, with the agency significantly exceeding four of their five targets. This includes:

Thirty seven thousand two hundred and seventy seven jobs promoted against the original target of twenty five thousand new jobs;

Two point seven billion pounds investment promoted against the original target of one billion pounds;

Five hundred and twenty million pounds investment in R&D achieved against the original target of three hundred million pounds; and

Thirty million pounds of loans made to SMEs through the Growth Loan Fund against a target of twenty eight million pounds.

Mr Moutray asked the Minister of Enterprise, Trade and Investment for his assessment of the local economic benefit from the recent staging of the Irish Open at Royal County Down Golf Club.

(AQO 8316/11-15)

Mr Bell: I'm sure you will all agree that this year's Irish Open event was just as exciting as Portrush in 2012 which broke all previous records and became the only tournament to sell out in advance over the forty year history of the European Tour. With over one hundred thousand tickets sold, the event this year matched that success. Congratulations to Danish star Soren Kjeldsen who lifted the trophy after a dramatic play off hole.

The Irish Open provided Tourism Northern Ireland and Tourism Ireland with huge marketing and promotional opportunities, through hosting media and tour operator visits, celebrity participation in the Pro Am and a TV advertising campaign, the 'Unmissable Irish Open', which started airing in early March.

We pulled out all the stops to ensure that Northern Ireland staged a world class golfing event that will long be remembered by players and spectators alike. In May this year the eyes of the world were once again upon us.

The event helped grow overnight visitor numbers and spend, it provided a positive image of Newcastle and The Mournes internationally, and built on other recent high profile events to further demonstrate Northern Ireland's capacity to host major events.

Evaluation of the economic impact of the event is currently being undertaken and results are awaited.

Mrs Overend asked the Minister of Enterprise, Trade and Investment for his assessment of the latest Northern Ireland Annual Tourism Statistics.

(AQO 8317/11-15)

Mr Bell: I am very encouraged by the latest tourism statistics published by NISRA which show a positive tourism performance last year, clearly demonstrating that the strong tourism momentum built up over the past few years continued into 2014.

With tourism spend in 2014 totalling seven hundred and fifty one million pounds we are now three-quarters of the way towards reaching our long term goal to make tourism here a one billion pound industry by 2020. It is also good news that overall visitor numbers increased by eleven per cent to four point five million in 2014, and I am particularly pleased that the number of external visitors continues to rise now reaching two point two million.

The latest figures point to continued overall growth in local tourism, a sector which is becoming an increasingly important driver for the Northern Ireland economy.

Our key Programme for Government targets for visitor numbers and tourism revenue have been achieved for 2014 and we are well on our way to achieving our 2015 targets.

Mrs Hale asked the Minister of Enterprise, Trade and Investment if he plans to discuss the connection delays with Northern Ireland Electricity.

(AQO 8319/11-15)

Mr Bell: I am aware, generally, that grid constraints are impacting on connection times for developers and that the Member raised specific cases with my predecessor. Minister Foster called the players together to seek assurances that appropriate attention was given to developer concerns and to express the need for thought to be given to ways to improve connection times and problems. I sympathise with those who are affected and I intend to continue that dialogue. In the immediate aftermath of that meeting my Department has written to the Regulator and Northern Ireland Electricity asking for them to outline ways in which they can be innovative in managing investments under the existing Price Determination arrangements.

Mr Craig asked the Minister of Enterprise, Trade and Investment for an update on any discussions he has had concerning direct flights and greater connectivity to European hub airports.

(AQO 8320/11-15)

Mr Bell: Hub airports provide important global connections to business and inbound tourism markets. Northern Ireland has good connectivity to Heathrow, the UK's hub airport, via British Airways and Aer Lingus.

The recent commencement of the KLM service from Belfast City Airport to Schiphol Airport in Amsterdam also provides important hub access in Mainland Europe. The new KLM service will improve Northern Ireland's connectivity to key markets in Europe, North America, Asia and the Middle East.

Department of the Environment

Mr Frew asked the Minister of the Environment how many planning applications in the Ballymena area were processed and concluded in March 2015; and of these, how many were (a) approvals; and (b) refusals.

(AQW 45345/11-15)

Mr Durkan (The Minister of the Environment): The latest figures published by the Department are up to the end of December 2014 (Quarter 3). Figures up to the end of 31 March 2015 (Quarter 4/End of Year) are due to be published later this year.

To comply with the Statistics Code of Practice, the Department cannot release un-validated data into the public domain. Un-validated data is data which has been taken from a database which has not been subjected to rigorous data cleansing, checking and validating processes. To release such data would place the Department in breach of the Statistics Code of Practice. As such, the Department is unable to provide the requested information at this time. When the information is available I will ensure my officials provide it to you.

However, figures for Quarter 3 (October to December 2014), for the Ballymena local government district can be found in Table 1 below:

Table 1: Applications received and decided in Ballymena LGD for Q3 2014/15

Received	Decided	Approved	Refused
135	104	91	13

Mr Allister asked the Minister of the Environment for a breakdown of the hospitality spend by (i) his Department; and (ii) its arm's-length bodies, in 2014/15.

(AQW 45569/11-15)

Mr Durkan: The total cost of hospitality provided by my Department in 2014-15 was £40,097. The total cost of hospitality provided by my Department's arm's-length bodies for 2014-15 was £4,804. Hospitality spend will cover the provision of refreshments for various meetings, workshops etc.

Lord Morrow asked the Minister of the Environment to detail the location of the fourteen large-scale excavations carried out for the Northern Ireland Environment Agency by Queen's University's Centre for Archaeological Fieldwork.

(AQW 45745/11-15)

Mr Durkan: Our records indicate that during the period from January 2014 to December 2014 the Queen's University, Centre for Archaeological Fieldwork (CAF) undertook thirteen 'large-scale' excavations on behalf of the Northern Ireland Environment Agency. One excavation undertaken by CAF, at Cushendun sand dunes Co. Antrim, was not carried out on behalf of the Northern Ireland Environment Agency.

I enclose a list of these thirteen NIEA excavations and their locations as requested, in order of date: -

- 1 Tullaghoge Fort, Co Tyrone. January-February 2014
- 2 Carrickfergus Castle, Co Antrim. Inner & Outer Wards. February- March 2014.
- 3 Murlough Lower Beach, Sand dunes site. Co Down. March 2014
- 4 Arney Village, Co Fermanagh. Battle Site. April 2014.
- 5 Carnmoney, Co Antrim. Lime Kilns site. May 2014.
- 6 Dunluce Castle, Co Antrim. Gardens & Village. June to August 2014.
- 7 St Patrick's Wells at Struell, Co Down. June-July 2014.
- 8 Saul, Co Down. Medieval Shrine. June 2014
- 9 Tullaghoge Fort, Co Tyrone. September to October 2014.
10. Grey Point Fort, Co Down. October to November 2014.
11. Carrickfergus Castle, Co Antrim. Inner Ward. November 2014.
12. Dunboe, Co Londonderry. Early medieval Ecclesiastical enclosure. November 2014.
13. Dundrum Castle, Co Down. December 2014.

Mr Allister asked the Minister of the Environment what is the recognised definition of fracking applied by his Department.

(AQW 45753/11-15)

Mr Durkan: For any development for the exploration and/or production of hydrocarbons, the Department is guided by the definition set out in the recommendation paper published by EU Commission on the minimum principals for the exploration and production of hydrocarbons (such as shale gas) using high volume hydraulic fracturing.

In this paper, high volume hydraulic fracturing means injecting 1000m³ or more of water per fracturing stage or 10,000m³ or more of water during the entire fracturing process into a well.

Mr Allister asked the Minister of the Environment what are the criteria by which his Department distinguishes between conventional and unconventional extraction of oil and gas.

(AQW 45754/11-15)

Mr Durkan: In the oil and gas industry the terms conventional and unconventional are usually applied to the types of reservoir in which oil or gas may be trapped. In conventional reservoirs (e.g. sandstones, naturally fractured limestones) the oil or gas is trapped in well-connected spaces (pores) between the grains of the rock and flows readily from the rock into and up the well.

In contrast, in unconventional reservoirs the hydrocarbons may be adsorbed (attached) onto the grains or trapped in poorly connected micropores and fractures. In this case High Volume Hydraulic Fracturing (HVHF) is used to enhance the fracture network so that the hydrocarbons will flow from the reservoir into the well at the required rate.

The classification of underground resources is not a matter for DOE Planning. My Department is led by the advice provided by DETI Geological Survey who have the remit and expertise to classify the underground strata and resource potential.

Mr Allister asked the Minister of the Environment whether the public planning portal is being kept up to date in respect of the Ballinlea 2 planning application.

(AQW 45756/11-15)

Mr Durkan: The planning portal contains details of the application, associated documents submitted by the applicant, consultee comments and third party representations.

Following the transfer of planning functions to the local Councils the Department experienced a number of technical issues with its computer system. The planning portal was unavailable for DOE planning staff to upload data throughout most of April 2015 and records show that information was published from 1 May.

Access to the portal has now resumed and the portal is up to date.

Mr Weir asked the Minister of the Environment what monitoring is carried out to ensure that councils correctly apply the method of proportionality when distributing positions on council committees and outside bodies.

(AQW 45773/11-15)

Mr Durkan: The provisions in the Local Government Act (Northern Ireland) 2014 (the 2014 Act) specify the procedures that a council must adopt to ensure that positions of responsibility and the membership of council committees reflects, as far as is practicable, the political balance on that council.

Section 6 of the 2014 Act specifies the positions of responsibility for a council. This includes appointment as an external representative of the council, where it is a nomination to serve as a member of any public body established by or under statutory provisions.

It is a matter for each council to determine the approach that it wishes to adopt for filling positions on outside bodies, over and above those specified as positions of responsibility under section 6 of the 2014 Act.

The 2014 Act provides that a council may use either the d'Hondt or Sainte-Laguë formula method or the Single Transferable Vote method for filling the positions of responsibility set out in section 6 of that Act. The d'Hondt method is specified as the default in Schedule 1 to the 2014 Act, which also sets out the operating procedures for each method. The 2014 Act also makes detailed provision, in Schedule 2, in relation to the procedures a council must use for appointing councillors to committees.

It is a matter for each council as a separate legal entity to determine the method that it wishes to adopt for filling positions of responsibility and for appointing councillors to committees, in accordance with the requirements specified in the 2014 Act. The Department, in November 2014, issued statutory guidance to councils on the application of each of the specified methods. It is a matter for each council to ensure the correct application of the methods it has adopted.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 44276/11-15, to specify the research which informed his answer that there is no available evidence to determine the threat posed by the cumulative effects of septic tanks on Lough Neagh Special Protection Area; and for his assessment of (i) the Northern Ireland Assembly 2009 investigation into the use of septic tanks in Northern Ireland, Briefing Note 103/09; and (ii) the Agri-food and Biosciences Institute 2011 report entitled Phosphorous Inputs into Lough Neagh.

(AQW 45779/11-15)

Mr Durkan: The process for obtaining a consent for a discharge of sewage effluent from a single domestic dwelling has undergone a significant review since the Northern Ireland Assembly Briefing Note, no. 103/09, entitled "An investigation into the use of septic tanks in Northern Ireland", was published. This provision provides for a much more robust assessment of applications and will ensure that any potential/existing impacts from single domestic treatment systems are fully assessed and addressed as part of the application process.

This process, introduced in January 2012 following an extensive period of public consultation, and as referred to in my response to AQW 44276/11-15, requires applicants for proposed systems, i.e. those systems not in place at the time of application, to provide evidence that the type of system to be installed complies with the appropriate British Standards. In addition, all applications for existing systems will be inspected by the Department prior to granting of consent to ensure that the system is operating correctly.

As stated in my response to AQW 44276/11-15, the Department does not have the evidence to determine the nature of the threat, if any, posed to water quality in Lough Neagh as a result of septic tanks. Indeed, within the section entitled "Environmental Damage from Septic Tanks" in Briefing Note 103/09, the report states, "There is clear evidence that there is in fact a great deal of environmental damage being caused by septic tanks in Northern Ireland particularly in key waterways like Lough Erne and Lough Neagh. However there is also a paucity of data on this subject."

The Agri-Food and Biosciences Institute has carried out a number of studies regarding the impacts of nutrients on freshwaters, including phosphorus inputs to Lough Neagh. However, reported estimates available for septic tanks are based on data for the period up to the late 1990s. Since this time, overall total phosphorus levels in Lough Neagh have declined. Also as stated in my response to AQW 44276/11-15, the Northern Ireland Environment Agency (NIEA) is aware of research and ongoing studies in other parts of the UK and Ireland. Evidence from these will be reviewed as and when completed to provide more up to date assessment.

Finally as previously stated in my response to AQW 44276/11-15, should a potential detrimental impact on water quality due to the effect of septic tanks at a catchment level be detected, NIEA will provide advice and guidance to the owners of any systems suspected of contributing to the impact to resolve any issues. There are, however, processes in place whereby enforcement action can be taken by NIEA depending on individual circumstances, should co-operation not be forthcoming.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 38686/11-15, to list the extant consents and permissions which are required to be reviewed under the requirements of the Habitats Regulations, including those which will remain the responsibility of his Department.

(AQW 45781/11-15)

Mr Durkan: The Habitats regulations requires all competent authorities (bodies responsible for decision making) to review consents and permissions following the designation of a European protected site. For example, councils are responsible for reviewing all relevant extant planning permissions relating to a European site designated after 1 April 2015. The exception being those permissions relating to development that will remain the responsibility of the Department to determine.

Mr Allister asked the Minister of the Environment to detail the consultees in respect of the Ballinlea 2 planning application, including when each responded.

(AQW 45796/11-15)

Mr Durkan: Officials consulted with the following consultees. (Response dates are in brackets)

NIEA

- Water Management Unit (1st May 2015)
- Natural Heritage (16th April 2015)
- Landscape Architects (19th Mar 2015)
- Land Resource Management (31st Mar 2015)
- Protecting Historic Monuments (20th Feb 2015)
- Industrial Pollution Radiochemical Inspectorate (20th Feb 2015)

DARD

- Fisheries (3rd Mar 2015)
- Countryside Management Branch (Response not yet received)
- Quality Assurance Branch (22nd May 2015)
- DETI: GSNI (20th Mar 2015)
- DRD: Transport NI (12th Mar 2015)
- DCAL Inland Fisheries (17th April 2015)
- Health and Safety Executive (Response not yet received)
- Moyle Environmental Health Department (20th Feb 2015)
- The Public Health Agency (15th April 2015)
- NI Water (19th Feb 2015)
- NIE (27th Feb 2015)
- RSPB (Response not yet received)
- The National Trust (Response not yet received)
- NI Tourist Board (29th April 2015)

The Department issued a consultation to Causeway Coast and Glens Borough Council on the 21st May 2015 and awaits the council's comments.

Lord Morrow asked the Minister of the Environment for his assessment of the fourteen large scale excavation works carried out on behalf of NIEA by Queen's University Belfast Centre for Archaeological Fieldwork.

(AQW 45798/11-15)

Mr Durkan: Records held by my Department indicate that during the period from January 2014 to December 2014 the Queen's University, Centre for Archaeological Fieldwork (CAF) undertook thirteen 'large-scale' excavations on behalf of the Northern Ireland Environment Agency. These were undertaken for a variety of reasons, centring on conservation requirements but included a significant outreach capacity and community involvement. Such projects saw the participation of

school children, parents and other adult volunteers across Northern Ireland. In addition, as the attached information will show, these excavations supported my Department's aim to enhance visitor experience at heritage sites in Northern Ireland. I have attached an appendix to this letter which gives an assessment of the thirteen excavations undertaken, in order of date.

An assessment of the thirteen 'large-scale' excavations carried out in 2014 by CAF on behalf of HMU.

1 Tullaghoge Fort, Co Tyrone. January-February 2014

The primary aim of this excavation was to assess the presence and survival of archaeological remains close to the Tullywiggan Road at this site prior to the proposed development of new visitor facilities including a car park, toilet and picnic facilities. A total of thirty-three trenches were excavated which uncovered many finds within the topsoil, including a small corpus of post-medieval pottery sherds, probable prehistoric pottery, and flint artefacts. In addition, a circular feature was uncovered which contained charcoal rich strata and a substantial amount of charred grain and seeds. A sample was submitted for radiocarbon dating, the results of which indicate the feature dates to the 7th Century AD. It most likely represents the remains of a corn drying kiln similar to one uncovered closer to the Fort later in 2014 (discussed below at excavation 9). The stone footings for a wall were encountered in Trench 16, which are likely to represent a building shown on the 1st edition OS map. Evidence of Early Mesolithic activity, in the form of flint artefacts, was also uncovered. This is a relatively rare find and marks Tullaghoge as a place linked to some of the earliest settlers in Northern Ireland.

2 Carrickfergus Castle, Co Antrim. Inner & Outer Wards. February- March 2014.

This excavation took place over an eight-week period during February to April 2014. The primary research aims of the excavation were to aid in the enhancement of the visitor experience at the monument by establishing the nature, depth and survival of archaeological strata and masonry at various points in the castle. To this end eight trenches were excavated within the Inner Ward and four in the Outer Ward. Prehistoric, Medieval and Post-Medieval masonry, strata and artefacts were uncovered in the twelve manually excavated trenches. Results show that the first activity undertaken at this site dates to around 5,000-6,000 years ago in the Neolithic period. Among the other significant finds were the remains of a nineteenth century miniature railway used to transport cannon shot and ammunition into the castle grounds.

3 Murlough Lower Beach, Sand dunes site. Co Down. March 2014

This excavation was undertaken at the site of a reported metal detecting find of late 4th century AD personal items. HMU understand that the case is currently going through the Coroner's Court. Nothing else was uncovered by the excavation.

4 Arney Village, Co Fermanagh. Battle Site. April 2014.

These excavations were part of a community-led heritage project in this local area of Fermanagh, where DOE partnered with HLF and local cross-community groups to explore the latter's heritage. Local schoolchildren, their parents and adult volunteers took part in an excavation at a nineteenth century National School and adjacent brickmakers' cottage. Another part of the project saw the same breadth of participation in an investigation which found the site of the battlefield of the Ford of the Biscuits. This was a battle between an Elizabethan Crown army relief column (bound for Enniskillen Castle) and the Gaelic forces of Fermanagh lord Hugh Maguire. The battle dates to AD1594 and its location was wrongly located on modern maps until this successful project found the true location, some 1-2 miles away.

5 Carnmoney, Co Antrim. Lime Kilns site. May 2014.

This excavation took place at the site of disused nineteenth century lime kilns at Carnmoney. It was undertaken for conservation reasons as a joint project with the Belfast Hills Partnership and involved community volunteers and school children. The remains of the kilns were uncovered in order that subsequent conservation works would allow them to become a local feature and visitor attraction.

6 Dunluce Castle, Co Antrim. Gardens & Village. June to August 2014.

These excavations were undertaken in order to inform the conservation needs and presentational information requirements for the proposed DOE enhancement of the visitor experience at Dunluce Castle. The work involved the excavation of many small trenches throughout the DOE owned areas of the village and gardens. Apart from a wealth of information with regard to the structure of the village, its houses and gardens, the excavation also uncovered earlier settlement evidence. This evidence has been dated to the period AD1400-1600 and interpreted as representing, in the main, MacQuillan settlement at Dunluce prior to the plantation period.

7 St Patrick's Wells at Struell, Co Down. June-July 2014

This was a research excavation which took place over five weeks aiming to locate the early medieval church at Struell and provide further information for the visitor experience. Three trenches were opened with one revealing the location of the medieval church as represented by a sub-rectangular, stone-flagged floor (5m x 7m). Although no in-situ walls were uncovered, dressed sandstone fragments found amongst the disturbed floor flagstones must have come from the church architecture here. Fragments of carved sandstone mouldings also survive built into the Drinking Well and ladies bathhouse all of which can be dated to sometime between the thirteenth and fifteenth centuries AD. Two phases of human burials were identified. The first was represented by adult burials interred below the floor of the church. It seems probable that this occurred after the church had gone out of use but the evidence for this is equivocal. The second phase consisted of juvenile burials, which were later and interred within the primary post-abandonment layers that sealed the disturbed flagged floor of the church. The discovery of juveniles within the deposits overlying the flags, would suggest that the ruins and outline of the church were likely to have been visible when they were buried.

8 Saul, Co Down. Potential Medieval Shrine. June 2014

This research excavation investigated a stone built structure located within the graveyard at Saul Church. The dig also formed part of the Queen's University's undergraduate training excavation field school. The building was proposed by new research to have been a medieval port-hole shrine dating to the late 12th century, and to have originally contained relics of St Patrick, St Brigid and St Columba. This very significant possibility was investigated over the course of the two week excavation. The results of the dig demonstrated that it is likely that the structure was in fact built much later - in the late 16th century, or early 17th century - re-using stone from the abbey.

9 Tullaghoge Fort, Co Tyrone. September to October 2014.

This excavation was undertaken in order to inform the conservation needs and presentational information requirements for the proposed DOE enhancement of the visitor experience at Tullaghogue Fort. It followed the dig detailed at no. 1 of this list and involved a significant volunteer aspect from local Primary School groups as well as adult volunteers. Six trenches were excavated at various locations in the immediate vicinity of the fort, with one aimed at providing information as to the location of the O'Neill inauguration chair, a prominent fixture of the site in the Late Medieval period, but which was destroyed in AD1602. The location of the chair remains elusive but the dig did uncover the remains of a cereal-drying kiln which produced a radiocarbon date of AD 722-985.

10. Grey Point Fort, Helen's Bay, Co Down. October to November 2014.

This excavation was undertaken in order to inform the conservation needs and presentational information requirements for the proposed enhancement of the visitor experience at Grey Point Fort. It too involved significant participation from local Primary School groups. The dig uncovered parts of a trench system, dugout and machine gun emplacement which are thought to date to the First World War but are known to have been adapted and re-used during the Second World War. The remains of a defensive concrete block house were also investigated.

11. Carrickfergus Castle, Co Antrim. Outer Ward. November 2014

This excavation was undertaken following that of February-March 2014 in order to finalise the location of a temporary building required to receive visitors at the site. The excavation uncovered below ground remains of the Castle's middle ward defensive wall and have allowed the subsequent placement and erection of the temporary building without any unnecessary damage to archaeological remains.

12. Dunboe, Co Londonderry. Early Christian Ecclesiastical enclosure. November 2014

This excavation was undertaken in order to investigate several below ground anomalies identified during a May 2014 geophysical survey of land beside, and possibly within, a known early church site. The results showed that the anomalies were not archaeological in nature and no significant remains were uncovered.

13. Dundrum Castle, Co Down. December 2014.

This excavation was undertaken in order to inform the location of a proposed new visitor centre at Dundrum Castle. The excavation investigated two potential locations and uncovered a discreet area of probable Post-Medieval archaeological remains at one of the potential sites. This information will form part of future consideration and decision making at the castle site.

Mr McCartney asked the Minister of the Environment to outline the reasons for the delay in answering AQW 43579/11-15. (AQW 45832/11-15)

Mr Durkan: I can confirm that AQW 43579/11-15 was answered on 28 May 2015. Please accept my apologies for the oversight which was responsible for the delay in providing a response.

Mr Agnew asked the Minister of the Environment, pursuant to AQW38686/11-15 to advise if permissions which were extant at the time of designation of an European site, but have since been implemented because of his Department's failure to comply with the Habitats Regulations, will now form part of required reviews.

(AQW 45842/11-15)

Mr Durkan: The Conservation (Natural Habitats) (Amendment) Regulations (Northern Ireland) Regulations 2015 amended the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 and conferred responsibility for reviewing planning permissions on councils.

The specific obligations on a planning authority to review such permissions are applicable unless the development to which it related has been completed; or it was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun; or it was granted for a limited period and that period has expired.

Therefore permissions extant at the time of a designation but have since been completed or have expired are not required to form part of the duty to review.

Whilst responsibility for reviewing planning permissions which are required to be reviewed now lies with councils, the transitional provisions in the 2015 Regulations enable any work done by the Department before 1 April 2015 in reviewing any permissions to be treated as if it had been done by councils thereby allowing them to take over from the Department and avoid duplication of effort.

Mr Agnew asked the Minister of the Environment, pursuant to AQW42654/11-15, why the figures he provided differ from those provided by the applicant on the P1 application forms for both Z/2012/1387/F and Z/2014/1346/F, (AQW 45843/11-15)

Mr Durkan: The figures previously provided in response to AQW42654/11-15 are from the addendum to the Environmental Statement (ES) dated October 2013. These are the figures that were considered when determining the planning application. These figures are lower than those in the P1 application forms as the facility originally proposed to treat 240,000 tonnes per annum of refuse derived fuel.

The addendum to the ES subsequently reduced the throughput to 120,000 tonnes per annum. Strategic Planning Division (SPD) did not consider it necessary to amend the P1 application form as the information was before the Department in the ES.

The ES for planning application Z/2012/1387/F and the supporting document for Z/2014/1346/F correctly identified that ash would be produced, including the relative quantities and advised that it would be transferred to a suitably licensed facility. SPD considered this adequate for the purposes of determining the planning application.

NIEA is responsible for the regulation of this facility and will ensure the recovery or disposal of the ash is fully compliant with regulatory controls.

Mr Agnew asked the Minister of the Environment, pursuant to AQW42739/11-15, why there was no requirement for the environmental effects of the disposal of toxic fly to be included as part of the overall Environmental Impact Assessment for planning approvals Z/2012/1387/F and Z/2014/1346/F. (AQW 45846/11-15)

Mr Durkan: The purpose of the Environmental Statement (ES) is to identify the main effects which the development is likely to have on the environment. In this case the ES identified that 30,000 tonnes of both bottom ash and fly ash will be removed from the site per annum resulting in 14 vehicle movements per day to remove the ash from the site. The traffic impact of the aspect of the development was therefore the main effect that was considered. The ES was subject to consultation with a range of environmental bodies and it was considered to be sufficient for the purposes of the EIA Regulations. There were no objections to either of the planning applications.

The fly ash from the facility is considered to be a hazardous waste and as such, its transport will be subject to a strict consignment note control which confirms its arrival at the authorised facility. The applicant has stated it will be taken off-site for disposal at a hazardous landfill or recovery at a suitably licensed facility. Whilst the final recipient of the ash is yet to be confirmed, my Department's regulation of the facility will ensure that the disposal or recovery of the ash is fully compliant with the requirements of the permit that issued to the applicant under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (PPC).

Mr Allister asked the Minister of the Environment whether the regulatory system is adequate to cope with unconventional oil and gas exploration and extraction. (AQW 45873/11-15)

Mr Durkan: My Department is co-funding an all island research programme into this issue. An investigation into the adequacy of the current environmental regulatory framework is a specific project strand within the overall programme.

The research programme is scheduled to report in the latter part of 2016 and will further inform my assessment of the regulatory system in relation to this issue.

My position, as stated publicly a number of times, is that there should be a presumption against the exploitation of unconventional hydrocarbon extraction until the Department is satisfied that there is sufficient and robust evidence on all environmental impacts.

Mr Allister asked the Minister of the Environment where is the policy set out against which applications for unconventional oil and gas exploration are judged. (AQW 45874/11-15)

Mr Durkan: The planning policy for minerals development is contained within 'A Planning Strategy for Rural Northern Ireland' (PSRNI). This document sets out the current planning policy context for, inter alia, planning applications for unconventional oil and gas exploration and therefore such proposals fall to be considered on their own merits under the provisions of the PSRNI along with any other material planning consideration.

Minerals development policy contained within a PSRNI has been transferred into the draft Strategic Planning Policy Statement (SPPS), where it has been consolidated and expressed strategically. The draft SPPS reaffirms my position that there should be a presumption against the exploitation of unconventional hydrocarbon extraction until there is sufficient and robust evidence on all environmental impacts.

My Department is co-funding an all island research programme into the environmental impacts associated with unconventional gas exploration and extraction. The research programme has been designed to produce outputs that will assist regulators in Northern Ireland and the Republic of Ireland in fulfilling their statutory roles regarding any potential hydraulic fracturing activity. The research programme is scheduled to report in the latter part of 2016.

My Department's confirmed strategic planning policy position for minerals development, including that for unconventional oil and gas exploration, will be set out in the final SPPS which I intend to publish as soon as possible, following its consideration by Executive Committee colleagues.

Mr Allister asked the Minister of the Environment what permitted development rights exist in respect of oil and gas exploration.

(AQW 45875/11-15)

Mr Durkan: Permitted development rights for mineral exploration, including oil and gas, are provided for under Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. These rights allow certain specified development on land in any period not exceeding four months consisting of drilling boreholes, carrying out seismic surveys or making other excavations.

There are also certain limitations and conditions associated with this temporary permitted development right including pre-commencement notification to the relevant district council giving details of the location, target mineral, details of plant and operations and anticipated timescale. A developer, should they wish to invoke these permitted development rights, must notify the district council of these details in order that a decision can be taken on whether or not the permitted development right should be removed and the proposal made subject to the full planning application process.

In addition to notifying the district council, the developer must also ensure that:-

- any operation is not within an area of special scientific interest or a site of archaeological interest;
- any explosive charge of more than 1 kilogram is not used; and
- any structure assembled or provided is not more than 3 metres in height where such a structure would be within 3 kilometres of an airport.

Part 16 permitted development rights also provide conditions which the developer must adhere to, including adequate sealing of any boreholes, protection of trees on the site and restoration of the land to its condition before the development took place.

Furthermore, permitted development is excluded where the proposed development requires environmental assessment. This means that where development is identified in either of the Schedules to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and Environmental Impact Assessment is applicable, permitted development rights do not apply (Article 3(8) of the Planning (General Permitted Development) Order (Northern Ireland) 2015 refers).

In the interests of clarity, it is important to note that the temporary permitted development rights for minerals exploration do not allow the commercial extraction of minerals, including oil and gas. Such activity will be subject to the full planning application process as well as relevant Environmental Impact Assessment, licensing and environmental permitting arrangements.

Mr Kinahan asked the Minister of the Environment to detail on what conditions the European Commission did not take forward infraction penalties in regards to the Executive's failure to protect the reefs of horse mussels in Strangford Lough; and how the Executive is currently meeting each of these conditions.

(AQW 45889/11-15)

Mr Durkan: Responsibility for the protection of horse mussel reefs in Strangford Lough rests with DOE and DARD.

The European Commission closed the infraction case relating to the Strangford Lough horse mussel reefs in 2013 on the basis that both departments delivered on an action plan agreed by the Commission.

A Restoration Working Group was set up to monitor progress against the plan. In addition to officials from DOE and DARD the group comprises interested stakeholders including Ulster Wildlife, the complainant, to the Commission.

The group is satisfied with progress to date and has just completed its mid-term review of the plan. As a consequence, the plan is now being revised and the group hopes to ratify these revisions in June before seeking further approval from the Commission shortly thereafter. I understand from informal discussions between my officials and officials from the Commission, that the Commission is broadly content with the proposed changes.

Mr Kinahan asked the Minister of the Environment why, after writing to the Lough Neagh Sand Traders in September 2014 requesting that they cease dredging until the unregulated activities on the Lough are resolved, the unauthorised extraction continued to take place; and to detail what specific action the Department took in response to this.

(AQW 45890/11-15)

Mr Durkan: Having advised the sand traders that their activities were unauthorised I had hoped that the operators would have stopped dredging voluntarily pending the resolution of the matter. As it appears to my Department that this work has continued, my officials have since taken formal enforcement action through the issuing of Enforcement Notices.

Mr Kinahan asked the Minister of the Environment for an update on Northern Ireland's position in respect of the European Water Framework Directive.

(AQW 45891/11-15)

Mr Durkan: The Water Framework Directive (WFD) is the key EU water Directive, requiring Member States to aim to achieve good ecological status or good ecological potential for waterbodies by Dec 2015. The Directive allows Member States to set alternative objectives for 2021 or 2027 in certain circumstances, such as where there are technical feasibility and/or disproportionate cost issues preventing the achievement of good ecological status by 2015.

To meet the requirements of the WFD, the Northern Ireland Environment Agency published River Basin Management Plans (RBMPs) in December 2009, which cover the period 2009-2015. The RBMPs stated that around 25% of river water bodies were at good status in 2009 and as a result of work undertaken during the first WFD cycle and some changes in the environmental standards the number of river water bodies at good status has increased to 32% based on classification assessments carried out in 2014. The overall percentage of all water bodies at good status at the end of 2014 was 37%.

To date, the Department has implemented measures and produced progress reports in accordance with the targets and timetable set out in the Water Framework Directive. The Department also provided details of the objectives of the first cycle RBMPs to EU officials in March 2010 and NIEA will submit a further progress report in 2016. In December 2014, the Department published draft second cycle RBMPs, which cover the period 2016-2021, for public consultation. Consultation on these draft RBMPs ends on 22 June 2015 and the draft plans will be further refined and amended, as appropriate, to reflect comments received during the consultation period. The final plans will be published in December 2015. These will set out the objectives for the second cycle based on progress achieved by the end of 2015, the assessment of pressures on the water environment and an assessment of what is achievable by 2021.

Mr Kinahan asked the Minister of the Environment whether he is aware of the Northern Ireland Executive currently facing the threat of infraction penalties from the European Commission for failing to comply with any environmental Directive.
(AQW 45893/11-15)

Mr Durkan: My Department will of course always seek to ensure the timely transposition and implementation of all European legislation and thereby avoid the threat of infraction penalties.

Where infraction proceedings are brought by the European Commission against a Member State it is because the Commission considers there has been an infringement of EU law, typically where the Commission believes that a Member State has failed to correctly transpose or implement an EU Directive or Regulation.

However prior to any formal legal referral to the European Court of Justice, and potential financial penalties, the initial stages of the infraction process involve the Commission setting out any concerns it may have and providing the Member State with an opportunity to respond addressing those concerns.

I am fully aware that the Commission has, through the infraction process, raised concerns with the UK, as Member State, regarding a number of environmental issues. As has been the case in the past, whether infraction proceedings relate to the UK as a whole or Northern Ireland in particular, we will either seek to demonstrate that compliance has been achieved or prioritise any actions necessary to achieve full compliance to the satisfaction of the Commission.

Given the sensitivities around the infraction process, which is quasi-legal in nature, and in line with protocol, correspondence between the Commission and the Member State on infraction cases is regarded by both parties as confidential between them. I can however assure you that my Department and I are taking all steps necessary to minimise the risk of any infraction penalties.

Mr Agnew asked the Minister of the Environment how many illegal landfill sites are located within the Faughan catchment area; and what threats these sites pose to the River Faughan Special Area of Conservation and Derry's water supply.
(AQW 45944/11-15)

Mr Durkan: The Northern Ireland Environment Agency is currently pursuing legal proceedings in the criminal courts, concerning two sites in the River Faughan catchment area where waste has been confirmed to have been deposited without the necessary authorisations. These sites are the former premises of City Industrial Waste and Campsie Sand and Gravel respectively, both located on the Mobuoy Road.

I remain committed to protecting the River Faughan. To that end, in January 2015, I instructed my Department to initiate a project aimed at mitigating the impact of leachate from the Mobuoy waste sites. This project will further inform the potential risks arising from the illegal waste deposits, implement both necessary short-term leachate management works and 12 months environmental monitoring and identify potential remediation options to manage the environmental impacts with whole life costs.

Short-term leachate management works were undertaken and completed in April at both the Mobuoy Road sites. This work will reduce the risk of direct entry of both leachate and leachate contaminated water into the tributary running along both waste sites that runs directly into the River Faughan.

Water testing at sites on the Faughan suggests good water quality in the river. However, I cannot comment on issues pertaining to the Derry City Council water supply.

Mr Agnew asked the Minister of the Environment what is the safe level for emissions of fine and ultra-fine particles between PM2.5 - 0.1µ microns from the proposed Bombardier incinerator, East Belfast.
(AQW 45945/11-15)

Mr Durkan: Your question to the Department of Health, Social Service and Public Safety has been referred to my Department for answer.

My Department has already provided this answer in response to AQW 42653/11-15.

Mrs Cochrane asked the Minister of the Environment, pursuant to AQW 37624/11-25, for an update on the discussions between his officials and PSNI road traffic police officers, in helping to determine whether such a scheme would be beneficial locally.

(AQW 45947/11-15)

Mr Durkan: My officials have discussed this matter further with PSNI officers, who have expressed significant concerns over how such a scheme would operate in practice. For example, while I understand that the personal information is folded into the display disc, it would be inappropriate to ask or require drivers to have personal information readily accessible in their vehicle which may raise concerns about identity theft. Another concern relates to circumstances where the person involved in a collision is not the regular driver of the vehicle. In such circumstances it is likely to be difficult to ensure that the disc information does not inadvertently cause confusion for paramedics attending the incident, which in turn may lead to inappropriate treatment. I understand that PSNI have also spoken to Ambulance and Fire Service contacts and that they share the same concerns.

Given this advice from the emergency services, I do not intend to take further action to pursue a scheme that would seek to have vacant tax disc holders used to house emergency contact and medical alert information.

Mr B McCreagh asked the Minister of the Environment what discussions he has had with the Minister for Regional Development on protecting biodiversity in grass verges.

(AQW 46019/11-15)

Mr Durkan: To date, I have not had direct discussions with the Minister for Regional Development regarding the protection of biodiversity in grass verges. However, at an operational level, my officials in the Environment and Marine Group have been liaising with officials from Transport NI since 2012 regarding the management of road verges for biodiversity.

Back in 2012, my predecessor, Alex Attwood MLA attended a meeting with An Carn (Carntogher Community Association) regarding their concerns about the cutting of wildflower rich verges and the spread of invasive alien species within their area. Following on from that meeting, my officials worked with An Carn and Transport NI on a Road Verge Pilot Project which was well received by both the local community and Transport NI staff.

Following on from the success of the pilot there was a desire to upscale the project. Causeway Coast and Glens Borough Council, DOE, Transport NI and An Carn have been working in partnership to seek funding for the 'Don't Mow, Let it Grow' project which aims to challenge our desire for neat and tidy mown grass and to restore a number of road verges and public grasslands to flower-rich meadows. These will provide important additional sources of nectar for bees and other pollinators.

The Heritage Lottery Fund has earmarked £135,000 funding in support of the three-year 'Don't Mow, Let it Grow' project and has provided £9,000 upfront to help develop the plans in more detail for this innovative and community lead project.

Mr Agnew asked the Minister of the Environment whether the addendum to the environmental statement accompanying Z/2012/1387/F was advertised in accordance with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012.

(AQW 46022/11-15)

Mr Durkan: I can confirm that the addendum to the environmental statement for this planning application was received by my Department on 4 November 2013 and was advertised in accordance with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 on 22 November 2013 in the Belfast Telegraph, Newsletter, North Belfast News, South Belfast News and Irish News and on 23 November 2013 in the Andersonstown News. No objections were received as a result of the advertisement.

Mr D McIlveen asked the Minister of the Environment what strategy his Department has in place to tackle illegal sand extraction from Lough Neagh.

(AQW 46062/11-15)

Mr Durkan: My officials have taken formal enforcement action in respect of unauthorised sand extraction from Lough Neagh through the issuing of Enforcement Notices.

My officials will monitor that the notices have been complied with and should activity be seen to continue, there are further powers available to me if it is considered expedient to use them.

Ms Sugden asked the Minister of the Environment, pursuant to AQW 45548/11-15, to detail the discovery and development phases of the Driver and Vehicle Agency's new driver licensing IT system; and whether it will reduce the cost of driving licences.

(AQW 46117/11-15)

Mr Durkan: The replacement driver licensing system is currently being developed utilising an 'Agile' development methodology, to replace the existing system. 'Discovery' and 'Development' are standard phases within Agile methodology.

The Discovery Phase of the new driver licensing IT system is about capturing information and creating a workable solution for the application. It involves determining the user needs that the service should meet, the constraints that exist, and the measures that will be used to evaluate and continuously improve the service.

The Development Phase is about developing a prototype of the new system while continuing to build upon the findings of the Discovery Phase. It involves selecting and testing technologies, and developing business scenarios identified as high priority during Discovery. During the development phase the solution is developed and delivered in phases to the Driver & Vehicle Agency (DVA) who then has the opportunity to review the system and make any changes necessary. This allows for continual refinement of the new system in line with the needs of the business.

The first phase of the replacement driver licensing system is scheduled to go live in April 2016 and will deliver improvements to the customer experience, service efficiencies and other enhancements. The ability to reduce fees will be heavily dependent on the availability of a means to verify the identity of the user applying to use the service and subsequently the uptake of online transactions. Once the first phase goes live, this will provide an opportunity to review the fees currently charged for the processing of driver licences.

Mr McKay asked the Minister of the Environment to provide the (a) reference numbers, (b) capacity in megawatts and (c) location of all large scale ground mounted solar applications (i) approved since January 2013, (ii) refused since January 2013, (iii) lodged since January 2013; and (iv) pre-applications lodged since January 2013.

(AQW 46118/11-15)

Mr Durkan: Information regarding energy capacity and whether the solar photovoltaics are ground mounted are not always included in the description of a planning application for solar energy under Planning Policy Statement (PPS) 18 - Renewable Energy. This information is therefore not captured and recorded by the Department in the format requested. The Department does not hold information on pre-applications lodged for solar photovoltaics.

In order to provide assistance the following can be provided:

- A list of all solar energy applications received between January 2013 and March 2015;
- A list of all solar energy applications approved between January 2013 and March 2015;
- A list of all solar energy applications refused between January 2013 and March 2015.

The list includes description and location of the applications which may assist in identifying the specific information you require. By way of further assistance any application listed that refers to "ground mounted" or "solar farm" in the description is highlighted in bold.

Given the volume of records my officials will place a copy of the lists in the Assembly library.

Mr Clarke asked the Minister of the Environment what legislation is in place relating to trailers towed by motor vehicles and has there been any recent changes to this legislation.

(AQW 46125/11-15)

Mr Durkan: Article 4(4) of the Third Directive on Driving Licences (Directive 2006/126/EC) sets out requirements in relation to driver licensing; these include those relating to the size of trailer that can be towed by an individual with a category B driving licence. These requirements are transposed into NI legislation in regulation 3 of, and Schedule 1 to, the Motor Vehicles (Driving Licences) Regulations (NI) 1996. The Regulations came into operation on 19 January 2013.

At the start of 2015, an amendment was made to the Motor Vehicles (Driving Licences) Regulations (NI) 1996, where the upgrading of entitlements given after passing a second test were changed. Previously, drivers with entitlement to drive both a minibus (category D1) and a goods vehicle with trailer (category C+E or C1+E) were entitled automatically to drive a minibus with a trailer (category D1+E), without the need to take a further test. As this automatic entitlement is not permitted by the Third Directive it was removed by amendment SR 2015/6 of the 1996 regulations. The changes made by this amendment were not retrospective, so drivers who had the automatic entitlement still retain it but new drivers are now required to take an appropriate test.

Mr Agnew asked the Minister of the Environment what evaluation was carried out in relation to the Natural Heritage Research Partnership between 2008 and 2015.

(AQW 46318/11-15)

Mr Durkan: The Natural Heritage Research Partnership (NHRP) contract was awarded to Queen's University in 2008 after a competition advertised in the European Journal. From the outset the governance of the Project has placed a strong emphasis on evaluation. A NHRP Management Committee was established to assess and overview the progress of the contract. Individual project reports were submitted and scrutinised at monthly meetings. Each project had a Client Officer identified to assess projects and provide a Post Project Evaluation (PPE) on its completion.

Following the initial 4 year period of the NHRP the Department carried out a full PPE of the Contract. The work was assessed as being of high quality and was delivering on all of the Objectives listed while providing value for money. Based on this evaluation it was agreed to extend the contract for a further 3 years, 2012 – 2015.

Independent evaluation of the quality of the work was provided by peer review of scientific papers which were submitted to a variety of high impact international Scientific Journals. Sixty six scientific papers have been published so far as a result of commissioned research between 2008–2015. A further independent evaluation of the project is evident from the 'Research Excellence Framework Review 2014' of Queen's University. The Review system is used to rank UK Universities on their research outputs, including a 'Pathway to Impact' study. In Queen's School of Biological Sciences this review focused on the NHRP demonstrating 'impact beyond academia' (for example, on Government Policy or conservation action). Queen's scored 3* equating to an internationally excellent standard for this submission and contributing to Queen's achieving a top 10 position among the UK Universities for 'research intensity'.

A further Post Project Evaluation will be produced on completion of the current contract 2012-2015.

Lord Morrow asked the Minister of the Environment whether a taxi company was granted a temporary licence or permit to operate a booking office for exclusive use at the Irish Golf Open in Newcastle, County Down; and if so, who granted this temporary licence and on what dates did it commence and conclude.

(AQW 46341/11-15)

Mr Durkan: No application has been received from a taxi operator to add an operating centre to their licence at the Irish Golf Open, Newcastle.

Mr Weir asked the Minister of the Environment to detail which beaches received the Seaside Award for good water quality in 2015.
(AQW 46389/11-15)

Mr Durkan: The Seaside Award flag is awarded to beaches which meet mandatory water quality standards according to the EC Bathing Water Directive and are also clean, well-managed and safe. It is divided into two award categories which are Resort and Rural. Six Seaside Resort Awards and four Seaside Rural Awards were awarded.

Details of award winners for 2015 are as follows:

Northern Ireland Seaside Award Resort Beaches 2015

Name of Beach	County	Beach Manager
Portstewart Strand	Londonderry	The National Trust
Portrush East	Antrim	Causeway Coast and Glens Borough Council
Ballycastle	Antrim	Causeway Coast and Glens Borough Council
Crawfordsburn	Down	Northern Ireland Environment Agency
Tyrella	Down	Newry, Mourne and Down District Council
Cranfield Bay	Down	Newry, Mourne and Down District Council

Northern Ireland Seaside Award Rural Beaches 2015

Name of Beach	County	Beach Manager
Waterfoot	Antrim	Causeway Coast and Glens Borough Council
Ballygally	Antrim	Mid and East Antrim Borough Council
Browns Bay	Antrim	Mid and East Antrim Borough Council
Murlough	Down	Newry Mourne & Down District Council

Department of Finance and Personnel

Mr Allister asked the Minister of Finance and Personnel, pursuant to AQW 19199/11-15, for an update on the information provided.

(AQW 32812/11-15)

Mr Hamilton (The Minister of Finance and Personnel): The PEACE III Operational Programme names several target beneficiary groups, including both (i) ex-prisoners and their families and (ii) victims of the conflict.

The programme adheres to the legislative definition of a victim, and does not record data against the term “innocent victims”. Neither does the programme categorise grant recipients under the terms “victims groups” or “ex-prisoners groups”. For this reason, comprehensive details of funding awarded to target beneficiary groups cannot be readily provided.

Mrs Dobson asked the Minister of Finance and Personnel due to the non-domestic revaluation, could he detail the number of small business ratepayers for whom the rateable values have (i) risen and (ii) fallen.
(AQW 45848/11-15)

Mrs Foster: The impact of the non-domestic revaluation specifically on small business ratepayers cannot be assessed because businesses are classified as small or micro with reference to employee numbers; those with 49 employees or less. Over 98% of businesses in Northern Ireland fall into that category. My Department does not hold the precise information requested.

The Small Business Rate Relief (SBRR) scheme is confined to ratepayers occupying premises assessed at £15,000 Net Annual Value (NAV) or below. I can confirm that as a result of the Revaluation, 767 ratepayers who had previously qualified, have fallen outside the scheme limits, however, 1,351 ratepayers have come into the scheme. More now qualify, which explains why the Executive increased the available funding this financial year, a decision taken despite the NI Centre for Economic Policy’s recommendation to cap it at a lower level. Of the 25,146 properties currently included in the SBRR scheme, 14,971 have increased in value, 5,753 have decreased in value and 4,422 stayed the same.

It is important to note that the extent and direction of a value change at revaluation does not convey the actual impact on the ratepayer because of the need to compare two distinct tax bases: one assessed at 2001 values, the other at 2013 values which are on average higher. The Regional Rate poundage actually went down correspondingly to ensure it was revenue neutral. Furthermore, the level of SBRR entitlement may have changed along with the value; there are also varying District Rates and differing rates of convergence subsidies to consider. Finally, it is important to note that the figures for increase and decrease in rateable value include those that have increased or decreased by as little as one pound.

Mr Hussey asked the Minister of Finance and Personnel to detail the number of home births, in each Health and Social Care Trust, in each of the last three years.
(AQW 45954/11-15)

Mrs Foster: The number of home births, in each Health and Social Care Trust, registered during 2011 to 2013 can be found in the table below. Finalised birth data for the 2013 registration year are the latest available. Finalised data for 2014 will be available in Summer 2015.

Table 1: Home Births by Health and Social Care Trust, 2011-2013

Trust Name	Registration Year		
	2011	2012	2013
Belfast HSCT	14	10	20
Northern HSCT	15	22	22
South Eastern HSCT	13	13	30
Southern HSCT	16	13	15
Western HSCT	15	14	18
Northern Ireland	73	72	105

Mr Campbell asked the Minister of Finance and Personnel following the revaluation, how many businesses in Coleraine town centre business district had their rateable valuation (i) increased and (ii) decreased.
(AQW 45987/11-15)

Mrs Foster: My Department does not hold the data in the format requested; however, the old wards of Central, Mountsandel and Waterside have been used to define Coleraine town centre business district. Within this area there are 984 non domestic properties.

As a result of the revaluation 419 properties had an increase in Net Annual Value with an average increase of £3,886; 392 properties had a decrease in Net Annual Value with an average decrease of £7,082; and 173 were unchanged.
Coleraine Town Centre Business District

Mr Campbell asked the Minister of Finance and Personnel what was the average (i) increase and (ii) decrease in the rateable valuation in the previous year for businesses in Coleraine town centre business district.
(AQW 45989/11-15)

Mrs Foster: My Department does not hold the data in the format requested; however, the old wards of Central, Mountsandel and Waterside have been used to define Coleraine town centre business district. Within this area there are 984 non domestic properties.

As a result of the revaluation 419 properties had an increase in Net Annual Value with an average increase of £3,886; 392 properties had a decrease in Net Annual Value with an average decrease of £7,082; and 173 were unchanged.
Limavady Town Centre Business: Rateable Valuation

Mr Campbell asked the Minister of Finance and Personnel following the revaluation, how many businesses in Limavady town centre business district had their rateable valuation (i) increased and (ii) decreased.

(AQW 45990/11-15)

Mrs Foster: My Department does not hold the data precisely in the format requested; however, the old wards of Roeside and Rathbrady have been used to define Limavady town centre business district. Within this area there are 366 non domestic properties.

As a result of the revaluation 216 properties had an increase in Net Annual Value with an average increase of £2,634; 74 properties had a decrease in Net Annual Value with an average decrease of £1,160; and 76 properties were unchanged.
Limavady Town Centre Business District Rateable Valuation

Mr Campbell asked the Minister of Finance and Personnel what was the average (i) increase and (ii) decrease in the rateable valuation in the previous year for businesses in Limavady town centre business district.

(AQW 45991/11-15)

Mrs Foster: My Department does not hold the data precisely in the format requested; however, the old wards of Roeside and Rathbrady have been used to define Limavady town centre business district. Within this area there are 366 non domestic properties.

As a result of the revaluation 216 properties had an increase in Net Annual Value with an average increase of £2,634; 74 properties had a decrease in Net Annual Value with an average decrease of £1,160; and 76 properties were unchanged.
Welfare Reform Bill (NIA 13/11-15)

Mr Gardiner asked the Minister of Finance and Personnel, in light of the delay in progressing the Welfare Reform Bill (NIA 13/11-15), whether the Executive still has the flexibility to use £700m of capital borrowing to fund a Voluntary Exit Scheme; and to detail the latest estimated timescale for the Scheme in 2015/16.

(AQW 46057/11-15)

Mrs Foster: Please refer to the answer for AQW 45850/11-15.

Mr Lytle asked the Minister of Finance and Personnel for an update on the Northern Ireland Civil Service Equal Pay Settlement.

(AQW 46155/11-15)

Mrs Foster: The matter remains with the Executive for consideration.

Mr Gardiner asked the Minister of Finance and Personnel for her Department's assessment of the business case for the relocation of the Department of Agriculture and Rural Development Headquarters to Ballykelly.

(AQW 46196/11-15)

Mrs Foster: The Minister of Agriculture and Rural Development's decision to direct her Accounting Officer to relocate the headquarters to Ballykelly was agreed, on behalf of the Executive, by the First Minister and deputy First Minister.

Mr Gardiner asked the Minister of Finance and Personnel whether any officials in her Department have expressed concern regarding the business case for the relocation of the Department of Agriculture and Rural Development Headquarters to Ballykelly.

(AQW 46201/11-15)

Mrs Foster: The Minister of Agriculture and Rural Development's decision to direct her Accounting Officer to relocate the DARD headquarters to Ballykelly was agreed by the Executive. My Department therefore had no role in the assessment or approval of the business case in support of the Agriculture Minister's decision.

Mr Elliott asked the Minister of Finance and Personnel, whether it is both her Department and Land & Property Services policy to pay reasonable legal and valuation costs to a landowner where an offer is made by Land and Property Service on behalf of a Department or council to purchase land under threat of vesting.

(AQW 46606/11-15)

Mrs Foster: The Department has no policy on this matter as the payment of fees for acquiring land compulsorily arises from the exercise of statutory powers by an acquiring authority. Reasonable and necessary legal and valuation costs incurred by a landowner will be accepted as a head of claim for compensation where land is acquired compulsorily or is by agreement under threat of vesting.

The question of whether land is being acquired under threat of vesting is generally one of fact. The acquiring authority must have powers of vesting for the purposes for which the land is being acquired, and will have indicated its intention to do so if acquisition by agreement is not achieved.

Where there is no threat of vesting it is normal market practice for each party to cover their own costs, unless there is prior agreement with the acquiring authority to pay fees. If such a prior agreement to pay fees exists, and negotiations between the parties subsequently fail to reach an agreed purchase price, the acquiring authority may nevertheless choose to make an ex gratia payment in respect of fees. However, LPS is guided by client instructions in each case.

Finally, any part of a fee claimed that relates to work in connection with objections to a proposed scheme in its entirety during the planning and consultation phase will not normally qualify for payment.

Mr Elliott asked the Minister of Finance and Personnel what is her Department's policy in respect of legal and valuation costs incurred by a landowner in respect of an agreement to sell land to a Department or council made with Land and Property Services under threat of vesting and the Department or council have reneged on the agreement.

(AQW 46666/11-15)

Mrs Foster: The Department has no policy on this matter as the payment of fees for acquiring land compulsorily arises from the exercise of statutory powers by an acquiring authority. Reasonable and necessary legal and valuation costs incurred by a landowner will be accepted as a head of claim for compensation where land is acquired compulsorily or is by agreement under threat of vesting.

The question of whether land is being acquired under threat of vesting is generally one of fact. The acquiring authority must have powers of vesting for the purposes for which the land is being acquired, and will have indicated its intention to do so if acquisition by agreement is not achieved.

Where there is no threat of vesting it is normal market practice for each party to cover their own costs, unless there is prior agreement with the acquiring authority to pay fees. If such a prior agreement to pay fees exists, and negotiations between the parties subsequently fail to reach an agreed purchase price, the acquiring authority may nevertheless choose to make an ex gratia payment in respect of fees. However, LPS is guided by client instructions in each case.

Finally, any part of a fee claimed that relates to work in connection with objections to a proposed scheme in its entirety during the planning and consultation phase will not normally qualify for payment.

Department of Health, Social Services and Public Safety

Mr McKinney asked the Minister of Health, Social Services and Public Safety for a breakdown of the waiting lists across all medical disciplines at the Royal Belfast Hospital for Sick Children.

(AQW 45075/11-15)

Mr Wells (The Minister of Health, Social Services and Public Safety): Information on the number of patients waiting, in weeks, to receive (i) a first outpatient appointment, (ii) a diagnostic test and (iii) inpatient treatment at the Royal Belfast Hospital for Sick Children (RBHSC) is shown below.

- (i) Number of patients waiting, in weeks, to receive a first consultant led outpatient appointment at the RBHSC, at 9th April 2015

	Number of patients waiting, in weeks, to receive a first consultant led outpatient appointment at the RBHSC, at 9th April 2015						Total
	0-6 weeks	>6-9 weeks	>9-12 weeks	>12-15 weeks	>15-18 weeks	>18 weeks	
RBHSC	1,894	747	558	264	252	1,527	5,242

- (ii) Number of patients waiting, in weeks, for a diagnostic test at the RBHSC, at 13th April 2015

	Number of patients waiting, in weeks, for a diagnostic test at the RBHSC, at 13th April 2015						Total
	0-6 weeks	>6-9 weeks	>9-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks	
RBHSC	233	11	4	0	0	0	248

(i) Number of patients waiting, in weeks, to receive inpatient treatment at the RBHSC, at 9th April 2015

	Number of patients waiting, in weeks, to receive inpatient treatment at the RBHSC, at 9th April 2015					Total
	0-6 weeks	>6-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks	
RBHSC	179	305	271	169	403	1,327

Mr McKinney asked the Minister of Health, Social Services and Public Safety, considering the provision of a specialised medicines fund is intended to be funded by prescription charges, whether there are plans in place should prescription charges fail to gain political support.

(AQW 45263/11-15)

Mr Wells: My Department's position is set out in a statement made in the Assembly by my predecessor on 17 February 2015. In the coming months I will be exploring every possible funding option for making these changes to the IFR process as quickly as possible.

Ms Sugden asked the Minister of Health, Social Services and Public Safety how many staff in each Health and Social Care Trust have contacted his Department regarding their pay and how it is impacting their standard of living.

(AQW 45456/11-15)

Mr Wells: No records are kept on the number of staff in each Health and Social Care Trust who have contacted this Department regarding their pay and how it is impacting on their standard of living. It is not, therefore, possible to provide the information requested.

Mr Agnew asked the Minister of Health, Social Services and Public Safety to detail the legal costs incurred by his Department in relation to the ban on gay men donating blood.

(AQW 45482/11-15)

Mr Wells: At this time the legal costs incurred by this Department in relation to the policy on blood donation by men who have had sex with men are not yet complete.

Mr Allister asked the Minister of Health, Social Services and Public Safety for a breakdown of the hospitality spend by (i) his Department; and (ii) its arm's-length bodies, in 2014/15.

(AQW 45624/11-15)

Mr Hamilton: The total cost of hospitality provided by the Department of Health, Social Services and Public Safety and each of the Department's Arms Length Bodies, in 2014/15, is set out in the table below. This cost has reduced to less than half of the 2008-9 spend of £837.2k. A breakdown of these costs can only be provided at disproportionate costs.

	2014/15 £'000
DHSSPS	22.0
Health and Social Care Board	76.6
Belfast HSC Trust	33.8
Northern HSC Trust	16.0
Southern HSC Trust	19.8
South Eastern HSC Trust	80.8
Western HSC Trust	13.9
NI Ambulance Service	1.2
Business Services Organisation	22.7
Public Health Agency	51.3
Patient Client Council	11.0
NI Fire & Rescue Service	14.2
NI Social Care Council	9.4
NI Guardian Ad Litem Agency	4.1

	2014/15 £'000
NI Medical & Dental Training Agency	4.2
NI Blood Transfusion Service	1.0
NI Practice & Education Council	3.0
Regulation & Quality Improvement Authority	6.5
Total	391.50

Mr Allister asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44729/11-15, how many chargeable visitors have there been to Northern Ireland in each of the last five years.
(AQW 45625/11-15)

Mr Hamilton: Data for 2014/15 is not yet available. Health and Social Care Trusts identified 808 chargeable visitors in 2013/14. Data prior to 2013/14 is not available, as some Trusts were still setting up data systems which responded to the department's 2012 guidance on invoicing chargeable healthcare treatment.

All HSC Trusts in Northern Ireland strive to obtain the permanent home address of any potential chargeable patients who present themselves for treatment.

Mr Allister asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44729/11-15, whether the home addresses of chargeable visitors not recorded by Health and Social Care Trusts; and if not, why not.
(AQW 45626/11-15)

Mr Hamilton: Data for 2014/15 is not yet available. Health and Social Care Trusts identified 808 chargeable visitors in 2013/14. Data prior to 2013/14 is not available, as some Trusts were still setting up data systems which responded to the department's 2012 guidance on invoicing chargeable healthcare treatment.

All HSC Trusts in Northern Ireland strive to obtain the permanent home address of any potential chargeable patients who present themselves for treatment.

Mr McCallister asked the Minister of Health, Social Services and Public Safety to list his top three priorities for Health and Social Care for the remainder of the Assembly term.
(AQW 45631/11-15)

Mr Hamilton: My top strategic priority is to make continued progress towards realising my vision of a world class health and social care service for Northern Ireland through reform, transformation and innovation.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety how he intends to improve conditions and morale amongst staff working in the Radiotherapy Department and the Cancer Centre at Belfast City Hospital.
(AQW 45719/11-15)

Mr Hamilton: Conditions and morale of staff at the Cancer Centre is the responsibility of the Belfast Trust. I am assured by the Trust that there are excellent relations between staff trade union representatives and management at the Cancer Centre. Within the radiography department at the Cancer Centre, team briefs and senior staff meetings are held weekly and an 'open door' policy operates within the department to ensure that any staff concerns can be addressed promptly. In addition the Belfast Trust has policies to allow staff to voice concerns without inhibition. Those policies are available to all staff should they wish to raise any issue.

Mr Ross asked the Minister of Health, Social Services and Public Safety how many people have reported to Emergency Departments as a result of an assault, in each of the last 36 months.
(AQW 45725/11-15)

Mr Hamilton: Information on the number of individuals attending emergency care departments as a direct result of assault is not available.

Mr Ross asked the Minister of Health, Social Services and Public Safety how many people have reported to Emergency Departments as a result of a stab wound, in each of the last 36 months.
(AQW 45726/11-15)

Mr Hamilton: Information on the number of individuals attending emergency care departments as a direct result of stab wounds is not available.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to clarify his Department's position on the commissioning of new National Institute for Health and Care Excellence approved drugs for 2015/16.

(AQW 45728/11-15)

Mr Hamilton: In line with Circular HSC (SQSD) 2/13, responsibility for the commissioning of new National Institute for Health and Care Excellence approved drugs for 2015/16 is that of the HSC Board as regional commissioner.

Mr McCallister asked the Minister of Health, Social Services and Public Safety to detail the spend on medicines with no generic versions available in (i) 2012/13; (ii) 2013/14, broken down by expenditure in primary care and secondary care; and to detail the budgeted expenditure for these medicines in primary care and secondary care in 2015/16.

(AQW 45787/11-15)

Mr Hamilton: It is not possible to detail the spend on medicines for which no generic versions are available. However details of the expenditure on branded medicines in primary and secondary care is as shown on the following table:-

Year	2012/2013	2013/2014
Primary Care ¹	£170.8m	£194.5m
Secondary Care ²	£121.7m	£132.7m
Total	£292.5m	£327.2m

Neither the Board nor the Trusts set separate budgets for branded medicines, rather there is a budget for overall medicines spend which includes both branded and generic drugs.

Mr Weir asked the Minister of Health, Social Services and Public Safety what cooperation is taking place between his Department and other parts of the UK Health Service to combat the threat of the Ebola virus.

(AQW 45817/11-15)

Mr Hamilton: On 6 August 2014 the World Health Organization declared the Ebola outbreak of West Africa a Public Health Emergency of International Concern (PHEIC). From that date there was significant and intensive liaison between Northern Ireland and colleagues in GB at official, Chief Medical Officer and Ministerial levels.

Discussions focused on the development of plans and protocols for responding to an imported case of Ebola in Northern Ireland, and covered a wide range of measures. These have included:

- surge capacity in a number of hospitals to treat any confirmed Ebola cases;
- protocols for managing and treating suspected and confirmed cases;
- communication plans;
- the production of guidance for specific professional groups;
- plans for transferring any Ebola patients to an appropriate hospital;
- ensuring that the appropriate personal protective equipment – or PPE – is available and that staff are fully trained in putting on and taking off PPE;
- arrangements for decontamination and for the safe disposal of waste;
- arrangements for laboratory testing of samples;
- entry-screening for passengers arriving in the UK from the three badly affected countries, with associated passenger follow-up plans;
- participation in UK-wide exercises at Ministerial, CMO and official level; and
- plans and processes for tracing contacts of confirmed cases.

At the height of the outbreak my officials liaised with their colleagues in the Department of Health, Public Health England, NHS England, the Cabinet Office and Scottish and Welsh health officials on a daily basis. Now that plans are in place this liaison has been scaled back to weekly updates on Ebola activity and ad hoc communication as required.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety for an update on the proposals to introduce prescription charges.

(AQW 45829/11-15)

Mr Hamilton: The consultation on the evaluation of the Individual Funding Request process, which ended on 8 May 2015, sought views on the re-introduction of prescription charges to support the establishment of a new Specialist Medicines Fund. Responses to that consultation are currently being analysed and will inform any further consultation on the reintroduction of prescription charges.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety whether in light of the industrial action by midwives he will accept the recommendations by the NHS pay review body to award health service staff a 1 per cent pay rise.

(AQW 45831/11-15)

Mr Hamilton: The NHS Pay Review Body (NHSPRB) recommendations of a 1% increase from 1 April 2014 were considered in the context of the prevailing financial constraints and viewed unaffordable. Instead all eligible staff on Agenda for Change Terms and Conditions were awarded with either incremental progression or a 1% non-consolidated payment in respect of 2014/15 but not both. No decisions have yet been made in relation to the pay award for 2015/16.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety for his assessment of the levels of support and access to health services provided to those with ME and Fibromyalgia
(AQW 45856/11-15)

Mr Hamilton: GPs may refer ME and Fibromyalgia patients to specialists, such as cardiology, rheumatology or neurology, depending on the most prominent presenting conditions by the patient determined on a case-by-case basis and tailored to the patient's need. Fibromyalgia patients are also referred to pain management services. NICE CG53 provides national guidance on diagnosis and management of ME in adults and children. A service model based on this guidance is provided in the Northern and Belfast Trust areas. Expansion of the model to other HSC Trusts will be subject to affordability within the current challenging financial position.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety given the rise in both scientific and public awareness of these illnesses, what additional support and access to health services will he provide for sufferers of ME and Fibromyalgia.
(AQW 45859/11-15)

Mr Hamilton: GPs may refer ME and Fibromyalgia patients to specialists, such as cardiology, rheumatology or neurology, depending on the most prominent presenting conditions by the patient determined on a case-by-case basis and tailored to the patient's need. Fibromyalgia patients are also referred to pain management services. NICE CG53 provides national guidance on diagnosis and management of ME in adults and children. A service model based on this guidance is provided in the Northern and Belfast Trust areas. Expansion of the model to other HSC Trusts will be subject to affordability within the current challenging financial position.

Mrs McKevitt asked the Minister of Health, Social Services and Public Safety to detail when funding will be aligned to the Community Resuscitation Strategy.
(AQW 45860/11-15)

Mr Hamilton: In Northern Ireland significant effort and resources are already invested in CPR training in schools and in other settings. The community resuscitation strategy is intended to increase the number of people, of all ages, trained in CPR skills. The strategy is also about making the best use of the available resources to achieve this through better co-ordination and use of existing services.

I believe the business case you have referred to relates to the establishment of a regional team of Community Resuscitation Development Officers. The Northern Ireland Ambulance Service has submitted an investment proposal regarding this to the Health and Social Care Board and is currently awaiting a final decision. I am unable to say when the HSCB will reach its final decision but I am aware that interim funding arrangements have been put in place to cover the existing posts until September 2015.

Mrs McKevitt asked the Minister of Health, Social Services and Public Safety to outline how the Community Resuscitation Strategy will be implemented with no funding aligned to its delivery.
(AQW 45862/11-15)

Mr Hamilton: In Northern Ireland significant effort and resources are already invested in CPR training in schools and in other settings. The community resuscitation strategy is intended to increase the number of people, of all ages, trained in CPR skills. The strategy is also about making the best use of the available resources to achieve this through better co-ordination and use of existing services.

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Mrs McKevitt asked the Minister of Health, Social Services and Public Safety when will the business case submitted in January 2015, supporting the implementation of the Community Resuscitation Strategy be agreed,
(AQW 45863/11-15)

Mr Hamilton: In Northern Ireland significant effort and resources are already invested in CPR training in schools and in other settings. The community resuscitation strategy is intended to increase the number of people, of all ages, trained in CPR skills. The strategy is also about making the best use of the available resources to achieve this through better co-ordination and use of existing services.

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Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail which waiting times for diagnosis or treatment are currently being affected by the pressures on his Department's budget.

(AQW 45895/11-15)

Mr Hamilton: At the quarter ended 31 March 2015 the specialties with the greatest number of patients waiting more than 15 weeks for a first outpatient appointment are trauma & orthopaedics, ophthalmology, general surgery, ENT, neurology, gastroenterology and gynaecology. For inpatient/day case treatment the specialties with the greatest number of patients waiting more than 26 weeks are trauma & orthopaedic surgery, general surgery, urology, ENT, pain management, gynaecology and plastic surgery. The diagnostic services with the greatest number of patients waiting longer than 9 weeks are echocardiography, non-obstetric ultrasound, MRI, pure tone audiometry, day case colonoscopy, day case gastroscopy and day case cystoscopy.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety for his estimate of the shortfall in his departmental budget for 2015/16; and to detail his proposed actions to address this.

(AQW 45896/11-15)

Mr Hamilton: My Department faces significant financial challenges in 2015/16 and at this stage, there is an unresolved financial gap of some £30m-£40m, which is after the commitment to deliver savings of £160m and which also assumes that there will be no service developments.

In order to achieve a balanced financial position and finance service developments, my Department will be rigorously progressing all available opportunities to secure additional resources throughout 2015-16, including full participation in the Monitoring Round processes, and to take any other necessary action in order to break even.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety how many people were treated in each Emergency Department for self-harm and/or suicidal thoughts in (i) 2014/15; (ii) 2011/12; and (iii) 2007/08; and to detail how many were aged under 16 years old.

(AQW 45898/11-15)

Mr Hamilton: Information on the number of people treated for self-harm and/or suicidal thoughts is not available. However, information is available on the number of

self-harm and suicidal ideations (thoughts) presentations at emergency care departments, and is detailed in the table overleaf.

This information is sourced from the Northern Ireland (NI) Registry of Self-Harm which was implemented in all five Health and Social Care (HSC) Trusts on 1st April 2012, and information is therefore not available prior to this date. Information is however, available for emergency care departments in the Western HSC Trust, from 2007/08 onwards, as the register was piloted in this HSC Trust in 2007.

**Number of Self-harm and Suicidal Ideation Presentations 1 at Emergency Care Departments
(2007/08, 2011/12 and 2014/15)**

Department	2007/08		2011/12		2014/15 ²	
	Under 16	Total	Under 16	Total	Under 16	Total
Mater	-	-	-	-	36	858
Royal Victoria	-	-	-	-	51	1,280
RBHSC	-	-	-	-	6	16
Antrim Area	-	-	-	-	49	981
Causeway	-	-	-	-	15	367
Downe	-	-	-	-	3	56
Lagan Valley	-	-	-	-	8	115
Ulster	-	-	-	-	48	782
Craigavon Area	-	-	-	-	43	904
Daisy Hill	-	-	-	-	19	345

Department	2007/08		2011/12		2014/15 ²	
	Under 16	Total	Under 16	Total	Under 16	Total
Altnagelvin Area	32	997	26	983	34	880
South West Acute	9	217	5	363	26	365
Tyrone County ³	4	235	-	-	-	-

- 1 The number of presentations does not equal the number of individuals, as an individual can present to an emergency care department more than once
- 2 Includes provisional information for the period 1st April 2014 – 31st December 2014
- 3 Tyrone County stopped acute services on 1st April 2012

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of patients who have received specialised National Institute for Health and Care Excellence approved drugs, in each of the last three years. **(AQW 45923/11-15)**

Mr Hamilton: It is not possible to provide figures on the number of patients who have commenced on existing or new NICE approved drugs in each of the last three years. The information is not held centrally and could only be produced at disproportionate cost.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the benefits of moving other health services to be delivered on an all-island basis. **(AQW 45926/11-15)**

Mr Hamilton: My Department is open to exploring opportunities for services to be delivered on an all-island basis where this makes sense in terms of improving access to high quality affordable health care for patients. Examples of service developments to date include: cross-border cancer and cardiac services at Altnagelvin; and, the all-island Congenital Heart Disease Network.

Mr Dallat asked the Minister of Health, Social Services and Public Safety when he intends to appoint a new chairperson to the board of the Northern Ireland Fire and Rescue Service. **(AQW 45929/11-15)**

Mr Hamilton: I intend to make an announcement on the appointment of a Chair to the NI Fire & Rescue Service by the end of June 2015.

My Department is committed to an appointment process which is open, fair, transparent and equitable to all and which complies fully with the Code of Practice issued by the Commissioner for Public Appointments for Northern Ireland (the Commissioner).

Mr Lunn asked the Minister of Health, Social Services and Public Safety what action he is taking to reduce the number of people waiting to see a consultant. **(AQW 45939/11-15)**

Mr Hamilton: The HSC Board's approach over the last number of years has been to expand health service capacity through selective, targeted, recurrent investment in elective specialties where there is an agreed capacity gap. In parallel with this approach, the Board has provided non-recurrent funding to Trusts to undertake additional activity (both in-house and in the independent sector) however due to the wider HSC financial position it was not possible to fund Trusts to undertake additional activity in the second half of the year.

In order to minimise the increase in waiting times associated with the shortfall in funding, the HSC Board will continue to work with Trusts to maximise the delivery of funded capacity and ensure the application of good waiting list management practice, including assessing and treating urgent cases first, and thereafter seeing and treating patients in chronological order.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Southern Health and Social Care Trust spent on staff travel expenses in each of the last two years. **(AQW 45950/11-15)**

Mr Hamilton: Spend by the Southern Health and Social Care Trust on staff travel expenses in each of the last two years was:

- 2014/15 - £6,584,000
- 2013/14 - £9,468,000

Mr Hussey asked the Minister of Health, Social Services and Public Safety whether he has considered midwife led maternity units for non-acute hospitals; and whether he or his officials have had sight of the report into a midwife led maternity unit commissioned by the former Western Health and Social Services Board.

(AQW 45953/11-15)

Mr Hamilton: My Department's regional maternity strategy, 'A Strategy for Maternity Care in Northern Ireland 2012-2018' is the current policy for this service. It proposed the development of midwife-led maternity units. Midwife-led units, alongside consultant obstetric units, are provided at the: Ulster Hospital, Craigavon Hospital, Daisy Hill Hospital, South West Acute Hospital and Altnagelvin Hospital. There are also freestanding midwife-led maternity units at Downe Hospital, Lagan Valley Hospital and the Mater Hospital. There are no plans for the development of further freestanding midwife-led units.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Northern Health and Social Care Trust spent on staff travel expenses in each of the last two years.

(AQW 45976/11-15)

Mr Hamilton: Spend by the Northern Health and Social Care Trust on staff travel expenses in each of the last two years was:

- 2014/15 - £8,039,207
- 2013/14 - £9,381,986

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the funding allocations to children's respite care, broken down by Health and Social Care Trust in (i) 2014/15; and (ii) 2015/16.

(AQW 46000/11-15)

Mr Hamilton: As respite care is provided across a number of Programmes of Care, information on Health and Social Care Trust's funding allocations to children's respite services is not readily available and could only be obtained at a disproportionate cost.

Mr Allister asked the Minister of Health, Social Services and Public Safety for his assessment of how far his Department is succeeding in adhering to the National Institute for Health and Care Excellence guidelines on autism.

(AQW 46026/11-15)

Mr Hamilton: Substantial progress has been made in Northern Ireland in delivering NICE Clinical Guidelines CG 128 'Autism Diagnosis in Children and Young People' and CG 170 'The Management and Support of Children and Young People on the Autism Spectrum', through the Six Steps of Autism Care regional model.

However, full implementation in achieving standard timescales from referral to assessment, assessment to diagnosis, and then to appropriate intervention, are not presently being met, as a result of the very considerable increase in referrals and the inability of current service capacity to meet this demand.

Mr Allister asked the Minister of Health, Social Services and Public Safety what innovative actions, and with what effect, have been taken since the introduction of the Autism Strategy.

(AQW 46027/11-15)

Mr Hamilton: It is intended that an update on the progress of the cross-departmental Autism Strategy (2013 - 2020) and Action Plan (2013 - 2016) will be shared with the Assembly by the end of June 2015.

Lord Morrow asked the Minister of Health, Social Services and Public Safety to clarify the current status on prescribing Sativex for Multiple Sclerosis patients, particularly those with more severe symptoms or in advanced stages of the illness, including whether there is an option for private prescription if Health Service prescribing is limited or not available.

(AQW 46030/11-15)

Mr Hamilton: Advice on the use of Sativex will be included in an updated clinical guideline on the management of MS due to be published by NICE in October 2015. My Department will review the updated guidance for its applicability in Northern Ireland when it is available. In the interim, I would not expect to see Sativex routinely commissioned in the HSC, although it is open to clinicians to consider making applications for individual patients under the Individual Funding Request process.

Sativex is a licensed drug and if a clinician decides to prescribe it via a private prescription they can do so. The issuing and dispensing of a medicine on a private basis is a matter for the health professionals and patient involved.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Fire and Rescue Service spent on staff travel expenses in each of the last two years.

(AQW 46032/11-15)

Mr Hamilton: Spend by the Northern Ireland Fire and Rescue Service on staff travel expenses in each of the last two years was:

- 2014/15 - £193,206
- 2013/14 - £202,559

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Health and Social Care Board spent on staff travel expenses in each of the last two years.

(AQW 46033/11-15)

Mr Hamilton: Spend by the Health and Social Care Board on staff travel expenses in each of the last two years was:

- 2014/15 - £735,450
- 2013/14 - £641,185

Mr Easton asked the Minister of Health, Social Services and Public Safety how much his Department spent on staff travel expenses in each of the last two years.

(AQW 46034/11-15)

Mr Hamilton: Spend by the Department of Health Social Services and Public Safety on staff travel expenses in each of the last two years was:

- 2014/15 - £346,426
- 2013/14 - £455,765

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Regulation and Quality Improvement Authority spent on staff travel expenses in each of the last two years.

(AQW 46036/11-15)

Mr Hamilton: Spend by the Regulation and Quality Improvement Authority on staff travel expenses in each of the last two years was:

- 2014/15 - £144,380
- 2013/14 - £159,904

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether he can give assurances on issues such as blood donations from gay men and any other issue where his personal views are engaged, that he will remove those views from the decision making process to facilitate the best outcome for patients.

(AQW 46038/11-15)

Mr Hamilton: If the Northern Ireland Court of Appeal decides that it is my responsibility to determine deferral periods for blood donation my priority will be to protect the health of people who receive blood transfusions and I will be guided by the evidence.

Mr G Robinson asked the Minister of Health, Social Services and Public Safety how many medical emergencies have required an emergency air lift in each of the last five years.

(AQW 46050/11-15)

Mr Hamilton: Information on the number of medical emergencies requiring an emergency air lift is not available, and could only be provided at disproportionate cost.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety to detail the percentage of patients with bilateral age-related hearing loss in each Health and Social Care Trust which are fitted with two hearing aids at a single appointment, as per the relevant quality standards.

(AQW 46055/11-15)

Mr Hamilton: The information requested is not held centrally and could only be provided at disproportionate cost.

Mr Agnew asked the Minister of Health, Social Services and Public Safety whether the proposal to close Northfield House will have any impact on his decision in relation to the 20 bed GP ward at Bangor Community Hospital.

(AQW 46063/11-15)

Mr Hamilton: Trust proposals for change to their residential care homes will be subject to public consultation by each Trust. There will be no immediate change to Northfield House. I have written to existing permanent residents in order to provide an assurance that they will not be required to leave their home, providing their needs can continue to be safely met there.

The 20 bed Bangor Community Hospital Unit remains closed while the Trust carries out its consultation on proposals for the future provision of intermediate care in North Down and Ards. The consultation closed on 29 April 2015 and the Trust is currently considering responses.

Ms Boyle asked the Minister of Health, Social Services and Public Safety what measures he is taking to address the shortage of consultants in the Paediatric Gastroenterology Department in the Royal Victoria Hospital.

(AQW 46071/11-15)

Mr Hamilton: Recruitment matters are the responsibility of HSC employers. The Belfast Health and Social Care Trust has advised me that it currently employs two consultants and one nurse specialist in the Paediatric Gastroenterology Department in the Royal Victoria Hospital. At present one consultant is currently on a leave of absence and the Trust is in the process of appointing a locum to cover this post and is in discussion with the Health and Social Care Board regarding an increase in the number of theatre lists to reduce waiting times for patients.

Ms Boyle asked the Minister of Health, Social Services and Public Safety if he plans to appoint a Paediatric Gastroenterology consultant in the Western Health and Social Care Trust.

(AQW 46072/11-15)

Mr Hamilton: Recruitment matters are the responsibility of HSC Employers. At present Paediatric Gastroenterology is a specialist tertiary service commissioned for the whole of Northern Ireland and delivered by Belfast Health and Social Care Trust. The Western Health and Social Care Trust has advised me that there are no plans to appoint a consultant in this specialty area.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the current waiting lists for (i) private care homes; and (ii) Health and Social Care Trust care homes, broken down by Trust area.

(AQW 46075/11-15)

Mr Hamilton: The Health and Social Care Board has advised me that the Western Trust currently has 21 placement applications for temporary/permanent status in independent nursing/residential homes. These are considered and reviewed by the Trust on a regular basis and available funding allocated to those assessed at greatest need. The Trust has no one on a waiting list for its statutory residential homes.

The Northern Trust has 4 older people who are currently accommodated in intermediate care beds awaiting their nursing home of choice, with no-one on a waiting list for its statutory residential homes.

None of the other Trusts have anyone on a waiting list for either private or Trust care homes.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of carer grants provided to individuals to cover the additional costs of caring in (i) 2013/14; and (ii) 2014/15, broken down by Health and Social Care Trust.

(AQW 46077/11-15)

Mr Hamilton: Information on the number of carers grants made in 2013/14 is detailed in the table below. Information for 2014/15 is not yet available.

Number of one off Carers Grants made in-year

HSC Trust	2013/14
Belfast	1,246
Northern	166
South Eastern	553
Southern	233
Western	551
Northern Ireland	2,749

Mr Cree asked the Minister of Health, Social Services and Public Safety to detail the rationale or strategy behind the Health and Social Care Board's decision to consider alternatives to the housing of older residents in its National Health residential care homes.

(AQW 46079/11-15)

Mr Hamilton: Transforming your Care proposed a new model of care built around the needs of individuals rather than institutions, with more care delivered closer to home where it is safe and appropriate to do so.

Thanks to increases in life expectancy, older people are living longer and we know that they would rather stay in their own homes with the right support, retaining their independence for as long as possible. This has resulted in a fall in the demand for residential care for older people.

In line with this, the Health and Social Care Board has been leading on a review over the past two years on the future role and function of Trust's statutory residential care homes.

I remain committed to ensuring suitable, safe alternatives are provided before any proposed closures take place, and that no one will be required to leave their home against their wishes.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much has been spent on travel costs for staff in the Northern Ireland Blood Transfusion Service for each of the last two years.

(AQW 46090/11-15)

Mr Hamilton: Spend by the Northern Ireland Blood Transfusion Service on travel costs for staff in each of the last two years was:

- 2014/15 - £19,587
- 2013/14 - £23,849

Mr Easton asked the Minister of Health, Social Services and Public Safety to outline his Department's capital works budget for next year.

(AQW 46094/11-15)

Mr Hamilton: The Department has no approved capital budget for 2016-17. It is expected that a Budget Exercise for 2016-17 onwards will be commissioned by DFP later this year.

Mr Easton asked the Minister of Health, Social Services and Public Safety how many units of blood were donated in 2014.

(AQW 46095/11-15)

Mr Hamilton: The Northern Ireland Blood Transfusion Service has confirmed that 55,528 units of blood were donated in 2014.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 45455/11-15, whether the three new consultant posts were based in the Causeway Hospital.

(AQW 46114/11-15)

Mr Hamilton: The Northern Health and Social Care Trust has confirmed that the three (2.5 whole-time equivalent) newly created consultant posts referred to in AQW 45455 are based in the Causeway Hospital.

Mr McAleer asked the Minister of Health, Social Services and Public Safety for an update on the Northern Ireland Ambulance Service pay review that has been ongoing for eleven years.

(AQW 46119/11-15)

Mr Hamilton: A Regional Quality Assurance (RQA) Team has been asked to consider the Northern Ireland Ambulance Service (NIAS) paramedics' job evaluations and the Department and Trade Unions have been working together to help expedite the matter

Pending the outcomes of the Job Evaluation Process, Paramedics, Rapid Response Paramedics and Emergency Medical Technicians are being paid, on a without prejudice basis, on Agenda for Change pay bands. Paramedics and Rapid Response Paramedics are being paid a Band 5 salary and Emergency Medical Technicians are being paid a Band 4 salary.

Mr Easton asked the Minister of Health, Social Services and Public Safety how many units of blood were imported to Northern Ireland from the rest of the UK in the last twelve months.

(AQW 46149/11-15)

Mr Hamilton: In the last twelve months, 23 units of blood have been imported to Northern Ireland from NHS Blood and Transplant.

Mr Easton asked the Minister of Health, Social Services and Public Safety what measures are taken to ensure that all imported blood is screened.

(AQW 46150/11-15)

Mr Hamilton: Blood imported from Great Britain and Ireland is screened for the same infectious markers that are used in Northern Ireland and is therefore only released for issue to the Northern Ireland Blood Transfusion Service when these tests are complete and reported negative. Each unit has a unique identification number which provides full traceability from the donor to the recipient. The identification number enables the results of red cell serology and infectious screen to be accessed.

If blood is imported from outside of the UK and Ireland, written confirmation of infectious markers screened for is requested, along with the results and further information on the microbiological tests (specific assays) used in their transfusion centres.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much funding the Northern Ireland Blood Transfusion Service received in 2014/15.

(AQW 46151/11-15)

Mr Hamilton: The Northern Ireland Blood Transfusion Service received funding of £22.6m in 2014/15.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the (i) current number; and (ii) job titles of staff employed by the Northern Ireland Blood Transfusion Service.

(AQW 46152/11-15)

Mr Hamilton: Headcount and whole-time equivalent (WTE) figures for employees of the NI Blood Transfusion Service at 31st March 2015 are shown in the table below.

Staff Group	Headcount	WTE
Administrative and Clerical	63	51.0
Driver/Porter/Domestic Services	10	6.9
Qualified Nurses	15	12.9
Nursing Support	43	35.6
Biomedical Science	58	54.9
Medical and Dental	4	3.9
Total	193	165.3

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of mobile units operated by the Northern Ireland Blood Transfusion Service.

(AQW 46153/11-15)

Mr Hamilton: There are currently three mobile units operated by the Northern Ireland Blood Transfusion Service (NIBTS). One unit is operated from the Omagh Unit base at the Tyrone & Fermanagh hospital and two units are operated from the NIBTS headquarters in Belfast.

Mr Beggs asked the Minister of Health, Social Services and Public Safety to detail (i) the current waiting time for an (a) adult; and (b) child referral to mental health services; and (ii) the number of individuals awaiting their first professional assessment, broken down by Health and Social Care Trust.

(AQW 46163/11-15)

Mr Hamilton:

- (a) Table 1 overleaf details the current waiting times for adults referred for mental health services at 30 April 2015 by Health and Social Care Trust.

Table 1

HSC Trust	Waiting Times					Total
	0 – 3 weeks	>3 – 6 weeks	>6 – 9 weeks	>9 – 13 weeks	>13 weeks	
Belfast	593	306	156	46	20	1,121
Northern	672	322	135	0	0	1,129
South Eastern	310	156	21	0	0	487
Southern	494	381	305	148	17	1,345
Western	385	236	136	52	5	814
Total	2,454	1,401	753	246	42	4,896

- (i)(b) Table 2 below details the current waiting times for children to access Child and Adolescent Mental Health Services at 30 April 2015 by Health and Social Care Trust.

Table 2

HSC Trust	Waiting Times					Total
	0 – 3 weeks	>3 – 6 weeks	>6 – 9 weeks	>9 – 13 weeks	>13 weeks	
Belfast	162	82	44	1	0	289
Northern	63	39	44	60	23	229
South Eastern	0	0	0	0	0	0

HSC Trust	Waiting Times					Total
	0 – 3 weeks	>3 – 6 weeks	>6 – 9 weeks	>9 – 13 weeks	>13 weeks	
Southern	42	21	20	0	0	83
Western	116	71	67	10	0	264
Total	383	213	175	71	23	865

- (ii) Table 3 below details the total number of individuals awaiting their first professional assessment at 30 April 2015 by Health and Social Care Trust area.

Table 3

HSC Trust	No. of individuals waiting first professional assessment
Belfast	1,410
Northern	1,358
South Eastern	487
Southern	1,428
Western	1,078
Total	5,761

Mr Weir asked the Minister of Health, Social Services and Public Safety for an update on how many permanent residents are current residing in Northfield House, Donaghadee.

(AQW 46187/11-15)

Mr Hamilton: As at 27 May 2015, there are 3 permanent residents in Northfield House.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety why his Department has not implemented the recommendations of previous general practice working planning reports from 2006 and 2009 which highlighted the need to urgently increase the numbers of GPs being trained.

(AQW 46191/11-15)

Mr Hamilton: The implementation of any increase in trainee places on the foot of workforce planning reviews is subject to the availability of the necessary additional funding. Each GP trainee position currently costs in the order of £83k per annum over the three years of the training programme. This additional resource not identified in respect of the recommendations on GP training numbers provided in 2006 and 2010.

I am aware of the recent recommendation from the Health and Social Care Board / Public Health Agency to increase the number of GP trainees. However, any increase in trainee numbers needs to take account of the overall funding position for the HSC.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety whether the recommendations of the 2014 interim workforce planning report to urgently increase the number of GPs being trained from 65 to 80 will be implemented.

(AQW 46192/11-15)

Mr Hamilton: The implementation of any increase in trainee places on the foot of workforce planning reviews is subject to the availability of the necessary additional funding. Each GP trainee position currently costs in the order of £83k per annum over the three years of the training programme. This additional resource not identified in respect of the recommendations on GP training numbers provided in 2006 and 2010.

I am aware of the recent recommendation from the Health and Social Care Board / Public Health Agency to increase the number of GP trainees. However, any increase in trainee numbers needs to take account of the overall funding position for the HSC.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the average number of forms a nurse is required to complete per day for each patient.

(AQW 46194/11-15)

Mr Hamilton: The Nursing and Midwifery Council Code of Professional Standards stipulates that each nurse 'must keep clear and accurate records relevant to their practice.'

Nurses complete forms depending on the acuity and dependency of each individual patient's care requirements.

The information required to respond to this question could only be provided at disproportionate costs.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail his Department's policy on Independent Living.

(AQW 46195/11-15)

Mr Hamilton: Until 30 June 2015, the responsibility for the administration and payment of Independent Living Fund (ILF) recipients in Northern Ireland rests with the Department for Social Development.

Thereafter, with effect from 1 July 2015 that responsibility will transfer to my Department. On 19 May 2015 I announced that I have reached agreement in principle with the Scottish Government that payments to ILF recipients in Northern Ireland will be administered through the newly created Scottish ILF infrastructure. This is a positive development for Northern Ireland and will ensure continuity of service for current ILF recipients.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Northern Health and Social Care Trust has spent on postage in each of the last two financial years.

(AQW 46203/11-15)

Mr Hamilton: Spend on postage by the Northern Health and Social Care Trust in each of the last two financial years was:

- 2014/15 - £738,144
- 2013/14 - £672,476

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety what strategy his Department has to reduce waiting times for breast cancer referrals.

(AQW 46219/11-15)

Mr Hamilton: The HSCB met regularly with all Trusts in dedicated cancer performance and improvement meetings. The focus of these meetings is to apply the models of best practice that exist within Northern Ireland across all Trusts to ensure a consistent approach to delivery of the 14-day standard for urgent referrals. This included ensuring that existing triple assessment capacity is maximised, through using the most appropriate pathways for routine and review patients, and the implementation of effective triage practice in line with good practice.

The latest performance statistics, published on the 26th March 2015, show that during December 2014, 96.3% of patients waiting for an urgent breast cancer referral were seen within 14 days,

Ms Ruane asked the Minister of Health, Social Services and Public Safety to detail the number of full time diabetic nurses in Daisy Hill Hospital, excluding those on maternity leave and long term illness, in each of the last five years to date.

(AQW 46230/11-15)

Mr Hamilton: The requested information is shown in the table below, at 31st March in each year. The Diabetes Specialist Nursing team in Newry and Mourne does not work exclusively in Daisy Hill and works in both the hospital and community service. Headcount and whole-time equivalent (WTE) figures for the service, including part-time posts, are also given.

Year	Full-Time Staff	Total Headcount	Total WTE
2011	2	4	2.9
2012	0	5	2.86
2013	0	6	3.16
2014	0	6	3.16
2015	1	5	3.04

Ms Ruane asked the Minister of Health, Social Services and Public Safety to detail the number of full time speech therapists in the Southern Health and Social Care Trust, excluding those on maternity leave and long term illness, in each of the last five years to date.

(AQW 46231/11-15)

Mr Hamilton: HSC Trusts have supplied the following information. The tables below show the number of full-time staff, the total headcount and the total whole-time equivalent (WTE) for each service at 31st March in each year.

Northern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	44	89	73.70
2012	54	100	83.06
2013	55	102	86.07
2014	55	96	81.46
2015	50	100	83.35

South Eastern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	32	68	57.03
2012	25	65	52.24
2013	30	72	58.01
2014	33	74	61.02
2015	34	73	61.06

Southern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	36	70	54.96
2012	37	65	52.55
2013	34	79	58.54
2014	31	72	55.06
2015	29	71	51.54

Western HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	27	54	46.45
2012	32	58	50.29
2013	31	59	51.98
2014	34	61	54.26
2015	30	60	52.45

Ms Ruane asked the Minister of Health, Social Services and Public Safety to detail the number of full time speech therapists in the South Eastern Health and Social Care Trust, excluding those on maternity leave and long term illness, in each of the last five years to date.

(AQW 46232/11-15)

Mr Hamilton: HSC Trusts have supplied the following information. The tables below show the number of full-time staff, the total headcount and the total whole-time equivalent (WTE) for each service at 31st March in each year.

Northern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	44	89	73.70
2012	54	100	83.06
2013	55	102	86.07
2014	55	96	81.46
2015	50	100	83.35

South Eastern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	32	68	57.03
2012	25	65	52.24
2013	30	72	58.01
2014	33	74	61.02
2015	34	73	61.06

Southern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	36	70	54.96
2012	37	65	52.55
2013	34	79	58.54
2014	31	72	55.06
2015	29	71	51.54

Western HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	27	54	46.45
2012	32	58	50.29
2013	31	59	51.98
2014	34	61	54.26
2015	30	60	52.45

Ms Ruane asked the Minister of Health, Social Services and Public Safety to detail the number of full time speech therapists in the Northern Health and Social Care Trust, excluding those on maternity leave and long term illness, in each of the last five years to date.

(AQW 46233/11-15)

Mr Hamilton: HSC Trusts have supplied the following information. The tables below show the number of full-time staff, the total headcount and the total whole-time equivalent (WTE) for each service at 31st March in each year.

Northern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	44	89	73.70
2012	54	100	83.06
2013	55	102	86.07
2014	55	96	81.46
2015	50	100	83.35

South Eastern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	32	68	57.03
2012	25	65	52.24
2013	30	72	58.01
2014	33	74	61.02
2015	34	73	61.06

Southern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	36	70	54.96
2012	37	65	52.55
2013	34	79	58.54
2014	31	72	55.06
2015	29	71	51.54

Western HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	27	54	46.45
2012	32	58	50.29
2013	31	59	51.98
2014	34	61	54.26
2015	30	60	52.45

Ms Ruane asked the Minister of Health, Social Services and Public Safety to detail the number of full time speech therapists in the Western Health and Social Care Trust, excluding those on maternity leave and long term illness, in each of the last five years to date.

(AQW 46234/11-15)

Mr Hamilton: HSC Trusts have supplied the following information. The tables below show the number of full-time staff, the total headcount and the total whole-time equivalent (WTE) for each service at 31st March in each year.

Northern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	44	89	73.70
2012	54	100	83.06
2013	55	102	86.07
2014	55	96	81.46
2015	50	100	83.35

South Eastern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	32	68	57.03
2012	25	65	52.24
2013	30	72	58.01
2014	33	74	61.02
2015	34	73	61.06

Southern HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	36	70	54.96
2012	37	65	52.55
2013	34	79	58.54
2014	31	72	55.06
2015	29	71	51.54

Western HSC Trust

Year	Full-Time Staff	Total Headcount	Total WTE
2011	27	54	46.45
2012	32	58	50.29
2013	31	59	51.98
2014	34	61	54.26
2015	30	60	52.45

Ms Boyle asked the Minister of Health, Social Services and Public Safety what action he is taking to address the GP workforce crisis which is affecting out of hours GP services in Strabane.

(AQW 46240/11-15)

Mr Hamilton: As part of the 2015/16 General Medical Services funding allocation an additional £3.1m is being invested in Out of Hours GP services (OOHs). The HSCB is currently working with Out of Hours providers to make additional clinical time available during the hours that the OOHs operates.

The following measures have been taken:

- funding for an additional 42 hours of GP time at weekends was allocated to OOHs providers in 2014/15, and again in 2015/16, to be used where the greatest demand is during the hours that the OOH operates;
- a Local Enhanced Service (LES) is in operation in the Western area. GP principals provide additional clinical time (via booked appointments) for a 2½ hour period for 5 evenings during the week. This service has been put in place in the Altnagelvin base which has the highest demand in the Western area. Supporting GPs in the Altnagelvin base helps minimise the number of times that GPs in the other 4 centres in the Western area have to move from their respective centres. This also allows a GP from the Altnagelvin base to travel to Strabane to see patients by appointment if the Strabane shift is unfilled; and
- Western Urgent Care (WUC) has been allocated funding to engage a Procedure Nurse to carry out procedures such as ECGs, Nebulising etc.

Other initiatives that have undertaken to support OOHs centres in the Western area include:

- an advertisement has been placed in UK wide magazine offering GPs shifts in all OOHs centres in Western area;
- a series of communications to GP practices in the Western area seeking their support for the local OOHs centre;
- locum agencies in the UK and Republic of Ireland have been contacted;
- all OOHs providers have received additional funding to uplift staffing capacity during public holidays; and
- WUC has increased the pool of nursing staff to work in Out of Hours.

GPs are also charged increased indemnity costs if they take on OOHs work and this can be a disincentive for taking on the work. The HSCB are currently considering how to financially incentivise individuals to take up multiple shifts, as a way of helping to address these indemnity costs.

Mr McNarry asked the Minister of Health, Social Services and Public Safety to detail the time allocated to each home care visit to the elderly by each Health and Social Care Trust.

(AQW 46241/11-15)

Mr Hamilton: My Department does not hold information on the length of time allocated for individual sessions of domiciliary care. The duration of such visits will vary from individual to individual depending on the nature of their needs as determined by a professional assessment. In this context, where HSC professionals consider that specific needs can be met safely and with dignity in less than thirty minutes, they must have sufficient discretion to do so. It would not, therefore, be my intention to introduce a thirty minute minimum time for home care visits.

Mr McNarry asked the Minister of Health, Social Services and Public Safety what action he will take to increase the amount of time allocated to each home care visit to a minimum of 30 minutes.

(AQW 46242/11-15)

Mr Hamilton: My Department does not hold information on the length of time allocated for individual sessions of domiciliary care. The duration of such visits will vary from individual to individual depending on the nature of their needs as determined by a professional assessment. In this context, where HSC professionals consider that specific needs can be met safely and with dignity in less than thirty minutes, they must have sufficient discretion to do so. It would not, therefore, be my intention to introduce a thirty minute minimum time for home care visits.

Mr Easton asked the Minister of Health, Social Services and Public Safety what powers do local councils have to stop the sale of legal highs.

(AQW 46243/11-15)

Mr Hamilton: Currently local councils have no specific powers to stop the sale of New Psychoactive Substances (so called 'legal highs'). However, several councils in Northern Ireland have used powers under the General Products Safety Regulations 2005 to apply for an order for the forfeiture of a product on the grounds that it is dangerous and there is inadequate labelling and safety information on such substances. Action taken by Belfast City Council, in partnership with the PSNI and the Attorney General, has led to an injunction against one operator and subsequently 3 people being sentenced in court. Belfast City Council believes this action has closed all the "headshops" operating in the city.

Following lobbying from my Department, the UK Government is currently developing UK-wide legislation to provide a blanket ban on the sale and supply of New Psychoactive Substances. Consideration is being given to how this legislation could be enforced and it is possible that further powers could be given to local councils in this regard.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44644/11-15, to detail the negotiations which are currently ongoing with the manufacturer of the Meningitis B Vaccine Bexsero in relation to ensuring that adequate supplies are available to meet the scheduled commencement date of September 2015.

(AQW 46257/11-15)

Mr Hamilton: The Department of Health, England, are leading the negotiations with the vaccine manufacturer. The latest information indicates that there should be adequate supplies of the vaccine delivered into the UK to enable the Men B vaccination programme to begin in September 2015.

Work is ongoing to agree exactly how the programme will be implemented in Northern Ireland.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to outline his Department's timeline for consultation in relation to the Adoption and Children Bill.

(AQW 46309/11-15)

Mr Hamilton: Jim Wells, issued an Executive paper on 6 March 2015 seeking Executive colleagues' agreement to proceed to public consultation on the draft Adoption and Children Bill. The paper has not yet been tabled for consideration. The timeline for consultation will depend on the outcome of the Executive's consideration. However, I remain committed to moving towards consultation on the Bill within the current mandate.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Western Health and Social Care Trust in each of the last three years.

(AQW 46377/11-15)

Mr Hamilton: Spend on postage by the Western Health and Social Care Trust in each of the last three years was:

- 2014/15 - £457,467
- 2013/14 - £524,789
- 2012/13 - £494,984

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Northern Ireland Fire Service in each of the last three years.

(AQW 46380/11-15)

Mr Hamilton: Spend on postage by the Northern Ireland Fire and Rescue Service in each of the last three years was:

- 2014/15 - £29,142
- 2013/14 - £23,789
- 2012/13 - £30,249

Mr Easton asked the Minister of Health, Social Services and Public Safety how much his Department has spent on postage in each of the last three years.

(AQW 46392/11-15)

Mr Hamilton: Spend on postage by the Department of Health Social Services and Public Safety in each of the last three years was:

- 2014/15 - £17,834
- 2013/14 - £32,137
- 2012/13 - £30,394

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, given the frustrations some charities experience due to delays in the payment of funds through the Infrastructure Grant, for his assessment of (i) when funds will be paid; and (ii) the impact of delays on the services offered by local charities.

(AQW 46430/11-15)

Mr Hamilton: All 67 organisations, which received core funding from my Department in 2014/2015, were advised last year to prepare for funding being unavailable in 2015/2016. It is my intention to inform all 67 organisations about the future of core grant funding very shortly.

Department of Justice

Lord Morrow asked the Minister of Justice to outline the circumstances around the escape Thomas Valliday whilst at Ulster Hospital, Dundonald on Friday 1 May 2015; and whether any member of prison or hospital staff, patients or members of the public sustained any injury during the incident.

(AQW 45492/11-15)

Mr Ford (The Minister of Justice): After undergoing a day procedure at the Ulster Hospital on 1 May Mr Valliday escaped from the custody of prison staff. He was subsequently arrested by police on 4 May and returned to custody. The circumstances of the escape are the subject of both a NIPS and PSNI investigation and it would not be appropriate to comment further pending the outcome of those investigations. I can however confirm that no member of prison or hospital staff, patients or members of the public sustained any injury during the incident.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45352/11-15, for the corresponding figures for each of the previous two years.

(AQW 45857/11-15)

Mr Ford: It is not possible to provide numbers of active cases within the court system on a retrospective basis. However, details of the number of cases received into the Magistrates' Courts in respect of offences involving indecent images of children are outlined in the table below shown by court division for 2013 and 2014. It should be noted that there is no direct correlation between these figures and those in the previous AQW/45352/11-15.

Court Division	2013	2014	Total
Antrim	4	4	8
Ards	17	16	33
Armagh And South Down	9	5	14
Belfast	24	19	43
Craigavon	8	7	15
Fermanagh And Tyrone	4	5	9
Londonderry	3	4	7
Grand Total	69	60	129

Cases involving offences of this type are initiated at the Magistrates' Court level and some may be committed to the Crown Court. It is not possible to provide Crown Court case numbers without a duplication of cases occurring.

Mr Dunne asked the Minister of Justice what action is being taken to help counter the increasing sales and availability of legal-highs.

(AQW 45922/11-15)

Mr Ford: The Organised Crime Task Force Drugs sub group includes a wide range of organisations that have been working in partnership to address the issue of illicit substances, including so-called legal highs, being sold in Northern Ireland.

My Department continues to support the actions of local councils in their use of the General Product Safety Regulations 2005 to remove these harmful substances from sale and reduce their availability. In particular the recent successful prosecutions by Belfast City Council have been an example to other councils not just in Northern Ireland but across the United Kingdom.

Ultimately, we need to get the message to people, that these so-called and mis-named legal highs, could be potentially lethal as the user has no idea of the chemical make-up of the substance, its strength, its effects or how it might react with other substances such as alcohol.

It is clear that more needs to be done to respond to the emergence of these harmful substances. Prior to the election, I had advised the UK Minister of State for Crime Prevention on a number of occasions that the Irish legislation might prove a useful way forward.

Whilst drug legislation is a reserved matter, the Home Secretary has now written to me outlining future proposals for legislative change that aims to tackle the manufacture, distribution, sale and supply of these new psychoactive substances. Home Office officials are currently working with officials, in both my Department and the Department of Health, Social Services and Public Safety, on those proposals in order to ensure that any new legislation meets our needs.

I remain of the view that a consistent UK-wide legislative approach is integral to tackling the harms caused by these substances in our communities.

Mr Dallat asked the Minister of Justice for his assessment of the standards of education in Magilligan Prison; and how he plans to improve standards.

(AQW 45933/11-15)

Mr Ford: The transfer of the Learning and Skills function from Magilligan Prison to the North West Regional College (NWRC) was officially launched on Thursday 28 May 15.

The outsourcing of Learning and Skills to the NWRC will provide a wider curriculum for prisoners with each course resulting in an accredited outcome.

The outsourcing of Learning and Skills to the Department of Employment and Learning is expected to improve the available opportunities for prisoners in Magilligan.

Lord Morrow asked the Minister of Justice given the Sexual Offences Prevention Order breach and the offences committed whilst under same, whether he will order a Serious Case Review into the circumstances which led to case number 14/113980 Stephen Bell at Newry Crown Court.

(AQW 45964/11-15)

Mr Ford: A serious case review has not been commissioned as the matter does not meet the threshold for a serious case review set out in the manual of practice for the public protection arrangements (PPANI). An internal review of the case has been conducted by PSNI which will shortly be presented to the PPANI Strategic Management Board. Any learning points which may emerge from this will be shared with partner agencies working within the PPANI arrangements.

Lord Morrow asked the Minister of Justice, pursuant to AQW 41876/11-15, to detail the costs, including legal aid, of each trial listing.

(AQW 45966/11-15)

Mr Ford: The estimated cost of this case, broken down by each separate trial stage, is outlined in the table below.

Cost Type	Pre-Trial Stages	1st Trial	2nd Trial	3rd Trial	4th Trial	Total
a) Legal Aid ¹	£1,855	£21,777	£34,902	-	£43,588	£102,122
b) PPS ²	-	-	£14,811	£14,245	£29,087	£58,143
c) Court Costs ³	£6,794	£5,526	£5,727	£7,707	£15,740	£41,494
Total 4	£8,649	£27,303	£55,440	£21,952	£88,415	£201,759

1 Fees for Junior Counsel for the 2nd, 3rd and 4th Trials have not yet been paid.

It is not possible to breakdown the fees further for trials 3 and 4 as the rules do not provide for this, one basic trial fee only being payable and an enhancement for the subsequent trial.

Fees in relation to the Magistrates' Courts proceedings are assessed in accordance with The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009.

Fees in relation to the Crown Court proceedings are assessed in accordance with The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 as amended by the 2011 Rules.

2 In the absence of detailed records of time spent on individual cases it is not possible to produce precise or average costs for a particular case. Some costs are identifiable however, for example the fees paid to prosecuting counsel and expenses paid to witnesses and expert witnesses.

3 The estimated court cost include judicial and staff salaries, facilities and juror costs

Mr Newton asked the Minister of Justice to detail the number of filling stations in Belfast, broken down by area, that have been identified for purchasing and retailing laundered fuel; and what action his Department has taken.

(AQW 45973/11-15)

Mr Ford: As I have previously stated in the Assembly, under current legislation HM Revenue and Customs cannot release details of those suspected of duty evasion before conviction, but I have asked that this be reviewed. Action against those in possession of laundered fuel is the responsibility of HMRC.

Mr Newton asked the Minister of Justice to outline the links between the Prison Service and ex-prisoners community groups offering training to provide former prisoners with qualifications or employment.

(AQW 45974/11-15)

Mr Ford: The Northern Ireland Prison Service (NIPS) works with many partners in the Voluntary and Community Sector to provide a range of services to offenders and their families aimed at successfully re-integrating prisoners into society. Employment is a key factor in preventing re-offending and NIPS works hard to ensure that prisoners are offered the opportunity to undertake educational activities including work experience, where this is appropriate and available. Most of this activity takes place while individuals are still in custody.

None of the community sector partners would appear to be "ex-prisoners community groups". However, NIPS works with Extern to provide accredited employability training, vocational training and qualifications, and work placements for prisoners nearing the end of their sentences who are living within the community. This work is funded by NIPS, the Department for Employment and Learning and the European Social Fund. Likewise NIPS works with NIACRO to prepare prisoners for work and to engage with employers to find and sustain work placements for prisoners upon release.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45404/11-15, to detail the corresponding overall figures for each of the last two years.

(AQW 46047/11-15)

Mr Ford: It is not possible to provide numbers of active cases within the court system on a retrospective basis; however, details of the number of cases received into the Magistrates' Courts in respect of sexual offences, including breach of Sexual Offences Prevention Orders, are outlined in the table below. The information is shown by court division for 2013 and 2014.

It should be noted that there is no direct correlation between these figures and those in the previous AQW/45404/11-15.

Court Division	2013	2014	Total
Antrim	94	78	172
Ards	132	117	249
Armagh And South Down	98	76	174
Belfast	345	260	605
Craigavon	134	109	243
Fermanagh And Tyrone	182	159	341
Londonderry	213	184	397
Grand Total	1198	983	2181

Cases involving offences of this type are initiated at the Magistrates' Court level and may then be committed to the crown court. It is not possible to provide crown court case numbers without a duplication of cases occurring.

Ms Lo asked the Minister of Justice, pursuant to AQO 8200/11-15, when a paper will be sent to the Executive on the issue of fatal foetal abnormality.

(AQW 46086/11-15)

Mr Ford: I circulated a draft paper, to seek Executive agreement for a Bill to change the law on abortion for fatal fetal abnormality, to Executive colleagues for comment on 1 June. I hope this will be considered by the Executive at its meeting on 11 June.

Lord Morrow asked the Minister of Justice whether Jonathan Turley has ever been categorised as dangerous under The Criminal Justice (Northern Ireland) Order 2008.

(AQW 46087/11-15)

Mr Ford: Mr Turley has never been categorised as dangerous as defined by the Criminal Justice (Northern Ireland) Order 2008.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45350/11-15, what is the current (i) integrated; and (ii) separated occupancy; and what was the overall average occupancy for the financial year 2014/15.

(AQW 46088/11-15)

Mr Ford: The current occupancy of Roe House for integrated prisoners is 63 and for separated prisoners is 44. The average occupancy for Roe House over the 2014/2015 financial year was 75 for Roe Integrated and 46 for Roe Separated.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45352/11-15, how many of these cases involve a previous relevant record.

(AQW 46089/11-15)

Mr Ford: As these cases are currently live within the court system, it would not be appropriate to provide the information requested.

Mr Campbell asked the Minister of Justice, given the continuing number of occasions on which Army Technical Officers are being called to deal with devices in the North West of Northern Ireland, whether he will hold discussions with the Chief Constable on the best way to deal with such incidents.

(AQW 46129/11-15)

Mr Ford: Explosive Ordnance Disposal (EOD) support to the PSNI is a matter between the PSNI and the Ministry of Defence. As Justice Minister I am committed to respecting the operational independence of the Chief Constable. I do, however, have regular engagement with the Chief Constable and I have been assured that the support which the EOD teams provide to the PSNI is delivered in the most operationally effective way possible.

Mr D McIlveen asked the Minister of Justice what strategy his Department has in place to reduce delays in criminal court cases involving young defendants.

(AQW 46131/11-15)

Mr Ford: I am overseeing an ambitious and far-reaching programme of work to transform the performance of the criminal justice system through a range of procedural and legislative reforms.

The programme has given a particular focus to cases involving young people and has already delivered Youth Engagement Clinics which provide additional support to young people at an early stage in proceedings to help them make better informed decisions about their case. Early indications are that this initiative, which was developed to begin to prepare the system in anticipation of statutory time limits in the Youth Court, has the potential to free up capacity by reducing the number of cases that proceed to court unnecessarily and are then withdrawn for a diversionary disposal to be administered.

My officials are also working with justice partners to improve the timeliness of forensic evidence and medical reports which tend to be the main causes of delay in youth cases.

In addition, the Justice Bill which is currently before the Assembly will deliver crucial reforms to improve performance in youth cases by streamlining the summons process and providing for the introduction of statutory case management, which will place a general duty on everyone in the system to expedite cases.

Mr D McIlveen asked the Minister of Justice for his assessment of the effectiveness of the current witness services and special court measures.

(AQW 46134/11-15)

Mr Ford: The Victim Support Northern Ireland Witness Service and the NSPCC Young Witness Service consistently deliver quality services to prosecution witnesses called to give evidence at court. High levels of witness satisfaction are recorded by both organisations, as well as being reported in the last Northern Ireland Victim and Witness Survey. In 2014-15 over 7,000 prosecution witnesses were supported by the witness services and assisted to give their best evidence at court.

A programme of work to improve the effectiveness of special measures was completed in the autumn of 2013. Since then, there has been an increase in the number of special measures applications made, especially to give evidence by live link.

The Registered Intermediary special measure was introduced on a phased basis in May 2013. It was evaluated earlier this year and was found to be working well, enabling vulnerable people with significant communication difficulties to participate in a police interview and give evidence at court, where previously without a Registered Intermediary's assistance, they may not have been able to. In view of this, the availability of this special measure was extended in April to all cases being dealt with in the Crown Court.

Work is currently being undertaken to pilot the video recorded cross-examination special measure, which has not yet been commenced, next year.

Mr D McIlveen asked the Minister of Justice what strategy his Department has in place to respond to the increasing role of social media in the trial process and the repercussions for young people.

(AQW 46138/11-15)

Mr Ford: There is no specific Justice strategy in place for this. I am aware of concerns about young people making inappropriate, ill-advised or indeed criminal use of social media. This would need a broader consideration than from the justice perspective, and a wider range of Departments and organisations would have an interest in this matter.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45185/11-15, to detail (i) the cost of damage caused; (ii) what equipment will have to be replaced; and (iii) if those responsible have been charged with criminal offences, including whether this will be dealt with by the courts or the Prison Service.

(AQW 46144/11-15)

Mr Ford: Work is ongoing to identify the final costs of repairs. Damage is isolated to a store room, link corridor and staff control pod where re-decoration, repairs to electronic equipment and the replacement of smoke damaged items are required. The perpetrators have been charged with serious criminal offences including arson.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45855/11-15, whether the Northern Ireland Prison Service or any agency acting on their behalf (i) objected to this application and if so was the decision appealed; and (ii) alerted the court to the dangerousness of this individual.

(AQW 46145/11-15)

Mr Ford: The decision to release Mr Turley on bail is solely a matter for the courts. Before making the decision, the court service would have known about Mr Turley's previous conviction history.

With regard to compassionate bail, the Northern Ireland Prison Service does not have the authority to challenge the ruling of the court.

Mr Allister asked the Minister of Justice to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46199/11-15)

Mr Ford: Expenditure on Ministerial and Special Adviser travel is not separately recorded by my Department. The cost of Ministerial and Special Adviser travel is recorded with travel costs for the Minister's Office support staff.

Expenditure on travel outside Northern Ireland is not separately recorded by my Department.

Total expenditure on Departmental Ministerial travel and subsistence (inside and outside Northern Ireland), including the costs of the Minister, Special Adviser and Minister's Office support staff during the last four financial years is shown in the table below:

Financial Year	Total £
2011-12	5,884
2012-13	6,068
2013-14	3,404
2014-15	4,505

Lord Morrow asked the Minister of Justice why the unlawfully at large prisoner Jonathan Turley is not listed as such on the Northern Ireland Prison Service website.

(AQW 46211/11-15)

Mr Ford: Jonathan Turley is an untried prisoner whose release was not sanctioned by the Northern Ireland Prison Service. The circulation of his personal details is a matter for the Police Service of Northern Ireland.

Mr Anderson asked the Minister of Justice to outline the prison population of (i) Maghaberry Prison; (ii) Magilligan Prison; and (iii) Hydebank Wood Young Offenders Centre and Prison in each of the last six years.

(AQW 46222/11-15)

Mr Ford: The average daily population by prison establishment is shown in the table below:

	2009	2010	2011	2012	2013	2014
Maghaberry	824	771	906	1,002	1,050	1,051
Magilligan	414	465	510	531	545	558
Hydebank	230	226	258	235	232	222

Mr Anderson asked the Minister of Justice to detail the maximum capacity of (i) Maghaberry Prison; (ii) Magilligan Prison; and (iii) Hydebank Wood Young Offenders Centre and Prison.

(AQW 46224/11-15)

Mr Ford: Northern Ireland Prison Service (NIPS) establishments do not have a maximum operational capacity.

Each establishment has a Certified Normal Accommodation (CNA) figure and NIPS accommodates people in custody based upon the requirements of the courts. There is scope to increase that capacity through cell sharing.

	CNA
Maghaberry	988
Magilligan	568
Hydebank	362

Some accommodation at Hydebank Wood is currently temporarily closed to facilitate refurbishment.

Mr Anderson asked the Minister of Justice how much has been spent on training prison officers in each of the last five years. (AQW 46225/11-15)

Mr Ford: The expenditure on training all prison staff over the last 5 years is as follows:

Year	Budget
2010-2011	£276,500
2011-2012	£199,639
2012-2013	£206,558
2013-2014	£217,726
2014-2015	£162,011

It is not possible to give an exact breakdown of expenditure on prison officers and non- prison grades.

These figures include resources and equipment required to deliver the training. It does not include accommodation and salary costs associated with the Prison Service College.

Mr Anderson asked the Minister of Justice to detail the number of prison staff broken down by job description in (i) Maghaberry Prison; (ii) Magilligan Prison; and (iii) Hydebank Wood Young Offenders Centre and Prison. (AQW 46226/11-15)

Mr Ford: Staff in the Northern Ireland Prison Service are employed on the basis of their ability to perform a range of duties at a particular grade. The following table provides the number of full time equivalent (FTE) prison staff, employed in each Prison Establishment, broken down by grade at 1 May 2015:

Grade	Maghaberry No. of Staff (FTE)	Magilligan No. of Staff (FTE)	Hydebank Wood No. of Staff (FTE)
Governor in Charge	2	1	1
Functional Head	3	1	2
Unit Manager	7	5	5
Senior Officers	55	27	20
Main Grade Officers	234.55	123.87	90.35
Custody Prison Officer	286	101.85	61.54
Operational Support Grade	3	8.89	7
Night Custody Officer	56	22	16.5
Total	646.55	290.61	203.39

Mr Anderson asked the Minister of Justice how much has been spent on repair and maintenance work in Maghaberry Prison in each of the last four years. (AQW 46227/11-15)

Mr Ford: The sums expended on maintenance and repair in Maghaberry Prison in the last four years are identified in the table below:-

Maintenance and Repair in Maghaberry Prison

Description	2011/12	2012/13	2013/14	2014/15
Direct Labour, Materials, response maintenance and planned maintenance	£2,757,000	£3,199,000	£2,261,000	£1,916,000

Lord Morrow asked the Minister of Justice for his assessment of Sir Keir Starmer's report into the Public Prosecution Service handling of allegations made by Máiría Cahill and associated persons.

(AQW 46263/11-15)

Mr Ford: The Starmer Review is a matter for the Director of Public Prosecutions. That said, the Report is clearly a thorough and well-considered review. I welcome the Director's decision to publish the Report in full and to accept all its findings without reservation. I also welcome the programme of change that is underway based on Sir Keir's recommendations and that the Director has offered a sincere apology to the three victims involved in the cases in question.

Mr Gardiner asked the Minister of Justice to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46276/11-15)

Mr Ford: I have not issued any ministerial directions since taking office in April 2010.

Lord Morrow asked the Minister of Justice whether (i) the Director of the Public Prosecution Service has advised him if he has, or intends to, excuse himself from cases; and (ii) how many cases has the Director of the Public Prosecution Service excused himself from since his appointment, stating each instance.

(AQW 46277/11-15)

Mr Ford: The Director of Public Prosecutions is not required to advise me if he has, or intends to, excuse himself from individual cases and he has not done so.

Mrs Dobson asked the Minister of Justice for his assessment of the number of prisoners categorised as Supporting Prisoners at Risk and the impact on discipline officers within the Northern Ireland Prison Service who are responsible for a wing of upwards of 50 prisoners.

(AQW 46284/11-15)

Mr Ford: The Supporting Prisoners at Risk (SPAR) process is in place to support vulnerable prisoners at risk of self-harm or suicide. The number of individuals who are supported under SPAR can vary on a daily or hourly basis.

Following a joint inspection by Criminal Justice Inspection Northern Ireland and the Regulation and Quality Improvement Authority, 'The Safety of Prisoners Held by the Northern Ireland Prison Service Report' was published in October 2014. This report included a recommendation to review the SPAR process to take account of the issues raised during the inspection, including the roles and responsibilities of operational staff.

The work is ongoing and has included consultation with internal and external stakeholders.

Mr D McIlveen asked the Minister of Justice what his Department is doing to rectify the dispute over criminal legal aid fees.

(AQW 46317/11-15)

Mr Ford: The Bar Council and Law Society have been granted leave by the High Court to proceed with a Judicial Review concerning recent changes to the levels of remuneration payable by way of criminal legal aid for cases in the Crown Court. Separately, the Criminal Bar Association has stated that its members will not undertake work which would be remunerated under the new rules, and individual solicitors appear to be taking similar action. It is surprising and disappointing that lawyers should take this action when they have a legal challenge pending.

I will be robustly defending this legal challenge against levels of remuneration which were set following detailed analysis; adjusted following consultation; and have been through the legislative process. While a range of factors need to be considered in developing fees, I must also take into consideration the available budget and the wider financial environment facing my Department.

I have asked my officials to monitor the impact the withdrawal of services will have on the Courts and they will engage with all sectors of the justice system to try to mitigate any impact on defendants, victims and witnesses. I remain open to representations from the Bar Council and the Law Society, and would encourage their members to reconsider and to act in the best interests of their clients.

Mr Campbell asked the Minister of Justice to detail the respondents to the recent consultation on the future of Limavady Courthouse.

(AQW 46344/11-15)

Mr Ford: Those who responded to the consultation on proposals for the rationalisation of the court estate and who included specific comments on proposals for Limavady courthouse are as follows:

- Mr Gregory Campbell MLA,
- Mr George Robinson MLA,
- Ald Alan Robinson, Mayor of Limavady,
- Cllr J E Scott,
- Cllr James McCorkell,
- Mr David Gilmour, and
- The Probation Board for Northern Ireland.

Mr D McIlveen asked the Minister of Justice what strategy his Department has in place to ensure the law will be fully implemented given it will become an offence to purchase sexual services as of 1 June 2015.

(AQW 46382/11-15)

Mr Ford: My Department has undertaken its statutory requirement to raise public awareness of the new offence. Following introduction, enforcement will be an operational matter for the Police Service of Northern Ireland and prosecution decisions will be for the Public Prosecution Service.

Lord Morrow asked the Minister of Justice, in relation to the most recent release on bail of Paul Hunter Redpath, (i) whether a member of Probation Board NI staff gave evidence under oath in crown court during the bail application supporting his release or stating their willingness to have him released to reside in their hostel; (ii) what assurances were provided as to monitoring and adherence to bail conditions; and (iii) whether there were objections to bail from any other agency.

(AQW 46492/11-15)

Mr Ford: Probation Board for Northern Ireland has not had any recent involvement with Paul Hunter Redpath. This includes any recent bail applications.

Department for Regional Development

Mr McNarry asked the Minister for Regional Development to detail the number of Translink (i) Metro; and (ii) Ulster buses unused (a) on a daily basis; and (ii) during peak times.

(AQW 45746/11-15)

Mr Kennedy (The Minister for Regional Development): In common with other bus companies, Ulsterbus and Metro allocate approximately 10% of its vehicles to cover for engineering maintenance, vehicle inspections, PSV preparation and accident damage cover.

The percentage above equates to 33 Metro buses and 97 Ulster buses which are unused on a daily basis including peak hours. Without these vehicles, Ulsterbus and Metro would have insufficient capacity to cover the engineering issues listed above and as a result services would be affected.

The figures above do not include life expired vehicles awaiting disposal.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45227/11-15, to provide, or place in the Assembly library, a copy of the procurement and tendering procedures or policies relevant to Translink, as a Departmental related agency at the time of the tender in 2009; and detail any amendments to these procedures and policies since 2009.

(AQW 45808/11-15)

Mr Kennedy: A copy of the current Translink Policy and Procedures will be placed in the Assembly library, along with the equivalent documentation which was in use in 2009 when the original taxi contract was conducted. The procedures followed were in line with the Utility Regulations.

Mr McNarry asked the Minister for Regional Development what is the current realisable market value for the terminal buildings at (i) Dundonald; and (ii) Cairnshill Park and Ride facilities; and what plans he has for these currently locked-up premises.

(AQW 45837/11-15)

Mr Kennedy: My Department does not have figures for the current market value of the terminal buildings at Dundonald or Cairnshill Park and Ride facilities.

These buildings are now closed 24/7 due to the resource pressures facing my Department.

Should additional funding be made available, I plan to review the current position.

Mr Weir asked the Minister for Regional Development how many prosecutions for illegal parking in disabled bays have taken place in each of the last five years.

(AQW 45867/11-15)

Mr Kennedy: Since parking enforcement was decriminalised in 2006 there have not been any prosecutions for illegal parking in disabled bays. Instead, Penalty Charge Notices (PCNs) are issued by Traffic Attendants to vehicles parked in a 'designated disabled person's parking place without clearly displaying a valid disabled persons parking badge'. The table below shows the number of PCNs issued for this category of parking contravention in each of the last five financial years:

Type of PCNs Issued	Number of PCNs issued for Disabled Bay Contraventions per Financial Year				
	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
On-street	4,693	5,308	4,855	4,741	4,228
In Car parks	1,571	2,220	1,938	1,934	1,802

Mr McCallister asked the Minister for Regional Development what impact assessment his Department has carried out on the funding reductions to Newry and Mourne Community Transport, in relation to older people and people with disabilities.

(AQW 46006/11-15)

Mr Kennedy: The primary policy drivers for my department in regard to support for community transport schemes are the Regional Transportation Strategy (RTS) and the Accessible Transport Strategy (ATS)

In 2012 and building on the RTS, a new Strategy, "Ensuring a Sustainable Transport Future": A New Approach to Regional Transportation was adopted. This was subject to an EQIA at this time. The ATS was also subject to an EQIA at this time.

As there has not been any change to the underlying policies, no Impact Assessment has been undertaken. However I can confirm that a High Level Equality Screening Assessment was carried out for the draft budget that was issued for consultation on 27th November 2014.

Mr Dunne asked the Minister for Regional Development for an update on the Craigantlet roundabout scheme.

(AQW 46009/11-15)

Mr Kennedy: My officials have initiated a pre-application enquiry with colleagues from PlanningNI. The timescale for this is dependent upon PlanningNI receiving responses from the statutory agencies that have been consulted as part of this process. However, once the comments from the pre-application enquiry have been returned, I will make a decision on the most appropriate way forward.

Delivery of any scheme will then be subject to the availability of the necessary land and funding.

Mr Moutray asked the Minister for Regional Development, pursuant to AQW 45164/11-15, why there has been a 50 per cent reduction in the amount of resurfacing in Upper Bann.

(AQW 46081/11-15)

Mr Kennedy: The reduction in the length of road resurfacing completed in Upper Bann primarily reflects the reduced levels of funding for such works available to my Department in the 2014/15 financial year.

It should be noted that the type of work specified, for example urban/rural resurfacing, strengthening or reconstruction, along with the average road width, also significantly affects the length of resurfacing works that can be carried out within the available budget.

Mr Moutray asked the Minister for Regional Development, pursuant to AQW 45164/11-15, to detail the lengths of road that have been resurfaced in each constituency in each of the last three years.

(AQW 46082/11-15)

Mr Kennedy: I would remind the Member that information on completed and proposed road schemes can be found in my Department's Spring and Autumn Reports to Councils. These reports can be accessed from my Department's internet site at the following web addresses:

- <http://www.drdni.gov.uk/northern-division-council-reports.htm>
- <http://www.drdni.gov.uk/eastern-division-council-reports.htm>
- <http://www.drdni.gov.uk/southern-division-council-reports.htm>
- <http://www.drdni.gov.uk/western-division-council-reports.htm>

Lord Morrow asked the Minister for Regional Development to list the Translink facilities in which staff are afforded taxi provision; and how many staff at each facility can avail of this provision.

(AQW 46092/11-15)

Mr Kennedy: Translink has advised that train crew staff operate out of 8 separate locations, as outlined below. Numbers of relevant staff at each location are also identified.

Location	Train Drivers	Conductors
Belfast York Road / Fortwilliam Depot	37	-
Belfast Adelaide Depot	28	-
Belfast Central Station	-	59
Portadown Station	15	14
Bangor Station	14	13
Larne Harbour Station	14	10
Coleraine Station	13	14
Londonderry Station	10	9

Mr McKinney asked the Minister for Regional Development for an update on the progress of the maintenance and inspection of street lighting in 2015/16; and whether there have been any recent changes to contracts for executing such services.

(AQW 46102/11-15)

Mr Kennedy: My Department is facing a £60 million Resource budget pressure in 2015/16, more than half of which will fall to TransportNI.

This budget pressure has created an immediate impact on the delivery of routine maintenance services, including Street Lighting, and, as such, I have had no option other than to agree a skeletal service at some financial risk to my Department, until June monitoring.

There is insufficient funding currently available to engage external street lighting contractors who normally carry out around 75% of routine street lighting repairs. However, hazardous defects will be attended to and my Department's internal workforce will be providing a skeletal repair service for other street lighting defects.

My Department's street lighting term contractors have been informed that no new work instructions will be issued for routine maintenance.

Street lighting night scouting contractors have also been informed that no further work instructions will be issued, and that my Department does not intend to extend these contracts when they expire at the end of this September.

I will be making a strong bid for resource funding in June monitoring so that routine maintenance services can be restored to normal levels and I hope that the Member will support my Department's bid.

Mr Weir asked the Minister for Regional Development what the additional resource cost is in (i) 2014/15; and (ii) 2015/16 to his Department arising from the settlement with NI Water staff.

(AQW 46105/11-15)

Mr Kennedy: The additional resource cost arising from the settlement with NI Water staff is: (i) £1.44m for 2014/15; and (ii) £1.52m for 2015/16. By way of context, the NI Water Resource DEL Budget for staff costs in 2014/15 was £45.7m.

The element of the increases provided to NI Water staff above 1% are part of productivity and modernisation initiatives which will deliver overall operational efficiencies for the company, as well as providing additional resilience for out of hours operational cover. The costs over 2014/15 and 2015/16 associated with the 0.95% benefits payments total £960,000, whilst the resultant benefits over the same two year period total £3.79m. In other words, the Company will make savings of £2.83m over the period covered by the agreement.

The pay agreement also secures the commitment of the Water Group of Trade Unions (WGTU) to work positively, actively and jointly with NI Water to make further progress on the modernisation of working practices within the company.

Ms Sugden asked the Minister for Regional Development for his assessment of the use of the Don't Mow, Let it Grow campaign as an answer to cuts to funding for urban grass cutting.

(AQW 46110/11-15)

Mr Kennedy: My Department is currently working in partnership with the local Council and the Northern Ireland Environment Agency (NIEA) on the 'Don't Mow, Let it Grow' project to restore a relatively small number of public grasslands and road verges within the Causeway Coast and Glens to flower-rich meadows.

This initiative does not mean that my Department will stop cutting grass as the effective biodiversity management of such areas will still require a single cut and removal of cuttings to avoid soil enrichment. However, it would not be considered economically justifiable to do so on a large scale.

As you may be aware, it is my Department's policy to only cut a strip or swathe width (1.2m) of grass at roadside verges unless noxious weeds take hold or visibility is a problem, in which case grass is cut back further, as appropriate, at each location.

Therefore, even if this project is successful with the results shared across the country, it is likely the initiative will only have a minimal impact both on the amount of urban grass to be cut, for which my Department is responsible, and within the overall context of the budgetary challenges facing my Department.

Ms Sugden asked the Minister for Regional Development, pursuant to AQW 45441/11-15, to detail the change in the annual contract between TransportNI and local councils, which funds urban grass cutting; and for his assessment of the impact on the tourist economy.

(AQW 46111/11-15)

Mr Kennedy: TransportNI's objective in cutting grass on its lands is to prevent overgrowth onto footway and carriageway surfaces and the obstruction of sightlines and traffic signs. Grass cutting operations are therefore carried out for road safety reasons and not for aesthetic or amenity purposes.

The policy attempts to maintain the balance between road safety, the control of noxious weeds and environmental protection and historically provided for two cuts per year in rural areas and five cuts in urban areas. The area to be cut was one swathe width (1.2m), with the complete area required for sightlines to be cut as necessary.

In some cases, District Councils wish to have a higher standard of grass maintenance within their boundary than is provided by TransportNI, usually for aesthetic and amenity reasons. In these cases, the Councils accepted responsibility for the work within their respective boundary and were reimbursed by TransportNI for the cuts that would have been carried out under its policy. However, not all councils seek a higher standard of grass maintenance or adopt this practice.

As you may be aware, my Department is facing a £60 million resource budget pressure in 2015/16, more than half of which has fallen to TransportNI, and since 31 March 2015 my Department has been unable to employ external providers to undertake routine maintenance activities such as grass cutting or fund the grass cutting service provided by Councils on behalf of TransportNI.

However, our internal workforce will continue to provide a skeleton routine maintenance service in relation to grass cutting, which will allow all areas to be cut once between April and October, with sightlines at bends and junctions being cut more frequently as required in the interests of road safety.

Mr Clarke asked the Minister for Regional Development, pursuant to AQW 44740/11-15, whether his Department has considered paying for electricity used.

(AQW 46139/11-15)

Mr Kennedy: My Department always strives to pay for electricity which it has used.

In the case of public lighting electricity, and in line with the rest of the UK and Ireland, payment is made within the agreed charging mechanisms for unmetered electricity. My Department has considered alternatives to this system, but it is not considered viable to move to widespread metering of public lighting supplies at this time.

Lord Morrow asked the Minister for Regional Development, in relation to the £170,000 Translink expenditure on taxi provision for staff, whether taxis are individually booked as required or block booked in advance; and detail the percentage for both.

(AQW 46143/11-15)

Mr Kennedy: Translink has advised that sampling of invoices during 2013 and 2014 confirms that approximately 50 percent of all taxi operations are block booked in advance. These are mostly short journeys where drivers start and finish shifts at different locations i.e. pick up a train in the middle of the day at Great Victoria Street and finish the shift at the train depot at Adelaide or Fortwilliam. The remaining 50 percent will be booked in response to specific unplanned operational requirements.

Lord Morrow asked the Minister for Regional Development to detail (i) the owner of the ground Central Station, Belfast, stands on; (ii) whether the roads infrastructure surrounding these premises are public or private, including the access road and the exclusive taxi rank.

(AQW 46146/11-15)

Mr Kennedy: Translink has advised that it owns the land on which Central Station is based along with the access road and car park, including the private hire taxi rank.

Mr Clarke asked the Minister for Regional Development, pursuant to AQW 44740/11-15, what is the target time for repairing street lights that burn unnecessarily during the day.

(AQW 46147/11-15)

Mr Kennedy: Due to the significant reduction in my Department's maintenance budget, I have had to stop using external contractors who previously carried out about 75% of street lighting repairs. My Department is currently only able to use its internal workforce to carry out routine street lighting repairs, which therefore affects the level of service that can be provided.

Street lighting repairs will generally be carried out in line with the following priorities:

- 1 faults that present an electrical or structural safety hazard;
- 2 groups of street lights which are off;
- 3 groups of street lights which are burning during the day; and
- 4 single outages and single day burners will be dealt with in the most efficient manner, bearing in mind the limited resources available.

In the current circumstances, it is therefore not possible to specify a target time for the repair of day burning street lights. In reality, it will depend upon the numbers of higher priority defects that have to be attended to first.

Mr Middleton asked the Minister for Regional Development for an update on the Caw roundabout improvement scheme in Londonderry.

(AQW 46184/11-15)

Mr Kennedy: Traffic surveys at this junction have recently been carried out on all approaches to Caw Roundabout, including the Waterfoot Park access onto the roundabout.

It was noted that during the morning weekday peak hour, approximately 5,100 vehicles access onto the Caw Roundabout, of which 122 emerge from Waterfoot Park. It was also noted that the traffic waiting time from joining a queue during the busy morning period to access onto the roundabout is greatest on the Waterfoot Park approach to the Caw roundabout, with the longest recorded waiting time during this peak hour being four minutes.

My Department considers that the Caw Roundabout is currently able to satisfactorily accommodate the large daily volume of traffic and there are no immediate proposals to carry out any improvements. However, my officials are aware of a number of significant Planning Applications which may further impact on this roundabout and this will be taken into account when dealing with these applications.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45182/11-15, (i) how do staff ascertain if a public hire taxi is intending to tout or pick up a fare; and (ii) are public hire taxis blocked from accessing the concourse even if there is a fare waiting, particularly for passengers with mobility issues who may prefer to use a fully disabled access public hire vehicle.

(AQW 46212/11-15)

Mr Kennedy: As I have previously stated in AQW 45182/11-15, the terms and conditions of the Public Taxi licence do not permit soliciting for business within the confines of Central Station property.

Translink has advised that operators of public taxis at this location have, on occasions, flouted the licensing regulations by encroaching into the station entrance and vocally touting for customers.

In circumstances such as those outlined above, any passenger with mobility issues is currently readily able to exit via the station entrance to avail of the services of public hire taxis at East Bridge Street, should they so wish. Alternatively, they may access legally parked public hire taxis via the lift to the public taxi rank at Mays Meadow.

Mr Easton asked the Minister for Regional Development if there are any company cars used by Translink staff.

(AQW 46288/11-15)

Mr Kennedy: Translink has advised that there are currently 40 of their employees supplied with a company car.

Lord Morrow asked the Minister for Regional Development, in light of the introduction of bus lane cameras on 1 June 2015, to outline the position should a member of the public hail a public hire taxi at front doors of Central Station, Belfast.

(AQW 46624/11-15)

Mr Kennedy: The Bus Lane Legislation for East Bridge Street does not permit taxis to enter this bus lane. Therefore, it would be an offence if a taxi entered the bus lane to pick up a passenger.

Signs in Central Station advise customers that taxis are available from Mays Meadows.

Department for Social Development

Mr Hussey asked the Minister for Social Development to outline any changes in his Department's commitment to the Glencairn Social Development Project in recent months.

(AQW 45737/11-15)

Mr Storey (The Minister for Social Development): You are asked to note that this project is known as the 'Glencairn Neighbourhood Centre Proposal'.

My Department provided Neighbourhood Renewal funding of £45,528 to St Andrew's Community Action Group to assist the Glencairn community develop plans for a new neighbourhood centre. This work was also supported by Belfast City Council. An economic appraisal testing the financial viability of a number of options has been completed. A new build facility on a brown field site within the Glencairn estate costing approximately £2.1 Million has been identified as the preferred option.

The budget my Department would use to support this project is to transfer to local Councils under Reform of local Government. As a result, the Department's Capital Programme for 2014/15 and 2015/16 has been focused on the practicalities of delivering projects before the planned transfer, now April 2016.

Due to the scale of this project and the risk of slippage beyond the planned transfer dates it has not been possible to consider funding for this project.

My officials continue to work with both St Andrew's Community Action Group and Belfast City Council in developing a business plan that will support the local community in identifying potential funders for the project, and if successful, plan for its delivery, future management and sustainability.

Ms Sugden asked the Minister for Social Development to list the grants and funding streams which his Department (i) has facilitated for applications in 2014/2015; and (ii) intend to open for applications in 2015/2016.

(AQW 45749/11-15)

Mr Storey:

(i) In 2014/15 the Department for Social Development has facilitated applications for the following grants/funding streams:

- Neighbourhood Renewal Investment Fund;
- Areas at Risk;
- Support for the voluntary and community sector in things such as: Generalist Advice, Volunteering, women in disadvantaged areas, community support and investment, sustainability, women's centres childcare, faith based engagement and national citizen's service;
- Urban Development Grants;
- Volunteering Small Grants;
- Community Care Grants;
- Budgeting Loans;
- Crisis Loans;
- Belfast City Centre Event Grants;
- Belfast City Centre Community Activity Grants.

Northern Ireland Housing Executive grants/funding streams:

- Community Safety Grants;
- Community Cohesion Programmes including: Estate Based, Better Bonfires and Re-Imaging Communities;
- Private Sector Improvement Grants including: Disabled Facilities Grants, Repairs, Renovation, Replacement, Home Repairs Assistance; Houses in Multiple Occupation Grants; Group Repair Scheme, Boiler Replacement Scheme; Warm Homes Scheme and Affordable Warmth Scheme.

(ii) In 2015/16 the Department intends to open the following grants/funding streams to new applications:

- Volunteering Small Grants;
- Community Care Grants;
- Budgeting Loans;
- Crisis Loans;
- Belfast City Centre Events Grants;
- Belfast City Centre Community Activity Grants;

Northern Ireland Housing Executive grants/funding streams:

- Community Safety Grants;
- Community Cohesion Programmes including: Estate Based, Better Bonfires and Re-Imaging Communities;
- Private Sector Improvement Grants including: Disabled Facilities Grants, Repairs, Renovation, Replacement, Home Repairs Assistance; Houses in Multiple Occupation Grants; Group Repair Scheme, Boiler Replacement Scheme; and Affordable Warmth Scheme.

Mr B McCreagh asked the Minister for Social Development how he will ensure that socially deprived communities are protected as powers are transferred to local councils under the Regeneration Bill.

(AQW 45785/11-15)

Mr Storey: The Regeneration Bill will allow the conferral of powers to Councils, in April 2016, to undertake regeneration and community development activities. The Bill sits in the context of the framework provided for local government reform by

the DOE's Local Government Act (Northern Ireland) 2014, which received Royal Assent last year. I believe that these new responsibilities will contribute significantly to the aims of local government reform, which are to provide a stronger and more efficient local government that delivers more effective services to its communities. It will give Councils the opportunity to really shape service provision for their citizens, whom they have been elected to serve, and to adapt to the local needs of those communities.

My Department will retain overarching policy responsibility for these matters and Councils will be required to have regard to any guidance issued by the Department relating to the exercise of these functions. The Department will also put in place appropriate and proportionate monitoring arrangements.

In addition to the regeneration and community development functions which are transferring to Councils my Department provides a wide range of support to individuals, families, households and communities through; the provision of decent and affordable housing, action to address fuel poverty, the delivery of child maintenance arrangements, comprehensive social security provisions, and supporting the voluntary and community sector. These social protection measures will continue to target substantial resources at addressing the needs of deprived communities.

Mr Dickson asked the Minister for Social Development whether his Department has assessed the need for further statutory powers to provide for more effective regulation of the private rental sector.

(AQW 45814/11-15)

Mr Storey: My Department is currently undertaking a review of the role and regulation of the Private Rented Sector. Part of this review includes evaluating the effectiveness of existing regulation and considering regulatory practice in other jurisdictions. A discussion document will issue before Summer to garner views. A consultation paper, on proposals for change, will issue before the end of 2015. Any legislation that will need to be introduced will be taken forward during 2016/17.

Regulation, in order to be fully effective, requires robust enforcement. Better regulation does not necessarily mean 'more' but can mean enhanced focus on enforcement of existing regulation.

A key aim of the review will be to clarify the Department's approach to regulation.

Mr Dickson asked the Minister for Social Development whether his Department monitors non-compliance with tenancy deposit scheme requirements; and if so, to detail the number of prosecutions or fines imposed since 2013.

(AQW 45815/11-15)

Mr Storey: The Tenancy Deposit Schemes Regulations (NI) 2012 came into effect on 1 April 2013. Council environmental health departments are responsible for enforcement action where a landlord / agent does not comply with the law.

My Department monitors non compliance on a quarterly basis and is aware that standard council practice is to issue warning letters before issuing a fixed penalty.

Since the introduction of the Tenancy Deposit Schemes in April 2013 there have been 4 fixed penalties, 2 of which resulted in court referrals.

Ms Sugden asked the Minister for Social Development what discussions he has had with the new local councils to ensure that economic redevelopment includes consideration of the role, and work, of the community and voluntary sector.

(AQW 45836/11-15)

Mr Storey: The Regeneration Bill will confer powers in relation to urban regeneration and community development on the new Councils from April 2016. It will be for Councils and their locally elected representatives to decide how best to address the needs of their areas through their respective Community Plans.

My department is committed to supporting the Councils in the lead up to and during the transition. For my part I have completed a series of meetings with Councillors and officials from each of the new Council areas where I discussed the transferring budgets alongside local issues raised. These meetings did not focus on the work of the community and voluntary sector.

However my Department has previously met with Councils to provide information on the department's work in relation to the Urban Regeneration and Community Development Policy Framework. These discussions included information on supporting action 4 of the Framework, to promote an effective and efficient voluntary and community sector.

Ms Sugden asked the Minister for Social Development to detail the number of Disabled Facilities Grant applications which were received by his Department; and of these, to detail (i) how many were successful; and (ii) how many homes were improved as an outcome, in 2014/2015, broken down by constituency.

(AQW 45841/11-15)

Mr Storey: The table below, provided by the Housing Executive and broken down by Parliamentary constituency, details:-

- The number of Disabled Facilities Grant (DFG) applications made in 2014/15;
- The number of those applications which were approved; and
- The number of applications approved which are complete

Disabled Facilities Grant statistics 2014-15 by Constituency

Constituency	Applications	Approvals	Completions
Belfast East	32	32	15
Belfast North	68	68	33
Belfast South	32	31	9
Belfast West	72	72	39
East Antrim	41	39	13
East Londonderry	66	66	38
Fermanagh And South Tyrone	103	103	44
Foyle	96	85	37
Lagan Valley	51	46	22
Mid Ulster	107	104	32
Newry And Armagh	77	74	17
North Antrim	71	70	29
North Down	38	38	18
South Antrim	39	39	18
South Down	73	68	23
Strangford	52	51	19
Upper Bann	76	65	21
West Tyrone	114	110	44
Total	1,208	1,161	471

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Hussey asked the Minister for Social Development for an update on the review of The Appeals Service processes, roles and responsibilities; including the loading and grading of posts.
(AQW 45868/11-15)

Mr Storey: The Department for Social Development commissioned the Business Consultancy Service, Department of Finance and Personnel to undertake an organisational review of the administrative processes within The Appeals Service, including the loading and grading of a representative number of posts.

The review is now at draft report stage and is being considered by DSD in conjunction with NICTS.

Ms Sugden asked the Minister for Social Development how his Department engages with relevant stakeholders to identify demand for supported housing for vulnerable adults.
(AQW 45881/11-15)

Mr Storey: The Housing Executive, on behalf of the Department for Social Development, engages with relevant stakeholders in the voluntary and statutory agencies on an ongoing basis to identify demand for supported housing for vulnerable adults.

The Housing Executive is the administering authority for the Supporting People programme in Northern Ireland and demand for supported housing is identified and considered through a commissioning process.

Both the Commissioning Body and the 5 local commissioning groups known as the Area Supporting People Partnerships (ASSPS) include representatives from the Health and Social Care Board, Health and Social Care Trusts and the Probation Board for Northern Ireland. During the commissioning process, the needs of vulnerable adults are explored and validated, drawing on relevant research and agreed through consultation with all members.

Supporting People services that have been recommended by the Commissioning Body are then considered by the Housing Executive Board. Once a Supporting People service has been established the Housing Executive monitors quality and performance to ensure the needs of stakeholders and those of the vulnerable person receiving the service are being met.

Mr Campbell asked the Minister for Social Development how widely or narrowly, will the term 'members of the same family' be used to describe tenants in the definition of Houses in Multiple Occupation, be interpreted.

(AQW 45916/11-15)

Mr Storey: The review of the Houses in Multiple Occupation (HMO) regulation concluded that the definition was inadequate. The new HMO Bill specifies the meaning of "household" for the purposes of HMO licensing. The term household primarily includes members of the same "family". The definition of family within the Bill includes married, unmarried and same-sex couples, step children and foster children, as well as blood relatives. The list of blood relatives includes parents, grandparents, children and step-children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces and cousins.

Additionally, a person who is a personal or domestic carer in a residential capacity is to be treated as a member of the household for the purposes of this Bill.

Mr Dunne asked the Minister for Social Development for an update on the window replacement scheme within North Down, including the number of properties that have still to be completed.

(AQW 45934/11-15)

Mr Storey: The Housing Executive has advised that there are currently two window replacement schemes on site in Bangor and both are due to be completed within the next seven weeks. In the first scheme in Holywood, which comprises 250 properties, 205 have been completed and 45 properties remain to be completed. The second scheme, in the Jubilee/Rathgill/Kilcooley/Groomsport estates in Bangor, comprises 187 properties, 93 of which have been completed and a further 94 properties remain to be completed.

Mrs D Kelly asked the Minister for Social Development whether he intends to transfer the totality of the Community Infrastructure Fund entirely to local councils via the Regeneration Bill.

(AQW 45977/11-15)

Mr Storey: Responsibility for supporting community development, including the Community Investment Fund will transfer to local councils via the Regeneration Bill.

Mrs D Kelly asked the Minister for Social Development, in considering the potential passage of the Regeneration Bill, whether his Department has made an assessment of the difficulties and potential losses to Community Infrastructure Fund funded organisations.

(AQW 45978/11-15)

Mr Storey: At this time I am unable to make an assessment of how the transfer of powers for economic redevelopment to the new local councils and in particular the transfer of the Community Investment Fund is likely to impact on the Voluntary and Community Sector. However, I have met with the eleven new Councils to discuss the transfer of powers. I, and my Department are keen to support councils to take on board their new powers and I consider that councils are best placed to determine how to implement the powers and to maximise benefits for the Voluntary and Community Sector.

Mrs D Kelly asked the Minister for Social Development what level of engagement he has had with Community Infrastructure Fund funded organisations (i) prior to the introduction of the Regeneration Bill; and (ii) since the Bill passed at Second Stage.

(AQW 45979/11-15)

Mr Storey: Prior to the introduction of the Regeneration Bill my Department wrote to all groups funded under the Community Investment Fund to advise of future transfer of associated powers and facilitated a number of public consultations attended by these and other stakeholder groups. Subsequently, I have met with the eleven new councils to discuss the transfer of powers and the Department's continued support around the new powers.

Mrs D Kelly asked the Minister for Social Development whether there are any policy papers or legislative proposals from his Department being delayed from being presented to the Executive and currently tabled with the Office of the First Minister and deputy First Minister.

(AQW 45980/11-15)

Mr Storey: Executive business and all aspects of the Executive decision making process are confidential.

Mr Swann asked the Minister for Social Development to provide an update on his Department's approach to the Office of the First and Deputy First Minister, on the possibility of developing a form of transition assistance for the voluntary and community sector as it adapts to transformed funding arrangements

(AQW 46014/11-15)

Mr Storey: I still await a response to my recent correspondence to the First Minister and the Deputy First Minister (OFMdFM) where I offered my assistance and that of my Department to the overview being undertaken by OFMdFM Junior Ministers on the budget decisions across departments and also raised, without prejudice, the possibility of developing some form of transition assistance for voluntary sector organisations, as they adapt to transformed funding arrangements.

Mr B McCrea asked the Minister for Social Development how many self-referrals have been made to the Affordable Warmth Scheme from (i) individuals; and (ii) local councils.

(AQW 46016/11-15)

Mr Storey: The Affordable Warmth Scheme is primarily a targeted area based scheme which finds and assists households in extreme or severe fuel poverty. This scheme is administered in partnership with local councils and the Housing Executive. Councils have the discretion to accept non targeted referrals from a range of sources including health professionals, social workers and Environmental Health Officers.

The Housing Executive does not accept self-referrals directly from individuals; all referrals to the Housing Executive come from councils. By 19th May the Housing Executive had received 5,585 referrals from councils to the Affordable Warmth Scheme, 1,172 (21%) of these were self referrals from non targeted areas.

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Mr B McCrea asked the Minister for Social Development for his assessment of whether the focus on targeting households will discourage self-referrals to the Affordable Warmth Scheme.

(AQW 46017/11-15)

Mr Storey: The Affordable Warmth Scheme is primarily a targeted area based scheme which finds and assists households in extreme or severe fuel poverty. I expect that the vast majority of homes assisted will be in the targeted areas.

Councils have the discretion to accept non targeted referrals from a range of sources including health professionals, social workers and Environmental Health Officers. Therefore, I do not believe that eligible householders will be discouraged from applying for the scheme.

Mr B McCrea asked the Minister for Social Development, pursuant to AQW 43525/11-15, to clarify whether 1281 or 328 households have had measures installed under the Affordable Warmth Scheme.

(AQW 46018/11-15)

Mr Storey: The Affordable Warmth Scheme was piloted in 2012 and 2013 and was launched in September 2014. The 1,281 homes referred to in AQW 4325/11-15 included homes which had been assisted in the Affordable Warmth pilots.

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Mr Middleton asked the Minister for Social Development to detail how much has been spent on maintenance and improvements on housing in Foyle in each of the last five years.

(AQW 46098/11-15)

Mr Storey: I assume the Member is referring to Northern Ireland Housing Executive (NIHE) properties. The NIHE has provided the tables attached in relation to the amount spent on maintenance and improvements on housing in the Foyle area in each of the last five years: -

(i) Maintenance Spend on NIHE Homes (by Parliamentary constituency):

Year	Expenditure £
2010/11	3,616,592
2011/12	3,494,389
2012/13	3,478,707
2013/14	3,332,347
2014/15	3,059,775
Total	16,981,810

(ii) Improvements Spend on NIHE Homes (by NIHE District office area):

Year	Expenditure £
2010/11	5,495,356
2011/12	6,111,047
2012/13	4,692,205

Year	Expenditure £
2013/14	2,731,607
2014/15	3,321,650
Total	22,351,865

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Ms Sugden asked the Minister for Social Development, pursuant to AQW 45547/11-15, to detail which stakeholders contributed to the evaluation report; and which of these are from East Londonderry.

(AQW 46113/11-15)

Mr Storey: The stakeholders who contributed to the evaluation of the Volunteering Strategy were randomly selected by Strategic Investment Board (SIB) and details can be found in Table 1.

Table 1

Organisation	Name	Position
Volunteer Now	Wendy Osborne Denise Hayward	Chief Executive Director of Outreach and Engagement
Limavady Volunteer Centre	Tricia Kelly	Centre Manager
Omagh Volunteer Centre	Michelle McRory	Centre Manager
North West Churches Volunteer Centre	Jacqueline Garnon	Centre Manager and SOLVE project contact
Causeway Volunteer Centre	Mary McNickle	Centre Manager
Craigavon and Banbridge Volunteer Centre	Donna Stewart	Centre Manager
Limavady Community Development Initiative (LCDI/AIVC)	Johnny McShane	Small Grants Officer
Ulster Rugby	Chris Webster	Sport in the Community Project Contact
Outdoor Recreation NI	Caro-lynn Ferris	Executive Director

The stakeholders who contributed to the evaluation of the Volunteering Strategy from East Londonderry are detailed at Table 2. It should be noted that some of the organisations listed in Table 1 are geographically based outside of the East Londonderry area however, the service they provide can include the East Londonderry area.

Table 2

Organisation	Name	Position
Limavady Volunteer Centre	Tricia Kelly	Centre Manager
Omagh Volunteer Centre	Michelle McRory	Centre Manager
Causeway Volunteer Centre	Mary McNickle	Centre Manager
Limavady Community Development Initiative (LCDI/AIVC)	Johnny McShane	Small Grants Officer

To further inform the evaluation of the Volunteering strategy a survey was developed by strategic Investment Board (SIB) and issued to Volunteering Small Grants recipients in order to seek their views and 492 responses were received to the survey. There were 658 successful groups in 14/15 and 661 for the 2014/15 year. This was an anonymised survey therefore the geographical split cannot be provided.

Mrs D Kelly asked the Minister for Social Development for an update, including targets, actions completed, and delays in relation to the redevelopment plans for (i) the Curran Street site, Portadown; and (ii) the Girdwood site, Belfast.

(AQW 46120/11-15)

Mr Storey:

(i) The Curran Street Site, Portadown

The site at Curran Street in Portadown was acquired by Oaklee Homes Group for the provision of 36 homes and some commercial property. The first phase of the development is the supply of six social and six affordable homes by June this year.

The Northern Ireland Housing Executive gave Oaklee Homes Group permission to build six social houses on the basis of need in the area. The building contract was signed on 31 March 2014, with a contract period of fifteen months. This time period is on target to be achieved with a handover date of 16 June 2015 now proposed. Oaklee is confident that it will have all six properties occupied by mid to late June.

The successful sale of the six affordable homes will determine the way forward on this site for any subsequent phases. The affordable homes will be advertised for sale on the open market and will be eligible for shared equity sale through the Co-Ownership scheme. If the houses sell successfully, it is anticipated that Oaklee Homes Group will continue with phase two of the development and build further properties as the area is regenerated. In the event that there is not a market for shared equity affordable housing in the area, it is expected that the affordable homes will be transferred to fulfil any further social need in the area.

(ii) The Girdwood Site, Belfast

The development of Girdwood Park is being taken forward under the agreed Masterplan Conceptual Framework (MCF) which has cross community and cross political support. I have publicly stated my commitment to delivery of the Masterplan in its entirety and it remains a priority right across central and local government.

The Department is currently investing in excess of £5m to put in place infrastructure (roads, power, water and landscaping) at Girdwood Park together with the outdoor sports pitch which is expected to complete late this year. Construction work is progressing well on the Belfast City Council led; SEUPB funded Community Hub which is due to open in September 2015 whilst Apex Housing are due to complete construction of 60 housing units in early 2016.

The remaining elements of the masterplan to be delivered include the Indoor Sports Facility and Mixed Use Economic Units and the Department is currently undertaking important preparatory work with other stakeholders to help work out what these facilities could include and the best route for achieving their delivery.

Developing additional housing along Cliftonpark Avenue remains a priority and is likely to form the final phase of work at Girdwood Park.

Ownership of the site will pass to Belfast City Council in 2016 under Reform of Local Government.

Mr Allister asked the Minister for Social Development what innovative actions, and with what effect, have been taken since the introduction of the Autism Strategy.

(AQW 46121/11-15)

Mr Storey: I am fully committed to the Autism Strategy and to delivering on the appropriate commitments contained within the associated Autism Action Plan. Officials from my Department are members of the Autism Strategy Inter-departmental Senior Officials Group and the Autism Strategy Regional Multi-Agency Implementation Team.

As part of the work arising from the Autism Action Plan officials in my Department working with Autism NI developed an autism factsheet and associated training material which has been delivered to just over 2000 front line staff across my Department. Going forward a new e-learning Disability Awareness course giving general advice on autism has been developed by the Centre for Applied Learning and will be mandatory for all new front line staff within my Department.

Since the launch of the Autism Strategy and accompanying Action Plan the Improving Benefit Uptake team in the Social Security Agency has been part of a multi-agency advisory team facilitating the Adult Autism Advice Services based in both Ballymena and Belfast. That team also supports the work of the Western Adult Autism Service which covers the Londonderry, Strabane, Omagh and Enniskillen areas.

Involvement with the Adult Autism Advice Services enables the Social Security Agency to provide essential support and advice to individuals aged 16 years or over who have autism. Part of this support includes a full, comprehensive and confidential benefit entitlement check to ensure that individuals and their families receive all the benefits and support that they are entitled to.

Through the Supporting People programme my Department is committed to the provision of a range of supported housing options for people with disabilities including those people with autism.

The Supporting People programme funds a number of accommodation and floating support services across Northern Ireland specifically for adult clients with autism. 22% of the overall Supporting People budget is used to provide housing support services to people with a disability including those people with autism.

My Department's Interdepartmental Review of Housing Adaptations Services with the Department of Health Social Services and Public Safety has identified the need for further research into the housing design needs of people with autism. The Housing Executive is co-ordinating the review on behalf of the two departments.

Mr Rogers asked the Minister for Social Development what actions are being taken to improve the eight week delay in issuing arrears following a successful benefit appeal decision.

(AQW 46124/11-15)

Mr Storey: The Appeals Service Northern Ireland TAS (NI) is responsible for issuing appeal decision notices to all parties within three working days of the decision having been made by the Tribunal panel and this target is routinely achieved. Where a Tribunal decision results in arrears of benefit being payable to a claimant, the Social Security Agency on receipt of the relevant papers from TAS (NI) treats these cases as a priority and seeks to put the Tribunal's decision into effect as soon as possible. The Agency is unaware of any undue delays in processing arrears payments for these cases.

Exceptionally, the process for paying arrears may take longer and this can occur where there has been a change in the claimant's circumstances during the appeal period, which needs to be investigated, the Tribunal's decision is unclear and clarification is sought from TAS (NI), or the Agency Decision Maker is considering appealing the Tribunal's decision to the Social Security Commissioners.

Mr Agnew asked the Minister for Social Development for a breakdown on the number of sanctions applied in relation to (i) Jobseeker's Allowance; and (ii) claims disallowed (adverse sanction) for each month from October 2012 until December 2014.

(AQW 46135/11-15)

Mr Storey: The information on the monthly figures for sanctions imposed is not available. Data is available for the total number of Jobseekers Allowance sanctions imposed for the period 1.04.12 to 31.01.15. All sanctions imposed are as a result of an adverse decision on benefit entitlement. For this period, a total of 24,555 sanctions were imposed.

Mr Agnew asked the Minister for Social Development for a breakdown on the number of sanctions applied in relation to (i) Jobseeker's Allowance; and (ii) claims disallowed (adverse sanction) by each Social Security Agency office for each month from October 2012 until December 2014.

(AQW 46136/11-15)

Mr Storey: The information on the monthly figures for sanctions imposed is not available. Data is available for the total number of Jobseekers Allowance sanctions imposed for the period 1.04.12 to 31.01.15. All sanctions imposed are as a result of an adverse decision on benefit entitlement. For this period, a total of 24,555 sanctions were imposed, the table below provides a figure for all individual Social Security and Jobs and Benefits Offices.

Offices	April 12- March 13	April 13 - March 14	April 14-Jan15
Antrim	435	268	128
Armagh	385	204	136
Banbridge	215	101	59
Hollywood Rd	321	418	229
Bangor	354	444	168
Ballynahinch	85	44	41
Ballymena	392	351	228
Corporation St	1108	645	353
Ballymoney	292	136	83
Carrickfergus	308	162	80
Cookstown	122	77	49
Coleraine	406	275	157
Dungannon	236	111	58
Downpatrick	211	120	69
Enniskillen	315	258	84
Falls Rd	283	267	148
Andersonstown	387	198	161
Knockbreda	231	255	144
Kilkeel	50	56	42
Larne	231	110	72
Lisburn	525	454	297

Offices	April 12- March 13	April 13 - March 14	April 14-Jan15
Foyle	761	274	197
Lurgan	182	137	94
Limavady	241	140	86
Lisnagelvin	292	183	89
Magherafelt	229	114	97
Newtownards	212	249	102
Newtownabbey	779	588	346
Newcastle	59	97	73
Newry	317	179	111
Omagh	171	257	140
Portadown	175	64	70
Shankill	556	346	186
Shaftsbury Sq	546	597	377
Strabane	134	36	40
Total	11546	8215	4794

Mr Agnew asked the Minister for Social Development to detail the number of instances when sanctions were applied in accordance with articles 21(2) and 21(5) of the Jobseeker's (Northern Ireland) Order 1995, broken down per month from October 2012 to December 2014.

(AQW 46137/11-15)

Mr Storey: The information is not available in the format requested. Data is available for the number of Jobseekers Allowance sanctions imposed under Articles 21(2)(5) of the Jobseekers (NI) Order 1995 for the period 1.04.12 to 31.01.15 but cannot be broken down into a monthly figure. For this period, a total of 4,132 sanctions were imposed in accordance with this legislation, the attached table provides a breakdown.

1.04.12 – 31.03.13	1690 sanctions imposed under Article 21(2)(5)
1.04.13 – 31.03.14	1935 sanctions imposed under Article 21(2)(5)
1.4.14 – 31.01.15	507 sanctions imposed under Article 21(2)(5)

Mr D McIlveen asked the Minister for Social Development for update on the Ballymena Public Realm Scheme.

(AQW 46221/11-15)

Mr Storey: Work commenced on the ground in the Ballymena public realm scheme on 18 May 2015. The scheme is expected to last for 80 weeks and will be completed by November 2016.

Mr Easton asked the Minister for Social Development to detail his Department's policy on Independent Living.

(AQW 46268/11-15)

Mr Storey: Since its establishment in 1998, the Independent Living Fund (ILF) has provided money to help disabled people live an independent life in the community rather than in residential care.

As announced by the Health Minister on 19 May, responsibility and funding for the administration of payments to ILF users will transfer from DSD to the Department of Health, Social Services & Public Safety from 1 July 2015. Following an agreement reached with the Scottish Government, payments to ILF recipients in Northern Ireland will be administered through the newly-created Scottish ILF infrastructure. Services will continue to be provided on the same basis and in line with the policies and procedures under which the UK ILF operated previously.

Mr McGlone asked the Minister for Social Development how many people have been made redundant since the termination of the Warm Homes Scheme.

(AQW 46365/11-15)

Mr Storey: The Warm Homes Scheme contract with H&A Mechanical and Bryson Energy ended on 31 March 2015. My Department does not hold any information about redundancies since the contract ended.

Northern Ireland Assembly Commission

Mr Allister asked the Assembly Commission for (i) an update of its response to the BBC Spotlight programme of 18 November 2014 on the subject of abuse of MLA's expenses and (ii) to detail any actions taken.

(AQW 45955/11-15)

Mr Gardiner (The Representative of the Assembly Commission): In advance of the broadcast of the two BBC Spotlight programmes, the Assembly Commission's Accounting Officer initiated two investigations under the Assembly's Bribery and Fraud Response Plan and made two referrals to the PSNI. The internal aspects of these investigations are complete, however the PSNI's investigations are continuing.

The Commission also considered the content of the two BBC Spotlight programmes. In response to the internal investigations and following the review of the programmes, further enhancements to the controls in place for MLAs' expenses have been made. It was agreed that any further recommendations arising from the PSNI investigations would be considered in due course.

Actions taken include enhanced checks to verify original MLA signatures for every claim, a revision to the Bribery and Fraud Response Plan to explicitly include all payments to MLAs, the use of trend analyses of MLAs' expenditure to identify unusual or abnormal transactions, amending travel claims to include a declaration regarding business insurance cover and issuing regular reminders to MLAs regarding the importance of reviewing monthly expenditure reports.

Mr Allister asked the Assembly Commission pursuant of AQW 39653/11-15 to provide an update on whether there have been any referrals to the PSNI, arising from the BBC Spotlight programme of 18 November 2014.

(AQW 45957/11-15)

Mr Gardiner (The Representative of the Assembly Commission): The Assembly's Accounting Officer made two referrals to the PSNI under the Assembly's Fraud and Bribery response plan in advance of the broadcast of the two BBC Spotlight programmes. It is not appropriate for the Assembly Commission to comment on the detail or nature of these on-going PSNI investigations.

The Commission considered the content of the BBC Spotlight programmes in detail and no further referrals to the PSNI were made as a result of these considerations.

Northern Ireland Assembly

Friday 12 June 2015

Written Answers to Questions

Department of Agriculture and Rural Development

Mr Allister asked the Minister of Agriculture and Rural Development to detail the travel and subsistence costs incurred by her Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.
(AQW 46154/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development):

Financial Year 2012/13	Travel	Subsistence
Minister	£11,511	£2,691
Special Adviser	£9,522	£2,785
Support Staff	£9,963	£3,833

Financial Year 2013/14	Travel	Subsistence
Minister	£6,601	£2,379
Special Adviser	£3,406	£1,833
Support Staff	£6,869	£2,322

Financial Year 2014/15	Travel	Subsistence
Minister	£694	£1,482
Special Adviser	£544	£1,305
Support Staff	£823	£1,558

Ms Sugden asked the Minister of Agriculture and Rural Development to detail the groups that have applied to the Rural Micro Capital Grant Programme, broken down by constituency.
(AQW 46178/11-15)

Mrs O'Neill: The Rural Micro Capital Grant Programme opened for applications on 13 April 2015 and closed on 22 May 2015. A total of 454 applications were received by the closing date. The Programme is being delivered on a sub-regional basis by the Rural Support Networks (RSN's). The number of applications per RSN area is detailed in Table 1.

At present RSN and DARD staff are focused on the screening and selection processes of the Programme. To carry-out an analysis of applications by constituency area at present would impede this time sensitive work and potentially delay the award of funding to successful applicants. Once this work has been completed I will write to you and provide you with more detail on applications per constituency, as requested.

Table 1 – Applications per RSN area

Rural Support Network	Council Area Covered	No. of Applications Received
South Antrim Community Network (SACN)	Antrim & Newtownabbey and Mid & East Antrim	27
The Armagh, Down & Antrim Network (TADA)	Armagh, Banbridge & Craigavon	73
North Antrim Community Network (NACN)	Causeway Coast & Glens	40

Rural Support Network	Council Area Covered	No. of Applications Received
Rural Area Partnership in Derry (RAPID)	Derry City & Strabane District	60
Fermanagh Rural Community Network (FRCN)	Fermanagh & Omagh	84
Cookstown & Western Shores Area Network (CWSAN)	Mid Ulster	87
County Down Rural Community Network (CDRCN)	Newry, Mourne & Down, North Down & Ards and Lisburn & Castlereagh	83

Ms Sugden asked the Minister of Agriculture and Rural Development how rural groups and youth workers are being represented on the newly formed Local Action Groups.

(AQW 46182/11-15)

Mrs O'Neill: All Local Action Groups are self forming as per the European Regulation however their composition is required to be representative of the composition of the local rural area which they wish to represent and in particular be section 75 compliant. The Department has provided assistance through the NI Rural Network and the Rural Development Council to animate local communities towards formation of Local Action Groups for the incoming 2014/2020 NI Rural Development programme. As part of this process a sectoral event covering community organisations was held on 5th November 2014 and a specific event targeting youth was held on 16th December 2015.

Within the formation process LAG members agreed their own composition requirements (as required under the LEADER methodology) and Board Selection criteria. Each new LAG has filled its board appointments through robust and transparent selection processes which are in line with the 'LEADER' approach i.e. bottom up, local people making local decisions.

Mr Middleton asked the Minister of Agriculture and Rural Development what action her Department is taking to address rural crime in the Foyle constituency.

(AQW 46183/11-15)

Mrs O'Neill: I am very aware of the real concerns that the levels of crime are causing amongst the farming community, including the number of livestock thefts from farms. This is an issue that affects farmers throughout the country north and south.

I have met the PSNI Chief Constable and the Minister of Justice on a number of occasions and made them aware of my concerns. I explained the real worry this was causing in rural areas and highlighted the need for something to be done.

Responsibility for tackling rural crime lies primarily with the PSNI, however DARD, through its Veterinary Service Enforcement Branch and CAFRE, works closely with the PSNI particularly in relation to the detection, tracing and recovery of stolen livestock.

I am aware of some local PSNI initiatives to prevent rural crime, and these are to be welcomed. I am also aware of joint work being taken forward by the PSNI and Garda Síochána to combat crime in border areas. I welcome this multi-agency approach which has resulted in the recovery of stolen animals and in arrests and convictions in the north and in ongoing prosecutions the south. For example there was a successful prosecution in the North West for sheep theft, for which my Department assisted the PSNI by securing DNA matches between the stolen lambs and the rams on the farm of origin.

Mr Gardiner asked the Minister of Agriculture and Rural Development to detail every ministerial direction issued by her Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46249/11-15)

Mrs O'Neill: Since May 2007, 13 Ministerial Directions have been issued in DARD. The dates and nature of each of these Directions are listed in the table below.

Record of Ministerial Directions

Nature of Ministerial Direction	Date of Ministerial Direction
Bluetongue: Import Controls Scheme to provide support in response to import / export restrictions on animals susceptible to Bluetongue.	28 February '08
Assistance to Farmers Crop Loss due to Flooding Hardship support for farmers hit by crop loss due to severe weather / flooding.	9 February '09

Nature of Ministerial Direction	Date of Ministerial Direction
<p>Fishing Hardship</p> <p>Up to £700k financial assistance for the north of Ireland Fishing Industry to reimburse fishermen for harbour fees and light dues incurred by vessels during 2008. The proposal acknowledged the difficulties encountered by the fleet initially through high input costs (primarily diesel).</p>	13 March '09
<p>DARD HQ Relocation</p> <p>To produce a business case for the relocation of the DARD headquarters considering only the viable options at the Minister's preferred location i.e. the Shackleton Site in Ballykelly.</p>	3 September '12
<p>Winter Hardship Support</p> <p>The creation of a Hardship scheme to provide emergency aid due to extreme weather conditions and, in the aftermath, for the collection and disposal of animal carcasses in order to prevent potential bio hazard incidents.</p>	28 March '13
<p>Hardship Payment Scheme</p> <p>A Hardship Payment Scheme at an estimated cost of £3 million. This recognised the hardship sustained at farm level as a result of sheep, dairy and beef cattle and other livestock losses arising from the Spring Blizzard. Payments helped to mitigate the costs of these livestock losses by assisting farmers towards the re-establishment of farm livestock. Farmers who had fallen stock collected and disposed of during the relevant period approved by renderers were eligible for the hardship funding.</p>	16 May '13
<p>Imported Fodder Transport Scheme</p> <p>Funding "in the region of £1 million" to be made available to provide support by means of subsidy on the additional haulage costs incurred via importing forage.</p>	16 May '13
<p>Assistance for the Fishing Industry</p> <p>A financial assistance package of "£0.45 - £0.6 million" to enable DARD to provide support to the fishing industry in the face of increased operating costs, reduced catches/ landings and working capital pressures.</p>	4 July '13
<p>Financial Support for the Fishing Industry</p> <p>Additional financial assistance to the fishing industry of £0.4 - £0.5 million in order to mitigate the effects of hardship brought about due to a prolonged period of severe weather, which prevented vessels from leaving port.</p>	10 March '14
<p>Test and Vaccinate or Remove Wildlife Intervention Research Project</p> <p>To implement a Test and Vaccinate or Remove (TVR) Wildlife Intervention Research Project in one 100km² area in the north of Ireland.</p>	1 May '14
<p>Implementation of an Area of Natural Constraint Scheme</p> <p>Establish a one year transition payment under State Aid de minimis rules to those farmers who will no longer be eligible for support from the new Rural Development Programme.</p>	8 August '14
<p>Transitional Payment to Disadvantaged Areas</p> <p>Transitional payment to affected farmers in the Disadvantaged Area at a cost of approximately £2.1m. As a State Aid, payment funded entirely from National monies.</p> <p>A revised Direction was issued to implement a transitional payment to farmers in the Disadvantaged Area.</p>	8 August '14 Amended 2 January 15
<p>HQ Relocation (Ballykelly Ministerial Directive continued)</p> <p>To progress the work necessary to relocate the Department's headquarters in a cost effective way to create a 600 workstation new build at Ballykelly in two phases of 400 (2017) and 200 (2020)</p>	2 September '14

Mr Swann asked the Minister of Agriculture and Rural Development for an update on the Forestry Fund including (i) monies assigned; (ii) projects supported; and (iii) monies as of yet unassigned.

(AQW 46281/11-15)

Mrs O'Neill: Under the Forestry Fund, my Department's Forest Service has continued its work with Councils, other recreational providers and local interest groups, to enhance recreation and leisure provision in forests.

The total £4m available under the Forestry Fund has been committed to numerous projects aimed at enhancing recreational infrastructure, supporting forest based community led initiatives and improving visitor information across the forest estate. Contractual commitments are in place for on-going project works, totalling £0.9m, which include a new caravan and camping site at Glenariff Forest Park, scheduled for completion by autumn 2015.

Up to 31st March 2015, £3.1m had been invested under the Forestry Fund in respect of works already completed. These works include: restoration of historic buildings at Tollymore and Castlewellan Forest Parks; a new visitor reception building at Florence Court forest and adventure play park equipment for Drum Manor and Gosford forests

Community led projects secured £0.2m of this funding which was further invested in play structures, walks, signage and digital interpretation at eight forest sites.

Mr D McIlveen asked the Minister of Agriculture and Rural Development what strategy her Department has in place to mitigate the impact of transport cuts on rural communities.

(AQW 46325/11-15)

Mrs O'Neill: Through the Tackling Rural Poverty and Social Isolation Programme my Department continues to fund the Assisted Rural Travel Scheme (ARTS) working in partnership with the Department for Regional Development (DRD). This Scheme, which has been in place since December 2009, provides free or half fare travel to those rural dwellers with a SmartPass (mainly the elderly and disabled) on Rural Community Transport Partnership vehicles across the north of Ireland. Officials continue to meet regularly with DRD to discuss this Scheme and the need for Departments to Rural Proof their strategies.

Mr Eastwood asked the Minister of Agriculture and Rural Development to detail the capital infrastructure projects financed by her Department in Foyle in 2013/14; and the cost of each project.

(AQW 46333/11-15)

Mrs O'Neill: The Department of Agriculture and Rural Development has spent £653,323 on capital infrastructure projects, in Foyle in the 2013/14 financial year.

This spend relates to the provision of play parks, funding under Tackling Rural Poverty and Social Isolation and Culvert Renovation Works.

Mr Campbell asked the Minister of Agriculture and Rural Development to detail the change in (i) the number of farmers receiving Single Farm Payments; and (ii) the amount paid in Single Farm Payments in East Londonderry for each of the last three years.

(AQW 46345/11-15)

Mrs O'Neill: The number of farmers receiving Single Farm Payment (SFP) and the amount paid in East Derry for each of the last three years is detailed in the table below:-

Year	Total number of farmers	Single Farm Payment (£)
2012	2,330	21,051,870
2013	2,372	23,010,851
2014	1,965	21,521,502

Mr D McIlveen asked the Minister of Agriculture and Rural Development what strategy her Department has in place to protect young people from the risks of reservoirs.

(AQW 46381/11-15)

Mrs O'Neill: My Department is responsible for managing flood risk in the north of Ireland and is bringing forward legislation to ensure dams do not fail and cause flood damage. My Department is not responsible for managing the safety of individuals in reservoirs. Responsibility for protecting people, including young people, from the risks that reservoirs pose rests with individual reservoir managers. As the owner of a significant number of reservoirs NI Water has recently offered information sessions to local schools to inform young people about the risks of entering the water in reservoirs.

Mr McAleer asked Minister of Agriculture and Rural Development for an update on the extension of the contract for Rural Community Development Support Services.

(AQW 46581/11-15)

Mrs O'Neill: I have agreed to extend the Rural Community Development Support Services Programme for another year from 1 April 2015 to 31 March 16. The process to obtain the necessary approvals is almost complete and I expect the contracts will be issued in the next few weeks.

I have also instructed my officials to discuss with Rural Support Networks the potential of an interim payment for work completed from the 1 April 2015, and this is being taken forward quickly.

Mr Beggs asked the Minister of Agriculture and Rural Development, (i) when Glenariff Forest Park was closed to car and pedestrian access from the A43 Glenariff Road; (ii) when will this access be reopened; and (iii) are forest users being informed of access restrictions.

(AQW 46625/11-15)

Mrs O'Neill: My Department is investing £1million on the construction of a new high end caravan and camping facility at Glenariff Forest Park. This will provide support for forest-based tourism and build on the partnership developed between Forest Service and Moyle District Council.

- (i) To permit construction works, Glenariff Forest Park was closed at the A43 Glenariff Road on 16 February 2015.
- (ii) Reopening of this access point to day visitors is planned for 18 June 2015. Opening of the park will be kept under review taking account of the scheduling and impact of construction works required to complete the new development.
- (iii) Information on access restrictions are provided within the NI Direct website (Forests) as well as the A43 Glenariff Road entrance point.

Department of Culture, Arts and Leisure

Mr Moutray asked the Minister of Culture, Arts and Leisure to detail how much funding her Department has given to the Arts Council of Northern Ireland in each of the last four years.

(AQW 46294/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): My Department has provided the following funding to the Arts Council in each of the last four years. These are composite figures and include both revenue and capital funding.

2014/2015	£14,344,100
2013/2014	£14,127,461
2012/2013	£15,174,000
2011/2012	£18,873,000

Mr Eastwood asked the Minister of Culture, Arts and Leisure to detail the capital infrastructure projects financed by her Department in Foyle in 2013/14; and the cost of each project.

(AQW 46334/11-15)

Ms Ní Chuilín: The infrastructure projects financed by my Department in Foyle in 2013/14 are listed in the attached table. The monetary values refer to grant made in the financial year only; some projects listed will have also received funding in other years.

Funder	Year	Capital Infrastructure Project	Amount
Sport NI	2013/14	Eglinton Community Limited - construction of court and changing facilities	£129,742
Sport NI	2013/14	University of the Third Age: Foyle - construction of an 'Active Ageing Centre'	£17,776
Northern Ireland Screen	2013/14	Derry Nerve Centre - to update and purchase equipment	£93,300
Arts Council NI	2013/14	In Your Space (Youth Theatre Group) – equipment grant	£11,940
Department	2013/14	Lumiere "Stitch in Time" sign	£50,000
Department	2013/14	Portable Community Marquee for use throughout the North West	£64,187
Department	2013/14	Armoured Pram for Derry (artwork)	£25,000
		Total	£391,945

Infrastructure projects financed by DCAL in Foyle in 2013/14

Mr Campbell asked the Minister of Culture, Arts and Leisure for a breakdown of SportNI funding to Mountaineering Ireland in the last two years.

(AQW 46418/11-15)

Ms Ní Chuilín: Funding provided by Sport NI to Mountaineering Ireland in the last two years is set out in the table below.

2013/14	
Athlete Investment Programme	£3,000
Transition Funding	£35,000
PerformanceFocus	£44,000
Total 2013/14	£82,000
2014/15	
Athlete Investment Programme	£9,000
Transition Funding	£16,000
PerformanceFocus	£44,000
Equality Standard	£3,000
Total 2013/14	£72,000
Grand Total	£154,000

The Athlete Investment Programme supports talented sports people to develop to their full potential, contributing to the achievement of medal targets and improved international placing and rankings.

The Transition Funding Programme was an 18 month investment which bridged the gap between Investing in Performance Sport programme and the Active Clubs programme.

Performance Focus aims to improve athlete performance through advancing the development of a world class performance system. Investment is focused on improving the performance system across five interrelated areas - club development, coaching, talent identification and development, high performance operations and governance.

Equality Standard supports governing bodies and sporting Organisations to achieve a UK-wide Equality Standard for Sport, including promoting good relations through sport.

Mr Humphrey asked the Minister of Culture, Arts and Leisure what plans she has for the development of cricket.

(AQW 46494/11-15)

Ms Ní Chuilín: While responsibility for the development of cricket rests in the first instance with the Governing Body of the sport, Cricket Ireland, Sport NI, an arms length body of my Department, works closely with Cricket Ireland in this regard.

As part of the plans to develop cricket at a grassroots level, Sport NI will be providing £366,524 over a four year period to December 2018 through the Active Clubs programme. This funding is to recruit, from the summer of 2015, two Active Club Co-ordinators who will have a specific remit to develop programmes and initiatives which will increase cricket club membership, including amongst young people, females and within areas of high social need. In addition, Sport NI is providing funding to a number of cricket clubs through the Active Awards for Sport Programme which will develop youth cricket and increase participation in the sport. These clubs include Strabane, Ballyspallen and Donaghadee Cricket Clubs.

With regard to the continued development of performance within cricket, Sport NI has committed funding through the Performance Focus Programme of £492,465 to Cricket Ireland. This funding covers a four year period up to 2016/17. In addition, Sport NI provides funding towards a number of key salaries within Cricket Ireland, for example, the National Strength and Conditioning Coach, the Performance Coach and the National Academy Manager.

Ongoing support is also provided to Cricket Ireland through the Sport NI staff at the Sports Institute in Jordanstown, to develop performance and talent systems within the sport. Generally, Sport NI continues to support Cricket Ireland on governance matters, club development schemes and building capacity within clubs.

Mr Humphrey asked the Minister of Culture, Arts and Leisure what provision she will make to fund the development of marching bands.

(AQW 46497/11-15)

Ms Ní Chuilín: I have continued to support the bands sector as it is an important element of our cultural and musical heritage and I am keen to support the development of organisations which encourage young people to learn to play musical instruments.

Due to a shortfall in my Department's capital budget for 2015-2016, the Musical Instruments for Bands scheme is on hold and I have submitted a bid in June monitoring for the scheme's commencement potentially later in the year.

I am aware of the calls for this scheme to be revised and expanded and I met with the bands Forum last month to discuss how the scheme could further be supported and maximised.

Should an opportunity for additional capital become available, I would fully support a case to continue and develop this high impact programme. However, due to the current economic climate and financial constraints, I must be realistic in terms of affordability.

Formally constituted bands can continue to apply to any relevant Arts Council Programme. Funding for example can be provided for developmental, intergenerational and community projects as well as the commissioning of a play.

Bands can also apply for support from the Ulster-Scots Agency through its Music and Dance Tuition Programme.

Ms Sugden asked the Minister of Culture, Arts and Leisure what funding or grants exist to develop community water sports initiatives.

(AQW 46528/11-15)

Ms Ní Chuilín: On 18 May 2015, Sport NI, an arms length body of my Department, announced plans to invest £17.5 million of Lottery funding into sports facility projects across the north of Ireland over the next five years. This will result in a significant investment in the sporting and leisure infrastructure in the north of Ireland, which may include water sports initiatives, which will help to increase participation in sport and physical activity across communities.

The first strand of this programme, the single facility fund, is currently open for applications to a range of organisations including clubs and community associations and has a closing date of 15 July 2015. Guidance notes are currently available on the Sport NI website for the single facility fund for projects valued between £10,000 and £100,000. Applicants are advised to register interest for this programme on the Sport NI website at the following link: <http://www.sportni.net/funding/funding-registrations/>

My Department is committed to the development of community sports, including water sports, and in the last three financial years up to March 2015, Sport NI has provided total funding of £9,112,958 to Governing Bodies, clubs and organisations towards the development of community water sports.

In addition, in 2012/13, £14.438 million was invested in North Down Borough Council for the development of the construction of a new leisure centre to include the north of Ireland's first 50 metre pool. The facilities are available to local residents and therefore provide opportunity for the development of community water sports.

Mr Weir asked the Minister of Culture, Arts and Leisure how much Musical Instruments for Bands scheme funding has been allocated to applications from North Down in each of the last three years.

(AQW 46553/11-15)

Ms Ní Chuilín: The Arts Council has awarded the following funding through the Musical Instruments for Bands Scheme to applications from North Down in each of the last three years.

2014/2015	Nil
2013/2014	£7,698.75
2012/2013	£5,000.75

Mr Gardiner asked the Minister of Culture, Arts and Leisure to detail the financial support her Department has given to each sports club in the Upper Bann constituency in each of the last five years, including the amount awarded to each sport.

(AQW 46583/11-15)

Ms Ní Chuilín: In the last five financial years up to March 2015, Sport NI, an arms length body of my Department, provided a total of £1,517,090 to sports clubs in the Upper Bann constituency as detailed in Annex A.

Annex A

Year	Organisation	Programme	Grant Amount	Sport
2010/11	Dollingstown FC	Sport Matters: Capital and Equipment Programme	£30,000	Association Football
2010/11	Glenavon FC	Stadia Safety Urgent Works (Equipment)	£5,342	Association Football
2010/11	Goodyear Sports & Social Club	Sport Matters: Capital and Equipment Programme	£29,901	Association Football
2010/11	Portadown FC	Stadia Safety Urgent Works (Infrastructure)	£29,979	Association Football
2010/11	Portadown FC	Stadia Safety Urgent Works (Equipment)	£18,801	Association Football

Year	Organisation	Programme	Grant Amount	Sport
2010/11	Donacloney Cricket Club	Sport Matters: Capital and Equipment Programme	£29,712	Cricket
2010/11	The Iveagh Branch Of The Pony Club	Sport Matters: Capital and Equipment Programme	£7,010	Equestrianism
2010/11	Lough Neagh Sailing Club	Sport Matters: Capital and Equipment Programme	£24,916	Sailing/Yachting
2010/11	St Malachy's Hurling Club	Sport Matters: Capital and Equipment Programme	£30,000	Gaelic Sports
2010/11	Glenavon FC	Stadia Safety Urgent Works (Infrastructure)	£19,062	Association Football
2010/11	Maghery Sean MacDermotts GAC	Sport Matters: Capital and Equipment Programme	£30,000	Gaelic Sports
2010/11	C3 Craigavon Canoe Club	Sport Matters: Capital and Equipment Programme	£13,124	Canoeing
2010/11	Portadown Boat Club	Building Sport	£430,313	Rowing
2011/12	Annagh United FC	Awards For Sport	£6,982	Association Football
2012/13	Banbridge Amateur Boxing Club	Pre-Games Training Camps	£10,000	Boxing
2013/14	St Peter's GAA Club (Lurgan)	Sport Matters: Community Capital Programme	£245,000	Gaelic Sports
2013/14	Banbridge Amateur Boxing Club	Sport Matters: Community Capital Programme	£294,000	Boxing
2013/14	Annagh United FC	Sport Matters: Community Capital Programme	£245,000	Association Football
2014/15	The Iveagh Branch Of The Pony Club	Awards For Sport	£9,939	Equestrianism
2014/15	Wolfe Tone GAC (Derrymacash)	Awards For Sport	£2,549	Gaelic Sports
2014/15	Seagoe FC	Awards For Sport	£5,460	Association Football
	Total		£1,517,090	

Mr Gardiner asked the Minister of Culture, Arts and Leisure how much her Department and arm's-length bodies have spent on translation services, broken down by language, in each year since 2007.

(AQW 46585/11-15)

Ms Ní Chuilín: Detail on spending on translation services by the Department and its arm's length bodies, broken down by language, is provided in the tables which follow.

Table 1 details spending by the Department and its arm's length bodies (excluding North South bodies) and is listed by financial year.

Table 2 details spending by North South bodies. These bodies have a financial year which mirrors the calendar year; spending on translation services is listed in this format in the table.

Table 1 – Spending By The Department And Arm's-Length Bodies

Language	Spend by Year (£)							
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Basque	60							
Czechoslovakian				838	56			
French			88	838		40		
German			88			1,360		

Language	Spend by Year (£)							
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Irish	20,932	13,626	10,577	11,824	14,653	25,387	11,563	15,311
Italian			91			40		
Latvian				838	56			
Lithuanian				838	56			
Polish			965	1,052	302	1,528		
Portuguese				838				
Spanish			91					
Ukrainian				838	56			
Ulster Scots	100	45	60	107				1,881
Total	21,092	13,671	11,960	18,011	15,179	28,355	11,563	17,192

Table 2 – Spending By North South Bodies

Language	Spend by Year (£)							
	2007	2008	2009	2010	2011	2012	2013	2014
Irish	2,437	2,791	3,156	3,812	5,408	6,159	3,037	3,493
Ulster-Scots						97	72	
French				196				
German				197				
Total	2,437	2,791	3,156	4,205	5,408	6,256	3,109	3,493

Mr B McCrea asked the Minister of Culture, Arts and Leisure why her Department is transferring £150,000 to the Department of Enterprise, Trade and Investment for Generator NI.
(AQW 46865/11-15)

Ms Ní Chuilín: The Department of Enterprise, Trade and Investment is transferring £150,000 to my Department in the June 2015 In-Year Monitoring Round.

DCAL and DETI have agreed to each contribute £330k from 2013 – 2016 to support the Generator NI contact which is designed to deliver the Music Strategy. DCAL manage payments to Generator NI on behalf of Invest NI.

Ms Sugden asked the Minister of Culture, Arts and Leisure, pursuant to AQW 46074/11-15, to detail the amount of funding received by central hubs in (i) Coleraine; (ii) Portstewart; and (iii) Limavady through the North West Socio Economic Development Programme, since its inception.
(AQW 46892/11-15)

Ms Ní Chuilín: Through the North West Socio Economic Development Programme, a number of cultural hubs received funding to purchase high tech equipment and software.

In Coleraine, the Ballysally Youth and Community Centre received £20,000 for equipment including laptops, iPads and other music equipment. In Portstewart, the Flowerfield Centre received £10,000 for equipment including a 3D scanner and printer. In Limavady, St Mary's School received £30,000 for computers, camera equipment and printers, whilst the Glens Community Association received £8,000 for iPads.

In addition to funding for Cultural Hubs, Coleraine Borough Council also received £100,000 to procure a mobile stage facility for use by all communities in the Borough for community festivals and events in their local areas and estates and a further £20,000 to deliver the WOMAD Coleraine 'Culture of Peace' Legacy Programme.

Limavady Borough Council received £20,000 to deliver a cultural programme of events. The Stendhal Festival in Limavady also received £100,000 for site management and production equipment and a £30,000 resource grant to assist with the running of the 2015 festival, whilst the Dannyboy Jazz and Blues Festival received £26,400 for equipment.

Department of Education

Mr Beggs asked the Minister of Education to detail (i) the number of pupils who are currently supported by the Education Welfare Service in each constituency; and (ii) the number of pupils currently on the Education Welfare waiting list for support or investigation.

(AQW 46164/11-15)

Mr O'Dowd (The Minister of Education): The Interim Chief Executive of the Education Authority has advised that this information is not available by constituency; the information below sets out the position in each region of the Education Authority:-

Number of pupils supported by the Education Welfare Service

Belfast Region	1,119
North Eastern Region	977
South Eastern Region	628
Southern Region	921
Western Region	717
Total	4,362

Number of pupils on Waiting List for support or investigation

Belfast Region	146
North Eastern Region	396
South Eastern Region	215
Southern Region	0
Western Region	89
Total	846

Mr Agnew asked the Minister of Education, in relation to area based planning and the needs model, in which category jointly managed schools will be placed.

(AQW 46350/11-15)

Mr O'Dowd: The Needs model, as a planning tool, employs three broad sectors - Controlled, Maintained and Integrated. Jointly managed schools will be attended by pupils who would otherwise attend schools in the Controlled or Maintained sectors.

Hence, in projecting future need for places, enrolments in jointly managed schools will be apportioned across the Controlled and Maintained broad sectors. It will be for local planners to ensure that area plans take full account of these schools.

DE Circular 2015/15, Jointly Managed Schools, published in April 2015, provides guidance on key issues in respect of schools of this type and is available on the Department's website, www.deni.gov.uk.

Mr McQuillan asked the Minister of Education how many students with a permanent address in Northern Ireland receive their education outside the United Kingdom; and who meets the cost.

(AQW 46411/11-15)

Mr O'Dowd: The Department of Education does not collect information on students with a permanent address here who receive their education outside the United Kingdom.

Mr Dickson asked the Minister of Education, given the commitment to provide financial assistance to schools in formal intervention, as outlined in Every School is a Good School, why this has not been provided to Ashgrove Primary School to help them deal with the issues highlighted following their recent inspection.

(AQW 46433/11-15)

Mr O'Dowd: When a school enters formal intervention it is the responsibility of the school's Board of Governors to prepare and implement an action plan to address the areas for improvement identified. In taking this work forward the school will be supported by the Education Authority and, in the case of catholic maintained schools, the CCMS. The action plan will identify the support and resources required to address the areas for improvement. The Education Authority will provide guidance and support through its Curriculum Advisory Support Service (CASS).

Schools in formal intervention do not automatically receive funding to assist them in addressing areas for improvement identified in an inspection report.

However, if it is identified that particular action(s) will require additional funding for resources or support beyond that provided by the school or the EA CASS then the EA can submit a request for such funding to the Department. Such requests are considered on a case by case basis and subject to the approval of a business case prepared by the EA and any subsequent bid for funding being successful.

The EA has advised that Ashgrove Primary School has not identified any significant need for additional financial assistance. However, the EA will be happy to meet with the school should they wish to discuss resource needs.

Mr Weir asked the Minister of Education, pursuant to AQW 45080/11-15, is the use of the catalogue for items purchased regularly by schools mandatory.
(AQW 46441/11-15)

Mr O'Dowd: School principals and Boards of Governors must ensure proper accountability and control of public funds, that value for money is attained and compliance with all relevant legislation is achieved. To this end, all procurement must comply with EU Treaty based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality and that some degree of advertising, appropriate to the scale of the contract, is likely to be necessary to demonstrate transparency. Adhering to these principles is mandatory.

To ensure compliance with EU Treaty based principles, Education Authority (EA) contracts for the procurement of works, goods and services should be used at all times (including "catalogue items" referred to in the question). By doing so, schools are assured that their purchases are compliant with procurement legislation and regulations, value for money is delivered, potential risk is contained and the possibility of conflict of interest is minimised.

That said, schools are physically / technically capable of raising purchase orders for common catalogue items from non-catalogue suppliers. If this occurs, schools and Boards of Governors must appreciate that:

- such actions run counter to EA Procurement Guidance;
- where additional costs are incurred as a result of a failure by a school to observe the EA's financial procedures, such costs will be met from the school's budget share; and
- the EA seeks to take a proportionate response to instances of non-compliance.

Mr Agnew asked the Minister of Education whether under the new Education Authority, annual area profiles will continue to be published for each school and how often reviews of area planning will take place.
(AQW 46507/11-15)

Mr O'Dowd: My purpose in introducing the publication of Annual Area Profiles was to give the public a clear picture of the shape of education provision in their area and to encourage informed local involvement in the area planning process.

This remains the case regardless of the structures in place to administer education and therefore Annual Area Profiles will continue to be published for all schools now that the Education Authority has been established.

The 2015 Annual Area Profiles will be published in the near future by the Education Authority.

Area Plans will be reviewed, consulted upon and published on a three year cycle from 2016.

Mr Agnew asked the Minister of Education whether (i) the Education Authority will act as a single body and publish annual area profiles altogether or (ii) each sub-region will be in charge of publishing their own area profile.
(AQW 46509/11-15)

Mr O'Dowd: My purpose in introducing the publication of Annual Area Profiles was to give the public a clear picture of the shape of education provision in their area and to encourage informed local involvement in the area planning process.

This remains the case regardless of the structures in place to administer education and therefore Annual Area Profiles will continue to be published for all schools now that the Education Authority has been established.

The 2015 Annual Area Profiles will be published in the near future by the Education Authority.

Area Plans will be reviewed, consulted upon and published on a three year cycle from 2016.

Mr Allister asked the Minister of Education to detail the number of bus operators based (i) in the Republic of Ireland; and (ii) locally, that are contracted by the Western Education and Library Board for the provision of services; and (iii) to outline the number of buses involved.
(AQW 46537/11-15)

Mr O'Dowd: The Education Authority (Western Region) informs me that one bus operator based in the Republic of Ireland is on the current school transport tender, but no runs have been awarded to that operator. Thirty local bus operators are used and these provide 90 buses.

Ms Fearon asked the Minister of Education what measures are in place for detecting dyslexia in pupils.
(AQW 46563/11-15)

Mr O'Dowd: The Education Authority has advised that all schools in the north of Ireland follow the Code of Practice on the Identification and Assessment of Special Educational Needs in order to identify and assess pupils with special educational needs (SEN), including dyslexia.

A range of capacity building projects are provided specifically to assist teachers to identify dyslexia including:

1 Report of the Task Group on Dyslexia

DE provided all schools with copies of the following materials to develop their understanding of dyslexia and provide them with guidelines on identifying and meeting the needs of pupils in their school in relation to dyslexia.

- Understanding Dyslexia: A guide for schools - CD-ROM;
- Understanding Dyslexia: Challenges and Opportunities Video;
- Dyslexia Friendly Learning Environment: booklet outlining indicators and strategies;

Dyslexia awareness training was also developed on a regional basis and made available to schools on request.

2 Good Practice Guidelines Booklet

Provides guidelines on relevant and purposeful measures and adjustments to the classroom environment for pupils experiencing literacy difficulties, including dyslexia.

3 SEN Resource File

Provides teaching staff with details of support for SEN, including a section on reading, writing and spelling.

4 Certificate of Competence in Educational Testing [CCET] Training Was made available to enable schools to carry out a range of assessments on pupils with SEN, including the detection of dyslexia type difficulties.

5 SEN Literacy Project:

A three year project delivered jointly by Stranmillis and St Mary's College, funded by the DE, provided schools with online and centre based training on the identification, assessment and the teaching of pupils with literacy difficulties in primary schools across the north of Ireland.

Ms Fearon asked the Minister of Education to detail what action schools can take to assist in the screening of pupils' eyesight.
(AQW 46564/11-15)

Mr O'Dowd: The Education Authority has advised that screening of pupils' eyesight is the responsibility of health professionals in the Health and Social Care Trusts who operate a screening programme in schools in Year 1. The schools support and co-operate in this process.

Should school based support or teaching staff suspect an issue with eyesight, parents are contacted in the first instance and advised to make an appointment to have their child's vision assessed by an optician.

Mr Weir asked the Minister of Education whether he will bring forward guidance on the duties and responsibilities of education staff under Article 45 of the Education and Libraries (Northern Ireland) Order 1986.
(AQW 46619/11-15)

Mr O'Dowd: Article 45 of the Education and Libraries (NI) Order 1986, sets out the duty of parents to secure full-time education for their children who are of compulsory school age. Where it appears that a parent is failing in their duty, the Education Authority (EA) has an obligation to ensure the child receives an efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

The EA is currently developing guidance on issues around school starting age and Elective Home Education. Both of these will include details of the statutory duties and responsibilities of both the EA and parents under Article 45 of the 1986 Order.

Mr Weir asked the Minister of Education for his assessment of why the level of statementing is so high.
(AQW 46620/11-15)

Mr O'Dowd: It is evident that the level of statementing has increased across the five regions of the Education Authority (EA) in recent years. However under legislation, if in light of a statutory assessment the EA decides that is necessary for it to determine the special educational needs (SEN) provision to meet a child's individual SEN, then it must make and maintain a statement of those needs.

Mr Weir asked the Minister of Education to detail the impacts on services following a reduction in funding to the Regional Resource Base of thirteen per cent in 2015/16.
(AQW 46621/11-15)

Mr O'Dowd: The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE) remit. However, it is simply impossible to protect everything.

Despite this, I have ensured the continuation of earmarked funding to the Education Authority (EA) in respect of the Regional Vision Resource Base (RVRB), albeit at a slightly lower level than in 2014-15. An allocation of £182k has been made available for 2015-16 to the Authority on top of the core funding for Special Education that the EA already receives. This will ensure that it can continue to develop and share its expertise and enhance the resources available for children and young people with a visual impairment. The EA is still finalising its budget process and will confirm the final, overall allocation to the RVRB in the coming weeks.

Mr Wilson asked the Minister of Education when his Department will complete and send the business case for the pay increase for Education Authority staff to the Department of Finance and Personnel.

(AQW 46640/11-15)

Mr O'Dowd: Staff in the Department and the Education Authority (EA) are working together to finalise the EA pay remit business case as quickly as possible. Once finalised, it will be submitted to the Department of Finance and Personnel for its consideration, in accordance with the Executive's Public Sector Pay Policy.

Mr Kinahan asked the Minister of Education when St Paul's High School applied for a temporary variation in their enrolment figures; and when a decision was made.

(AQW 46642/11-15)

Mr O'Dowd: St Paul's High School, Bessbrook submitted a request to the Department of Education on 8 May 2015 for a temporary variation to its Year 8 admission number for September 2015 to permit the admission of an additional 24 pupils. The application was not approved and the school was advised of the decision on 14 May. On reviewing the decision I decided, on 27 May, that the request should be approved and the school was informed on 28 May.

Mr Kinahan asked the Minister of Education when Markethill High School applied for a temporary variation in their enrolment figures; and when a decision was made.

(AQW 46643/11-15)

Mr O'Dowd: Markethill High School submitted a request to the Department of Education on 7 April 2015 for a temporary variation to its Year 8 admission number for September 2015. The application for seven additional places was not approved and the school was advised of the decision in the Department's letter of 27 April.

Mr Kinahan asked the Minister of Education to detail the post primary schools in (i) Newry; (ii) Bessbrook; and (iii) Markethill that are (a) oversubscribed; and (b) undersubscribed.

(AQW 46644/11-15)

Mr O'Dowd: The post-primary schools in the areas specified which are over/undersubscribed with applications for admission in September 2015, are listed below. The information is valid as at the end of the process on 22 May 2015 and takes account of first and subsequent preference applications considered by the schools.

- (i) Newry
 - (a) Oversubscribed
 - Christian Brothers Abbey Grammar School
 - Our Lady's Grammar School
 - St Colman's College
 - Sacred Heart Grammar School
 - St Mary's High School
 - (b) Undersubscribed
 - Newry High School
 - St Joseph's Boys' High School
- (ii) Bessbrook
 - (a) Oversubscribed
 - St Paul's High School
- (iii) Markethill
 - (a) Oversubscribed
 - Markethill High School

Mr Agnew asked the Minister of Education what actions are being taken to ensure equipment purchased for children with special education needs is being used efficiently, including being properly stored, maintained and shared between schools. (AQW 46646/11-15)

Mr O'Dowd: The Education Authority has advised that requests for equipment for children with special education needs are ordinarily considered following input from specialist health care professionals in the Health and Social Care Trusts who advise on the purchase of the most appropriate equipment to meet the assessed needs of the pupil.

Inventories of equipment are maintained and updated on a regular basis. Databases are checked to ensure that spare equipment is made available for reallocation or re-use where appropriate and that equipment is not purchased unnecessarily.

Equipment is catalogued and stored in designated storage facilities or within a school setting. Schools are advised to ensure that equipment is checked regularly for obvious defects and are responsible for the safe storage and maintenance of equipment in a school setting.

Mr Agnew asked the Minister of Education whether a record of equipment for children with special educational needs is kept to ensure resources are allocated efficiently and equipment is not purchased unnecessarily. (AQW 46648/11-15)

Mr O'Dowd: The Education Authority has advised that all regions maintain a record of specialist equipment for children with special educational needs and that every effort is made to ensure that spare equipment is re-allocated where appropriate and that equipment is not purchased unnecessarily.

Ms Sugden asked the Minister of Education whether he or his officials have given any consideration to the number of compulsory staff redundancies there may be as a result of the new Education Authority. (AQW 46692/11-15)

Mr O'Dowd: The Full Business Case (FBC) for the Education Authority did not promise significant reductions in posts in education administration compared to September 2014 staffing levels, as significant reductions had already been made in anticipation of the establishment of ESA. Nevertheless, the new Authority was expected to employ fewer staff in senior and middle management grades than were formerly employed by the five Education and Library Boards. The FBC envisaged a reduction of some 50 posts in these grades over a three-year period. It was anticipated that these remaining reductions would be achieved through voluntary redundancy, retirement and resignation.

Ms Sugden asked the Minister of Education to detail what communication his Department has had with Education Authority staff who work in more than one school in regards to (i) the future of their employment; (ii) when they will know if their positions are secure. (AQW 46727/11-15)

Mr O'Dowd: My Department does not employ staff in schools and therefore does not communicate directly with staff on employment matters. This is a matter for individual Boards of Governors and the Education Authority depending on the school setting.

Mr D McIlveen asked the Minister of Education to outline the rationale for his refusal to increase the enrolment and admission numbers at Ballymena Academy. (AQW 46738/11-15)

Mr O'Dowd: I did not agree to the proposal to increase the enrolment and admission numbers at Ballymena Academy as I do not believe the proposal was fully Area Plan proofed. I am also concerned that the school is not accessible to all the young people in the area, as a result of its admissions policy and charging of fees.

Mr D McIlveen asked the Minister of Education what steps his Department is taking to ensure young people have adequate support during exams. (AQW 46741/11-15)

Mr O'Dowd: The issue of support during exam time is primarily a matter for the individual schools however my Department does provide some resources.

The iMatter 'message of the month' issued in May to all post primary schools, covered Exam Stress and provided some useful tips on dealing with it.

The Independent Counselling Service for Schools is available in post primary schools for individual pupils who are experiencing stress or anxiety. Some schools have also used the new 'Drop In' Sessions over lunchtime to provide group sessions on coping with exam stress.

The iMatter diary inserts, available on the www.deni.gov.uk site, cover a range of 20 topics including Coping with Stress, Worry and Anxiety and Coping with Schools. These include details of support websites and telephone helplines.

Mr Easton asked the Minister of Education to detail the number of children who remain without a year one place in North Down.

(AQW 46762/11-15)

Mr O'Dowd: The Education Authority has advised that as at 9th June 2015 there were six children in North Down seeking a Year 1 place for September 2015 who remain unplaced.

Mr Easton asked the Minister of Education to detail the number of children who remain without a year eight place in North Down.

(AQW 46763/11-15)

Mr O'Dowd: The Education Authority has advised that as at 9th June 2015 there were three children in North Down seeking a Year 8 place for September 2015 who remain unplaced.

Mr McNarry asked the Minister of Education to provide (i) the names of the board members that govern the Teacher's Pension Scheme; (ii) the people they represent; and (iii) their term of office.

(AQW 46766/11-15)

Mr O'Dowd: The responsibility of the NI Teachers' Pension Scheme (NITPS) Pension Board is to assist the Department in securing compliance with scheme regulations and other legislation relating to governance and administration of the scheme.

Appointments to the Pension Board, with the exception of the DE members, are personal. The role of members is to represent the interests of all of the scheme's beneficiaries, the participating employers and the Accounting Officer and not simply the interests of the organisation that nominated them.

Information about the members of the NITPS Pension Board is set out in the table below:

NI Teachers' Pension Scheme Pension Board

(i) Name of Board Member	(ii) People they represent	(iii) Term Of Office
Barry Jordan (Interim Chair), Department of Education	Department of Education	Temporary-Pending appointment of Independent Chair
La'Verne Montgomery, Department of Education	Appointed by the Permanent Secretary of the Department of Education based on roles in the relevant policy and finance/audit areas.	This appointment is not personal. The role will be undertaken by the relevant post holder.
Gary Fair, Department of Education	Appointed by the Permanent Secretary of the Department of Education based on roles in the relevant policy and finance/audit areas.	This appointment is not personal. The role will be undertaken by the relevant post holder.
Margaret Coyle, Department of Finance and Personnel	Pension specialist from within the wider Public Sector. Appointed by the Department of Education.	Until 31 March 2020 (To be reviewed in event of significant change in job role)
Celine McCartan	Employer representative appointed by the Department of Education, nominated by Colleges NI.	Until 31 March 2020
Shane McCurdy	Employer representative appointed by the Department of Education, nominated by the Education Authority.	Until 31 March 2019
Robbie McGreevy	Employer representative appointed by the Department of Education, nominated by the Education Authority.	Until 31 March 2018
Maurice Johnston	Employer representative appointed by the Department of Education, nominated by NI Council for Integrated Education.	Until 31 March 2017
Justin McCamphill	Member representative appointed by the Department of Education, nominated by NASUWT.	Until 31 March 2020

(i) Name of Board Member	(ii) People they represent	(iii) Term Of Office
Graham Agnew	Member representative appointed by the Department of Education, nominated by NASUWT.	Until 31 March 2019
Nula O'Donnell	Member representative appointed by the Department of Education, nominated by INTO.	Until 31 March 2018
Rosemary Barton	Member representative appointed by the Department of Education, nominated by UTU.	Until 31 March 2017

Mr D McIlveen asked the Minister of Education for his assessment of the proposed merger of Fane Street Primary School; and whether his Department has given any consideration to the possibility of an increase in the number of racist attacks following a merger.

(AQW 46768/11-15)

Mr O'Dowd: It is a matter for the Education Authority, as managing authority for controlled schools, including Fane Street Primary School, to bring forward and publish a statutory development proposal (DP) if it wishes to make a change to the current pattern of education in the controlled sector. Should such a proposal be published, my Department will assess it and I will decide whether it should be approved.

To date, the Education Authority has not published a DP in respect of Fane Street PS, or any other primary school in inner south Belfast.

Until it does, I am not in a position to assess or comment specifically on any potential development proposal or individual school likely to be involved.

Mr Weir asked the Minister of Education to detail the average cost per unit, of providing a classroom for a new primary school. **(AQW 46796/11-15)**

Mr O'Dowd: The Department's current basic construction cost allowance for primary schools is £832/m² which includes a nominal allowance for substructures (assuming no unusual ground conditions). If this rate is applied to an area of 60m², the size of a single primary school classroom, this would equate to a value of £49,920.

It should be noted that the above figure excludes the following:

- Allowance applied to small new build primary schools
- Necessary ancillary accommodation (storage, wc's, cloakroom, circulation space etc)
- Requirements of other statutory bodies
- BREEAM
- VAT
- Professional fees
- Furniture and equipment

Mr Weir asked the Minister of Education to detail the capital cost of providing a mobile classroom for a new primary school. **(AQW 46798/11-15)**

Mr O'Dowd: Depending on ground conditions or site issues, typically the cost of providing a mobile classroom would be circa £120,000.

Mr Agnew asked the Minister of Education when the Education Authority intends to introduce the Cycle to Work scheme for its staff.

(AQW 46805/11-15)

Mr O'Dowd: The Education Authority is currently exploring the possibility of introducing a Cycle to Work Scheme for its staff. No decisions have yet been made.

Department for Employment and Learning

Mr Easton asked the Minister for Employment and Learning to detail the number of staff disciplinary hearings in his Department in the last two years.

(AQW 45397/11-15)

Dr Farry (The Minister for Employment and Learning): In the last two years, there have been three unfair dismissal cases brought against the Department for Employment and Learning.

Mr Allister asked the Minister for Employment and Learning to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46157/11-15)

Dr Farry: The tables attached at Annex A show the cost per year of trips outside Northern Ireland since May 2011, broken down by Minister, Special Adviser and support staff.

Annex: A

Year 2011/12	Cost
Minister	£7,890
Special Adviser	£5,493
Support Staff	£7,890
	£21,273

Year 2012/13	Cost
Minister	£2,428
Special Adviser	£2,115
Support Staff	£2,219
	£6,762

Year 2013/14	Cost
Minister	£15,808
Special Adviser	£15,594
Support Staff	£15,594
	£46,996

Year 2014/15	Cost
Minister	£14,025
Special Adviser	£12,845
Support Staff	£13,644
	£40,514

Mr McKinney asked the Minister for Employment and Learning to detail the extent of which life science degrees will be cut by his Department in 2015/16.

(AQW 46255/11-15)

Dr Farry: My Department provides local Higher Education Institutions with funding for the purposes of teaching, learning and research activities and capital expenditure in relation to these activities.

While my Department sets the strategic direction for the higher and further education sectors, each university and college is responsible for its own course provision and curriculum content, therefore it is not within my Department's remit to determine which degree courses will be discontinued.

Mr McKinney asked the Minister for Employment and Learning for his assessment of the benefits of life science degrees to Northern Ireland in terms of economic and health outcomes.

(AQW 46256/11-15)

Dr Farry: The Life Sciences sector (encompassing life, health, environmental and agri-food sciences) is identified as a priority growth area in Northern Ireland's Economic Strategy and remains one of the best performing sectors, averaging 10% growth per annum. The life sciences sector is leading the field in diverse areas such as agriculture/food science, food safety, disease/infection biology, cancer, diagnostics, medical devices, waste management, and services provided by ecosystems and the environment.

Queen's University, Ulster University and the Open University offer an extensive range of degree programmes in the Life Sciences at both undergraduate and postgraduate level – these provide trained graduates who are integral to the growth of our knowledge economy.

Regarding the health benefits to Northern Ireland of life science degrees, I cannot comment. You may wish to raise this issue with the Minister of Health, Social Services and Public Safety, Simon Hamilton MLA.

Mr D McIlveen asked the Minister for Employment and Learning what support will his Department will give to the JTI working group established by Mid and East Antrim Borough Council to consider the impact of the JTI Gallagher factory closure.

(AQW 46332/11-15)

Dr Farry: My Department has been in regular contact with Japan Tobacco International (JTI) since the announcement of the factory closure, and I have appointed a senior member of staff to co-ordinate the Departmental response. JTI has recently appointed an Outplacement provider and my Department, along with Invest Northern Ireland, will work closely with the company and the service provider to provide appropriate and targeted interaction with relevant employees.

My officials would be happy to meet with the working group established by Mid and East Antrim Borough Council to explore how we can work together to assist those JTI staff affected by redundancy.

Mr B McCrea asked the Minister for Employment and Learning (i) how many PHDs have been funded in each of the last 5 years; and (ii) how many of these have been related to mobile technology.

(AQW 46394/11-15)

Dr Farry: The number of postgraduate awards funded by my Department in each of the last five academic years is as follows:

Academic Year	Department Funded Studentships
2010/11	795
2011/12	695
2012/13	595
2013/14	625
2014/15	729

These awards include 26 three year postgraduate studentships in the area of mobile technology.

Mr Gardiner asked the Minister for Employment and Learning to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46401/11-15)

Dr Farry: There have been no ministerial directions issued by my Department since May 2007.

Ms McGahan asked the Minister for Employment and Learning to detail (i) how many people fall into the not in education, employment or training category in Dungannon; (ii) how does this differ from 2014; and (iii) what strategies or initiatives does his Department have in place to address this.

(AQW 46406/11-15)

Dr Farry: We do not have precise NEET figures by area. However, the figures taken from the National On-line Manpower Information System, provided by the Office for National Statistics, indicate that in April 2014 there were 295 young people in the NEET category aged 18-24 claiming Jobseekers' Allowance through Dungannon Jobs and Benefits Office and 195 in April 2015. Since we know that those on JSA make up some 50% of the overall NEET group we can estimate that the numbers involved are likely to be double those above. Also, the JSA figures will exclude the 16 and 17 year olds who are in the NEET category.

This estimate above is derived from the overall Northern Ireland figures, which show that while the NEET group has been growing in recent years, the 50/50 split within the group between JSA claimants and individuals who are economically inactive has remained fairly stable. The January to March 2014 Northern Ireland NEET figure, for example, was 32,000, whereas from January to March 2015 this figure was 39,000. The January to March 2015 NEET rate in Northern Ireland is 18% compared to a UK average of 12%.

In addressing the issue, my Department leads on the cross-departmental strategy for young people not in Education, Employment or Training (NEET), "Pathways to Success" (PTS). The 'Pathways to Success' approach has a particular focus on helping those young people who face barriers to participation, while also dovetailing with complementary actions to tackle the wider problem of youth unemployment in the current challenging economic context.

The initial round of funding for DEL-specific NEET interventions ceased at the end of March 2015. However, my department continues to support young people not in education, employment or training (NEET) through the new European Social Fund (ESF) Programme which runs from April 2015 to March 2018. As part of the implementation of the strategy, my Department

also commissioned a formal evaluation. The outcomes of the evaluation were positive and will be used to inform decisions on the future direction of Pathways to Success including a refreshed action plan.

'Enabling Success' is the NI Executive's new 15 year strategy to sustainably reduce economic inactivity in Northern Ireland. Whilst primarily targeted at helping economically inactive adults of working age to make the transition towards and into the labour market, the Strategy also recognises the importance of early intervention, particularly in relation to young people not in education, employment or training.

Subject to securing the necessary resources, one of the Strategy's key delivery projects under the theme of 'breaking the cycle of inactivity', is the appointment of a series of 'Younger People's Advocates', on a regional basis, to engage with young people who are at risk of disengaging with education, employment or training and potentially becoming economically inactive in the future.

'Enabling Success' recognises that this work needs to be taken forward in conjunction with the existing 'Pathways to Success' infrastructure, including key delivery partners such as the independent NEET Strategy Forum.

Ms Sugden asked the Minister for Employment and Learning for an update on ongoing discussions between his Department, the Department of Enterprise, Trade and Investment and Tourism NI, to review the skills needs of the tourism sector.

(AQW 46558/11-15)

Dr Farry: Pursuant to AQW 43849/11-15, a Steering Group comprising of industry representatives and government officials has been established to advise and provide guidance on the development of the tender specification for the skills research.

The Group held a workshop on 24th April to agree the scope and remit of the research and is now in the process of finalising the tender specification.

Mr Eastwood asked the Minister for Employment and Learning for an update on the One Plan target of doubling maximum student numbers at the North West Regional College.

(AQW 46591/11-15)

Dr Farry: North West Regional College's allocation of student numbers, like all college allocations, is based on established current and future demand for higher education in each of the college areas; the college's alignment with my Department's strategic priority areas as demonstrated in the College Development Plan; and support for my Department's Widening Participation goals in the geographical distribution of higher education places across Northern Ireland.

Since 2013 I have allocated an additional 75 full time higher education places to North West Regional College for the delivery of new Foundation Degrees in Software Development, Computing and Software, and Applied Medical Sciences.

The college currently has 710 full time and 824 part time students enrolled in higher education courses across all of its campuses in the North West. However, the current financial climate, and the fact that I have recently had to pass budgetary reductions on to both of the higher education institutions and the further education regional colleges, means that there is little likelihood for further expansion at present.

Ms Sugden asked the Minister for Employment and Learning, pursuant to AQW 40499/11-15, whether the evaluation of the Collaboration and Innovation Fund has been completed and published: and how it has been made available for public reference.

(AQW 46654/11-15)

Dr Farry: The formal interim evaluation of the Pathways to Success Strategy and the various approaches within this to dealing with the issue of young people not in education employment or training was received in April 2015. This overall evaluation includes six main strands of work including the Collaboration and Innovation Fund. The evaluation was undertaken by the Centre for Economic & Social Inclusion (CESI), a London based not-for-profit-company.

Once I have considered the evaluation and its implications for a broad range of youth interventions within my Department, the evaluation will be posted on the DEL web-site, and along with, in due course, a refresh of the current Pathways Strategy.

Department of the Environment

Mr Allister asked the Minister of the Environment to detail the public body or authorities that would be responsible for monitoring the public health impacts should permission issue for oil and gas exploration at Ballinlea, County Antrim.

(AQW 45795/11-15)

Mr Durkan (The Minister of the Environment): Identified public health impacts have been addressed in the environmental statement which accompanies application E/2013/0093/F – Ballinlea. My officials are consulting with the relevant bodies that have the remit and expertise to assess this element of the proposed development.

The regulation of the development, should approval be granted, will fall across a number of bodies, for example NIEA: Water Management Unit (WMU) will exercise its functions under the Water (NI) Order 1999 in relation to the conservation of water resources and the cleanliness of water with regards to the protection of public health among other duties.

NIEA: Industrial Pollution and Radiochemical Inspectorate (IPRI) would be responsible for regulating the process of gas flaring and storage and disposal of any Naturally Occurring Radioactive Material (NORMS) generated through the Pollution Prevention and Control (Industrial Emissions) Regulation (NI) 2013 and Radioactive Substances Act 1993.

DOE Strategic Planning Division would be responsible for ensuring the proper discharge of any conditions of consent in consultation with relevant bodies.

In addition to this, there are powers in the Clean Neighbourhoods and Environment Act (NI) 2011 which provide councils with powers to deal with noise from premises which may be considered prejudicial to health or a nuisance. Statutory noise nuisance, monitoring and enforcement are the remit of the local Council.

Mr Agnew asked the Minister of the Environment (i) what are the public safety and (ii) environmental risks of constructing and operating a waste incinerator immediately adjacent to a major liquid petroleum gas storage depot; (iii) whether the addendum to the environmental statement to Z/2012/1387/F which identified this depot as unknown storage yard contained ambiguous information; and (iv) why his Department as the competent authority for carrying out Environmental Impact Assessment did not question the citation of the contents of this adjacent storage yard as unknown before planning permission was granted **(AQW 46021/11-15)**

Mr Durkan: The planning application was accompanied by a voluntary environmental statement (ES). An ES is prepared by the applicant and submitted in support of the planning application. When processing a planning application accompanied by an ES, my Department will consult with environmental bodies and other bodies along with the public. The information provided by those bodies and the public, along with the ES, constitutes environmental information that should be taken into account in reaching the planning decision. Provided that the correct information is considered by the Department in reaching a decision, an inaccuracy or error within an ES would not mean that decision was taken in error. It would also not be necessary to amend an ES to contain accurate information when it is known to the Department.

In this case my officials consulted with the Health and Safety Executive Northern Ireland as the site was situated in several Control of Major Accident Hazards (COMAH) sites. They identified that the site was adjoining land that contained LPG storage vessels. This was also apparent to my officials who undertook a site visit as part of the assessment process. There were also no objections to the development.

HSENI had no objections to the development and the potential for risks to the COMAH sites and also the development site were fully considered in reaching the decision on this application.

Mr Swann asked the Minister of the Environment how many farmers have been prosecuted by the NIEA, in each of the last three years, broken down by council area. **(AQW 46166/11-15)**

Mr Durkan: The numbers of farmers that have been prosecuted by NIEA in each of the last three years broken down by council area are as shown in the attached table.

Council Area	2012	2013	2014	Total Number
Antrim and Newtownabbey	0	1	1	2
Mid and East Antrim	5	3	2	10
Armagh Banbridge and Craigavon	8	2	2	12
Belfast	0	0	0	0
Causeway Coast and Glens	6	6	0	12
Derry and Strabane	5	1	0	6
Fermanagh and Omagh	7	6	2	15
Mid Ulster	9	5	14	28
Newry, Mourne and Down	2	1	0	3
North Down and Ards	0	0	0	0
Lisburn and Castlereagh	1	3	2	6
Total	43	28	23	94

Mr Swann asked the Minister of the Environment how many on farm inspections have been completed by the NIEA, in each of the last 3 years, broken down by council area.

(AQW 46167/11-15)

Mr Durkan: The locations of farms inspected from Single Farm Payment Claimants are recorded against the postcode of the registered address of the farm by the Northern Ireland Environment Agency (NIEA). This is not necessarily the location of the land to which the inspection applies. These visits are not recorded on a Local Council, Northern Ireland Assembly or Westminster constituency basis.

There are two methods of selection for inspection visits: 25% are randomly selected from a list of all Single Farm Payment claimants; the remaining 75% being selected through a risk-based approach based on a number of parameters and on previous compliance records.

Table 1 below shows the number of scheduled Cross Compliance inspections undertaken in each of the last 3 years.

Table 1: scheduled Cross Compliance inspections

Year	Number of Inspections
2012	379
2013	394
2014	320

NIEA officials from the DOE also carry out inspections in accordance with the requirements of The Waste Management and Contaminated Land (Northern Ireland) Order 1997 and The Waste Management Licensing Regulations (Northern Ireland) 2003. These visits are in relation to licensed or exempted activities being carried out on farms, for example, composting, anaerobic digestion and infilling. Table 2 below shows the number of inspections undertaken over the last three years.

Table 2. Inspections on farms of licensed or exempted activities by Council Area.

Council Area (as previously named)	Year			Total
	2012	2013	2014	
Antrim	8	9	23	40
Ards	4	1	0	5
Armagh	2	2	15	19
Ballymena	4	18	10	32
Ballymoney	1	7	4	12
Banbridge	0	0	0	0
Belfast	0	0	0	0
Carrickfergus	1	1	0	2
Castlereagh	3	3	1	7
Coleraine	0	3	7	10
Cookstown	4	0	2	6
Craigavon	7	0	2	9
Derry	0	5	6	11
Down	0	0	0	0
Dungannon	0	0	0	0
Fermanagh	6	3	6	15
Larne	0	0	0	0
Limavady	0	0	0	0
Lisburn	1	3	3	7
Magherafelt	0	0	0	0
Moyle	0	1	0	1
Newry and Mourne	0	0	0	0

Council Area (as previously named)	Year			Total
	2012	2013	2014	
Newtownabbey	0	0	0	0
North Down	0	0	0	0
Omagh	9	7	7	23
Strabane	1	11	5	17
Total	51	74	91	216

Mr I McCrea asked the Minister of the Environment what consideration he has given to the recommendations from the Committee for the Environment's Report on the Committee's Inquiry into Wind Energy.

(AQW 46186/11-15)

Mr Durkan: The Committee's Inquiry into Wind Energy Report was debated in the Assembly on 3 March 2015. During the debate I acknowledged that the Committee's Report is the product of an extensive and thorough inquiry process and I committed to giving it full and proper consideration.

The Report contains a wide range of recommendations, a number of which fall outside of my Department's remit. I nevertheless indicated to the Assembly my willingness to look closely at all recommendations and to advance these where appropriate to do so.

My formal response issued to the Clerk of the Environment Committee on 28 May 2015 and my officials are due to provide oral briefing to the Committee on the 25 June.

I can advise that I have taken account of the Committee's Report in finalising the Strategic Planning Policy Statement (SPPS) which I will publish as soon as possible following consideration by the Executive Committee. Furthermore, I have already made public my intention to undertake a review of strategic planning policy for renewable energy following publication of the SPPS. I believe that some of the Report recommendations can be considered further as part of this review which will incorporate additional research, policy development and public consultation.

In addition, work is already in hand with a view to producing new procedural guidance for planning officials to assist them with the processing of applications for wind energy development. Where appropriate I will ensure that relevant recommendations of the Committee are fully reflected in this guidance.

Mr Easton asked the Minister of the Environment for an update on any correspondence or meetings he has had with the Secretary of State for Transport since the Assembly Motion on 27 January 2015 on The Union Flag on UK Driving Licences Issued in Northern Ireland.

(AQW 46198/11-15)

Mr Durkan: Since the Assembly Motion on 27 January 2015, I have received a letter (dated 4 March 2015) from the Parliamentary Under Secretary of State for Transport, Claire Perry. The letter summarises the correspondence on this issue since 2012 and indicates that Ms Perry is happy for further engagement to take place between officials if my Department wishes to progress an opt in/ opt out option for Northern Ireland driving licence holders.

I should emphasise – as I did in the Assembly debate – that there are Great Britain driving licences and Northern Ireland driving licences; there are not (as you imply in your question) UK driving licences.

Consideration was given to providing an opt in/opt out option in 2012 when my Department was first advised that DfT intended to include the Union Flag on Great Britain driving licences. The Driver and Vehicle Licensing Agency (DVLA) however at that time indicated that the costs involved in making the system and associated changes required to offer such a choice were prohibitive. I believe that DVLA has recently estimated that the cost associated with individual choice, had it been offered to Great Britain driving licence holders, would be in the region of £14-19 million.

Given that the position has not changed in terms of the costs involved in offering such an option, I see no purpose in arranging further discussions between officials regarding an opt in/ opt out option.

Mr Allister asked the Minister of the Environment to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46205/11-15)

Mr Durkan: The table below provides the information as requested for the period 2011-12 to 2014-15.

DOE	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Minister	5,662.73	5,050.74	6,027.43	3,824.80
Special Adviser	1,900.87	3,135.11	2,448.57	3,310.08
Support Staff	7,805.01	3,551.89	3,901.36	3,117.56
Total	15,368.61	11,737.74	12,377.36	10,252.44

Lord Morrow asked the Minister of the Environment, pursuant to AQW 45603/11-15, to clarify whether this means any taxi operator or driver can have a person tout on their behalf provided the individual in question is not a taxi driver.

(AQW 46209/11-15)

Mr Durkan: As I set out in my answer to AQW 45603/11-15, the law currently does not permit the authorities to take action against anyone other than a person employed as the driver of a taxi who is touting for work for their taxi.

You will be aware that section 43 of the Taxis Act (Northern Ireland) 2008, which is due to be commenced later this year, draws the touting provisions more broadly. This will enable authorities to take action against any person suspected of touting, whether they are a taxi driver or not.

Mr D McIlveen asked the Minister of the Environment for his assessment of the decision of the Equality Commission not to exert any further pressure to change the name of a Newry playground currently named after a convicted IRA terrorist.

(AQW 46220/11-15)

Mr Durkan: The Equality Commission has the legal responsibility and authority to consider what action is fitting in relation to such matters. The Newry, Mourne and Down District Council are, I understand, currently working on the Equality Commission's recommendation which deals with policy on such issues.

Against that background, it would not be fitting for me to assess or comment on this ongoing situation.

Mr Agnew asked Minister of the Environment, pursuant to AQW 45197/11-15, why likely effects on Belfast Lough Special Protection Area were not considered applicable to planning application Z/2014/1346/F, and if this failure to recognise the proximity of an European site is an indication that proper procedures were not followed when conducting an Environmental Impact Assessment determination before planning permission was granted.

(AQW 46235/11-15)

Mr Durkan: My answer to AQW 45197/11-15 outlined the information that was available to my Department in relation to Belfast Lough SPA and states that I was satisfied that planning application Z/2014/1346/F was not EIA development on the basis that the amendment to the application did not give rise to significant adverse effects. In support of that conclusion I stated the information that was available to my Department when carrying out the EIA determination and also in reaching the decision to grant planning permission.

I am therefore satisfied that proper procedures were followed in this case.

Mr Agnew asked Minister of the Environment, pursuant to AQW 45670/11-15, to confirm that unlike other likely environmental effects identified in the Environmental Impact Assessment determination, no reference was made, or consideration given to the likely effects on an European site, or the species protected by the Habitats Directive; and to outline how the public can be reassured that such matters were taken into account, when neither the Environment Impact Assessment determination, nor case officer report make any mention of such effects.

(AQW 46236/11-15)

Mr Durkan: As I outlined in AQW 45197/11-15 consideration was given to the environmental statement submitted in support of planning permission Z/2012/1387/F which had been subject to scrutiny by the appropriate environmental bodies and was not the subject of any public objection. I advised in AQW 45670/11-15 that NIEA had considered the potential impact on the integrity of Belfast Lough SPA/Belfast Lough Open Water SPA and were of the opinion that significant adverse effects were unlikely to occur subject to suitable mitigation measures that were secured by planning conditions of the planning permission. The previous grant of permission and the proposed amendments to that permission were clearly documented in the EIA determination that was undertaken for planning application Z/2014/1346/F. The comments of NIEA and other environmental bodies, the environmental statement and the previous mitigation measures were also considered when concluding that the proposed amendments were not considered to have significant adverse effects on the environment.

The development management report that was before me identified the key issues for consideration. It included reference to the previous grant of planning permission, which was clearly a relevant and significant material consideration, and that the supporting environmental information and comments of all environmental bodies, including the views of NIEA were fully considered. The supporting environmental information in this case would have included the ES that accompanied Z/2012/1387/F and the comments of the environmental bodies. It would also have taken account of the fact that there had been no objection to the development.

I am satisfied that the key issues were fully considered before deciding to grant planning permission for this amendment to a previous grant of planning permission.

Mr Agnew asked the Minister of the Environment to detail the current number of illegal landfill sites.
(AQW 46237/11-15)

Mr Durkan: The issue of illegal, or more accurately 'unauthorised' landfill is a complex area, involving matters of definition regarding particular sites. It is assumed to refer to the more broad issue of infilling carried out without the necessary authorisations. This will incorporate both historic and closed landfill sites which have been added to, as well as the unauthorised infilling of any land. Specific numbers cannot be provided as unauthorised landfill sites are not separately recorded as a category.

NIEA is continuing to uncover unauthorised infilling on a regular basis and will continue to do so through its regulatory and enforcement activities. It is currently involved in 71 active investigations into a range of environmental offending. This includes 45 sites where waste has been deposited without the necessary authorisations.

Mr Agnew asked Minister of the Environment whether his Department has been made aware of, or been involved in, any discussions with the Health and Safety Executive over concerns for public safety after the granting of planning permission Z/2014/1346/F.

(AQW 46238/11-15)

Mr Durkan: During the processing of the application officials consulted with the Health and Safety Executive Northern Ireland as the site was situated in several Control of Major Accident Hazards (COMAH) sites. HSENI had no objections to the development and the potential for risks to the COMAH sites and also the development site were fully considered in reaching the decision on the application.

My Department has not had any discussions with the Health and Safety Executive or been made aware of any potential concerns for public safety since the grant of this planning permission, which was an amendment to the previous permission Z/2012/1387/F.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 45141/11-15, for his assessment of (i) the written admission of the site operator that up until 2006 he periodically removed the contents of the settlement ponds and piled this material on the lagoon walls within the flood plain; (ii) the planning department's confirmation of this happening up until 2006; and (iii) NIEA's written confirmation on 16 March 2012 that the contents of the lagoons is highly contaminated.

(AQW 46239/11-15)

Mr Durkan: My officials have been unable to trace any correspondence or written admission to which you refer. If you can supply me with a copy of this paperwork, I would be happy to consider that matter further and provide you with an assessment.

However, I consider that the removal of material from the settlement ponds would, in normal circumstances, have been a necessary and responsible part of site management. Not doing so would have increased the water levels in the ponds and therefore left them more vulnerable to flooding.

Planning advises that as the majority of its functions transferred to the new councils on 1 April 2015, any information that may assist in answering part (ii) of the question is likely to be contained on files that are now the responsibility of Derry City and Strabane District Council.

The matter of alleged contamination of settling pools has previously been addressed.

I would also reiterate that testing on the river indicates good water quality, indicative of no current threat to the Faughan.

Mr Agnew asked the Minister of the Environment why the Natural Heritage Research Partnership contract is not being renewed, given funding for new grants through the Natural Environment Fund is being made available.

(AQW 46264/11-15)

Mr Durkan: The time frame for the Natural Heritage Research Partnership (NHRP) contract between my Department and Queen's University was 4 years, with (subject to the agreement of both parties) an option to extend the contract for two further three year periods. Following the initial 4 year period, as the work was assessed as being of high quality, the contract was extended for one further three year period, ending 22 June 2015. However, due to the significant budgetary constraints arising from the budget allocation to the Department for 2015-16, contracted services provided by a diverse range of educational, public sector, voluntary, community based and private sector organisations, including those contracts with Queen's University, were ended or not renewed. Queen's University was informed that the NHRP contract would not be extended beyond the natural expiry date and that funding of up to £70k has been set aside to allow this work to continue up to the contract end date of 22 June 2015.

The new Natural Environment Fund (NEF) was established this year with funding from the Carrier Bag Levy. The NEF was open to those NGOs, and also Councils where they deliver landscape management body functions, who had previously been in receipt of funding up until 31 March 2015, or whose funding beyond that date was terminated with an appropriate notice period (mostly up until the end of June 2015), and those who had applications for funding under consideration at 31 March

2015. Public bodies, councils, except those who wished to continue to deliver landscape management, and Universities were therefore not eligible to apply. This reflects the fact that CBL receipts are separate from mainstream public expenditure and should be directed towards environmental programmes with a strong community foundation.

Mr Agnew asked the Minister of the Environment to outline the current position in relation to planning enforcement at the former City Waste and Campsie Sand and Gravel sites at Mobouy Road.
(AQW 46265/11-15)

Mr Durkan: On 31 March 2015 the Strategic Planning Division (SPD) issued Enforcement Notices pursuant to Article 68 of The Planning (NI) Order 1991 in relation to the deposition of controlled waste and to the winning and working of minerals on lands at Mobouy Road.

A Regulation 26 Notice in accordance with that provision of the Planning Environmental Impact Assessment (EIA) Regulations (NI) 2012 was also served along with the Enforcement Notices advising those served that the development was EIA development.

Mr Agnew asked the Minister of the Environment why Queen's University Belfast was excluded from the Natural Environment Fund in 2015.
(AQW 46267/11-15)

Mr Durkan: The time frame for the Natural Heritage Research Partnership (NHRP) contract between my Department and Queen's University was 4 years, with (subject to the agreement of both parties) an option to extend the contract for two further three year periods. Following the initial 4 year period, as the work was assessed as being of high quality, the contract was extended for one further three year period, ending 22 June 2015. However, due to the significant budgetary constraints arising from the budget allocation to the Department for 2015-16, contracted services provided by a diverse range of educational, public sector, voluntary, community based and private sector organisations, including those contracts with Queen's University, were ended or not renewed. Queen's University was informed that the NHRP contract would not be extended beyond the natural expiry date and that funding of up to £70k has been set aside to allow this work to continue up to the contract end date of 22 June 2015.

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Lord Morrow asked the Minister of the Environment to detail (i) what product research was conducted with the manufacturers and approved agencies in relation to the preferred taxi meter options of Digitax F1 Plus, Hale MCT 06 and Cygnus MR500; (ii) the specific manufacturers and approved agencies involved prior to his Department's final decision; and (iii) which option was selected and why.
(AQW 46339/11-15)

Mr Durkan:

- (i) As part of the preparations for implementing the Taxi Act (Northern Ireland) 2008, the Driver & Vehicle Agency (DVA) recently purchased a taximeter for the development of a new taximeter approval and testing scheme. The sourcing of a taximeter was on the basis that it complied with relevant legislative requirements, and was capable of supporting a printer. No product research was conducted during the procurement exercise.

The Digitax F3 Plus, Hale MCT 06, and Cygnus MR500 models were a representative sample of Measurement Instrument Directive compliant taximeters; it is worthy of note that the initial procurement correspondence was subsequently revised to refer to the updated Digitax F3 Plus model.

- (ii) The DVA contacted the following suppliers during the procurement exercise:

- a Cedel Communications;
- b Patterson Electronics Ltd;
- c SMK Digitax; and
- d Wired-or-less;

No taximeter manufacturer was contacted prior to final selection.

- (iii) The Digitax taximeter was selected as it was compliant with the relevant legislative requirements and represented best value for money on a least cost basis.

Mr Agnew asked the Minister of the Environment how value for money, quality assurance and financial governance is monitored in relation to the Natural Environment Fund; and how this compares to monitoring in relation to the Natural Heritage Research Partnership.

(AQW 46348/11-15)

Mr Durkan: For all grant schemes and contracts, including the previous Natural Heritage grant scheme and the Natural Heritage Research Partnership, the Department ensures value for money, quality assurance and finance governance arrangements are in place to comply with the requirements set out in DFP's guidance "Managing Public Money Northern Ireland (MPMNI)". The monitoring of expenditure under the new Natural Environment Fund, the applications for which are currently being assessed, will also adhere to the processes in MPMNI.

Furthermore, the Department's financial management and corporate governance processes are underpinned by procedures to ensure efficient and economical administration of public funding including arrangements for the evaluation, selection of grant expenditure proposals and monitoring of grants expenditure proposals. Robust monitoring arrangements are also in place to ensure the department can operate within its authorised spending limits across all areas of expenditure. All expenditure proposals are subject to funding availability.

Mr Agnew asked the Minister of the Environment to outline his Department's financial priorities with respect to statutory research needs and grants related to non-statutory activities.

(AQW 46349/11-15)

Mr Durkan: As part of the process for allocating resources across the Department, the delivery of key statutory outcomes is taken into account. The Department does not specifically carry out 'statutory research', however there are some statutory obligations and associated outcomes which may require research to be undertaken to help deliver those obligations. For example, to help the Department deliver some key statutory environmental outcomes some specific work, including research which is required to underpin decisions relating to departmental statutory duties, is commissioned to external organisations through formal competitive tendering. All departmental expenditure is underpinned by specific legislation.

The Department will continue to explore options for delivery of the various statutory obligations associated with environmental outcomes.

Mr Allister asked the Minister of the Environment, further to his indication in the Assembly on 10 February 2015 of his intention to provide strategic direction for large-scale solar energy proposals, what progress has been made in doing so; and what practice directions have issued to planning staff.

(AQW 46353/11-15)

Mr Durkan: In finalising the Strategic Planning Policy Statement (SPPS) I have taken account of the comments received through the public consultation, including those relating to solar energy development. The final draft of the Strategic Planning Policy Statement (SPPS) was completed in March and subsequently circulated to Executive Colleagues. I have made every effort to bring it forward for Executive consideration since then and would hope that it is tabled at an Executive meeting in the near future.

The SPPS is largely a consolidation and update of the Department's existing suite of planning policy statements rather than a fundamental review of all planning policy. However, I acknowledge the significant issues raised during its formulation, particularly in relation to strategic planning policy for renewable energy development. That is why, on a priority basis, I have committed to subjecting the strategic renewable energy policy to a fundamental review, following publication of the SPPS. This review will require additional research, public consultation and further policy development. It is my intention that this work is concluded as rapidly as possible.

In relation to the guidance notes I can advise that my officials are currently preparing guidance notes for processing renewable energy applications which will provide useful advice and guidance to planning officers dealing with solar farm and other renewable energy proposals. This guidance will focus on the process that should be followed rather than adding to the existing policy and guidance documents. The internal guidance notes will be completed within the next few weeks.

Mr Allister asked the Minister of the Environment what steps have been taken to amend and re-issue the draft Strategic Planning Policy Statement to adequately cover large-scale solar farm applications; and to ensure that the public consultation on such is adequate.

(AQW 46354/11-15)

Mr Durkan: While I am aware that there is an increasing interest in large scale solar energy development, I am satisfied that existing planning policy is appropriate for considering proposals for solar farms.

Existing planning policy for renewable energy proposals, including solar energy, is included in Planning Policy Statement 18 'Renewable Energy' (PPS 18). The aim of PPS 18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment. PPS 18 advises that development that generates electricity from renewable sources will be permitted provided the proposal would not result in an unacceptable adverse impact on matters such as public safety, human health, or residential amenity; visual amenity and landscape character; biodiversity, nature conservation or built heritage interests; or on local natural resources.

As you will be aware, I issued the draft Strategic Planning Policy Statement for Northern Ireland (SPPS) for public consultation in February 2014. The draft SPPS consolidates and updates in a strategic way existing Planning Policy Statements to providing strategic planning policy for a range of subject policies, including Renewable Energy.

In finalising the SPPS I have taken account of the comments received through the public consultation including those relating to solar farms. I intend to publish the SPPS in final form as soon as possible following consideration by the Executive Committee and this will set out and confirm my Department's strategic planning policy for renewable energy development.

However, you may also be aware that I intend to complete an urgent review of strategic planning policy for renewable energy (including solar energy) following the publication of the SPPS in final form. This review will involve further research, policy development and public consultation.

In addition, it is important to note that all planning applications for solar farms are advertised in at least one local newspaper and neighbours are notified as appropriate. Furthermore, the Planning Act (Northern Ireland) 2011, places a statutory duty on applicants for planning permission to consult the community in advance of submitting a major application on or after 1 July 2015. A pre-application community consultation report must then accompany the planning application. This will ensure the community can be fully informed about proposed major developments requiring planning permission and can influence the proposal which is ultimately submitted.

Mr Eastwood asked the Minister of the Environment to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

(AQW 46369/11-15)

Mr Durkan: In 2013/14 my Department provided Derry City Council with a capital grant of £365,055 from the Rethink Waste Capital Fund. This funding was used to enhance the waste infrastructure through the purchase of vehicles and equipment which are used for a separate weekly food collection service.

Mr Lyttle asked the Minister of the Environment to explain the EU Commission's referral of the UK to the Court of Justice of the EU due to a breach of the Urban Waste Water Treatment Directive for inadequate treatment and collection of waste water at Ballycastle; and the potential outcome and impact of this case.

(AQW 46375/11-15)

Mr Durkan: The Urban Waste Water Treatment Directive sets minimum standards for the collection, treatment and discharge of urban wastewater, and timescales for the achievement of these standards.

On the basis of performance data submitted by the UK to the European Commission as required under Article 15 of the Directive, the Commission considered that the UK had failed to ensure the provision of secondary treatment as required under Articles 4(1) & (3) for agglomerations of 10,000 - 15,000 people and for agglomerations with a population of over 15,000 people. Ballycastle Waste Water Treatment Works (WwTW) was included in the list of non compliant sites.

The formal infraction process began on 20 July 2013 with the issue of a Letter of Formal Notice to the UK from the Commission. A Letter of Reasoned Opinion was issued by the Commission on 10 July 2014.

The UK response to the Commission stated that the NI authorities accepted that further measures were required to secure compliance with Article 4 for Ballycastle WwTW and a timescale for the upgrade of the site was provided to the Commission with completion of the upgrade by 2017.

The Commission has now referred the UK to the Court of Justice for non compliance with the UWWTD for 17 named sites, including Ballycastle.

Potential outcome and impact of this case:

The Commission may ask the Court of Justice to impose lump sum and/or penalty payments against the UK. However, based on previous infraction court cases, the Department anticipates that the Commission may allow a 'period of grace' for remedial work to be carried out before it would consider applying to the court for fines to be imposed. If the Commission is satisfied that a Member State has effective plans in place to deliver compliance within a reasonable timeframe it is unlikely to seek fines.

Given that the planned work to upgrade the site at Ballycastle is scheduled to be completed in 2017, and by that stage the site will no longer be in breach of the Directive, the Department does not anticipate that fines will be incurred for this infraction.

Mr Weir asked the Minister of the Environment why his Department has not listed on their website those beaches that recently received Blue Flag and Seaside Awards.

(AQW 46388/11-15)

Mr Durkan: The International Blue Flag Award Scheme is administered in Northern Ireland by Keep Northern Ireland Beautiful, on behalf of the Foundation for Environmental Education (FEE). FEE is an international umbrella organisation which operates the Blue Flag Awards scheme worldwide.

The Seaside Awards are UK based awards which are administered in Northern Ireland by Keep Northern Ireland Beautiful.

DOE has statutory responsibility for determining bathing water quality under the EU Bathing Water Directive. Bathing water quality is one of 33 eligibility criteria assessed for Blue Flags and 28 eligibility criteria for Seaside Awards.

Blue Flag status for bathing waters is provided at www.beachni.com, on the Keep Northern Ireland Beautiful webpage (<http://www.keeponthernirelandbeautiful.org/>) and on the International Blue Flag website (<http://www.blueflag.org>).

DOE's website has been undergoing a review and migration to the NI Direct website. Since Monday 1 June 2015 the bathing Water webpage on NI Direct contains a link to Keep Northern Ireland Beautiful's web page which lists the Blue Flag and Seaside Award beaches:

(<http://www.nidirect.gov.uk/index/information-and-services/environment-and-greener-living/the-wider-environment/environmental-quality-in-your-area/bathing-water-quality.htm>).

Lord Morrow asked the Minister of the Environment, pursuant to AQW 45603/11-15, under current legislation, whether a taxi-driver or operator that accepts a fare which has been touted for on their behalf by a non-taxi driver are breaching regulations. **(AQW 46419/11-15)**

Mr Durkan: As I set out in my answer to AQW 45603/11-15, the law currently does not permit the authorities to take action against anyone other than a person employed as the driver of a taxi who is touting for work for their taxi.

You will be aware that section 43 of the Taxis Act (Northern Ireland) 2008, which is due to be commenced later this year, draws the touting provisions more broadly. This will enable authorities to take action against any person suspected of touting, whether they are a taxi driver or not.

Lord Morrow asked the Minister of the Environment in relation to the Road Traffic (NI) Order 1981 specifically Regulation 18, (i) whether taxi meters should have been installed in all taxis since this was passed into law; and if so (ii) why this did not occur; and (iii) why is new legislation being drafted and proposed when it already exists but has not been enforced. **(AQW 46421/11-15)**

Mr Durkan: Article 18 of the Road Traffic (Northern Ireland) Order 1981 refers to driving licences and makes no reference to taximeters. There is no reference to taximeters anywhere in the Order.

Mrs Dobson asked the Minister of the Environment to detail the legal advice he received prior to issuing enforcement notices to five sand extraction companies based at Lough Neagh; and to provide further details of the 'detailed investigation' undertaken by his Department which initiated his decision to issue the notices. **(AQW 46466/11-15)**

Mr Durkan: My decision to take enforcement action was based on advice from my officials in Strategic Planning Division following monitoring of activity on the Lough. I did not seek any specific legal advice in relation to this matter.

As this is a live enforcement case I am limited in the amount of information I can release at this stage.

Mr Allister asked the Minister of the Environment whether the wigwams in place since May 2014 on land adjacent to the NorthWest 200 pits, Portstewart, have planning permission; and if not, why enforcement action has not been taken. **(AQW 46491/11-15)**

Mr Durkan: The majority of Planning functions, including most planning applications and enforcement cases, transferred to the new councils on 1 April 2015. Any planning application or enforcement investigation on the lands referred to is now the responsibility of Causeway Coast and Glens Borough Council. I am able to advise that the matter is the subject of ongoing enforcement investigations by council.

You may therefore wish to contact the Council regarding the matters raised. The point of contact for Causeway Coast and Glens Council is Denise Dickson who can be emailed at planning@causewaycoastandglens.gov.uk

Mr Moutray asked the Minister of the Environment for his assessment of the number of jobs that will be lost as a direct result of his decision to issue enforcement notices to five companies that currently extract sand from Lough Neagh. **(AQW 46518/11-15)**

Mr Durkan: I am aware of the economic importance of this long standing industry in terms of direct and indirect employment within local communities and the wider quarry products sector. My officials have been actively engaging with the sand traders and urging them to bring forward a planning application and the required environmental information to enable the Department to assess and determine, as quickly as possible, if the activities can and should be regularised. The onus is on the operators to comply with all statutory requirements and if this can be done in a timely manner it may minimise the threat of job losses. However, I cannot comment on the outcome of any future planning application as this involves a statutory process requiring input from various consultees as well as consideration of public representations.

Any forthcoming planning application will be thoroughly assessed to ensure that the Lough's conservation objectives and environmental features are protected; and that the economic benefits associated with the activities are fully considered and given appropriate weight in any final planning decision.

Lord Morrow asked the Minister of the Environment, pursuant to AQW 45603/11-15, under current legislation, when a non-taxi driver touts for a private taxi driver or operator, whether it is legal to for the non-taxi driver to hand a business card to the passenger to present to a private taxi driver or operator as evidence of a booking when in actuality it is a touted fare.

(AQW 46572/11-15)

Mr Durkan: As I set out in my answer to AQW 45603/11-15, the law currently does not permit the authorities to take action against anyone other than a person employed as the driver of a taxi who is touting for work for their taxi.

You will be aware that section 43 of the Taxis Act (Northern Ireland) 2008, which is due to be commenced later this year, draws the touting provisions more broadly. This will enable authorities to take action against any person suspected of touting, whether they are a taxi driver or not.

Mr McCartney asked the Minister of the Environment what engagement he has had with all relevant stakeholders with regard to sand extraction from Lough Neagh.

(AQO 8340/11-15)

Mr Durkan: DOE Planning received a Pre-Application Discussion (PAD) request from the Sand Traders on the 13th October 2014 in relation to the abstraction of sand from Lough Neagh and the stated intention to submit a planning application to regularise the unauthorised operations.

As part of this process the Department has facilitated a number of meetings with the applicants and their agents to discuss the proposals. To date four PAD meetings have taken place (12th November 2014, 22nd January 2015, 23rd January 2015 and 20th March 2015) which have been attended by the following consultees when required:

- NIEA: Water Management Unit
- NIEA: Natural Environment Division
- NIEA: Landscape Architect Branch
- DETI: Geological Survey NI
- DCAL: Inland Fisheries
- Environmental Health Department (Cookstown/Craigavon/Lisburn/Antrim/Magherafelt)
- RSPB
- NI Water

The enforcement process relating to the unauthorised dredging is ongoing and enforcement notices were issued on 27 May 2015.

I am aware of the views and concerns of other stakeholders in relation to this issue including Friends of the Earth, the Green Party and elected representatives at various levels. I am also conscious that this is a complex issue involving important environmental and socio-economic considerations. I can assure the member that the views and interests of all relevant stakeholders will be taken into account in the exercise of my Department's powers.

Mr Dunne asked the Minister of the Environment to outline the impact of budget reductions on both Crawfordsburn and Redburn Country Parks.

(AQO 8341/11-15)

Mr Durkan: As a result of the unprecedented financial difficulties facing my Department, the Northern Ireland Environment Agency, which manages both Crawfordsburn and Redburn Country Parks,

is unable to provide the usual dedicated staff presence daily at Redburn Country Park during the peak visitor season.

As a further consequence of the reduced staffing resources there will be reduced frequencies of site patrols and reduced levels of ground maintenance such as grass cutting. In the event of an unforeseen issue, such as excessive littering, there will be reduced capacity for local staff to respond as quickly as before.

Redburn Country Park will, however, remain available to public access at all times and Crawfordsburn Country Park will remain accessible to pedestrians at all times with the vehicle barriers closing at the same time as in previous years. The visitor centre will however close 30 minutes earlier than previous years.

I can assure you that the local staff who manage these two sites take great pride in the Parks and will continue to manage them to the best of their abilities. This has been demonstrated through their recent achievement of winning a Blue Flag Beach award and the 4 star Tourism NI Visitor Attraction Grade that Crawfordburn Country Park achieved earlier this year. An excellent achievement.

Mr Ó hOisín asked the Minister of the Environment to confirm the number of applications and approvals for hydro schemes on the Foyle system.

(AQO 8342/11-15)

Mr Durkan: I have taken the 'Foyle system' to refer to the wider river system as defined by the Lough Foyle catchment or basin. In geographical terms, this is the area of land that drains naturally into Lough Foyle. It is an extensive river system and

comprises not only the River Foyle itself but also a number of notable tributaries including the Rivers Finn, Mourne, Strule, Owenkillew, Derg and Mourne. It also includes the Rivers Roe and Faughan that flow directly into Lough Foyle.

I am able to provide the member with statistics for the Lough Foyle catchment/basin from 2005 up to 31 March 2015. During this period 36 applications were received by the Department with 17 approvals and 1 refusal. Of the remaining 18 applications, 14 transferred to the new Councils for decision on 1 April with 4 retained by DOE.

Mr Attwood asked the Minister of the Environment for an update on his proposed Better Environmental Regulation Bill, which is designed to improve environmental outcomes and reduce unnecessary bureaucratic burden on businesses.

(AQO 8343/11-15)

Mr Durkan: I am currently seeking Executive agreement to the Environmental Better Regulation Bill and its introduction to the Assembly. If the draft Bill is not included on the agenda for the next scheduled meeting of the Executive on 11 June 2015, it is unlikely to have sufficient time to progress through all of the primary legislation stages in the current mandate.

However, if it is agreed to at that meeting, I intend, subject to the agreement of the Speaker, to introduce the Bill into the Assembly at the earliest opportunity on 22 June 2015.

The Bill is an important piece of environmental primary legislation which is designed to reduce the regulatory burden on business and, at the same time, enhance protection of the environment.

My officials briefed the Environment Committee on the details of the Bill on 5 March 2015.

Mr Humphrey asked the Minister of the Environment whether his Department has carried out an environmental impact study of sand extraction from Lough Neagh.

(AQO 8344/11-15)

Mr Durkan: It would be the responsibility of the planning applicant(s) to prepare an Environmental Statement (ES) in support of any planning application for sand extraction from Lough Neagh.

In preparing the ES, the applicant would be expected to undertake a number of studies and include information on the main effects that the development is likely to have on the environment and any measures required to avoid, reduce and, if possible, remedy significant potential adverse impacts on the environment. The applicant would also be expected to engage with the Department and relevant bodies to discuss the potential impacts identified.

Upon receipt of a valid planning application and accompanying ES, my officials would review the contents of the environmental statement and consult with a range of environmental bodies that would have the remit and expertise to comment on specific impacts such as water quality, dust, noise, wildlife etc.

As you may be aware, my officials issued formal enforcement notices on the 27th May 2015 in relation to the extraction of sand on Lough Neagh. Prior to serving the notices, my officials carried out a detailed environmental assessment determination (of the dredging activity and its impacts) as required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. It was determined that an application must be accompanied by an Environmental Impact Statement.

Any forthcoming planning application will be thoroughly assessed to ensure that the Lough's conservation objectives and environmental features are protected; and that the economic benefits associated with the activities are fully considered and given appropriate weight in any final planning decision.

Mr Nesbitt asked the Minister of the Environment for an update on the environmental research into the restoration of *Modiolus* horse mussels in Strangford Lough.

(AQO 8345/11-15)

Mr Durkan: Queens University has been assisting the Department with research to evaluate if artificial reefs could be used to restore the *Modiolus* in Strangford Lough.

In 2010, QUB created eight small artificial reefs and each reef was developed using one to two square metres of *Modiolus* from within Strangford Lough. These survived for at least a year but when the sites were revisited in 2014 it was found that the trial had failed. The reason for failure is unknown but could be associated with predation or the scale of the trial.

QUB has since been taking forward the research associated with a larger scale restoration trial that would involve translocating *Modiolus* from two healthy sites at Outer Ards into Strangford Lough.

However, following a mid-term review of the revised restoration plan, the *Modiolus* Restoration Working Group agreed not to proceed with the translocation because of the risk of failure and damage to these sites. Pursuing this option could result in a net loss of *Modiolus*.

The group hopes to finalise a further revised plan this month before seeking approval from the Commission. This revision will include formally setting aside translocation as an option, and introducing a proposal to designate the sites along Outer Ards as a compensatory measure.

Mr McNarry asked the Minister of the Environment, following the recent introduction of a consultation on increasing the road speed limit of agricultural tractors to 40 kilometers per hour, to outline the safety measures he has considered for other road users.

(AQO 8346/11-15)

Mr Durkan: I am currently consulting on increasing the road speed limit of agricultural tractors to 40 kilometres per hour as a result of a report of the Independent Farming Regulation Taskforce which was published in May 2011. This report recommended that the government examined the allowable maximum speed of tractors travelling on roads.

The proposal – on which I welcome comments and information – is for a modest increase in speed for tractors of 4.8mph from the current speed of 20mph to 24.8mph (40kmh). Research that has been carried out on behalf of the Department for Transport (DfT) in Britain has indicated that the likely impact on road safety would be limited. Respondents' views on the DfT consultation were that tractor collisions related to speed are in the main caused because tractors drive too slowly. A slightly faster speed may avert some of those collisions. Tractors have also been designed and manufactured for a number of years to travel at 40kmh (24.8mph) which is the standard in the most of the EU.

The Independent Farming Regulation Taskforce report noted that some stakeholders perceive the current restrictions imposed in legislation are outdated and that an alteration to the speed restriction, raising it above 20mph, would maintain or improve road safety. Similarly, the report stated that the restriction does not reflect the capabilities of modern farm machinery, forcing farmers to drive unnecessarily slowly on public roads. This is said to cause unnecessary delay for farmers and is a nuisance to other road users.

That said, this is a proposal for consultation, on which I welcome views by 7 July. All responses will be considered in the policy development process.

Mr Frew asked the Minister of the Environment what discussions has he had with officials in the Northern Ireland Environment Agency regarding ammonia levels in Special Areas of Conservation in the context of responding to planning applications for pig fattening units and broiler houses.

(AQO 8347/11-15)

Mr Durkan: Expansion of the agricultural sector is an important topic and I have met with officials from the NIEA to discuss agricultural developments a number of times. Nitrogen deposition, of which ammonia emissions form a significant part, have been reported as being a threat to many sensitive habitats and, therefore, assessment of emissions is essential to ensuring sustainable expansion of the sector. I have requested an update from officials on the status of these planning applications.

Department of Finance and Personnel

Mr Allister asked the Minister of Finance and Personnel for his assessment of the delay in approving the 2013 Business Plan and budgets for Waterways Ireland and the Language Body; and to detail how expenditure in 2013 was legal.

(AQW 33937/11-15)

Mr Hamilton (The Minister of Finance and Personnel): The Department of Culture, Arts and Leisure passed the 2013 Waterways Ireland Business Plan to the Department of Finance and Personnel (DFP) for retrospective approval in February 2014, well after the close of the Body's financial year.

The Language Body's 2013 Business Plan has not yet been provided to DFP.

The provision of Business Plans well after the period to which they relate is not acceptable and is a breach of governing legislation.

The late submission of the 2013 Waterways Ireland Business Plan for retrospective approval led my officials to seek legal advice from the Departmental Solicitor's Office (DSO). DSO advised that the payment of such grants without prior DFP approval constitutes a breach of the provisions of the legislation and the expenditure is therefore unlawful.

To address this critical issue, a letter issued from the DFP Budget Director to Departmental Accounting Officers on 23 May 2014, advising them of the possible illegality of the grants to date. It stated that departmental 2013-14 Resource Accounts should be noted accordingly, and the Northern Ireland Audit Office (NIAO) alerted to any illegal spend, as required by Managing Public Money NI.

In the event, the NIAO chose to accept the less contentious DCAL position, that approval for the grant came through the Estimate process, and qualified DCAL's 2013-14 accounts for irregular as opposed to illegal spend with reference to the DFP view.

Mr Allister asked the Minister of Finance and Personnel what steps are being taken to deal with the situation whereby the Minister of Culture, Arts and Leisure is refusing to permit agreement on the 2013 Business Plans and Budgets of Waterways Ireland and the Language Body.

(AQW 33938/11-15)

Mr Hamilton: The Department of Culture Arts and Leisure (DCAL) passed the 2013 Waterways Ireland Business Plan to the Department of Finance and Personnel (DFP) for retrospective approval in February 2014, well after the close of the Body's financial year.

The Language Body's 2013 Business Plan has not yet been provided to DFP.

The late submission of the 2013 Waterways Ireland Business Plan, prompted my officials to seek advice from the Departmental Solicitors Office (DSO). Following this advice, my Budget Director issued a letter on 23 May 2014 to all relevant Accounting Officers. This letter reminded the Accounting Officers of their responsibility to comply with the legislation governing the operation of the North/South Bodies, and their responsibility for providing Business Plans to DFP in sufficient time to allow my approval and the approval of the North South Ministerial Council (NSMC) prior to the commencement of the financial year to which the plan relates.

In addition, Accounting Officers were advised that if any illegal spend had been incurred, the 2013-14 Departmental Resource Accounts should be noted accordingly and the Northern Ireland Audit Office alerted. It would then be for the Comptroller and Auditor General (C&AG) to decide whether to report on the matter to the Assembly with the relevant Departmental Resource Account and whether to draw it to the attention of the Public Accounts Committee.

Mr Lyttle asked the Minister of Finance and Personnel, pursuant to AQW 44871/11-15, what proportion of rate payers' Regional Rate contribution goes towards the cost of water and sewerage services; and how much was generated from Regional Rate contributions towards these services in 2014/15.

(AQW 46096/11-15)

Mrs Foster: It is not possible to detail the contribution made by either domestic or non-domestic ratepayers towards specific areas of funding, given that rates are an unhyponthecated tax. While a contribution is made by domestic and non-domestic ratepayers towards supporting regional public services, including water and sewerage services, there is no specific proportion of any rates bill that can be linked to the funding of NI Water.

Separate water charges, however, are levied on non domestic customers and metering is the normal method of working out the charge. Those that are not yet metered pay a variable charge depending on the net annual value of the property in question. This policy is the responsibility of the Department for Regional Development with billing and collection the responsibility of NI Water. It does not comprise part of a rates bill.

Mr Allister asked the Minister of Finance and Personnel to detail the travel and subsistence costs incurred by her Department on trips outside Northern Ireland in each year of the current mandate, broken down by costs incurred by (i) the Minister (ii) special advisers and (iii) support staff.

(AQW 46193/11-15)

Mrs Foster: It is not possible to provide an accurate figure of the costs incurred by the Minister, Special Adviser and support staff on trips outside Northern Ireland as the financial reporting systems do not allow the required analysis.

Mrs Dobson asked the Minister of Finance and Personnel to detail the (i) number of rates valuation appeals received from businesses in the Banbridge and Craigavon areas; and (ii) the number which received a lower valuation as a result.

(AQW 46428/11-15)

Mrs Foster: The number of non domestic valuation challenge cases received for the Banbridge and Craigavon areas over each of the last 3 years was:

Banbridge

- 2012/13 – 29 cases
- 2013/14 – 19 cases
- 2014/15 – 33 cases

Craigavon

- 2012/13 – 107 cases
- 2013/14 – 64 cases
- 2014/15 – 89 cases

The number of non domestic valuation challenges completed that resulted in a reduced valuation for the Banbridge and Craigavon areas over the last 3 years was:

Banbridge

- 2012/13 – 22 cases
- 2013/14 – 18 cases
- 2014/15 – 12 cases

Craigavon

- 2012/13 – 55 cases
- 2013/14 – 24 cases
- 2014/15 – 25 cases

Reductions in assessments are attributable to several factors including changes to the physical characteristics of a property. It also includes situations where premises are removed from the Valuation List when it is determined that the property is incapable of beneficial occupation due to its physical condition.

The total number of applications received by Land & Property Services between 1st April 2015 and 31st May 2015 from all non domestic ratepayers in Northern Ireland requesting a review of the Net Annual Value of their property following the non domestic revaluation is 1,394. The figure for the same time period in 2014/15 was 289.

Mrs Dobson asked the Minister of Finance and Personnel to detail the number of rates valuation appeals received from businesses since 1 April 2015 and how this compares with the equivalent period in 2014.

(AQW 46429/11-15)

Mrs Foster: The number of non domestic valuation challenge cases received for the Banbridge and Craigavon areas over each of the last 3 years was:

Banbridge

- 2012/13 – 29 cases
- 2013/14 – 19 cases
- 2014/15 – 33 cases

Craigavon

- 2012/13 – 107 cases
- 2013/14 – 64 cases
- 2014/15 – 89 cases

The number of non domestic valuation challenges completed that resulted in a reduced valuation for the Banbridge and Craigavon areas over the last 3 years was:

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Mr McKinney asked the Minister of Finance and Personnel to detail the number of procurement agencies involved in the commissioning process across each Department and their arm's-length bodies.

(AQW 46434/11-15)

Mrs Foster: There are nine Centres of Procurement Expertise (CoPEs) in Northern Ireland providing a professional procurement service.

Central Procurement Directorate (CPD) is a central purchasing body and as such provides services to all departments and to those arm's length bodies that request them. The CPD CoPEs are:

- CPD Supplies and Services Division
- CPD Construction Division
- CPD Health Projects Division

The other CoPEs provide services to specific functions or sectors, namely:

- Department for Education - Education Authority

- Department of Health, Social Services and Public Safety - Business Services Organisation Procurement and Logistics Service
- Department for Social Development - Northern Ireland Housing Executive
- Department for Regional Development - Northern Ireland Water, Translink and Transportni.

Mr Allister asked the Minister of Finance and Personnel when did Person A stand down from the Northern Ireland Advisory Committee of the National Assets Management Agency.

(AQW 46450/11-15)

Mrs Foster: My Department is not responsible for the National Asset Management Agency (NAMA), which is an agency of the Irish Government, or its Committees.

The now dissolved NAMA Northern Ireland Advisory Committee was established as a sub-committee of the NAMA Board. It was appointed by, and reported to that Board, not my Department. I am therefore not responsible for accounting for its actions or its membership. I have not met with the NAMA Northern Ireland Advisory Committee.

Mr Eastwood asked the Minister of Finance and Personnel to detail the capital infrastructure projects financed by her Department in Foyle in 2013/14; and the cost of each project.

(AQW 46460/11-15)

Mrs Foster: My Department financed 3 capital infrastructure projects in Derry/Londonderry in 2013-14 as follows:

- Foyle Jobs and Benefits Office Replacement windows – total cost of project £1.5m (£0.2m provided by DSD).
- Carlisle House Project – total cost of project £1.1m.
- North West Regional Science Park – total cost of project £12.1m. The Northern Ireland spend on this project was £9.3m (£7m from the European Regional Development Fund and £2.3m from DFP).

Please note we do not hold records by constituency.

Mr Weir asked the Minister of Finance and Personnel what was the average (i) increase and (ii) decrease in rateable valuation in the previous year for businesses in (a) Bangor town centre, (b) Holywood Town Centre and (c) Donaghadee.

(AQW 46477/11-15)

Mrs Foster: My Department does not hold the data exactly in the format requested.

The question has been interpreted to provide the effect of the recent non-domestic revaluation on rateable values and sets out the change in values that occurred at the end of the previous year 2014-15, when the new valuation list came into force on 1st April 2015. The effect of the revaluation on Net Annual Values (NAVs) in these locations is set out in the attached table 1.

Table 1

	Bangor town centre	Holywood town centre	Donaghadee
Number of non domestic properties	674	282	141
Number with NAV increased	350	162	71
Average NAV increase	£2,603	£2,534	£1,193
Number with NAV decreased	226	114	33
Average NAV decrease	£8,586	£1,292	£2,092

Note: The Harbour electoral ward has been used to define Bangor town centre; the Holywood electoral ward has been used to define Holywood town centre; and the Donaghadee electoral ward has been used to define Donaghadee.

Mr Allister asked the Minister of Finance and Personnel for (i) a list of the occasions the Minister met with the Northern Ireland Advisory Committee of Nama; (ii) to confirm if this committee still exists and if not why its role ended; and (iii) to name the representatives who served on it, specifying the period of service of each.

(AQW 46513/11-15)

Mrs Foster: My Department is not responsible for the National Asset Management Agency (NAMA), which is an agency of the Irish Government, or its Committees.

The now dissolved NAMA Northern Ireland Advisory Committee was established as a sub-committee of the NAMA Board. It was appointed by, and reported to that Board, not my Department. I am therefore not responsible for accounting for its actions or its membership. I have not met with the NAMA Northern Ireland Advisory Committee.

Mr Weir asked the Minister of Finance and Personnel, following the non-domestic revaluation, how many non-domestic ratepayers in North Down have had their rates (i) increased and (ii) decreased.

(AQW 46557/11-15)

Mrs Foster: Information is available at the legacy district council level only. Between the rating years 2014/15 and 2015/16, 680 non-domestic ratepayers in the Ards District Council had their rate assessments increased and 851 had their assessments decreased. In the North Down District Council, 811 had their assessments increased and 717 had their assessments decreased.

Mr McKay asked the Minister of Finance and Personnel to detail what this years budget will be reduced by as a result of the Chancellors announcement that there will be further cuts.

(AQW 46746/11-15)

Mrs Foster: I can confirm that the Executive's Budget will be reduced by £33 million Resource DEL and £5 million Capital DEL as a result of the Chancellor's latest announcement.

Mr Nesbitt asked the Minister of Finance and Personnel to detail the criteria used by her Department when considering applications for the Voluntary Exit Scheme.

(AQW 46817/11-15)

Mrs Foster: The eligibility and selection criteria used by the NICS Voluntary Exit Scheme were published in the Scheme Information Booklet and also Frequently Asked Questions, all of which are available via the DFP website on the following link: http://www.dfpni.gov.uk/nics_voluntary_exit_scheme

Mr Nesbitt asked the Minister of Finance and Personnel what training support her Department intends to provide to staff who will be taking up new responsibilities following the departure of other staff through the Voluntary Exit Scheme.

(AQW 46819/11-15)

Mrs Foster: Any training needs that arise as a result of the NICS Voluntary Exit Scheme will be determined by individual departments. A full range of training support is available from the NICS Centre for Applied Learning to assist staff at all levels across the organisation.

Mrs McKeivitt asked the Minister of Finance and Personnel to outline the loans the Executive is paying interest on, including the amount of interest for each loan.

(AQO 8350/11-15)

Mrs Foster: The Reinvestment and Reform Initiative (RRI), announced in 2002, provided the Executive with the power to borrow to support infrastructure investment. Borrowing limits are generally agreed as part of the national Spending Review process.

Full details of the amounts borrowed in each year are detailed in the Executive's 2015-16 Budget document published on 19th January 2015. RRI borrowing to date has totalled over £2.4 billion, whilst the interest cost in 2014-15 was £51.0 million.

Ms P Bradley asked the Minister of Finance and Personnel for an update on the new INTERREG VA Programme.

(AQO 8356/11-15)

Mrs Foster: The INTERREG VA programme was submitted to the European Commission on 22 September 2014 and was formally adopted on 13 February 2015. NSMC considered and approved the programme in April 2015.

The total indicative budget for the programme is €282m which will support projects across 4 thematic objectives; Research and Innovation; Environment; Health and, Sustainable Transport.

My officials are working with SEUPB with the aim of having the programme open for calls this summer.

Mr Middleton asked the Minister of Finance and Personnel to outline any discussions she has had on the implementation of the Stormont House Agreement.

(AQO 8357/11-15)

Mrs Foster: The UK Government has made it clear that the implementation of welfare reform is a key part of the Stormont House Agreement. Therefore the recent collapse of the Welfare Reform Bill risks the loss of the budget flexibilities and additional borrowing powers detailed in the Stormont House Agreement.

Should those flexibilities be removed the Executive would face a significant Budgetary pressure this year. This is further compounded by the Chancellor's recent announcement of in-year budgetary cuts which will equate to a reduction in the Executive's budget of approximately £40 million Resource DEL and £10 million Capital DEL.

Mr McGimpsey asked the Minister of Finance and Personnel to outline any discussions she has had with the Minister of Health, Social Services and Public Safety in relation to the pressures facing his budget in this financial year.

(AQO 8360/11-15)

Mrs Foster: I have had discussions with Executive colleagues, including the DHSSPS Minister, on the wide range of pressures confronting the Executive.

Mr McAleer asked the Minister of Finance and Personnel to outline what provisions are in place to ensure banking services are provided by post offices in both rural areas and in towns and villages where banks have closed.

(AQO 8361/11-15)

Mrs Foster: While financial services are a reserved matter, I welcome the expansion of partnership agreements between the Post Office and locals banks. Thanks to these arrangements, which were encouraged by the last UK Government as part of its wider Post Office restructuring programme, the Post Office now provides Branch Personal Banking Services to customers of all the main banks operating in Northern Ireland.

Mr Lyttle asked the Minister of Finance and Personnel to outline the finance and welfare settlement reached in the Stormont House and Stormont Castle Agreements.

(AQO 8362/11-15)

Mrs Foster: In the Stormont Castle Agreement all five political parties agreed the implementation of Welfare Reform subject to a package of mitigating measures. An indicative budget for this package of measures was also agreed by the five parties. The outworking of the Stormont Castle Agreement was reflected in the Welfare Reform Bill brought to the Assembly by the Minister for Social Development whilst the financial impact for 2015-16 was detailed in Executive's Budget.

In the Stormont House Agreement the financial package of almost £2 billion from the UK Government was predicated on the implementation of welfare reform legislation by 2016-17.

Department of Health, Social Services and Public Safety

Mr Lunn asked the Minister of Health, Social Services and Public Safety for an update on the number of patients currently waiting to see a consultant; and whether this number has increased or decreased over the current Assembly term.

(AQW 45938/11-15)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): At the 31st March 2015, the most recent quarter for which official statistics are available, the number of patients waiting for a first consultant led outpatient appointment had increased to 191,779.

The increase in elective care waiting times during the first half of 2014/15 was due to a combination of increased referrals and an underdelivery of commissioned volumes of core activity by Trusts across a range of specialties. Due to the wider HSC financial position, HSCB confirmed it was not possible to fund Trusts to undertake additional activity in the second half of the year therefore, given the gap between demand and funded capacity, regrettably this has led to an increase in the number of patients waiting longer than the Ministerial maximum waiting time standards across a range of specialties in all Trusts.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety, given the high levels of people who did not attend a GP appointment, to outline his plans for reducing this number and the associated financial expenditure, including whether he will implement an appointment reminder service.

(AQW 46013/11-15)

Mr Hamilton: A GP survey in 2013 estimated that over 5,000 people per week failed to turn up for a GP appointment and around 4,500 failed to turn up for an appointment with a nurse.

Whilst there is a financial cost associated with missed appointments, of approximately £36 per GP appointment, the real cost to the health service is the missed opportunity for GPs and nurses to see and treat other patients, which in turn has an adverse impact on the waiting times for other patients to receive the treatment they need. It is widely reported in the media that patients are finding it more and more difficult to get appointments with their GP Practice within a reasonable timescale. Patients who fail to attend appointments and fail to cancel appointments contribute to that difficulty. It is accepted that occasionally unexpected things happen which makes attendance for an appointment impossible, however this should be the exception rather than the rule; the scale of the problem is unacceptable. We all have a role to play in ensuring that missed appointments are kept to a minimum and that our valuable health and social care resources are utilised in the most efficient manner possible.

Currently, the issue of patients missing GP appointments is managed at Practice level. The Health and Social Care Board (HSCB) does, however, support GP Practices to consider how to reduce missed appointments, including the use of reminder systems. This is funded through the Northern Ireland Local Enhanced Service (NILES) Demand Management in General Practice.

Whilst GP Practices have improved patients' access to their services under NILES, given the importance of this issue, Departmental officials will be working closely with the HSCB in order to identify measures to bring about further improvements.

Mr Easton asked the Minister of Health, Social Services and Public Safety if he has any plans to reduce the level of bureaucracy in the Health Service, particularly for doctors and nurses.
(AQW 46093/11-15)

Mr Hamilton: Quality record keeping and document management is a necessary part of the provision of clinical care and an integral part of Health Care professionals' day to day responsibilities. Succinct purposeful records also assist to quality assure the service provided.

Innovative technologies are having a positive impact in terms of facilitating information sharing, streamlining processes and reducing bureaucracy. The Northern Ireland Electronic Care Record links clinical systems across Northern Ireland to give health and care professionals access to the key information they require about their patients. The Northern Ireland Picture Archiving and Communications System enables x-rays to be viewed and reported electronically. These information technology solutions – and others – help to reduce administration, repetition and delay as well as enabling quicker decision-making and improving the safety and quality of care which can be provided.

In addition to continuing investment in innovative technological solutions that can reduce bureaucracy, my predecessor announced on 1st April that the Quality Outcomes Framework for General Practitioners would be reduced by 102 points, allowing GPs to spend less time completing paperwork and more time treating patients.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of new permanent full time staff nurse posts created in each of the last three years, broken down by Health and Social Care Trust.
(AQW 46213/11-15)

Mr Hamilton: The Qualified Nursing & Midwifery workforce has continued to grow over the last few years. The total whole-time equivalent, excluding bank staff and those with a WTE of less than 0.03, has increased by approximately 966, or 7.1%, between March 2011 and March 2015.

The South Eastern and Southern Trusts were unable to provide the information requested. The number of newly created permanent full-time Band 5 Staff Nurse posts in the Belfast, Northern and Western Trusts are shown in the table below.

Newly Created Permanent Full-Time Band 5 Staff Nurse Posts

	Belfast HSC Trust	Northern HSC Trust	Western HSC Trust
2012/13	0	10	*
2013/14	54	18	21
2014/15	14	14	30

* The Western Trust were unable to provide a figure for 2012/13.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of permanent full time staff nurse posts created in each of the last three years, broken down by Health and Social Care Trust.
(AQW 46214/11-15)

Mr Hamilton: The Qualified Nursing & Midwifery workforce has continued to grow over the last few years. The total whole-time equivalent, excluding bank staff and those with a WTE of less than 0.03, has increased by approximately 966, or 7.1%, between March 2011 and March 2015.

The South Eastern and Southern Trusts were unable to provide the information requested. The number of newly created permanent full-time Band 5 Staff Nurse posts in the Belfast, Northern and Western Trusts are shown in the table below.

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2012/13	0	10	*
2013/14	54	18	21
2014/15	14	14	30

* The Western Trust were unable to provide a figure for 2012/13.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the South Eastern Health and Social Care Trust has spent on postage in each of the last two financial years.

(AQW 46270/11-15)

Mr Hamilton: Spend on postage by the South Eastern Health and Social Care Trust in each of the last two years was:

- 2014/15 - £597,501
- 2013/14 - £569,748

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail his Department's expenditure on resettlement as part of Transforming Your Care.

(AQW 46326/11-15)

Mr Hamilton: Transforming Your Care recognised resettlement as one of the key mechanisms by which the learning disability and mental health programmes of care could, where appropriate, provide more patient centred care closer to home. The programmes make a valuable contribution to the overall 'shift left' from provision of services in a hospital setting to re-provision in a community setting. Cumulatively to the end of March 2015 a total of £27.53m has been invested recurrently by the Health and Social Care Board on resettlement.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for a breakdown of all financial resource shifted left as part of Transforming Your Care, broken down by Health and Social Care Trust, since 2011.

(AQW 46328/11-15)

Mr Hamilton: The table below presents a summary of the financial resource "shifted left" as part of Transforming Your Care. A breakdown of the figures by Health and Social Care Trust is not available.

Shift Left by Year

2012/13	Cumulative Shift Left	2013/14	Cumulative Shift Left	2014/15	Total
£17.43m	£17.43m	£20.83m	£38.26m	£6.05m	£44.31m

Notes:

- 1) The Health and Social Care Board (HSCB) does not currently measure shift left values by Health and Social Care Trust due to the regional nature of a number of investments and the nature of care pathways which may involve individuals being dealt with by more than one healthcare provider.
- 2) Of the total £44.31m of Health and Social Care resources 'shifted left' by the end of 2014/15, the areas were:
 - resettlement of Mental Health / Learning Disability clients (£27.5m)
 - a range of transformational initiatives funded directly by HSCB recurrent funding (£16.29m)
 - 'shift left' as a result of hospital activity avoided (£0.52m)

Mrs Dobson asked the Minister of Health, Social Services and Public Safety what steps he is taking to work collaboratively with his Executive colleagues to prevent and respond to female genital mutilation.

(AQW 46329/11-15)

Mr Hamilton: Officials from my Department participated in a cross-departmental working group led by the Department of Finance and Personnel to develop Multi-agency Practice Guidelines on FGM which were issued in August 2014. Prior to this, in October 2012, DHSSPS and DOJ jointly launched a Safeguarding Conference on Cultural Diversity which highlighted issues such as FGM. Cultural competence has also been highlighted as a priority in the North South Ministerial Council (NSMC) child protection work programme which was agreed in July 2012. Also, my Department has engaged with other Departments on the issue and with the Safeguarding Board for Northern Ireland.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to detail how many people are on waiting lists to receive spinal surgery; and to detail those waiting times.

(AQW 46343/11-15)

Mr Hamilton: Information on the number of patients waiting, in weeks, to receive inpatient spinal surgery treatment, at 31st March 2015 is shown in the table below.

Number of patients waiting, in weeks, to receive inpatient treatment for spinal surgery at 31st March 2015

	0-6	>6-13	>13-21	>21-26	>26	Total
Belfast	108	192	238	130	480	1,148
Northern	69	69	52	14	6	210

	0-6	>6-13	>13-21	>21-26	>26	Total
South Eastern	3	0	0	0	0	3
Southern	30	44	49	42	84	249
Western	78	78	76	19	1	252
Northern Ireland	288	383	415	205	571	1,862

Spinal surgery procedures have been identified using the Office of Population Censuses and Surveys tabular list of operations and procedures (OPCS – 4.6) codes V22.1 – V68.9, with the exception of code V55. Figures in the table above refer to the intended primary procedure.

Mr Swann asked the Minister of Health, Social Services and Public Safety to detail what medical conditions or diseases are associated with contact with bird excrement.

(AQW 46366/11-15)

Mr Hamilton: There are a number of examples of diseases associated with contact with bird excrement. These include: cryptococcosis, which is a fungal disease associated with bird droppings; histoplasmosis, a disease caused by a fungus called *Histoplasma capsulatum*, which grows in pigeon droppings; and psittacosis, an infection caused by *Chlamydia psittaci*, a type of bacteria found in the droppings of some birds.

Bird flu, or avian flu, is an infectious viral illness that spreads among birds. In rare cases it can also affect humans. Bird flu is spread through direct contact with infected birds (dead or alive), an infected bird's droppings, or secretions from their eyes or respiratory tract.

Following good personal hygiene practices greatly reduces the chances of catching any of these diseases.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Public Health Agency in each of the last three years.

(AQW 46379/11-15)

Mr Hamilton: Spend on postage by the Public Health Agency in each of the last three years was:

- 2014/15 - £18,685
- 2013/14 - £18,021
- 2012/13 - £13,691

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the extent to which Transforming Your Care, has given consideration to Section 75 of the Northern Ireland Act 1998.

(AQW 46437/11-15)

Mr Hamilton: As part of the Health and Social Care Board's (HSCB) consultation exercise on service change proposals to implement Transforming Your Care, the HSCB undertook an equality screening exercise. As outlined in the TYC Strategic Implementation Plan (part of the HSCB consultation) it was concluded that it would be more meaningful for specific service changes to be subject to full impact assessment as the impact on Section 75 groups could be better assessed once detailed plans were developed. The HSCB also indicated that some of the proposals for service change in TYC had already been subject to Equality Screening and EQIA when they were developed as policy.

Examples of TYC related projects where equality screening and impact assessments have been carried out include:

Project/Area	Equality Screening Required?	Equality Impact Assessment Required?	Comments
Self Directed Support	Yes	Yes	Formal consultation on EQIA closed 8 May 2015
Day Opportunities provision for patients with Learning Disabilities	Yes	HSCB policy on Day Opportunities Screened out	Individual proposals brought forward by Health and Social Care Trusts for significant changes to Day Opportunities provision may be subject to equality screening and potentially Equality Impact Assessments.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46076/11-15, to detail the number of inspections the Regulation and Quality Improvement Authority are required to carry out for (i) care; (ii) residential; and (iii) nursing homes per year.

(AQW 46445/11-15)

Mr Hamilton: Under the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005, RQIA is required to conduct a minimum of two inspections in every 12 month period at nursing and residential care homes.

Where inspections have shown that regulations and standards are not being met in an establishment, RQIA may conduct a number of additional inspections to ensure that improvements have been put in place. RQIA may also conduct inspections when following up on concerns or disclosures.

Mr Easton asked the Minister of Health, Social Services and Public Safety whether he can provide assurances that no permanent residents will be forced to leave Northfield House in Donaghadee.

(AQW 46467/11-15)

Mr Hamilton: I have written to all existing permanent residents in the statutory residential care homes under review, including those at Northfield House, to provide an assurance that, they will not be required to leave their home against their wishes.

Mr Easton asked the Minister of Health, Social Services and Public Safety whether he can give a reassurance that no staff will lose their jobs at Northfield House, Donaghadee

(AQW 46468/11-15)

Mr Hamilton: The employment of staff within statutory residential care homes is a matter for individual HSC Trusts, as employers. HSC Trusts have redeployment and workforce planning policies in place to ensure that all their staff are treated fairly and equally when decisions are made about changes to services.

Mr Easton asked the Minister of Health, Social Services and Public Safety if the South Eastern Health and Social Care Trust have any future plans for the Northfield House site.

(AQW 46469/11-15)

Mr Hamilton: A final decision on the future role of Northfield House will not be taken until the South Eastern Trust has completed a public consultation on their proposals for its future. Pending this, the Trust have advised me that there are no specific plans for the future of the Northfield House site, although this will form part of the consultation process on the future role and function of Northfield House.

Mr Easton asked the Minister of Health, Social Services and Public Safety how many staff are employed at Northfield House.

(AQW 46470/11-15)

Mr Hamilton: The South Eastern Health and Social Care Trust advises that there are 26 (19.0 whole-time equivalent) staff currently employed at Northfield House.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of beds at Northfield House.

(AQW 46471/11-15)

Mr Hamilton: At 1 June 2015, there were a maximum of 41 approved places at Northfield House.

This information is published on the Regulation and Quality Improvement Authority's (RQIA) website at the following link:
http://www.rqia.org.uk/what_we_do/registration__inspection_and_reviews/service_provider_directory.cfm

Mr Easton asked the Minister of Health, Social Services and Public Safety how much a bed in a private residential home costs the South Eastern Health and Social Care Trust for residential or respite care.

(AQW 46478/11-15)

Mr Hamilton: The South Eastern Health and Social Care Trust has advised that the cost of a private residential home bed is £470 per week.

Mr Easton asked the Minister of Health, Social Services and Public Safety how many permanent residents are currently living at Northfield House residential home.

(AQW 46481/11-15)

Mr Hamilton: As at 27 May 2015, there are three permanent residents in Northfield House residential care home.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail the number of people waiting for occupational therapist assessments for home adaptations, broken down by constituency.

(AQW 46531/11-15)

Mr Hamilton: The figures requested are not available.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail what support, including financial, is afforded to foster parents and kinship carers for children within their care.

(AQW 46533/11-15)

Mr Hamilton: All foster carers and formal kinship foster carers receive Foster Care Allowances; are allocated a supervising social worker to provide support and supervision; have access to a range of specialist and therapeutic supports as determined by the assessed needs of the child/young person; are provided with a range of learning and development opportunities as well as educational support for children in their care. In an informal kinship care arrangement, parental responsibility remains with the parent as does the responsibility to provide financial support. Within such arrangements, there is an entitlement to support services and a general duty to safeguard and promote the welfare of children in those arrangements who are deemed to be "in need", within the definition of The Children (Northern Ireland) Order 1995.

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety to detail the support and treatment services available to young people aged 12-25 years who are addicted to drugs or alcohol in Upper Bann.

(AQW 46605/11-15)

Mr Hamilton: Under the New Strategic Direction for Alcohol and Drugs Phase 2 a range of alcohol and drug education, early intervention, and treatment and support services are commissioned from a number of providers in the Southern Health and Social Care Trust area. Details of the current services are provided at the following link to the Public Health Agency's Directory of Services: http://www.publichealth.hscni.net/sites/default/files/DrugsAlcohol_Directory_Southern_12_12.pdf. These services are all available to people living in the Upper Bann area and, following the completion of the current re-tendering exercise, the directory will be updated shortly.

A number of these alcohol and drug services are targeted specifically at young people and their families; all are designed to provide appropriate advice, guidance and treatment for those who have issue with alcohol and drugs.

I would advise that if young people or their parents are concerned about their drug misuse they should speak to their GP in the first instance. Information can also be sought confidentially from the Talk to Frank service on 0800 776 600 or any of the local service providers. Where young people present in crisis or in an emergency there are a range of service responses in place: the Trust Gateway Service and the Regional Out-of-Hours Service; CAMHS Crisis Resolution & Home Treatment Service. In addition, the Lifeline service (0808 808 8000) which operates across the region also provides a response.

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety to detail the number of young people aged 12-25 years who have presented at (i) GP surgeries; and (ii) hospitals for treatment relating to alcohol or drug addiction in each of the last two years.

(AQW 46607/11-15)

Mr Hamilton: Information on the number of young people aged 12-25 years who have presented for treatment relating to alcohol or drug addiction in each of the last two years at GP surgeries is not available.

Information on the number of young people aged 12-25 years admitted to hospital with a diagnosis of an alcohol or a drug related condition, is given in the table below;

Individuals Admitted	2012/13	2013/14
Alcohol only	840	916
Drug only	427	406
Alcohol and Drug	263	252

Source: Hospital Inpatient System

This information on admissions due to alcohol or drugs has been sourced from the Hospital Inpatient System. This records information on patients admitted to acute hospitals as inpatients or day cases. It does not hold details of patients treated in the Primary Care setting. It also does not hold information on patients attending hospital as outpatients or who attended an Emergency Care Department and were not admitted, nor does it hold details of patients admitted to Mental Health Hospitals.

Mr McElduff asked the Minister of Health, Social Services and Public Safety for an update on any plans to build new, fit-for-purpose, primary care centres in Carrickmore and Fintona.

(AQO 8366/11-15)

Mr Hamilton: Both Carrickmore and Fintona are included in the HSCB's draft Strategic Implementation Plan as spokes of the new hub based in Omagh. The draft Strategic Implementation Plan remains under consideration and cannot be progressed until the pilot Lisburn and Newry projects are evaluated later this year. The outcome of these evaluations will inform the potential roll out of the larger Primary Care Infrastructure Programme.

Delivery of the implementation plan will have to be considered alongside other capital investment priorities and will be dependent on future budget availability, confirmation of value for money, and affordability.

It is therefore not possible at this point to give an indication of the timescale for future health & care centres, such as the Carrickmore and Fintona schemes.

Mr Boylan asked the Minister of Health, Social Services and Public Safety what strategies are in place to address negligence within social care.

(AQO 8367/11-15)

Mr Hamilton: Social care workers provide services to some of the most vulnerable in our society and I am committed to ensuring that these are safe and of a high quality.

Organisations that provide social care services must have robust governance processes in place, including those that are commissioned from the independent sector.

There are a wide range of strategies to promote good social care practice and to detect and address negligent practice when it occurs. Allegations of negligence can be investigated through complaint and disciplinary processes, adult safeguarding procedures and by the police when an offence has been committed.

My Department has established two regulatory bodies to strengthen public protection. The Northern Ireland Social Care Council (NISCC) regulates the social care workforce and investigates complaints against individual staff. The Regulation and Quality Improvement Authority (RQIA) inspects the quality of care against Departmental standards and has enforcement powers to deal with services that fail to provide the expected quality of care.

Negligent practice is unacceptable. I can assure you that the provision of high quality and safe social care is one of my Department's key priorities and for all Health and Social Care organisations going forward.

Ms Fearon asked the Minister of Health, Social Services and Public Safety, given that the number of urgent referrals for breast cancer being seen by a specialist in 14 days has dropped from 100 per cent to 53 per cent, how he plans to address this.

(AQO 8368/11-15)

Mr Hamilton: According to figures released through the EUROCARE 5 project in 2013, the breast cancer survival rate in Northern Ireland is the best in the UK and Ireland. I want this position to be maintained and I therefore look to the Health and Social Care Board to work with the Trusts to ensure that cancer performance targets are achieved. In this respect, the latest performance statistics, published on the 26th March 2015, show that during December 2014, 96.3% of patients waiting for an urgent breast cancer referral were seen within 14 days.

I recently visited the Cancer Centre and was very impressed by both the first rate care that the Centre provides and the ground breaking research that is carried out there, but even more impressive were the expertise and dedication of all the staff I met.

The people of Northern Ireland are very well served by the Cancer Centre.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety how he plans to address the 5.5 per cent cut in the Northern Ireland Fire Service budget.

(AQO 8369/11-15)

Mr Hamilton: The Northern Ireland Fire and Rescue Service's Savings Plan to meet the 5.5% reduction to its 2015/16 budget is currently being considered. The savings proposals being considered have been prioritised on the basis of those that minimise the impact on service delivery. Any changes to service delivery will be risk assessed to ensure the continued safety of both the public and firefighters. I will not preside over unsafe fire and rescue services. The safety of the public and our firefighters remains my priority.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety for his assessment of the Northern Ireland Pensioners Parliament report that revealed serious concerns among older people in relation to health and social care provision.

(AQO 8370/11-15)

Mr Hamilton: A copy of the Northern Ireland Pensioner's Parliament report on a survey of older people's views on health and social care services was provided to my Department on 26 May and officials are considering its findings.

I am grateful to the Pensioner's Parliament for undertaking the survey, and helping to ensure that the experiences and views of older people, who make a significant contribution to our society, can be reflected in decisions about our health and social care services. HSC organisations always aim to provide care to all irrespective of age, and to treat everyone in a timely way and with dignity and respect. Demographic pressures increasingly mean that it is no longer a sustainable option for the health and social care system to continue delivering services in the way it has always done – which is why reform, transformation and innovation will be absolutely key if we are to deliver a world class health and social care service for all our citizens into the future.

Mr Moutray asked the Minister of Health, Social Services and Public Safety for his assessment of provision by the cancer centre at the City Hospital, Belfast.

(AQO 8371/11-15)

Mr Hamilton: According to figures released through the EURO CARE 5 project in 2013, the breast cancer survival rate in Northern Ireland is the best in the UK and Ireland. I want this position to be maintained and I therefore look to the Health and Social Care Board to work with the Trusts to ensure that cancer performance targets are achieved. In this respect, the latest performance statistics, published on the 26th March 2015, show that during December 2014, 96.3% of patients waiting for an urgent breast cancer referral were seen within 14 days.

I recently visited the Cancer Centre and was very impressed by both the first rate care that the Centre provides and the ground breaking research that is carried out there, but even more impressive were the expertise and dedication of all the staff I met.

The people of Northern Ireland are very well served by the Cancer Centre.

Mr Maskey asked the Minister of Health, Social Services and Public Safety what are the implications of four out of the five Health and Social Care Trusts failing to balance their budget in 2013-14.

(AQO 8372/11-15)

Mr Hamilton: The financial deficits reported by the four trusts in 2013/14 reflected the significant and increasing challenges faced by the health and social care system in endeavouring to meet ever increasing demand from within constrained resources.

Given this position, the HSC experienced considerable financial pressures in 2014/15. These were resolved through in year monitoring allocations, savings plans and contingency measures across a broad range of activities. Looking forward, the safety of patients and clients will remain my priority, whilst living within the available financial resources.

Mr Newton asked the Minister of Health, Social Services and Public Safety what action he is taking to gain an understanding of the issues facing dementia sufferers.

(AQO 8373/11-15)

Mr Hamilton: Significant progress has been made to date across a range of the recommendations in my Department's Regional Dementia Strategy, including the development of memory clinics across the five Health and Social Care Trusts, which provide timely diagnosis for people with dementia and information and support to inform decisions about future care and treatment.

Building on this, the Atlantic Philanthropies/Delivering Social Change Dementia initiative, which was launched in September 2014, will provide funding of £6.25m over three years to improve health and social care services for people living with dementia. The initiative will focus on three key strands: promoting greater understanding and awareness of dementia across the whole of the community; enhancing the quality of services through improved training opportunities for staff; and developing innovative support services for carers of people with dementia.

Looking to the future, my Department, working in partnership with Invest NI and DSD, has developed proposals for three further dementia related projects. The proposals include the development of a coherent regional strategy for housing and support for people with dementia and older people, a project to enhance the care and wellbeing of people with dementia and their families through effective utilisation of technology, building on existing investments in e-health and social care, and a third project on dementia analytics to improve the capacity to plan for and commission dementia care through the creation of an improved dementia evidence base, and the development of a data analytics capacity in health and social care.

Mr McCarthy asked the Minister of Health, Social Services and Public Safety for an update on the introduction of Referral to Treatment waiting time targets.

(AQO 8374/11-15)

Mr Hamilton: No decision on the introduction of Referral to Treatment waiting time targets has been made at present. However, the Health & Social Care Board has also been asked to look at its' eHealth Strategy to ensure that future developments of the IT infrastructure would allow for the tracking of patients though the complete patient pathway, should a decision be taken in the future to introduce a RTT target.

Mr A Maginness asked the Minister of Health, Social Services and Public Safety for his assessment of the Northern Ireland Human Rights Commission inquiry into emergency care, including the concerns raised over the implementation of Transforming Your Care.

(AQO 8375/11-15)

Mr Hamilton: My Department is giving the Commission's report detailed consideration and will respond to the Commission as soon as possible.

The Member will be aware that the responsible statutory authority for assessing the quality of care provided by the HSC is the Regulation and Quality Improvement Authority and not the NI Human Rights Commission. The RQIA has previously carried out a comprehensive review of emergency and unscheduled care, with their report being published in July 2014. The RQIA inspection report led to the establishment of an unscheduled care task group to support and monitor the implementation of the RQIA's recommendations, and two RQIA follow-up inspections of the Belfast Trust have found that there has been significant improvement.

The HSC in Northern Ireland is therefore very clearly focused on continuous improvement of the quality of care provided by our emergency departments.

TYC continues to guide the reform of health and social care service delivery. I believe that this will ensure services are structured and delivered in a safe and sustainable manner making best use of all resources available to us.

Mr McCartney asked the Minister of Health, Social Services and Public Safety for an update on the Ministerial Group on Public Health.

(AQO 8376/11-15)

Mr Hamilton: 'Making Life Better', the Executive's overarching strategic framework for public health was published in June 2014. Since its publication, work has been taken forward to put in place the cross- departmental and cross – sectoral governance and implementation arrangements, as described in the framework.

As part of these structures Ministers agreed to the establishment of a Ministerial Committee for Public Health to provide strategic leadership and ensure coherence with other key strategic programmes and structures. I will chair the group.

The first meeting of the Ministerial Committee for Public Health is due to take place on Thursday 11th June 2015. The Terms of Reference will be discussed and agreed at this inaugural meeting.

Department of Justice

Lord Morrow asked the Minister of Justice for his assessment of the introduction of the composite fee in legal aid; and to outline the reasons for the introduction of this fee.

(AQW 46103/11-15)

Mr Ford (The Minister of Justice): A key principle behind composite fees are that they provide an appropriate methodology for remunerating legally-aided work, which is administratively straightforward for both the lawyers and the Legal Services Agency. This is an important aspect in light of the 90,000 plus legal aid transactions each year. The composite fee structure is also capable of reflecting varying levels of complexity.

The initial composite fee structure was introduced prior to devolution, so I cannot comment on the original rationale. However, where they have been introduced these have demonstrated their utility and I am currently making arrangements to adopt this approach to other areas of legally-aided work.

Lord Morrow asked the Minister of Justice, for a breakdown of costs for the failed prosecution case in relation to allegations by Mairia Cahill and associated persons, shown per year for each year the case was within the court system.

(AQW 46202/11-15)

Mr Ford: The estimated costs of the cases related to the allegations made by Mairia Cahill and associated persons are given in the table below:

Cost Type	2011	2012	2013	2014	Total
Legal Aid 1	£2,896	-	£12,652	£60,324	£75,872
Prosecution 2	-	-	-	£30,207	£30,207
Court 3	-	-	-	£4,311	£4,311
Total	£2,896	-	£12,652	£94,842	£110,390

- 1 Fees in relation to Magistrates' Courts proceedings have been assessed in accordance with The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009. Fees in relation to the Crown Court proceedings have been assessed in accordance with The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 as amended by the 2011 Rules.
- 2 In the absence of detailed records of time spent on individual cases it is not possible to produce precise or average costs for a particular case. Some costs are identifiable however, for example the fees paid to prosecuting counsel and expenses paid to witnesses and expert witnesses. It is not possible to breakdown costs per year as counsel were paid the majority of fees at the end of the proceedings,
- 3 The estimated court cost include judicial and staff salaries and the cost of facilities. It is not possible to accurately breakdown the estimated costs per year.

Lord Morrow asked the Minister of Justice, given Eamon Coyle's Category 3 high risk violent offender status, to detail (i) what monitoring was put in place following his release from a custodial sentence on 1 May 2015; and (ii) state which agencies were involved, clarifying the lead agency.

(AQW 46254/11-15)

Mr Ford: The assessment of dangerousness under the Criminal Justice (Northern Ireland) Order 2008 is for a court alone to consider at the point of sentencing. Determining the restrictions that should be placed on an individual who is on bail pending trial is a matter for the judge setting the bail conditions.

All Category 3 offenders are jointly risk managed, in accordance with established practice under the public protection arrangements, by the co-located Public Protection Team representatives from agencies listed in section 49 of the 2008 Order. Whilst he was in the community, PSNI acted as Mr Coyle's lead designated risk manager but since his remand into custody on other matters this role is undertaken in liaison with the Northern Ireland Prison Service.

Mr Lyttle asked the Minister of Justice for an update on the progress on the removal of all interface barriers by 2023.
(AQW 46262/11-15)

Mr Ford: My Department continues to work with other relevant Departments, key statutory agencies, community representatives and local residents to reduce the number of interface structures and deliver meaningful change for communities living nearby.

A bid for the interface programme has been made to the Together: Building a United Community programme fund in the June Monitoring Round. If funding is received, it will be divided between my Department, the Northern Ireland Housing Executive and Belfast City Council, with the aim of delivering physical change projects.

The delivery of these projects is reliant on community support, which remains a key challenge. A survey measuring attitudes to peace walls has just been completed and I hope to publish the results by the end of the summer. That survey will inform us of the opinions of those individuals who reside adjacent to those structures and provide a comparison to the previous survey in 2012. However, from our engagement with local communities, it is clear that change will be incremental in nature and will require a cross departmental approach.

In addition, research is being carried out by the Ulster University, which will be completed by the autumn, and will, I believe, support the development of policy and practice around the removal of peace walls.

The overall number of Department of Justice structures has been reduced from 59 to 52, with parts of three further structures removed. A number of further interventions are planned, subject to available funding and positive community consultation.

Mrs Dobson asked the Minister of Justice whether age discrimination legislation was taken into consideration when drawing up the Northern Ireland Prison Service Voluntary Redundancy Scheme for prison officers; and to provide an explanation as to why years of service within the Northern Ireland Prison Service was not used as an alternative eligibility criteria.
(AQW 46282/11-15)

Mr Ford: The terms of the VER Scheme were predicated on the statutory Civil Service Compensation Scheme rules in place at that time. Early retirement only applied to those staff over the age of 50. The terms of the scheme were considered justified as a proportionate means of achieving a legitimate aim. Furthermore, it was voluntary.

Using length of service as a criterion for determining eligibility could have been viewed as indirect discrimination.

The VER Scheme closed on 31 May 2014.

Mrs Dobson asked the Minister of Justice, in relation to the Northern Ireland Prison Service Voluntary Redundancy Scheme, to detail the number of officers within the Northern Ireland Prison Service who successfully availed of the scheme and their average years of service broken down by (i) 1-5 years; (ii) 6-10 years; (iii) 11-15 years; (iv) 16-20 years; and (v) over 20 years.
(AQW 46283/11-15)

Mr Ford: 520 staff availed of the Voluntary Early Retirement (VER) Scheme. The breakdown of years of service at the date of the launch of the VER Scheme on 8 November 2011 is set out in the table below.

Years of Service	Number of Leavers
1 - 5	2
6 - 10	1
11 - 15	34
16 - 20	36
21+	447
Total	520

Lord Morrow asked the Minister of Justice, given Eamon Coyle's Category 3 high risk violent offender status, has there been a dangerous definition as determined by the Criminal Justice (Northern Ireland) Order 2008; and (i) if not, will this now be sought; and (ii) if so, what additional monitoring was put in place to prevent further offending.
(AQW 46315/11-15)

Mr Ford: The assessment of dangerousness under the Criminal Justice (Northern Ireland) Order 2008 is for a court alone to consider at the point of sentencing. Determining the restrictions that should be placed on an individual who is on bail pending trial is a matter for the judge setting the bail conditions.

All Category 3 offenders are jointly risk managed, in accordance with established practice under the public protection arrangements, by the co-located Public Protection Team representatives from agencies listed in section 49 of the 2008 Order. Whilst he was in the community, PSNI acted as Mr Coyle's lead designated risk manager but since his remand into custody on other matters this role is undertaken in liaison with the Northern Ireland Prison Service.

Mr D McIlveen asked the Minister of Justice whether his Department has a strategy in place to tackle the issue of legal highs. (AQW 46320/11-15)

Mr Ford: Whilst no individual Departmental strategy is in place on the specific issue of new psychoactive substances (NPS), my Department is a key contributor to the Executive's New Strategic Direction (NSD) on Alcohol and Drugs (Phase 2) led by the Department of Health, Social Services and Public Safety.

This framework for reducing substance related harm clearly identifies NPS as an issue of emerging concern and includes a number of key outcomes around the scale of the issue and to raise awareness of the dangers of these products with the aim of preventing their misuse.

Action continues to be taken at both a strategic level and at a local level. At a strategic level the Organised Crime Task Force Sub Group on Drugs continues to provide a key mechanism for partnership working to tackle these substances. My Department continues to encourage and support the actions of District Councils as they utilise existing legislation, such as the General Product Safety Regulations 2005, to remove these products from sale at a local level. In particular, the recent successful prosecutions by Belfast City Council, with the support of the Attorney General for Northern Ireland, have been an example to councils across the United Kingdom.

NSD also outlines the commitment to work with colleagues across the UK jurisdictions in relation to the legal status of these products in order to prevent harm. Whilst this is a reserved matter, I have corresponded with Home Office Ministers and the Home Secretary to express the need for legislative change to restrict the availability of these substances. Consequently, I welcome the inclusion in the Queen's Speech of the Government's intention to bring forward measures to ban NPS.

Officials from the Home Office are currently working with officials across all of the devolved administrations in order to ensure that the provisions of any future Bill reflect their particular legislative circumstances.

My Department will continue to work in partnership with the Home Office, the Executive and other key stakeholders, in order to respond to the challenges presented by the emergence of these dangerous substances.

Mr Eastwood asked the Minister of Justice to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project. (AQW 46336/11-15)

Mr Ford: The Department of Justice, including its agencies but not its arm's-length bodies, did not undertake any capital infrastructure projects in Foyle in 2013-14.

Lord Morrow asked the Minister of Justice, in relation to the latest remand in custody of Eamon Coyle, what action is to be taken in light of his reported physical treatment of a custody officer who accompanied him in the dock at Omagh Magistrates Court on 17 May 2015. (AQW 46340/11-15)

Mr Ford: The Prison Service has investigated the matter and has determined that no further action is necessary.

Mrs Dobson asked the Minister of Justice what steps he is taking to work collaboratively with his Executive colleagues to prevent, and respond to, female genital mutilation. (AQW 46376/11-15)

Mr Ford: The joint DOJ and DHSSPS strategy Stopping Domestic and Sexual Violence and Abuse in Northern Ireland is currently being developed; this strategy recognises that domestic violence and abuse can manifest itself through the perpetration of unlawful activities and practices such as female genital mutilation.

My Department has also been involved from the early stages in assisting in developing Multi-Agency Practice Guidelines on Female Genital Mutilation which were published in July by the Department of Finance and Personnel. These guidelines have been circulated to raise awareness of Female Genital Mutilation with agencies and stakeholders linked to the Justice system such as Policing and Community Safety Partnerships, Human Trafficking Support Service providers and Public Prosecutors.

Female Genital Mutilation is a serious crime and I fully support the need to tackle violence against women and girls. When such crimes happen the Criminal Justice system will hold perpetrators to account for their actions.

Lord Morrow asked the Minister of Justice whether the charges relating to case 14/125578 against Jonathan Turley are alleged to have been committed during a period of leave from custody, or whilst on licence after a completed sentence.
(AQW 46391/11-15)

Mr Ford: Jonathan Turley was remanded into custody for offences that are alleged to have been committed between 20 November and 10 December 2014.

Mr Turley had previously been released time served in March 2014. He was not on a period of leave or under licence conditions prior to committing his current offences.

Mrs Overend asked the Minister of Justice to detail (i) how much land is owned by his Department or the Policing Board at Desertcreat, Cookstown; (ii) how the land has been developed to date; and (iii) the amount spent to date in preparation for the Community Safety College, detailing the cost of the land separately.
(AQW 46410/11-15)

Mr Ford: The land at Desertcreat is owned by the Northern Ireland Policing Board and is approximately 98.6 hectares (244 acres) in area. It has not been developed to date, although there was some preparatory work undertaken which included, for example, archaeological excavations and backfilling of same, tree removal and newt re-location. The land remains in agricultural use through a short-term, publicly-procured, agricultural lease agreement. The total spend on the project to 31 March 2015 was £9.775m, excluding the original site purchase of £2.85m.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45703/11-15, for a breakdown of the total cost in Legal Aid in the combined instances of this challenge prior to moving to the European Court of Human Rights or to the point where jurisdictional funding ceased.
(AQW 46420/11-15)

Mr Ford: Article 24 of the Legal Aid, Advice and Assistance (NI) Order 1981 precludes the release of information in relation to specific persons seeking or receiving legal aid for civil cases.

Lord Morrow asked the Minister of Justice, in relation to the latest remand in custody of Eamon Coyle, given his Category 3 high risk violent offender status, whether he was released from custody on 1 May 2015 to reside with or permitted association with Ryan Lynch, his co-accused in the latest incident; and if so, why this was permitted in light of the latter's criminal record.
(AQW 46423/11-15)

Mr Ford: The assessment of dangerousness under the Criminal Justice (Northern Ireland) Order 2008 is for a court alone to consider at the point of sentencing. Determining the restrictions that should be placed on an individual who is on bail pending trial is a matter for the judge setting the bail conditions.

All Category 3 offenders are jointly risk managed, in accordance with established practice under the public protection arrangements, by the co-located Public Protection Team representatives from agencies listed in section 49 of the 2008 Order. Whilst he was in the community, PSNI acted as Mr Coyle's lead designated risk manager but since his remand into custody on other matters this role is undertaken in liaison with the Northern Ireland Prison Service.

Mr Byrne asked the Minister of Justice whether he or his Department has had any discussions with their counterparts in Ireland and the other UK regions to limit the sale of psychoactive substances locally.
(AQW 46476/11-15)

Mr Ford: The impact of the Criminal Justice (Psychoactive Substances) Act 2010 was discussed during the most recent trilateral meeting held in Dublin, which I attended together with my Irish and Scottish counterparts.

Prior to this meeting in February 2015, I had written to the Home Secretary and the Minister for Crime Prevention stressing the need for improved legislation to assist with the efforts in tackling the impact of these substances within our communities.

In addition, my officials, with the assistance of the PSNI, have also discussed the impact of legislation in place in the Republic of Ireland to tackle these substances.

The Home Office's Psychoactive Substances Bill, which aims to disrupt the production, distribution, sale and supply of these substances, is now in the House of Lords.

Since the Home Secretary advised me of these legislative proposals, my officials have been in regular discussion with the Home Office on the individual Clauses in the Bill and these detailed discussions continue.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45600/11-15, and given preliminary enquiries are a decision for prosecution in indictable offences or instances of defendant election for trial and mandatory for transfer to crown court, and mixed committals or preliminary investigations are a defence decision, to clarify this response as to the rationale for using preliminary enquiries as a comparator.
(AQW 46488/11-15)

Mr Ford: Previous questions referred to preliminary investigations and mixed committals. The comparator was used to give context, as this was considered to be more relevant than a comparison using criminal cases before the Magistrates' Court that were not committed.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45404/11-15, how many cases involve a previous similar record, broken down by court division.

(AQW 46493/11-15)

Mr Ford: As these cases are currently live within the court system, it would not be appropriate to provide the information requested.

Mr Allister asked the Minister of Justice what is the current prisoner to on-duty staff ratio in each house in Maghaberry Prison.

(AQW 46545/11-15)

Mr Ford: The requested information is detailed for each area of accommodation as below:

Residential Location	Officer to Prisoner Ratio at Unlock on 09-06-15
Bann House	1:16
Braid House	1:16
Erne House	1:15
Foyle House	1:18
Lagan House	1:14
Roe House (Integrated)	1:16
Roe House (Separated)	1:5
Bush House (Integrated)	1:20
Bush House (Separated)	1:5
Shimna House	1:13
Glen House	Not Occupied
Quoile House	1:12
Moyola Unit	1:5
Wilson/Martin House	1:14

Mr Allister asked the Minister of Justice how many staff at Maghaberry Prison have worked ten straight days, or more, in the last twelve months.

(AQW 46547/11-15)

Mr Ford: This information cannot be provided without disproportionate costs being incurred, as an examination of each member of staff's record would be required.

Mr Allister asked the Minister of Justice how many incidents of malicious fire there has been in Maghaberry Prison in the last twelve months; and how many were attended by the Fire and Rescue Service.

(AQW 46548/11-15)

Mr Ford: Maghaberry Prison does not record fires using the terminology 'malicious'.

For the 12 month period, 1 June 2014 to 31 May 2015, 28 fires were recorded as deliberate. The Northern Ireland Fire and Rescue Service attended 17 of these incidents.

Mr Weir asked the Minister of Justice what discussions his Department has had with the Home Office on the contents of any proposed new legislation on legal highs.

(AQW 46551/11-15)

Mr Ford: I had written to previous Home Office Ministers highlighting the need for legislative change to tackle new psychoactive substances and I welcomed the letter on 14 May from the Home Secretary that advised me of the forthcoming publication of a Psychoactive Substances Bill that would apply across the UK.

The Psychoactive Substances Bill aims to prohibit and disrupt the production, distribution, sale and supply of new psychoactive substances (NPS) in the UK.

My officials, alongside those in DHSSPS, have been in regular contact with the Home Office discussing and commenting upon the detailed Clauses included in this Bill.

My Department will continue to work in partnership across the Executive and other key stakeholders, in order to develop and maintain our efforts to remove these substances from our communities.

Mr Weir asked the Minister of Justice how many meetings he has held with (i) the Bar Council; (ii) the Law Society; and (iii) other groups to resolve the current dispute on legal aid rates.

(AQW 46552/11-15)

Mr Ford: I have not met with the Law Society or Bar Council since the current dispute commenced. However I held a number of meetings with them as part of the consultation process and when developing the final proposals for the 2015 Crown Court Rules. I recently met with a delegation from the Young Bar Association to hear their concerns.

My officials continue to meet with representatives of the Bar Council and Law Society on a wide range of legal aid reform issues.

Lord Morrow asked the Minister of Justice, following the previous breach of release terms, on what date was Paul Hunter Redpath last granted bail; and on what date did he abscond.

(AQW 46574/11-15)

Mr Ford: There is no computer record of Paul Hunter Redpath having been granted bail in Northern Ireland. To review manual records prior to the introduction of the ICOS system in 2006 would incur disproportionate cost.

He last absconded from his approved accommodation in Northern Ireland on 25 July 2009.

Lord Morrow asked the Minister of Justice (i) whether all convicted sex offenders resident in Northern Ireland are registered with, or known to, the Public Protection Agency (PPANI); (ii) how many sex offenders are registered with the PPANI; and (iii) whether all the sex offenders registered with the PPANI are subject to monitoring or management arrangements.

(AQW 46575/11-15)

Mr Ford: All convicted sex offenders subject to the notification requirements in Part 2 of the Sexual Offences Act 2003, and those who are not notifiable sex offenders but about whom there are current significant concerns, are risk assessed under the public protection arrangements.

The highest risk offenders, assessed as Category 3, are jointly risk managed by a dedicated co-located multi-agency team. Offenders assessed as meeting the Category 2 criteria are risk managed by a lead agency, acting as designated risk manager, liaising regularly with partner agencies responsible for specific risk management plan actions. Individuals whose previous offending or current behaviour presents little evidence they could cause serious harm are assessed as Category 1 offenders. These offenders are primarily risk managed by a single lead agency, acting as designated risk manager, but with multi-agency reviews of their risk management every six months or at an earlier point where any agency raises specific concerns about the individual.

There are currently 1480 offenders convicted of sexual offences within these three categories and all continue to be risk managed in accordance with management plans which takes account of their current assessed risk in regard to public safety.

Mr D McIlveen asked the Minister of Justice for his assessment of the functionality of Courts Fund Office; and whether his Department has any plans to reform the Office.

(AQW 46592/11-15)

Mr Ford: I am content that the Court Funds Office (CFO) provides a valuable service to its clients. Nonetheless, the Northern Ireland Courts and Tribunals Service is committed to the modernisation of CFO as part of my Department's reform programme.

There is a programme of work to further enhance governance arrangements; improve operational effectiveness through the introduction of a new IT system; enhance transparency, communication and customer service; put in place a new CFO cost recovery model; and initiate the development of proposals for consultation on legislative reform.

Lord Morrow asked the Minister of Justice (i) to provide a copy of the report into the previous investigation carried out into Paul Hunter Redpath's absconding while on bail in 2013; (ii) what changes have been made to the procedures as a result; and (iii) whether these changes remain ineffective.

(AQW 46613/11-15)

Mr Ford: There are no records of Paul Hunter Redpath having absconded while on bail.

Lord Morrow asked the Minister of Justice, pursuant to AQW 42438/11-15, whether this answer is under review in light of a reported investigation into continued school visits by Prison Service staff after a scheme had closed down.

(AQW 46614/11-15)

Mr Ford: I refer the Member to my previous response in respect of visits to schools by the Northern Ireland Prison Service to promote careers in the service.

I cannot comment on an ongoing investigation.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45703/11-15, where public funding is sourced or obtained for such instances.

(AQW 46615/11-15)

Mr Ford: The Legal Aid Scheme in Northern Ireland does not provide funding for such cases. The European Court of Human Rights has its own Legal Aid Scheme. Applications for funding can be made under that Scheme.

Lord Morrow asked the Minister of Justice how many (i) remand; and (ii) sentenced prisoners are currently unlawfully at large, broken down by prison facility.

(AQW 46626/11-15)

Mr Ford: Currently there are three sentenced prisoners 'Unlawfully at Large' (UAL) from Maghaberry, one from Hydebank Wood and two from Magilligan. Those remand prisoners who have been permitted leave by the courts and fail to return are not listed as UAL.

Lord Morrow asked the Minister of Justice on how many occasions has Paul Hunter Redpath (i) absconded whilst on bail or temporary release; and (ii) breached bail terms; and to detail the adjudications and penalties in respect of each incident.

(AQW 46686/11-15)

Mr Ford: There is no record of Paul Hunter Redpath absconding whilst on bail or temporary release while resident in Northern Ireland.

Lord Morrow asked the Minister of Justice whether public protections arrangements and monitoring remain in place on Eamon Foley.

(AQW 46764/11-15)

Mr Ford: Mr Foley continues to be risk managed under the public protection arrangements in accordance with his risk management plan.

Lord Morrow asked the Minister of Justice how many (i) remand; and (ii) sentenced prisoners were unlawfully at large during the 2014 calendar year or the 2014/15 financial year, broken down by prison facility.

(AQW 46767/11-15)

Mr Ford: There were 10 prisoners 'Unlawfully at Large' (UAL) from Maghaberry, one from Hydebank Wood and 10 from Magilligan during the 2014 calendar year. Those remand prisoners who have been permitted leave by the courts and fail to return are not listed as UAL.

Mr Weir asked the Minister of Justice for an update on the review of The Law on Unduly Lenient Sentences.

(AQW 46842/11-15)

Mr Ford: I published a consultation document on the Law on Unduly Lenient Sentences on 6 February 2015. After allowing some additional time for important responses, the consultation closed on 15 May 2015. My officials are currently analysing the responses received. A summary of those responses and my proposed way forward will be prepared for publication and consideration by the Justice Committee after the summer recess.

Department for Regional Development

Mrs Dobson asked the Minister for Regional Development to detail the policy by which kerbs can be dropped to allow people with limited mobility to traverse from their home to a car.

(AQW 46197/11-15)

Mr Kennedy (The Minister for Regional Development): Blue Badge Holders, who have had an application for an accessible parking bay outside or near to their home approved, can also request a dropped kerb. The request will be considered where the applicant is dependent upon the use of a wheelchair and there are no other dropped kerbs in the vicinity or, exceptionally, where an applicant, who is not dependent on the use of a wheelchair, can provide evidence of severe mobility difficulties.

Beyond this, dropped kerbs or graded pedestrian accesses will generally only be provided in response to requests from individuals after an assessment of the level of provision in the general vicinity has been undertaken and where it is considered that a number of people would benefit from such provision.

More comprehensive details of my Department's approach to providing dropped kerbs can be found by accessing our 'Provision of Dropped Kerb' policy document via the following link

<http://www.drdni.gov.uk/rsppg-e043-provision-of-dropped-kerbs.pdf>

Mr McCarthy asked the Minister for Regional Development when the A21 Ballygowan Road Link, known locally as the Comber Bypass Phase 3 will commence.

(AQW 46200/11-15)

Mr Kennedy: The Ballygowan Road link is among a number of projects that my Department would consider for inclusion in a long term forward planning programme.

The funding currently available for this type of work is fully committed to a programme of major improvements to Northern Ireland's strategic road network.

Given the uncertainty about future funding levels, I am currently unable to indicate when the Ballygowan Link Road might be included in a future works programme.

Ms Sugden asked the Minister for Regional Development what plans he has to consult with older people and people with disabilities to highlight barriers to using public transport in respect of developing the Accessible Transport Strategy 2015-2025.

(AQW 46215/11-15)

Mr Kennedy: Since November 2014, my Department has engaged extensively with older people and people with disabilities and the organisations that represent them, to identify the issues to be addressed in the Accessible Transport Strategy 2025. My officials have also taken advice from the Inclusive Mobility Transport Advisory Committee (IMTAC) on the priorities for the new Strategy and the indicators by which progress should be measured.

My Department has also worked closely with IMTAC in commissioning and carrying out a survey of the attitudes of disabled and older people to public transport. The results of this survey were published in April 2015.

The next stage in development of the Strategy will be a public consultation to be held over the coming months. This will provide a further opportunity for older people and people with disabilities to comment.

Ms Sugden asked the Minister for Regional Development for an update on the Accessible Transport Strategy 2015-2025.

(AQW 46216/11-15)

Mr Kennedy: My Department is preparing a draft Accessible Transport Strategy 2025 for public consultation in the coming months.

A pre-consultation stage has involved engagement with focus groups comprising older and disabled people and their representative bodies to determine key issues of concern. Also, my Department has undertaken a survey of the attitudes of disabled and older people to public transport, in conjunction with the Inclusive Mobility Transport Advisory Committee (IMTAC). The results of this survey were published in April 2015.

An Inter Departmental Steering Group has met to provide advice on how the policies, strategies and initiatives of other Departments will impact on accessible travel and transport in the future.

In developing a draft Strategy for public consultation, my officials are consulting IMTAC as a source of advice on the issues to be addressed.

Ms Sugden asked the Minister for Regional Development when the Accessible Transport Strategy 2015-2025 will be published.

(AQW 46217/11-15)

Mr Kennedy: My Department plans to publish the agreed Accessible Transport Strategy 2025 by the end of 2015. This date is dependent upon responses received from the public consultation phase and agreement with other Departments on any elements of the Strategy which are cross cutting.

Mr Dallat asked the Minister for Regional Development to detail his Department's capital investment in roads, broken down by division, over the last 5 years.

(AQW 46244/11-15)

Mr Kennedy: Details of my Department's capital investment in roads over the last 5 years, broken down by TransportNI Division, are provided in the table below:

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
	£'K				
East	18,066	31,918	28,458	37,554	32,667

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
	£'K				
North	32,252	39,736	47,035	81,458	90,609
South	25,599	39,517	28,347	36,435	34,655
West	46,103	53,864	53,073	47,533	48,324
Total	122,020	165,035	156,913	202,980	206,254

My Department's capital expenditure is prioritised on a country-wide basis, taking account of a broad range of criteria such as strategic planning policy, traffic flows, number of accidents, potential travel save times, environmental impact and value for money.

Mr Dallat asked the Minister for Regional Development to detail the level of current funding, including European funding, allocated to (i) Strangford Ferry; (ii) Rathlin Ferry; and (iii) Foyle Ferry.

(AQW 46245/11-15)

Mr Kennedy:

(i) Strangford Ferry

The Strangford Lough Ferry Service is operated by my Department, with specialist marine work undertaken through external contractors. The current level of funding allocated to the delivery of the service in 2015/16 is £1,177K, which comprises Staff Wages £823K; Operation and Maintenance £560K; Capital works to the Harbour & Ferry £605K; and a Fare Income target of - £811K. There has been no European funding allocated to the service.

(i) Rathlin Ferry

My Department currently has a 2 year contract in place with Rathlin Island Ferries Limited to provide the ferry services, with options to extend by 6 month periods up to a maximum of 5 years. The budget, excluding VAT, for the initial contract period up to 30 June 2016 is £1,400,000. There has been no European funding applied for in respect of this contract.

My Department is currently taking forward two ferry replacement projects for both Rathlin and Strangford and associated harbour improvements. For 2015/16 a capital budget of £4.3m has been allocated for the new Strangford Ferry and £2.8m for the new Rathlin Ferry.

(ii) Foyle Ferry

My Department does not have any operational or financial obligations in relation to this service.

Mr Dallat asked the Minister for Regional Development to detail the journey time by train between Derry and Belfast in (i) 1955; and (ii) 2015.

(AQW 46246/11-15)

Mr Kennedy: Translink has advised me that NI Railways do not have records of 1955 timetables. It does however have access to the 1948 and 1967 timetables.

A direct comparison between those years and the present day service is not possible as in both 1948 and 1967, Londonderry line trains terminated at, and started from the old York Road station, whereas currently they terminate at and start from Great Victoria Street station and there are more intermediate stops on the current service.

However, the equivalent running time for today's train service from York Road Station is 2 hours 1 minute, albeit with 9 intermediate stops. This compares with 1948 when it was 2 hours 15 minutes, with only 5 intermediate stops, and 2 hours 5 minutes in 1967, with 6 intermediate stops.

The current running time from Great Victoria Street station to Londonderry, with 12 intermediate stops, is 2 hours 15 minutes.

Mr Dallat asked the Minister for Regional Development to detail (i) the number of cars operated by Translink; (ii) the make, model and year of each; and (iii) the cost and reasons for operating the cars.

(AQW 46247/11-15)

Mr Kennedy: Translink has advised me that:

- i It operates 40 company cars.
- ii. The make and model of those cars are detailed below, they are retained for 4 years or 100,000 miles, whichever comes first and there are 2 options available dependent on the position held in the Company.

Option 1: Skoda Octavia Elegance Saloon, Skoda Octavia SE Estate, Ford Focus and Volkswagen Golf.

The relevant positions applicable to Option 1 are Service Delivery Managers and Depot Engineers.

Option 2: Skoda Superb, Volvo S40, Volvo V50, Volkswagen Passat, Vauxhall Insignia, Ford Mondeo, Toyota Prius.

The relevant positions applicable to Option 2 are mainly Senior Operational Managers.

- iii. The fuel costs for 2013-14 were £126,284k and the leasing and maintenance costs totalled approximately £155,000 per annum.

Company cars are used for operational purposes linked to supporting engineering and operations across over 50 Translink sites throughout the province, as well as infrastructure assets such as structures, culverts, signalling, etc. Company car usage is connected to on-call arrangements and is also linked to business continuity and emergency planning.

Mr Dallat asked the Minister for Regional Development to detail (i) the number of oil spills on roads in the last 5 years; and (ii) the cost of the clean ups.

(AQW 46248/11-15)

Mr Kennedy: My officials have advised that the information requested is not readily available and could only be obtained at disproportionate cost, and have provided details on the steps that are taken to address oil spills on roads.

TransportNI deals with oil spills, which includes road traffic accident collision site clean ups, on a reactive basis. When TransportNI receives a report of an oil spill during office hours, an inspector is sent to investigate and establish the nature and extent of the problem. If remedial work is considered necessary, a works squad is sent to the location and places signs warning drivers of the potential slippery road conditions. It will then initiate action to contain the oil, to prevent it entering any adjacent drains or watercourses, and appropriate treatment such as sand, oil absorbent granules or oil dispersing agents will then be applied to the affected area of road surface.

In other situations where treatment is requested by the PSNI, following a road traffic accident or if an emergency call is received out of office hours, a works squad is sent directly to the location and treats the affected road surface in the same manner as previously described.

If the oil spill is very large, a multi-organisational approach may be required. In such instances, the emergency services and/or the Northern Ireland Environment Agency will undertake the clean-up operation, with TransportNI providing assistance as required.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45620/11-15, whether it is standard procedure not to involve the Departmental Solicitor's Office in normal operational matters for Translink in respect of tenders and contracts, and if so in how many other matters has there been no involvement of the Departmental Solicitor's Office with regards to (i) Translink and (ii) other agencies under his Departmental remit.

(AQW 46269/11-15)

Mr Kennedy: It is standard procedure not to involve the Departmental Solicitor's Office in normal procurement matters for Translink as it is a qualified Centre of Procurement Expertise. Translink has access to its own legal advice.

Northern Ireland Water (NIW) has advised it does not instruct the Departmental Solicitor's Office in any legal matter as it uses external lawyers who have been retained on foot of competitive tendering. DRD Water Service would have previously instructed DSO but since 2007 all matters held by DSO have either concluded or been passed back to NIW to conclude.

Mr Gardiner asked the Minister for Regional Development to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46275/11-15)

Mr Kennedy: There have been seven Ministerial Directions issued by the Minister for Regional Development since May 2007. Details are:

- 1 2 August 2010: The Preservation of Service and Civil Emergency Measures Direction (Relevant Undertaker) Northern Ireland 2010 was made under Article 295 of the Water and Sewerage Services Order 2006. It was made to give the Department assurances that the company had sufficient plans in place should an emergency arise.
- 2 26 October 2010: To instruct that the Northern Ireland Transport Holding Company should not make bonus payments to its Senior Team and subsidiaries.

From 30 December 2010 – 12 January 2011:

- 3 Preserving Services/Mitigating Effects of an Emergency - to give NI Water permission and legal cover to potentially rotate water supplies to the public without any notice.
- 4 23 March 2011: City of Derry Airport - To allow the DRD Accounting Officer to incur additional expenditure.
- 5 12 December 2014: Winter Service and Roads Maintenance – To allow the DRD Accounting Officer to continue to provide essential services relating to winter service, road maintenance and other roads related services as well as to maintain the NIW budget.

- 6 22 January 2015: Release of Value Belfast Harbour – To enforce the Executive decision that additional funding was not to be used to address the pressure from the Release of Value.
- 7 6 May 2015: Phase 2 of the Coleraine to Londonderry Track renewal project – To allow Translink to proceed with the Phase 2 project.

Mr Easton asked the Minister for Regional Development if there are any company cars being used by NI Railway staff.
(AQW 46289/11-15)

Mr Kennedy: Translink has advised that there are nine allocated company cars used by NI Railways staff.

Mr Moutray asked the Minister for Regional Development to detail how many people have been employed by Translink in administrative and management posts in each of the last four years.
(AQW 46295/11-15)

Mr Kennedy: Translink has provided statistics detailing the number of people employed by it, in administrative and management posts, in each of the last four years. These are outlined in the table below:

	As at 01/06/12	As at 01/06/13	As at 01/06/14	As at 01/06/15
Clerical / Admin.	340	355	359	353
Management / Professional / Technical	223	230	240	241

Mr Allister asked the Minister for Regional Development to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46298/11-15)

Mr Kennedy: The travel and subsistence costs incurred on trips outside Northern Ireland for each of the financial years from May 2011 are as follows:

Travel & Subsistence Costs	Minister £	Special Advisor £	Support Staff £	Total £
2011 /2012	£9,105	£9,360	£19,916	£38,381
2012/2013	£3,170	£1,056	£6,384	£10,610
2013/2014	£8,687	£6,525	£17,566	£32,778
2014/2015	£8,156	£3,499	£8,046	£19,701

Ms McCorley asked the Minister for Regional Development, pursuant to AQW 45071/11-15, to outline the 53 streets in West Belfast which are unadopted.

(AQW 46302/11-15)

Mr Kennedy: Of the 53 unadopted streets in West Belfast referred to in my answer to AQW 45071/11-15, Springfield Heights (2/ZN/2010/0023/01) has since been adopted into the Public Road network.

Details of the remaining 52 unadopted streets are provided in the following table:

Ref	Site Description
2/ZN/1997/2141/01	Airfield Heights, Glen Road
2/ZN/2005/2240/01	Ardmonagh Gardens, Belfast
2/ZN/2011/1027/01	Arundel Courts/Arundel Walk, Belfast
2/ZN/1999/2338/01	Avoca Close
2/ZN/2004/0905/01	Ballygomartin Road
2/ZN/1999/3939/01	Battenburg Street, Belfast
2/ZN/2012/0821/01	Battenburg Street, Belfast
2/ZN/2004/1380/01	Beechmount Avenue, Belfast
2/ZN/2003/0077/01	Beechmount Stage 4

Ref	Site Description
2/ZN/2009/0939/01	Colinwell Grove, 189 Glen Road, Belfast
2/ZN/2000/2408/01	Conor Rise
2/ZN/2005/1948/01	Conway Street, Belfast
2/ZN/2007/2728/01	Conway Street, Belfast
2/ZN/2014/1009/01	Cupar Street Lower, Belfast
2/ZN/2004/1522/01	Devonshire Street, Belfast
2/ZN/2007/0187/01	Devonshire Street, Belfast
2/ZN/2006/0215/01	Dunmisk Park, Belfast
2/ZN/1995/2540/01	Forthriver Road
2/ZN/2011/0381/01	Glen Grove, Belfast
2/ZN/2008/2088/01	Glen Road, Belfast
2/ZN/2011/0664/01	Glen Road, Belfast
2/ZN/2011/1000/01	Glenmachan Street, Belfast
2/ZN/2005/0409/01	Horn Drive, Belfast
2/ZN/2006/1330/01	Lawnbrook Drive/Avenue, Belfast
2/ZN/2005/0018/01	Malcolmson Street, Belfast
2/ZN/2004/1432/01	Saint Galls Avenue, Belfast
2/ZN/2003/3002/01	Shanvis Court, Percy Street, Belfast
2/ZN/1997/2953/01	Sliabh Mor,
2/ZN/2011/0899/01	Slieveban Drive, Belfast
2/ZN/2011/1190/01	Springfield Crescent, Belfast
2/ZN/2003/2367/01	Suffolk Road
2/ZN/2012/1058/01	Suffolk Road, Belfast
2/ZN/2012/1330/01	Upper Springfield Road, Belfast
2/ZN/2009/1053/01	Upper Suffolk Road, Belfast
2/ZN/2008/0064/01	West Circular Road, Belfast
2/ZN/2004/2712/01	Westrock Mews, Belfast
2/ZN/1999/3139/01	Westway Hill
2/ZN/2005/1860/01	Whiterock Road/Whiterock Grove, Belfast
2/SD/1998/0684/01	Ashgrove, Dunmurry
2/SD/2012/0541/01	Brians Well Road, Poleglass
2/SD/2008/1176/01	Cloona Glen, Upper Dunmurry Lane, Dunmurry
2/SD/2002/1232/01	Colinglen Road
2/SD/2011/0545/01	Credenhill Park, Dunmurry
2/SD/2002/1700/01	Edenvale Meadows
2/SD/2013/0353/01	Forest Park, Dunmurry
2/SD/2011/0304/01	Good Shepherd Road, Poleglass
2/SD/2010/1015/01	Kingsway, Dunmurry
2/SD/2010/0996/01	Labernum Walk/Summerhill Road, Lisburn
NUMEROUS PHASES	Mount Eagles
2/SD/2011/0769/01	Pembroke Loop Road, Poleglass

Ref	Site Description
2/SD/2003/1498/01	The Manor, Blacks Road, Belfast
2/SD/2013/0743/01	Twinbrook Road, Lisburn

Mr Eastwood asked the Minister for Regional Development to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

(AQW 46335/11-15)

Mr Kennedy: The table below gives the detail of capital infrastructure expenditure in the Foyle area for 2013-14. The Department records expenditure on a District Council basis, the parliamentary constituency of Foyle is largely made up of the wards of Derry City Council; however some wards fall into the East Londonderry Parliamentary Constituency. The table below gives the best estimate of expenditure in the Foyle area.

Investment in Capital Infrastructure in 2013/14 for the Foyle Area

Transport NI Projects	£000s
A6 Derry- Dungiven dualling	1,118
A2 Broadbridge	209
Northern Corridor	379
Network Development Schemes – Minor(Lecky Flyover & St Marys Altinure Road)	408
Traffic Management	169
Minor Bridge Strengthening(Foyle Bridge)	169
Collision remedial(Northland/Springtown Road)	215
Traffic Calming	34
Vehicle Restraint Systems	279
Pedestrian Measures	61
Cycling Measures	31
Street Lighting New and Replacement	977
Resurfacing	3,249
Surface Dressing	343
Footways and Cycle Tracks	880
Structural Drainage	726
Total Transport NI	9,247

Capital Grants to Derry City Council for Traffic Free Greenways	£000s
Lowrys Lane	164
Kilfennan Valley	85
Total Capital Grants	249

Translink Projects	£000s
Procurement of Bus to Bus Communications System for Londonderry	6
Coleraine to Londonderry Track Renewals - Phase 1	1,291
Coleraine to Londonderry Track Safety Improvement Works	69
Coleraine to Londonderry Track Renewals - Phase 2	1,308
Coleraine to Londonderry Level Crossing Signalling Improvements	220
Londonderry New Station & Sidings	2
Londonderry Railway Station Roof Covering	3
Coleraine to Londonderry Culvert Replacement	6

Translink Projects	£000s
Total Translink	2,905

NI Water Projects	£000s
MIMP West (Major Incident Mitigation Project West Region) Freeze Thaw Improvements	1,770
Strabane WWTW's Refurbishment	984
Strule Intake For Derg WTW	629
Culmore WWTW's Phase 2 Base Maintenance	585
Donnybrewer WWTW's Phase 2 Base Maintenance	536
Circular Road, Derry Storm sewer extension	485
Bog Road, Strabane WWPS Upgrade	288
Strathfoyle Sewerage Syphons Upgrade.	94
Strathfoyle, Londonderry Siphon Inlet Screen	92
BALLYMAGORRY WWTWs	92
Nixons Corner, Londonderry WWTW	90
Magheramason WwTWs	83
Londonderry DAP: Buncrana Road Work Package, Stage 2	77
Carmoney to Strabane Strategic Link Watermain	76
Plumbridge SR Rehabilitation	71
Gortinreid Bridge WWPS - Pumping Main Upgrade	54
Londonderry DAP: Duke Street Work package	53
Alleyhill Zone Wm Improvements	40
Lismourne Place Strabane Foul Sewer Extension for Invest NI	35
Ballykelly WWTW Feasibility	30
Ardstraw WWTW Feasibility Study	25
Bready WWTW Feasibility Study	25
Carmoney WTW DAF process Optimisation	24
Victoria Bridge WWTWs Feasibility Study	23
Artigarvan WWTW	17
Western Area Telemetry Needs	15
Bridge Street WWPS, Strabane - Feasibility Study	15
Tobermore WWTW Upgrade	11
Faughan PS - Bandscreen upgrade	9
Faughan Crescent WWPS, Londonderry. Pumping station and Pumping main upgrade	7
Longfield (Eglington) WWTW Phase 2 Base Maintenance	7
Erganagh WWPS Replacement	7
Lone Moor Road, Londonderry Storm Sewer Extension	6
Derry Road, Strabane.	6
Maydown WWPS Replacement.	4
Londonderry DAP: Victoria road Work Package:CSO Rationalisation	3
Foyle Springs, Derry Flood Alleviation	1
Total NI Water	6,369

NI Water Projects	£000s
Total Departmental Capital Investment	18,770

Enhanced detail of where works have been completed by Transport NI are identified in Council bi-annual reports, the Spring 2014 Report to Derry City Council is the relevant report for this AQW

http://www.drdni.gov.uk/dr1_14_222547__final_pdf_derry_city_council_report_spring_2014.pdf

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45294/11-14, given there was no on-street rank for public hire taxis and it is the responsibility for his Department to provide such ranks, why was this not considered a priority in the business plan.

(AQW 46342/11-15)

Mr Kennedy: Translink has advised that the Business Case submitted at the time (2002/03) catered for a wider traffic management system at Central Station which included the car park itself, the bus way and taxi rank.

Translink has advised that prior to this service being contracted, the situation with regard to taxi provision was a 'free for all', with all the related friction that this situation implies. As part of the upgrade of Central Station, a business opportunity arose to tender this service to competing taxi firms. It remains Translink's view that it is best to tender the service to the highest bidder and all proceeds arising from the contract are used to subsidise public transport services.

TransportNI (formally Roads Service) duly developed the public taxi facilities which currently exist in the vicinity of Mays Meadows which is adequate to facilitate safe drop off / pick up at Central Station by public hire taxis.

Mr D McIlveen asked the Minister for Regional Development why the Dundonald park and ride terminal was closed after six months given £310,000 was spent on the facility.

(AQW 46383/11-15)

Mr Kennedy: My Department is facing a £60 million Resource budgetary pressure for 2015/16, more than half of which will fall to TransportNI. The funding that is currently available is only sufficient to cover the fixed costs, such as PPP payments and staff costs, energy bills for street lighting and traffic signals and statutory inspections and testing of street lighting installations.

My Department has therefore had no option but to make savings wherever they can be found. Unfortunately this includes suspending the security and guarding arrangements at four park and ride sites, namely Black's Road, Sprucefield, Cairnshill and Dundonald.

This situation was not foreseen when Dundonald Park & Ride was being developed and, should additional funding become available, I plan to review the situation.

I can assure you I remain committed to developing and improving the provision of park and ride facilities across Northern Ireland.

Mr McNarry asked the Minister for Regional Development, pursuant to AQW 45642/11-15, to detail (i) the number of successful compensation claims resulting from roads with unsatisfactory reinstatements; and (ii) the sums paid.

(AQW 46407/11-15)

Mr Kennedy: My Department does not hold the information in the format requested.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45182/11-15, whether people who have pre-booked an alternative private hire taxi as opposed to the non-contracted on-site private firm and wish to be picked up at the lower door cannot use the shortest route which would be via the exclusive rank; and if so, whether he has considered the impact on drivers and passengers, particularly people with mobility issues.

(AQW 46422/11-15)

Mr Kennedy: Translink has advised that private hire taxis, other than those operated by the contracted company, predominately pick up their pre-booked passengers at the May's Meadow entrance to the station building where lift access to and from the main entrance / concourse is readily available for those with mobility issues.

Any taxi, whether public or private hire, may avail of the bespoke set-down area within the car park at Central Station, or indeed the specifically designated disabled parking spaces. The car park operates a policy of providing free parking for the first 20 minutes, which facilitates those simply dropping passengers off but not intending a lengthy stay.

The drop-off and disabled parking areas are adjacent to the pedestrian exit from the car park, immediately across from the May's Meadow entrance to the station.

Ms McCorley asked the Minister for Regional Development for an update on maintenance quarterly work (i) carried out in Belfast detailing the area and type of work; (ii) scheduled to take place in Belfast in the next twelve months, providing a timeline of proposed work and the area.

(AQW 46472/11-15)

Mr Kennedy: My Department is facing a £60 million resource budget pressure in 2015/16, more than half of which will fall to TransportNI.

This budget pressure has created an immediate impact on the delivery of routine maintenance services, and, as such, I have had no option other than to agree a skeleton service at some financial risk to my Department, until June monitoring is completed.

There is insufficient funding currently available to fully engage the external contractors who normally carry out the majority of the routine maintenance activities in the Belfast area. However, a reduced level of service is being provided by my Department's internal workforce with some work being undertaken by external contractors.

To date, maintenance work has been restricted to:

- the repair of higher priority potholes;
- the provision of one grass cut across all areas with only safety related cutting, such as sightlines, thereafter;
- safety related renewal of road markings;
- responsive cleaning of gullies only, with the exception of those in areas prone to flooding; and
- the repair of primarily hazardous street lighting defects.

In addition, street lighting night scouting by contractors has ceased.

I will, however, be making a strong bid for resource funding in June monitoring when the situation will be reviewed and hopefully routine maintenance services can be restored to normal levels. I hope the Member will support my Department's bid.

Mr Frew asked the Minister for Regional Development whether the TransportNI skeletal service is being applied evenly across the region.

(AQW 46474/11-15)

Mr Kennedy: I can confirm that the skeleton service currently being operated by my Department is generally being applied consistently across all areas.

Mr D McIlveen asked the Minister for Regional Development what actions his Department has taken to identify opportunities for better integration and joined up service delivery to improve public transport provision and the more efficient use of resources.

(AQW 46485/11-15)

Mr Kennedy: Following the running of a successful pilot project in the Dungannon area, a number of options have been developed in consultation with key stakeholders for the wider integration of public passenger transport in Northern Ireland. The options for change provide a more effective and sustainable way of meeting the diverse range of user needs over the longer term, and are currently being evaluated as part of an economic appraisal. They all involve changes to the way in which services are designed and delivered at present, and necessitate the more flexible use of resources across all operators including Translink, the Education Authority, the Health and Social Care Trusts and the specialist rural and disabled transport services funded by the Department for Regional Development. It will be necessary to reach agreement with the Department of Education and the Department of Health, Social Services and Public Safety on the preferred option and how best to take forward the proposals.

Mr Campbell asked the Minister for Regional Development to detail the change in the number of fixed penalty notices issued in respect of pay and display car park infringements, between 2004 and 2014.

(AQW 46522/11-15)

Mr Kennedy: My Department has never been responsible for issuing fixed penalty notices, which are issued by the PSNI. Since decriminalised parking enforcement was introduced in October 2006, my Department has only issued Penalty Charge Notices (PCNs). There are no records for penalties issued prior to this date.

Details of the number of PCNs issued within all charged car parks in Northern Ireland, between October 2006 and December 2014, are shown in the table below:

Year	2006 (from Oct.)	2007	2008	2009	2010	2011	2012	2013	2014 (to Dec.)
Number of PCNs Issued	1,828	34,819	30,888	30,618	26,634	33,530	33,195	38,159	35,936

Mr Dunne asked the Minister for Regional Development for an update on the Millisle Pumping Station.
(AQW 46549/11-15)

Mr Kennedy: NI Water is currently progressing a £2.2 million capital project to upgrade the sewerage system in Millisle in order to reduce the risk of out-of-sewer flooding within the area and to deliver improved bathing waters.

There had been a delay in the construction of the new pumping station in Millisle due to legal negotiations and the site purchasing process taking longer than expected. NI Water has now acquired the land needed for the scheme. The contract for construction was awarded to BSG Civil Engineering Ltd in March 2015, and a public information event was held on 23 April 2015.

The contractor is carrying out preliminary activities including accommodation works to facilitate church car parking for the duration of the contract. Design revisions have been submitted and it is envisaged that full mobilisation on site will be in late June - early July 2015, with a planned completion date of Summer 2016.

Mrs Cochrane asked the Minister for Regional Development when he expects the provision of bicycle racks on trains will be feasible.
(AQW 46577/11-15)

Mr Kennedy: Translink has advised me that bicycle racks are not considered necessary or practicable on NIR trains.

NI Railways' trains can accommodate bikes standing on the floor. Hanging bikes up on racks on trains can be much more arduous for customers than simply wheeling them into position. Furthermore, bikes hanging on racks actually take up more floor space than bikes standing on the floor.

Currently the Class 3000 trains have capacity for 4 bicycles, and the newer Class 4000 trains have double this capacity and can accommodate 8 bicycles.

Mrs Cochrane asked the Minister for Regional Development, pursuant to AQW 8250/11-15, whether permitting bicycles on trains would allow for connecting segments of a journey to be cycled; and why the decision to allow bicycles on trains is left to the discretion of the conductor in the absence of corresponding guidelines.
(AQW 46578/11-15)

Mr Kennedy: Translink has advised me that the policy on carriage of bikes on trains was discussed and agreed with Sustrans prior to implementation in 2005.

Bikes can be carried on trains after 09:30 hours, up to 4 bicycles on the Class 3000 trains or 8 on the Class 4000 trains.

Prior to 09:30 hours bikes will not normally be carried because virtually all trains are filled to standing capacity with passengers.

On lightly loaded services, e.g. outwards from Belfast prior to 09:30 hours the Conductor can exercise discretion and bikes will normally be accommodated.

Mrs Cochrane asked the Minister for Regional Development whether there are restrictions in place for large items of luggage on trains during peak travelling times, given the current restrictions on bicycles on trains during peak times.
(AQW 46580/11-15)

Mr Kennedy: Translink has advised me that there are no restrictions in place for the carriage of large items of luggage at any time because there is no perceived need for such restrictions.

The size of large items of luggage and the frequency with which they are carried is not considered sufficient to impact on the capacity available for passengers, whereas the size and frequency of carriage of bikes before 09:30 hours would certainly impact on the capacity available to passengers.

Trains are fitted with luggage racks overhead for smaller items and space is also provided between/under seats and in the case of the Enterprise also at the end of the carriages.

Mr Dunne asked the Minister for Regional Development whether he will take action to cut the grass on the central reservations on the A2 Bangor to Belfast Dual Carriageway, as motorists are at risk crossing the central reservations with restricted sightlines resulting from the overgrown grass.
(AQW 46628/11-15)

Mr Kennedy: My Department is facing a £60 million Resource budget shortfall in 2015/16, more than half of which has fallen to TransportNI. This budget pressure has created an immediate impact on the delivery of routine maintenance services right across Northern Ireland, including Ards and North Down.

The budget allocation currently available to TransportNI is only sufficient to cover its fixed costs and, since 1 April 2015, there has been no funding available to engage external contractors to carry out routine maintenance activities, including grass cutting.

With regard to the grass cutting on the A2 Bangor to Belfast Road, I can confirm that grass cutting operations by TransportNI's internal contractor are due to commence during the week beginning 8 June 2015 and are expected to be completed by the 5 July 2015, subject to favourable weather conditions.

I understand that, at a recent meeting with my officials on the 5 June 2015, you were updated of progress in relation to grass cutting within Ards and North Down Council area.

Mr Lyttle asked the Minister for Regional Development to detail the £60 million pressures his Department faces for its 2015/16 budget.

(AQW 46647/11-15)

Mr Kennedy: It has been put forward in the 2015-16 Budget Document that the reduction to my Department's budget is only 0.6 percent. This is a figure that has been arrived at through the restating of baselines and presentation of figure work which hides the true funding impact on my Department's budget for 2015-16. My Department's budget has had cuts of £50million applied. This together with the £15million gap (£13million due to a DFP rates revaluation) between NI Water's requirement as per the Utility Regulator's Final determination and their existing budget resulted in total pressures of £65million. An additional £5 million was allocated to my Department by the Executive between the Draft and Final Budget. Thus the true pressure on my Department's budget is now £60.5 million.

The detail of these pressures by business area is shown below.

Pressures Across each Business area

	Final Budget £m
NI Water	5.0
Translink	13.0
Transport NI	38.5
Other Areas including Rural and Community Transport	4.0
Total Pressures	60.5

NI Water

At the draft budget stage, NI Water (NIW) had a pressure of £15 million, largely as a result of a massive rates revaluation. At that level of funding the company would not be able to meet its legal and licence obligations. To avoid this, money has been moved from Transport NI to reduce the shortfall to £5 million. Work is ongoing to assess changes to outputs required of NI Water because funding is not at the level required by the Regulator, but, NIW will be able to deliver a basic level of service.

Translink

Translink will record significant losses this year as a result of reduced funding from my Department. Some additional funding in the Final Budget has been allocated to safeguard key town services but there remains a need for Translink to make efficiencies in administration and overhead costs, to review the frequency of some services and reduce its workforce. The Company is currently in discussion with their unions in regard to these issues.

TransportNI

As a consequence of addressing pressures in NI Water, further reductions are required from TransportNI. The TransportNI budget has limited room for flexibility as a result of two long term PPP arrangements and other contractual and staff related costs. As a consequence, TransportNI has only some £13m to cover all remaining activities. These include street lighting and traffic signal energy, funding for external contractors including those who normally repair traffic signals and street lights, supplies including patching materials and salt, fleet maintenance and fuel.

The annual cost of street lighting and traffic signal energy alone is over £11 million. A further £2 million is required to meet legal obligations associated with the inspection and testing of street lighting installations.

As a result, I am unable to utilise external contractors to carry out routine maintenance work and street lighting repairs in 2015-16. However the cessation of these activities would likely have had serious public safety implications and resulted in around 500 industrial staff employed by my Department being largely confined to depots. I considered this position to be totally unacceptable and therefore I have allowed my Department's industrial staff to provide a skeleton routine maintenance service, until the outcome of June monitoring is known.

Other Areas including Rural and Community Transport

In light of the scale of the financial pressures facing my Department, my focus has been on addressing public health and safety issues. A consequence of this has necessitated a reduction in the level of funding available this year to community transport providers. I would reiterate that I, together with my officials, am committed to working with the providers to identify scope for efficiencies or other sources of income to mitigate the impacts.

My Department is also planning reductions of over £3 million in staffing and other administration costs in 2015-16, including savings associated with some 300 staff leaving through the Voluntary Exit Scheme.

To help address the pressures faced by my Department, a number of bids have been put forward in June Monitoring.

Mr G Robinson asked the Minister for Regional Development when weed spraying will take place in Limavady town in 2015. (AQW 46672/11-15)

Mr Kennedy: As the Member will be aware, my Department is facing a £60 million Resource budget pressure in 2015/16, more than half of which will fall to TransportNI.

This budget pressure has created an immediate impact on the delivery of routine maintenance services and, as such, I have had no option other than to agree a skeleton service at some financial risk to my Department, until June monitoring.

There is currently insufficient funding available to employ external contractors to carry out weed control across Northern Ireland. Therefore, at present, my Department is unable to undertake weed spraying in Limavady Town.

I will, however, be submitting a bid for additional resource funding in June monitoring so that routine maintenance services can be restored to normal levels and I hope the Member will support my Department's bid.

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45620/11-15 and given this is a publicly operated company under his departmental remit, in the absence of Departmental Solicitors Office input what legal advice was sought or obtained; and whether any legal scrutiny was applied in this instance.

(AQW 46769/11-15)

Mr Kennedy: As I stated in AQW 46269/11-15, it is standard procedure not to involve the Departmental Solicitor's Office in normal procurement matters for Translink as it is a qualified Centre of Procurement Expertise. Translink has access to its own legal advice.

Translink has advised that it was not deemed necessary to seek legal advice in relation to this contract.

Mr McCartney asked the Minister for Regional Development for an update on the fire on the Ulsterbus 212 service on 8 June 2015.

(AQW 46953/11-15)

Mr Kennedy: On 8 June at 17:45 the 212 Belfast to Derry/Londonderry was operating along the M22 in the direction of Toomebridge. The driver noticed smoke coming from the rear of the vehicle and immediately pulled over on to the hard shoulder, stopped the bus and evacuated the passengers. The NI Fire and Rescue Service attended the scene and the fire was extinguished promptly. An initial assessment has indicated extensive fire damage to the rear of the vehicle. It is not known at this stage what caused the fire. However, an investigation and a detailed forensic analysis of the cause of the fire are under way. Further details will be available when this has been completed.

Department for Social Development

Mr McNarry asked the Minister for Social Development how many Housing Executive and housing association rental properties have had repair reinstatement and improvement alterations in each of the last three years; and to detail what this represents as a percentage of the total number of properties having work carried out.

(AQW 45639/11-15)

Mr Storey (The Minister for Social Development): In relation to Housing Executive properties, the information is not available in the format requested. However, the Housing Executive has provided the following information in the table below.

Year	Total Stock	No. of properties with repairs carried out	%	Planned Maintenance	%
2012/13	88,638	85,997	97%	41,537	47%
2013/14	87,764	85,568	97%	17,826	20%
2014/15	87,037	82,263	95%	30,897	35%

Note: The total stock figures include all NIHE properties (e.g. commercial properties and voids) as opposed to rental properties. In overall stock levels this would represent very low numbers.

Housing Associations have reported the following: -

- 2012/13
work carried out on 23,452 properties, which included repairs reinstatement and improvement alterations on 22,770 properties (97.09%);
- 2013/14
work carried out on 25,396 properties, which included repairs reinstatement and improvement alterations on 24,377 properties (95.99%);
- 2014/15
work carried out on 27,090 properties, which included repairs reinstatement and improvement alterations on 26,436 properties (97.58%).

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Agnew asked the Minister for Social Development to detail the number of decisions to apply a sanction in accordance with articles 21(3) and 21(6) of the Jobseekers (NI) Order 1995 for each month from October 2012 to December 2014, including the reason for, and the duration of, the sanction.

(AQW 46169/11-15)

Mr Storey: The information is not available in the format requested. Data is available for the number of Jobseeker's Allowance sanctions imposed under Articles 21(3) and (6) of the Jobseeker's (NI) Order 1995 for the period 1.04.12 to 31.01.15 but cannot be broken down into a monthly figure or duration of sanction. Sanctions imposed under this legislation are discretionary sanctions, which means that the period of the sanction will be between 1 week and 26 weeks. The Decision Maker determines the length of the sanction based on information provided by the claimant and their employer. For this period, a total of 1634 sanctions were imposed in accordance with this legislation, the attached table provides a breakdown.

Reason for Sanction	1.4.12 – 1.3.13	1.4.13 – 31.3.14	1.4.14 – 31.1.15
Employment terminated due to misconduct	129	121	80
Refusal or failure to apply for or accept employment	177	234	287
An offer of employment was refused	0	1	4
Voluntary unemployment	196	261	144
Total	502	617	515

Mr Allister asked the Minister for Social Development to detail the travel and subsistence costs incurred by his Department on trips outside Northern Ireland in each year since May 2011, broken down by the costs incurred by (i) the Minister; (ii) special advisers; and (iii) support staff.

(AQW 46299/11-15)

Mr Storey: The information requested is set out in the following table.

DSD Business Traveller	2011-2012 £	2012-2013 £	2013-2014 £	2014-2015 £
Minister	7,042	3,878	3,338	897
Special Adviser	8,982	1,477	2,890	1,295
Support staff	1,695	9,350	6,472	1,571

Note: Figures have been rounded to the nearest £1.

Mr Campbell asked the Minister for Social Development what was the perceived community background of the Direct Labour Organisation staff employed under the auspices of the Housing Executive on 31st December 2014.

(AQW 46347/11-15)

Mr Storey: The Housing Executive has advised that at 31 December 2014 the community background of the Direct Labour Organisation staff was as follows:-

- Protestant 206
- Roman Catholic 121
- Not known 23

Mr Allister asked the Minister for Social Development how much his Department has spent on Special Advisers in each year since 2011, broken down by (i) salary; (ii) pension contributions; (iii) expenses; (iv) office costs; and (v) other costs.

(AQW 46357/11-15)

Mr Storey: The Department is subject to the Data Protection Act in the disclosure of remuneration details of civil servants other than in broad terms. The information which is provided below has therefore had regard to Data Protection considerations.

The table below sets out the minimum and maximum of the pay scales for Special Advisers within the Department for Social Development during the period from 1 April 2011 to 31 March 2015.

Salary Range

Year	Minimum	Maximum
2011/12	£57,300	£90,000
2012/13	£57,873	£90,900
2013/14	£58,452	£91,809
2014/15	£59,037	£91,809

- (i) Employer's pension contributions were paid over at a rate of 23½% in the period from 1 April 2011 to 31 March 2014 and at a rate of 26.3% in the period from 1 April 2014 to 31 March 2015.
- (ii) Expenses paid to Special Advisers in the period from 1 April 2011 to 31 March 2015 totalled £2,980.
- (iii) There were no incremental office costs as a result of Special Advisers using existing NICS DFP provided accommodation.
- (iv) Other costs in the period from 1 April 2011 to 31 March 2015 totalled £38,630 and include Employer's National Insurance Contributions, telephony costs, computer charges, stationery, hospitality and office equipment.

Mrs Cochrane asked the Minister for Social Development to (i) provide a projected timeframe for when approval for the introduction of the HMO Bill will be granted by the Northern Ireland Executive; and (ii) to indicate when he anticipates the HMO Bill will be brought before the Northern Ireland Assembly.

(AQW 46363/11-15)

Mr Storey: The Office of the Legislative Counsel has now drafted the Bill on the basis of the agreed policy. I will shortly be bringing forward a paper seeking Executive agreement to introduce the Houses in Multiple Occupation Bill in the Assembly. The Bill must pass final stage prior to the dissolution of the Assembly next year. Subject to Assembly process it is my aim to have the Bill completed in this mandate.

Mr McGlone asked the Minister for Social Development to provide a breakdown by council area of (i) how many inspections have taken place; and (ii) how many individual homes have been approved for work since the introduction of the Affordable Warmth Scheme.

(AQW 46364/11-15)

Mr Storey: Since the introduction of the Affordable Warmth Scheme, Housing Executive have carried out a total of 1,713 property inspections and have issued works approvals for 504 homes. The breakdown by council is shown below.

	Inspections	Approvals
Antrim & Newtownabbey Borough Council	95	24
Armagh City, Banbridge & Craigavon Borough Council	169	38
Belfast City Council	232	58
Causeway Coast & Glens District Council	111	27
Derry City & Strabane District Council	18	3
Fermanagh & Omagh District Council	196	45
Lisburn & Castlereagh City Council	107	48
Mid & East Antrim Borough Council	137	52
Mid Ulster District Council	350	109
Newry Mourne & Down District Council	190	60
Ards & North Down Borough Council	108	40
Totals	1,713	504

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Eastwood asked the Minister for Social Development to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

(AQW 46371/11-15)

Mr Storey: The table below provides details of capital infrastructure projects financed by my Department in Foyle in 2013/14, and the total DSD cost of each project.

Project Name	DSD Cost in 13/14	Total DSD Cost
Inveroe Gardens Park - Regeneration of a derelict site into a landscaped park in the Creggan Estate	£50,350.00	£249,983.80
Resurfacing and upgrading of footways and carriageway and upgrading of street lighting on Westland Street	£120,000.00	£120,000.00
Upgrading & resurfacing of footways and upgrading of street lighting infrastructure at Charlotte Street, Long Tower Street and Henrietta Street, providing parking at Henrietta Street	£105,000.00	£105,000.00
Upgrading & resurfacing of footways at Bishop Street	£20,000.00	£20,000.00
Rainbow Child & Family Centre - Extension and upgrade of Centre	£8,385.68	£346,512.48
Unity Sculpture - Lighting & Landscaping Plan	£29,946.00	£29,946.00
Upgrading of street lighting and the resurfacing and upgrading of footways at Carnhill	£152,000.00	£152,000.00
Resurfacing and upgrading of footways in the Triangle Area. Resurfacing and upgrading of footways and repairs to walls at Meenan's Terrace, Carlin Terrace, Cross Street and Duddy's Court	£120,000.00	£120,000.00
Resurfacing and upgrading of footways and street lighting on May Street, Bonds Street, Bonds Place, Pine Street, Roulston Avenue, Emerson Street, Bonds Place, Clooneyville Avenue, Ulsterville Avenue, Cliftonville Avenue, Emerson Gardens and Ebrington Street (Upper and lower)	£245,000.00	£245,000.00
Fountain Environmental Improvement Scheme - enhancement of pathway and upgrading of lighting, seating and signage within the Fountain Estate adjacent to the City Walls.	£37,029.00	£44,152.11
Lecky Road Flyover Refurbishment	£310,000.00	£310,000.00
North West Regional Science Park Infrastructure - General site groundwork infrastructure works to provide paving, kerbs, roads and drainage	£50,788.12	£358,788.12
Dorman's Wharf Public Realm - new paving, lights, street furniture and landscaping	£194,000.00	£211,501.00
Strand Road from Sackville St to Gt James St Public Realm - new paving, lighting, street furniture and road resurfacing	£21,379.00	£267,910.00
Restore/Revitalisation – upgrades to properties in Castle St, Duke St and William St	£293,968.00	£328,892.00
Peace Flame – Installation of a Peace Flame in the urban park adjacent to the Guildhall	£14,200.00	£14,200.00
North West Regional Sports Campus (The Arena) capital project	£200,000.00	£656,000.00
Clooney Terrace - upgrade paving, carriageway resurfacing and upgrade of lighting	£130,000.00	£130,000.00
Asylum Road - upgrade paving, carriageway resurfacing and upgrade of lighting	£337,000.00	£337,000.00
Princes Street - upgrade paving, carriageway resurfacing and upgrade lighting	£93,000.00	£93,000.00

Project Name	DSD Cost in 13/14	Total DSD Cost
Craigavon Bridge Lighting - lighting footway of lower deck and refurbishment of ornate lanterns upper deck	£53,000.00	£53,000.00
Great James St/Little James St - resurfacing and upgrading of footways and lighting	£43,000.00	£317,000.00
Urban Development Grant - 8 Artillery St - Regeneration of building	£59,500.00	£71,995.00
Urban Development Grant - 12 Castle St/11 Magazine St - Regeneration of building	£36,476.00	£147,519.00
Urban Development Grant - 91 Spencer Road - extension of building	£13,276.00	£13,276.00
Creggan Neighbourhood Partnership Centre – Multi Purpose Neighbourhood Centre	£95,000.00	£360,000.00
Holywell DiverseCity Community Partnership Building – Community Network Centre	£105,000.00	£1,500,000.00
Total	£2,937,297.80	£6,602,675.51

Mr Weir asked the Minister for Social Development to detail the processes and procedures for evicting a Housing Executive tenant due to anti-social behaviour.

(AQW 46386/11-15)

Mr Storey: Full details of the Housing Executive's processes and procedures on eviction of a tenant due to anti-social behaviour can be found on their web site at www.nihe.gov.uk; statement of policy and procedures on anti-social behaviour.

Mr Campbell asked the Minister for Social Development how many older people does he estimate will benefit from the new State Pension Scheme in the financial year commencing 1st April 2016.

(AQW 46415/11-15)

Mr Storey: An estimated 11,500 people in Northern Ireland will be eligible for the new State Pension in the 2016 – 17 financial year. Based on Department for Work and Pensions projections, 20 per cent of those reaching State Pension age in 2016 – 2017 (approximately 2,300 in Northern Ireland) will have a better outcome than under the current system had it continued. The median increase is estimated to be £9 per week.

Ms Sugden asked the Minister for Social Development how many people are in receipt of Independent Living Fund payments in East Londonderry.

(AQW 46447/11-15)

Mr Storey: There are currently 27 service users in receipt of Independent Living Fund payments, in the East Londonderry area.

Mr Gardiner asked the Minister for Social Development to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46465/11-15)

Mr Storey: One Ministerial Direction has been issued by the Minister for Social Development since May 2007.

On 4 July 2014 a Ministerial Direction was sought from Minister Nelson McCausland for the provision of transitional funding for the Integrated Services for Children and Young People project in Greater Shankill and West Belfast. This project was cross-cutting, involving contributions from both DHSSPS and DSD and Executive approval was sought. The Minister's Direction required that up to £270k would be made available to the Greater Shankill Partnership and the West Belfast Partnership. Ministers agreed that DSD should provide 75% (£199.5k) and DHSSPS 25% (£66.5k).

Mr Eastwood asked the Minister for Social Development, pursuant to AQW 45683/11-15, for a breakdown of the 566 social housing new builds in Foyle for 2014/15.

(AQW 46536/11-15)

Mr Storey: The following table outlines the breakdown for the 566 social housing new builds in Foyle for 2014/15.

Housing Association	Location 1	Scheme Type	Need Group	Units	Onsite Year	Completion Year
Apex Housing	8 Sandale Park	Existing Satisfactory Purchases	General Needs	1	2014/15	2014/15
Apex Housing	St Peter's School, Creggan	New Build	General Needs	124	2014/15	2016/17
Apex Housing	St Peter's School, Creggan	New Build	Physically Disabled	3	2014/15	2016/17
Apex Housing	Old School Lane (Transfer)	New Build	General Needs	12	2014/15	2015/16
Apex Housing	Land @ Lower Galliagh Road, Londonderry Ph 1	New Build	General Needs	164	2014/15	2017/18
Apex Housing	Land @ Lower Galliagh Road, Londonderry Ph 1	New Build	Active Elderly	32	2014/15	2017/18
Apex Housing	Land @ Lower Galliagh Road, Londonderry Ph1	New Build	Physically Disabled	1	2014/15	2017/18
Apex Housing	Cedar Villa Replacement	New Build	Mental Health	16	2014/15	2015/16
Apex Housing	Springtown Road Ph2	Off-the-Shelf	General Needs	7	2014/15	2015/16
Apex Housing	94 Circular Road	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	32 Westway	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	25 Rathlin Drive	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	118 Carnhill	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	11 Curragh Walk	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	79 Cornshell Fields	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	4 Balbane Pass	Rehabilitation	General Needs	1	2014/15	2014/15
Apex Housing	88 Bloomfield Park	Rehabilitation	General Needs	1	2014/15	2014/15
Clanmil	137 Northland Road	New Build	General Needs	68	2014/15	2016/17
Clanmil	137 Northland Road	New Build	Active Elderly	10	2014/15	2016/17
Clanmil	8A&10 Clooney Terrace	New Build	Active Elderly	9	2014/15	2015/16
Fold	Skeoge Design & Build	New Build	General Needs	58	2014/15	2015/16
Fold	Skeoge Design & Build	New Build	Active Elderly	8	2014/15	2015/16
Fold	Skeoge Design & Build	New Build	Physically Disabled	4	2014/15	2015/16

Housing Association	Location 1	Scheme Type	Need Group	Units	Onsite Year	Completion Year
Habinteg	20 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	21 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	23 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	28 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	33 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	37 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	11 Inch View	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	16 Inch View	Existing Satisfactory Purchases	General Needs	1	2014/15	2015/16
Habinteg	6 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2014/15
Habinteg	25 Conars Court	Existing Satisfactory Purchases	General Needs	1	2014/15	2014/15
Habinteg	12 John Street	Re-improvement	General Needs	20	2014/15	2015/16
Oaklee Trinity	Moyglass Place, Strathfoyle (Transfer)	New Build	General Needs	11	2014/15	2015/16

Mr Hussey asked the Minister for Social Development, pursuant to AQW 45868/11-15, to detail (i) when the report will be made available to Members; and (ii) the posts that were downgraded.

(AQW 46616/11-15)

Mr Storey: As I advised in my response to the previous Question, the Review Report is currently at draft stage and is being considered by DSD and NI Courts & Tribunals Service management. As it contains information on internal operational matters, it would not be appropriate to make the Report available to Assembly Members.

In response to the second part of your question the draft report makes no recommendation that any posts be downgraded.

Mr Kinahan asked the Minister for Social Development to detail the process by which charities register with the Charities Commission; and the standard timeframe for each application.

(AQW 46812/11-15)

Mr Storey: Charities register with the Charity Commission for Northern Ireland by completing an online application form. Information requested includes key information on the charity and its trustees and how it meets the legal requirements to be a charity.

The standard timeframe for each application is between three and four months.

Mr Kinahan asked the Minister for Social Development to detail the number of charities waiting to be registered with the Northern Ireland Charities Commission.

(AQW 46813/11-15)

Mr Storey: There are currently around 8,800 organisations waiting to be registered with the Charity Commission for Northern Ireland.

Northern Ireland Assembly Commission

Mr Hussey asked the Assembly Commission whether it has issued guidelines in relation to the use of constituency offices; and to detail any available sanctions for breaches of these guidelines.

(AQW 46449/11-15)

Mrs Cochrane (The Representative of the Assembly Commission): Members may choose to establish and run a constituency office to assist them in carrying out their Assembly Duties. Such an office may or may not be funded under the framework of financial support for Members. If a Member chooses to claim the associated costs of establishing and running a constituency office, such claims are made under the provisions of paragraph 9 of the Northern Ireland Assembly Members' Salaries, Allowances, Expenses and Pensions Determination 2012 (as amended). This Determination is issued by the Independent Financial Review Panel (IFRP) and establishes the level of financial support and the qualifying conditions for that support. A full copy of the Determination may be found on the Independent Financial Review Panel's website at <http://ifrp.org.uk/reports-and-determinations/>

A Member can only recover Office Cost Expenditure that is incurred in connection with carrying out that Member's Assembly duties. To assist Members in applying the financial framework, the Assembly Commission has published a detailed guide on the administrative processes and the appropriate use of resources funded by this financial framework. The Financial Support for Members Handbook is issued to all Members at the start of each mandate was electronically re-issued to all Members in December 2012. The Handbook is also available on the Assembly website at http://www.niassembly.gov.uk/globalassets/documents/your_mlas/financial-support-for-members-handbook.pdf.

The Handbook clearly states that the purpose of OCE is to meet the expenditure that "is wholly, exclusively and necessarily incurred by a Member in carrying out his/her Assembly Duties". Each Member completes a declaration, confirming this, when a claim form is signed, and submitted for payment. Therefore, any constituency office that is used by Members and funded from OCE must only be used for these purposes. Specific advice on constituency office use and associated costs is given in Section 4, Paragraphs 24-28 of the Handbook. Any other office that is not funded from OCE is not subject to these rules. While the Handbook is the main form of guidance for Members, it may be necessary from time to time to contact Members directly by way of a reminder on specific issues or to offer additional advice. By way of example, guidance was recently issued to Members regarding the use of resources during an election campaign.

As detailed in Section 2, paragraph 8 of the Handbook, any potential breaches of rules that may arise from the scrutiny of claims by the Finance Office or by way of internal or external audit reviews, can be referred to the Clerk / Chief Executive who may bring the matter to the attention of the Assembly Commissioner for Standards. In addition, the Finance Office may seek recovery of the cost of any resources that are not used for Assembly purposes.

Mr Allister asked the Assembly Commission to detail the access arrangements in place on 2nd and 3rd June 2015 affecting (i) the roof of Parliament Buildings, (ii) the discrete area where the flag poles are situated, and how and by whom the credentials of those approved to be in these areas were checked for each and every trip to the subject areas.

(AQW 46742/11-15)

Mrs Cochrane (The Representative of the Assembly Commission): The Assembly Commission appointed a main contractor for the repair and refurbishment of the roof of Parliament Buildings, henceforth known as the Roof Project, and work started on site in May 2014 with completion due in June 2015.

In order to facilitate this work, the entire fourth floor and roof of Parliament Buildings were handed over to the main contractor, who subsequently assumed responsibility for the management of those areas as a construction site.

The process for obtaining security clearance of any contractors involved in work at Parliament Buildings including those involved in the Roof Project, is managed on a daily basis within the Facilities Directorate by Usher Services staff.

All contractors entering Parliament Buildings are first required to produce written evidence that they have undergone appropriate security clearance, and once Usher Services are in receipt of this, a contractor may be granted unrestricted access. Where such clearance is pending, or occasionally to facilitate critical work, restricted access under escort may be granted.

You will have noted that the Speaker has written to all Members and provided an update report on the incident following a meeting of the Assembly Commission on 8 June 2015.

Lord Morrow asked the Assembly Commission to detail (i) prior to the flag incidents at Parliament Buildings on both the 2 and 3 June 2015 how many contractors were routinely operating on-site; (ii) following the incidents how many contractors were found not to be authorised to have access to the building; and (iii) how and why was this security breach permitted to occur.

(AQW 46831/11-15)

Mr Ramsey (The Representative of the Assembly Commission): The number of contractor staff present in Parliament Buildings varies dependent upon the nature of ongoing work on any given day. This can also be said of the Roof Project.

Our records show that on Tuesday 2nd June 2015, 54 contractor staff were on site at Parliament Buildings, of whom 49 were involved in the Roof project. Similar figures for Wednesday 3rd June show 50 on site and 44 were involved in the roof project respectively.

No contractors were found to have had unauthorised access to Parliament Buildings on either date.

Following a formal complaint, the PSNI launched an investigation into the incident which is currently ongoing and has not yet concluded.

Following a meeting of the Assembly Commission on 8 June 2015, the Speaker has written to all Members and provided an update report on the incident.

Mr Allister asked the Assembly Commission how a foreign flag came to be flown from Parliament Buildings on 3 June 2015 and what investigations have been concluded.

(AQW 46856/11-15)

Mr Ramsey (The Representative of the Assembly Commission): On Wednesday 3rd June at around 1.10pm, Northern Ireland Assembly Police Unit reported to Usher Services that two flags were flying from the flagpoles on the roof of Parliament Buildings. The flags were later confirmed to be the Irish National flag and a green-coloured flag with the words "Irish Republic" written on it. Within a few minutes staff from Usher Services had removed the flags.

Acting on behalf of the Commission, senior officials instructed the contractor to provide a report on the incident and to report back. That report was received on 5th June and presented to the Commission at its meeting on 8th June. You will have noted that the Speaker has written to all Members and provided an update report on the incident following a meeting of the Assembly Commission on 8th June (Reference response to AQW46742/11-15).

Following a formal complaint, the PSNI launched an investigation into the incident which is currently ongoing and has not yet concluded.

Northern Ireland Assembly

Friday 19 June 2015

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mrs D Kelly asked the First Minister and deputy First Minister whether their Department is showing overspend on their budget for this financial year; and if so, by how much and what has led to this overspend.
(AQW 39675/11-15)

Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister): In 2014/15 financial year the Department maintained expenditure within budget and reported an overall outturn of 1.0% below budget.

Mr McKinney asked the First Minister and deputy First Minister for a breakdown of all current spend on the implementation of the Dementia Services initiative, as part of the Delivering Social Change programme.
(AQW 44015/11-15)

Mr P Robinson and Mr M McGuinness: The Delivering Social Change Dementia initiative was launched in September 2014, with a budget of £6.25m over three years to 2017.

A Project Manager was appointed on 1 December 2014, and four Project Officers have been recruited. The estimated spend for 2014/15 is £230k, and relates to salary costs for the project team and providing support for carers of people with dementia.

Mr McKinney asked the First Minister and deputy First Minister for an update on the progress of the Dementia Services Initiative delivered through the Delivering Social Change Programme.
(AQW 44016/11-15)

Mr P Robinson and Mr M McGuinness: The Delivering Social Change Dementia initiative was launched in September 2014, with a budget of £6.25m over three years to 2017.

The aims of this project are to promote greater understanding and awareness of dementia across the whole community; to enhance the quality of services for people with dementia through improved training opportunities for staff; and to develop a range of innovative support services for carers of people with dementia.

A Project Manager was appointed on 1 December 2014, and four Project Officers have been recruited. A Programme Plan was recently approved by the Delivering Social Change Dementia Project Board. Initial work is underway including:

- Initial scoping exercises have been undertaken;
- Focus groups are being established for all three workstreams;
- Engagements meetings have been held to consider the recruitment of dementia navigator posts;
- A logo has been developed (Dementia Together NI), and a newsletter will be issued on a regular basis to provide updates on progress; and
- Work has commenced on the development of an Outcomes Based Accountability Model.

Mrs Overend asked the First Minister and deputy First Minister to list their current Special Advisers and the date that each assumed office.
(AQW 44149/11-15)

Mr P Robinson and Mr M McGuinness:

Name	Date of Appointment
Richard Bullick	12 May 2011
Conor Heaney	8 April 2014
Timothy Johnston	12 May 2011
Mark Mullan	15 October 2014

Name	Date of Appointment
Dr Dara O'Hagan	12 May 2011
Emma Pengelly	12 May 2011

Ms Fearon asked the First Minister and deputy First Minister, in their coordinating role for the Children and Young People Strategy 2006-2016, are they aware of any steps being taken to repeal the defence of reasonable chastisement to protect children.

(AQO 7833/11-15)

Mr P Robinson and Mr M McGuinness: We are not aware of any steps being taken to repeal the defence of reasonable chastisement.

Mr Nesbitt asked the First Minister and deputy First Minister, pursuant to AQW 42830/11-15, of the six groups that received funding from the Good Relations Funding and Delivery Branch in 2014/15, to detail (i) when each application was received; (ii) when each decision was made; and (iii) when the awards were made.

(AQW 44355/11-15)

Mr P Robinson and Mr M McGuinness: The table below details: when each application was received; when the initial decision to fund the group was made; and when the initial awards were made (i.e. the dates when the formal Letters of Offer (LoO) were issued). Groups are advised by email or telephone as soon as a funding decision is made.

Project Funding

Group	Application Received	Decision Made Re Funding	Award - Loo Issued
Co-operation Ireland	7/2/14	27/3/14	5/6/14
Cinemagic	10/2/14	25/4/14	25/6/14
Training for Women Network	10/2/14	21/8/14	31/10/14
Lower Ormeau Residents' Association	10/2/14	21/8/14	10/11/14
Annadale Haywood Residents' Association	10/2/14	10/2/15	6/3/15

Small Grant Funding

Group	Application Received	Decision Made Re Funding	Award - Loo Issued
Sandy Row Residents' Association	10/2/14	30/6/14	8/7/14

It should be noted that the application process for small grant funding remains open throughout the year and that some project funding was allocated to groups in phases as funding became available in year.

Mr Lyttle asked the First Minister and deputy First Minister whether the Child Poverty Act 2010 (Persistent Poverty Target) Regulations 2014 applies to Northern Ireland; and if not, what strategy the Executive has in place to define the persistent child poverty threshold and to report on it.

(AQW 45382/11-15)

Mr P Robinson and Mr M McGuinness: The Child Poverty Act 2010 (Persistent Poverty Target) Regulations 2014, which came into force on 31 December 2014, set a target for persistent poverty for the UK of below 7% by 2020. There are currently no official statistics relating to persistent poverty here and we await official data from the UK Government. The Department for Work and Pensions are currently investigating development of new persistent poverty statistics, including a regional breakdown, and hope to be in a position to publish these by the end of the year. Any new statistics would be pre-announced and published in compliance with the UK Statistics Authority Code of Practice. We will report on the Persistent Poverty measure in the Executive's Annual Reports on Child Poverty once this information becomes available.

Mr Dallat asked the First Minister and deputy First Minister when a new Commissioner for Victims and Survivors will be appointed.

(AQO 8113/11-15)

Mr P Robinson and Mr M McGuinness: As the competition to appoint a new Victims Commissioner is still live, it would not be appropriate to comment further at this time.

We place great importance on ensuring that all victims and survivors have an appropriate representative voice through the Commissioner and we want to ensure we have the right person for the job.

Mr Eastwood asked the First Minister and deputy First Minister (i) to detail the Social Investment Fund projects in the Derry Zone; and (ii) for an update on each project.

(AQW 45667/11-15)

Mr P Robinson and Mr M McGuinness: There are three projects in the Derry/Londonderry zone that are within the zone's affordability limit:

- **Capital Cluster: Invest in Play** – This capital project will provide four play parks and Multi-Use Games Areas. A Letter of Offer has issued and work is ongoing to meet preconditions.
- **Community Works Programme** – A zone wide revenue project to provide work placements. A Letter of Offer has been issued and a Service Delivery
- Organisation has been appointed. The project will commence delivery shortly.
- **Capital Cluster – Pitches** – This project will increase sporting facilities throughout the Derry City Council area. This project is currently progressing through the approvals process.

Mr D McIlveen asked the First Minister and deputy First Minister for an update on the progress of the Racial Equality Strategy.

(AQW 45672/11-15)

Mr P Robinson and Mr M McGuinness: The analysis of responses submitted during the public consultation has now been completed.

In liaison with representatives from the sector, officials will now finalise a revised strategy. This will be published in due course.

Mr Allister asked the First Minister and deputy First Minister to detail the duration of the North South Ministerial Council Meeting in Transport Sectoral Format on 22 April 2015.

(AQW 45686/11-15)

Mr P Robinson and Mr M McGuinness: The duration of North South Ministerial Council meetings is not recorded.

Ms Sugden asked the First Minister and deputy First Minister for an update on the civic advisory panel proposed in the Stormont House Agreement which was to be in place by June 2015.

(AQW 45750/11-15)

Mr P Robinson and Mr M McGuinness: Arrangements for establishing a new model for engaging with civic society, as envisaged in the Stormont House Agreement, are currently under consideration by the Executive party leaders.

Mr Rogers asked the First Minister and deputy First Minister, pursuant to AQW 40751/11-15, for an update on any progress with the Narrow Water Bridge project.

(AQW 45801/11-15)

Mr P Robinson and Mr M McGuinness: The position remains as reported in AQW 40751/11-15, that during discussions at North South Ministerial Council meetings both Governments indicated that they remain supportive of the concept of a bridge at Narrow Water subject to the availability of funding for the project.

Ms Sugden asked the First Minister and deputy First Minister to outline the strategic aims and immediate priorities in the Disability Strategy, as extended to 2017.

(AQW 45876/11-15)

Mr P Robinson and Mr M McGuinness: The Disability Strategy aims to improve the lives of people with disabilities, their families and carers. It also seeks to give people with disabilities the opportunity to participate, contribute and benefit equally from society. Within the Strategy there are 18 strategic priorities, details of which can be found at www.ofmdfmi.gov.uk/disability-strategy-2012-2015-revised-010313.pdf.

Mr Campbell asked the First Minister and deputy First Minister whether any assessment has been made of the potential private sector job creation which exists in the next three years through maximising the sites at Ballykelly and the Maze.

(AQW 45917/11-15)

Mr P Robinson and Mr M McGuinness: The soft market testing exercise which was completed in 2014 identified a wide range of job creation opportunities for the Shackleton site. Our intention is to put the site on the market this year. A key criterion to be used to assess proposals for purchasing the site will be job creation.

There is no current agreement on Maze/Long Kesh issues.

Mr Dunne asked the First Minister and deputy First Minister to outline any plans to introduce a new junction from the M1 to improve access to the Maze/Balmoral showground's site.

(AQW 45924/11-15)

Mr P Robinson and Mr M McGuinness: There is no current agreement on Maze/Long Kesh issues.

Ms Sugden asked the First Minister and deputy First Minister when the consultation document on the proposals for prohibiting unfair age discrimination by those providing goods, facilities and services will be issued.

(AQW 45985/11-15)

Mr P Robinson and Mr M McGuinness: The consultation document is close to being finalised. Subject to agreement, we aim to issue the consultation document before the Summer Recess. The public consultation period will last for a minimum of 12 weeks.

Ms Sugden asked the First Minister and deputy First Minister to detail all of the steps taken, since the Written Ministerial Statement to the Assembly on 19 February 2015, to further the proposals for prohibiting unfair age discrimination by those providing goods, facilities and services.

(AQW 45988/11-15)

Mr P Robinson and Mr M McGuinness: Following our Ministerial statement on 19 February 2015, departmental officials have been engaged in developing a policy consultation document and a supporting Equality Impact Assessment. Officials have also met with departments and key stakeholder organisations to progress the development of these documents. On 15 April 2015, the former Junior Minister Bell and Junior Minister McCann appeared before the Committee for OFMDFM to provide a progress update.

Mr Beggs asked the First Minister and deputy First Minister to publish the names of the organisations that have applied for permission to hold events at Balmoral Park, since 2011.

(AQW 46058/11-15)

Mr P Robinson and Mr M McGuinness: This is a matter for the Royal Ulster Agricultural Society (RUAS) as the Balmoral Park site is occupied under Licence by the RUAs.

Mr Allister asked the First Minister and deputy First Minister what innovative actions, and with what effect, have been taken since the introduction of the Autism Strategy.

(AQW 46122/11-15)

Mr P Robinson and Mr M McGuinness: The Autism Strategy and associated Action Plan have been developed by the Department of Health, Social Services and Public Safety to help improve access to services and support for people with autism, their families and careers, throughout their lives.

While there are no specific actions in the Action Plan for OFMDFM, as it is not a service delivery department, OFMDFM is providing input on two issues:

- (i) Participation in World Autism Awareness day where, over the last three years, ILEX has provided facilities to four local Autism Charities to celebrate International Autism day and;
- (ii) Involvement in signposting to services for people with autism. In the case of the latter, former Junior Minister Bell and Junior Minister McCann met with the group, Parents Education as Autism Therapists in May last year.

Additionally, as part of OFMDFM's research programme, we have funded Queen's University Belfast to carry out a research project entitled 'Helping the most vulnerable out of the poverty trap and reducing inequality: Policies, strategies, and services for individuals with Autism Spectrum Disorder, including intellectual and neurodevelopmental disabilities'. The research is currently reaching the final stages and it is anticipated that it will be published later this year.

Mr McKinney asked the First Minister and deputy First Minister for an update on the Goods, Facilities and Services legislation.

(AQW 46438/11-15)

Mr P Robinson and Mr M McGuinness: We made a Written Ministerial Statement to the Assembly on 19 February 2015 announcing our decision to bring forward legislative proposals to prohibit unfair age discrimination by those providing, goods, facilities and services. The proposed legislation will apply to people aged 16 and over.

We aim to issue a consultation document in the near future setting out our proposals for legislation. When we have concluded our policy consultation, and agreed a robust policy position, we will then consider all the options available to us for bringing this legislation before the Assembly.

Mr McElduff asked the First Minister and deputy First Minister when the North South Ministerial Council will meet to discuss the North West Gateway Initiative.

(AQO 8237/11-15)

Mr P Robinson and Mr M McGuinness: The next NSMC Plenary meeting is scheduled for 5 June and a discussion on the North West Gateway Initiative is included on the draft agenda.

A dedicated meeting of Ministers from both jurisdictions is due to take place in the North West. While it was originally intended that this should take place during May, respective diary issues have meant that it has not been possible to find a mutually suitable date. We have however proposed a further date to the Irish Government and are awaiting their response.

The North West has also been the initial focus of the Executive's Regional Opportunities Ministerial Sub-Group which has been established to consider the enhancement of economic opportunities in all areas where a special focus may be needed.

At its meeting on 5 March, the Sub-Group considered a range of issues relevant to the North West, including the digital and creative industries, the expansion of Magee University and also the future development of the North West Gateway Initiative. Particular emphasis was placed on the need for investment in road infrastructure, specifically the A5 and A6, and improved public transport links to increase access and connectivity.

We issued a statement following the meeting which is available on the OFMDFM website.

Ms Fearon asked the First Minister and deputy First Minister for an update on age discrimination legislation on the provision of goods, facilities and services.

(AQO 8236/11-15)

Mr P Robinson and Mr M McGuinness: We made a statement on 19 February giving a commitment to extend legislation to give legal protection from unfair age discrimination, to those aged 16 years and over, by those providing, goods, facilities and services. The statement also announced the intention to bring forward a consultation document setting out proposals for outlawing age discrimination.

Our officials have met with departments and key stakeholder organisations to progress the development of the proposed consultation document.

On the 15 April the Junior Ministers appeared before the Committee for OFMDFM to update Members on progress on the development of the consultation document.

Subject to agreement, we intend to issue the consultation document in the near future.

Mr D Bradley asked the First Minister and deputy First Minister to outline the rationale for extending the Disability Strategy until March 2017.

(AQO 8246/11-15)

Mr P Robinson and Mr M McGuinness: The Executive recently agreed to extend the life of the Disability Strategy until 2017, to provide additional time to fully implement the recommendations.

We are committed to protecting and promoting the rights of people with disabilities in our community and the extension will have the additional benefit of providing adequate time to consult on and develop a new strategy next year.

Mr D McIlveen asked the First Minister and deputy First Minister for their assessment of the impact on the next Programme for Government of the recent election of the Conservative Government at Westminster.

(AQO 8248/11-15)

Mr P Robinson and Mr M McGuinness: We are committed to delivering on the priorities of the Executive as articulated in the Programme for Government, and to using all of the resources at our disposal to improve the lives of people here.

Mr A Maginness asked the First Minister and deputy First Minister for their assessment of the quality of service provided by the Victims and Survivors Service.

(AQO 8118/11-15)

Mr P Robinson and Mr M McGuinness: We are committed to ensuring that Victims and Survivors receive the best services we can provide and that funding goes to those who need it most. As such we are continually looking at how we can improve the delivery of services.

Following an Independent Assessment in February 2014 a number of recommendations for improvements were implemented. A follow up report on their implementation was positive and highlighted improvements in several areas.

In collaboration with key stakeholders, the Department has commenced a review of the service delivery model which currently provides services to Victims and Survivors. Input from stakeholders, together with the recommendations from the recent reviews of the Victims and Survivors Service, will provide a useful steer on the changes required to ensure an improved victim centred service.

The collaborative design programme of work will extend throughout 2015-2016.

Department of Agriculture and Rural Development

Mr Byrne asked the Minister of Agriculture and Rural Development to detail the measures the Forest Service uses to prevent tree seed from existing forests establishing on adjacent private land; and if there are no preventative measures, what remedial measures are used to remove or control such seeding.

(AQW 46475/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): The Forest Service does not take any measures to prevent trees seeding from its forests onto adjoining land. In most cases management by landowners through grazing or cropping is sufficient to prevent tree seeds germinating and growing into mature trees. In general I do not consider that management action by Forest Service is necessary to alleviate such problems, nor do I consider that this inconvenience is sufficient reason for removing trees.

Mr D McIlveen asked the Minister of Agriculture and Rural Development whether his Department has considered providing a grant scheme for individual household flood protection.

(AQW 46486/11-15)

Mrs O'Neill: A business case has been approved for a Homeowner Flood Protection Grant Scheme, to part fund Individual Property-level Flood Protection as a viable option to reduce Flood Risk. Work is presently ongoing in relation to the development of contracts to provide technical expertise and undertake the installation of Individual Property Protection products, such as barriers for doorways. The scheme is likely to be launched in the final quarter of 2015.

Mr Campbell asked the Minister of Agriculture and Rural Development, pursuant to AQW 45645/11-15, why, in addition to the local Member of Parliament, MLA's, community association and community workers, a Sinn Féin Westminster candidate for another constituency was among the guests.

(AQW 46515/11-15)

Mrs O'Neill: No Westminster candidates, apart from you as the sitting MP for the area, were invited as guests to the media event at the Ballykelly site on the 18th February by my department or me.

Mr Gardiner asked the Minister of Agriculture and Rural Development how much her Department and arm's-length bodies have spent on translation services, broken down by language, in each year since 2007.

(AQW 46659/11-15)

Mrs O'Neill: A breakdown of translations costs for my Department and arm's length bodies in each year since 2007 is provided in the table below:

DARD Expenditure on Translations Costs Last 8 Financial Years (2007-2015)*

Language	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
English - Irish	£4303.75	£1598.44	£2019.92	£5829.70	£3,650.12	£2,687.14	£3,400.24	£2,189.40
Irish - English	Nil	£206.76	Nil	Nil	£40.00	Nil	£44.64	Nil
English - Ulster-Scots	£88.54	£278.95	£692.12	£942.84	£1,342.48	£611.45	£1,445.76	£756.40
English - Russian	£420.30	£595.90	£80.00	£44.00	Nil	Nil	Nil	Nil
English - Czech	£347.30	£115.90	Nil	Nil	Nil	Nil	Nil	Nil
English - Latvian	£580.30	£175.90	£60.00	Nil	Nil	Nil	Nil	Nil
English - Lithuanian	£520.30	£175.90	£60.00	Nil	Nil	Nil	Nil	Nil
English - Mandarin	£427.70	£115.90	Nil	Nil	Nil	Nil	Nil	Nil
English - Slovakian	£347.30	£115.90	Nil	Nil	Nil	Nil	Nil	Nil
English - Polish	£310.00	£242.40	£260.00	£144.00	Nil	£47.15	Nil	£58.33
English - Portuguese	£155.00	£100.90	£60.00	£40.00	Nil	Nil	Nil	Nil
English - Cantonese	£220.00	£160.90	£80.00	Nil	Nil	Nil	Nil	Nil
English - Arabic	£70.00	Nil	Nil	Nil	Nil	Nil	Nil	Nil
English - French	£35.00	Nil	Nil	Nil	£80.00	Nil	Nil	£54.60
French - English	Nil	Nil	Nil	£97.95	£100.00	Nil	Nil	Nil
English - German	£35.00	Nil	Nil	Nil	Nil	Nil	Nil	£54.60

Language	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
English - Spanish	£35.00	Nil	Nil	Nil	Nil	Nil	Nil	£54.60
English - Dutch	Nil	Nil	Nil	Nil	Nil	Nil	Nil	£54.60
Norwegian - English	£1513.44	Nil	Nil	Nil	Nil	Nil	Nil	Nil
English - Italian	Nil	£58.75	Nil	Nil	Nil	Nil	Nil	£54.60
English - Hungarian	Nil	Nil	Nil	£47.00	Nil	Nil	Nil	Nil
Chinese - English	Nil	Nil	Nil	Nil	Nil	£1,053.12	Nil	Nil
English - Chinese	Nil	Nil	Nil	Nil	Nil	£124.28	Nil	£40.00

* Includes NDPD expenditure

Mr McMullan asked the Minister of Agriculture and Rural Development to detail the implications of the suspected BSE case in County Louth on local farmers.

(AQW 47246/11-15)

Mrs O'Neill: This isolated BSE case in County Louth does not represent any increased risk to public or animal health in the north of Ireland.

The BSE controls which have been in place here for many years continue to protect the public. These include rigorous surveillance, strict enforcement of cattle identification, registration and movement legislation and full controls in slaughterhouses and feed mills.

We will continue to make it clear to customers that our beef remains a quality product and safe to eat.

Mr Byrne asked the Minister of Agriculture and Rural Development what specific measures are being taken by local authorities to deal with any BSE scare resulting from the BSE occurrence recently diagnosed on a farm in County Louth.

(AQW 47247/11-15)

Mrs O'Neill: Since receiving reports about the BSE case in the south of Ireland, my officials have made every effort to provide clear and unambiguous reassurance to consumers and trading partners that adequate control measures are in place here to protect public and animal health.

The BSE controls which have been in place here for many years continue to protect the public. These include rigorous surveillance, strict enforcement of cattle identification, registration and movement legislation and full controls in slaughterhouses and feed mills.

Mr Frew asked the Minister of Agriculture and Rural Development for an update on the current charge for off-course bookmakers shops under article 9 of the Horse Racing (Northern Ireland) Order 1990; and whether she has any plans to change the fee.

(AQW 47295/11-15)

Mrs O'Neill: The Horse Racing Fund was last reviewed in 2008/09. At that time, the two local racecourses agreed a new charge with the local bookmakers for a period of five years. This agreement included a return to the current rate of £1,123 in 2015.

Following representations from the local racecourses and bookmakers, earlier this year I commissioned my officials to review the charges and to make recommendations for public consultation. It is anticipated that this public consultation will commence in the summer, with any new charges, if required, in place for the coming year, 2016.

Mr McCarthy asked the Minister of Agriculture and Rural Development what her Department is doing to improve the viability of the fishing and seafood industry.

(AQO 8425/11-15)

Mrs O'Neill: There are a number of initiatives in place that aim to improve the viability of the local fishing and seafood industry. As you will be aware, in June 2014, I created the Fishing Industry Taskforce to look at the long-term viability of the industry and to make recommendations on how, through partnership, we could best address the issues that were causing concern to the catching and processing sectors. The Taskforce delivered its interim report last December which made a number of recommendations on how viability could be enhanced. We have adopted all the Taskforce's recommendations, many of which will be supported through the pending European Maritime and Fisheries Fund Programme 2014-2020.

While the Fishing Industry Taskforce primarily focuses on our offshore vessels, my Department has also created Inshore Fisheries Partnership Group to examine the challenges facing our inshore fleet and to agree a way forward in addressing the viability of this sector. The recommendations made by this group will also be instrumental in shaping our EMFF investment proposals over the next few years.

The viability of our industry, including how we meet the challenging obligations set in the reformed Common Fisheries Policy, will be to the fore in developing proposals for our €13.4m share of the EMFF Programme that is ear-marked to assist, amongst others, the catching and processing sectors. The EMFF programme succeeds the, now ended, European Fisheries Fund Programme which, by December 2015, will have provided £19m financial assistance to our fishing industry and its dependent communities.

Mr I McCrea asked the Minister of Agriculture and Rural Development whether the new Rivers Agency headquarters in Cookstown will be able to benefit from Gas to the West in 2017.

(AQO 8426/11-15)

Mrs O'Neill: The current proposals for the new Rivers Agency Headquarters is to include a biomass boiler as the primary heat source with Liquefied Petroleum Gas (LPG) boilers as backup for maintenance or prolonged periods of cold weather. The decision to install a Biomass Boiler is based on energy efficiency, its renewable credentials and the economical benefits provided by the Governments "Renewable Heat Incentive" (RHI).

I am assured that the system can be easily converted to make use of natural gas. The utilisation of natural gas for the whole of the Loughry site will be a matter for consideration in the future.

Mrs Dobson asked the Minister of Agriculture and Rural Development what engagement has she had with the Minister of Health, Social Services and Public safety about the potential impact of budget reductions to the Northern Ireland Fire and Rescue Service on non-statutory services such as animal rescue.

(AQO 8427/11-15)

Mrs O'Neill: I have not had any engagement with the Minister for Health, Social Services and Public Safety in relation to the potential impact of budget reductions on the NI Fire and Rescue Service and its non-statutory services.

I understand that as part of ongoing budget considerations the NI Fire and Rescue Service is considering all aspects of its service delivery and no decisions have been made as yet.

Mrs Cochrane asked the Minister of Agriculture and Rural Development how her Department intends to assist farmers to improve the energy efficiency of their farms.

(AQO 8428/11-15)

Mrs O'Neill: My Department continues to assist farmers on ways to improve the energy efficiency of their farms through the on-going training available at the College of Agriculture, Food and Rural Enterprise (CAFRE).

The guidance and training on energy efficiency is delivered through the Development Service Industry Training Programme at workshops and events such as the Practical On-farm Renewable Energy Events.

Each year approximately 300 farms have their energy use benchmarked. In addition, the Dairy Unit at CAFRE encompasses a number of leading edge energy efficiency technologies that are demonstrated to farmers during the knowledge and technology transfer programme. CAFRE students, the Young Farmers of the future, also avail of information on energy efficiency and on how new technology can be implemented in a practical way on farm. These training courses coupled with technical articles supplied to the agricultural press ensure that the local farming community are aware of options open to them to be more energy efficient on their farms.

Mr McCartney asked the Minister of Agriculture and Rural Development how the Tackling Rural Poverty and Social Isolation Framework has helped the health and wellbeing of rural people.

(AQO 8429/11-15)

Mrs O'Neill: Through my Department's Tackling Rural Poverty and Social Isolation programme a number of initiatives have been funded that are having a positive impact on the health and well being of rural dwellers. Initiatives such as the MARA Project, the Farm Families Health Checks Programme, the work of the Rural Support charity, the Health in Mind Project, support of energy efficiency measures in rural homes, the Rural Challenge Programme, the Assisted Rural Travel Scheme and ongoing work with Libraries NI have improved health and well being as well as tackling poverty and social isolation.

Over the past four years over £16m has been invested in delivering a range of initiatives through the Tackling Rural Poverty and Social Isolation programme. The outworking of the schemes across the programme has shown that tackling poverty and social isolation issues has a direct positive impact on the long term health and well being of the rural dwellers. I will share the full programme evaluation with you when it is available later this year.

Mr Ó Muilleoir asked the Minister of Agriculture and Rural Development to outline the benefits her recent trip to China will provide for the local agricultural sector.

(AQO 8430/11-15)

Mrs O'Neill: Our agriculture industry has identified China as a key strategic trade partner across a range of agriculture commodities. My overarching aim for my third visit to China was to enhance the relationships I have already established to further the range of export negotiations afoot.

Having just had an inspection of our pork processors I considered it important to personally thank the Chinese government for this visit and impress upon them the importance of this market to our industry. I held a very positive and constructive meeting with the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and was delighted to learn they were impressed by our high standards of pork production. We will shortly receive the inspection report and I look forward to the north of Ireland being approved to export in the next few months.

My meetings with the EU, Irish and British Ambassadors gave me the opportunity to discuss my priorities for China and areas of mutual interest. The insights of the Ambassadors into the negotiation process were invaluable. I also met with the largest food processor and trader in China, COFCO, to outline my aim of securing demand for our agri-products and to enlist their support in sharing the message that we are keen to supply our high quality products and wholesome food.

Whilst the main focus of my visit was to further trade negotiations I also met with representatives in the field of agricultural education, the Chinese People's Association for Friendship with Foreign Countries and had a visit to a dairy farm. I have no doubt these engagements deepened relations with our Chinese partners. They afforded me the opportunity to further develop those close working relationship between the north and China in terms of the agricultural, technical, scientific and educational exchanges which are valued by both sides.

Department of Culture, Arts and Leisure

Ms McCorley asked the Minister of Culture, Arts and Leisure to detail the departmental funding awarded to Ulster-Scots projects over the last five years.
(AQW 46689/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): In the last five years, the Department has allocated £10.08m to the Ulster-Scots Agency. This represents 75% of the Agency's total budget.

The Department has also provided £3.4m to the Ministerial Advisory Group Ulster-Scots Academy since its inception in March 2011.

In addition the Arts Council has allocated £709,535 of lottery funding to Ulster-Scots projects, events and organisations during this period.

Mr B McCrea asked the Minister of Culture, Arts and Leisure to detail her Department's total spend on the Promoting Equality, Tackling Poverty and Social Exclusion agenda, broken down by group and project, in each of the last three financial years.
(AQW 46864/11-15)

Ms Ní Chuilín: All of the activity supported by my Department is focused on the Promoting Equality, Tackling Poverty and Social Exclusion (PETPSE) Agenda, aimed at improving the lives of those most in need. This includes the activity undertaken directly by my Department as well as that of its Arm's Length Bodies.

There is no specific grant scheme administered by Department in relation to PETPSE, as this agenda is a strategic direction, to underpin all departmental activity and is central as the driving force to DCAL's core functions.

In spite of there being no specific PETPSE budget nor a grant funding allocation, some excellent work has been undertaken to support this agenda, a few examples of which are below.

Coder Dojo is a social initiative that is run from the AmmA creative learning centre in Armagh, offering young people the opportunity to explore technology within a supported environment. The workshops are well attended and include youngsters with learning and behavioural difficulties. Coder Dojo is a prime example of how DCAL provides a tangible and positive impact on tackling disadvantage, demonstrating new pathways to learning to build literacy in learners who for health reasons may be excluded from engagement with traditional learning methodologies.

Another initiative, funded by DCAL, is the Reading Rooms delivered by the Verbal Arts Centre in Derry. It is a shared reading project to foster literacy and a joy of reading, which has resulted in positive community development and high participation levels within marginalised groups. This in turn has responded to its core objective to support the most marginalised, and assist them in gaining vital literacy and oral skills, the crucial first steps to tackle poverty.

The final example is a direct Departmental project operated in conjunction with the Waterside Theatre. Soundbeam delivered outreach workshops, which ultimately enabled 150 people with disabilities to participate in music therapy workshops, using soundbeam and vibracoustic equipment.

Mr B McCrea asked the Minister of Culture, Arts and Leisure to detail her Department's spend on the Stadium Programme to date, broken down by each sports ground.
(AQW 46866/11-15)

Ms Ní Chuilín: As of 31st March 2015 total spend on the Regional Stadium Programme was circa £42 million.

Spend to date across the Regional Stadium Programme can be allocated to each of the individual sports ground as follows:

- UCGAA, Casement Park Stadium - circa £5.6m
- IFA, Windsor Park Stadium - circa £19.9m
- Rugby, Kingspan Stadium - circa £16.5m

Mr Allister asked the Minister of Culture, Arts and Leisure why the only stand her Department had at the Balmoral Show was exclusively devoted to the promotion of Irish; and what plans her Department has to redress this approach in future years and at other events.

(AQW 46869/11-15)

Ms Ní Chuilín: Líofo took a stand at this year's Balmoral Show as it provided an opportunity to promote the Irish language to both an urban and rural audience. In terms of wider representation, both agencies of the north south language bodies were approached but declined.

It is not possible at this stage to confirm whether Líofo or other business areas will be represented at the Balmoral show in future years. This will be assessed nearer to the time and in the context of budget availability.

Mr Allister asked the Minister of Culture, Arts and Leisure what was the cost of the Irish language stand at this year's Balmoral Show.

(AQW 46870/11-15)

Ms Ní Chuilín: The cost of the Líofo Stand at this year's Balmoral Show was £2,716.

Mr Allister asked the Minister of Culture, Arts and Leisure to detail the total expenditure to date on Líofo 2015.

(AQW 46974/11-15)

Ms Ní Chuilín: The total spend on Líofo, since it was launched in September 2011 to date is £748,493.

Mr McCausland asked the Minister of Culture, Arts and Leisure for an update on her discussions with the Department for Culture, Media and Sport on the Ulster-Scots Broadcast Fund and the Irish Language Broadcast Fund; and whether she has sought to ensure equality of funding for the two schemes.

(AQW 47026/11-15)

Ms Ní Chuilín: Although broadcasting powers remain a reserved matter, I am committed to ensuring that the specific characteristics and needs of the North of Ireland are fully considered in the development of all broadcasting policy.

I have been striving to ensure that DCMS makes a longer term commitment (to 2021), at a higher level of funding in both broadcast funds. I have again written to Ed Vaizey, Minister of State for Culture and the Digital Economy on 5th June 2015 to request such a commitment which, following the establishment of the new government, he should now be in a position to make. I am awaiting his response.

Mr Humphrey asked the Minister of Culture, Arts and Leisure when she expects the Department for Culture, Media and Sport to make an announcement on the future of the Ulster-Scots Broadcast Fund and the Irish Language Broadcast Fund; and if she has sought to ensure equality of funding for both schemes.

(AQW 47052/11-15)

Ms Ní Chuilín: I have been striving to ensure that DCMS makes a longer term commitment (to 2021), at a higher level of funding in respect of both broadcast funds. On 5th June 2015, following the establishment of the new government, I have again written to Ed Vaizey, Minister of State for Culture and the Digital Economy to request such a commitment which he should now be in a position to make. I am awaiting his response. I would intend to negotiate for secured additional funding and an uplift on the current funding on the basis of need.

Mr Allister asked the Minister of Culture, Arts and Leisure, pursuant to AQW 33937/11-15, why the Language Body's 2013 Business Plan has not yet been provided to the Department of Finance and Personnel.

(AQW 47072/11-15)

Ms Ní Chuilín: The 2013 business plans of the Language Body were not agreed between sponsor departments by the May 2013 deadline set by the Department of Finance and Personnel (DFP).

DFP advised the Department that the Business Plans could not be approved retrospectively.

Mr Campbell asked the Minister of Culture, Arts and Leisure to detail the number of days the access disability lift at the front of Coleraine Library has been out of order since its installation.

(AQW 47086/11-15)

Ms Ní Chuilín: Libraries NI has informed me that, regrettably, the access disability lift at the front of Coleraine Library has been out of order for 147 days since its installation on 1st April 2014.

The 147 unavailable days comprises 18 separate occasions of varying length. The lift has been unavailable for different reasons including commissioning problems, mechanical breakdowns and defects as well as repairs which were necessary as a result of deliberate physical damage.

Department of Education

Mr Gardiner asked the Minister of Education to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46403/11-15)

Mr O'Dowd (The Minister of Education): During the period since May 2007 no Ministerial directions were formalised.

Mr Agnew asked the Minister of Education to detail the number of employees in the (i) Maintained; (ii) Controlled; (iii) Integrated; and (iv) Irish Medium sectors in 2005, 2010 and 2015.

(AQW 46510/11-15)

Mr O'Dowd: Information has been provided by the following categories: Controlled; Controlled Integrated; Catholic Maintained; Other Maintained; Grant Maintained Integrated and Irish Medium for ease of reference and presentational purposes.

Number of School Based Non Teaching Staff

	Controlled	Controlled Integrated	Maintained Catholic	Maintained Other	Irish Medium*	Grant Maintained Integrated
September 2005						
Total	9896	189	7108	102	121	639
September 2010						
Total	10951	404	8635	136	256	877
September 2014						
Total	11809	507	9417	161	391	1259

* Includes some staff working in Controlled Irish Medium School(s).

- Numbers for all school-based non-teaching staff employed in schools within the Controlled; Controlled Integrated; Catholic Maintained; Irish Medium and Other Maintained sectors have been provided by the Education Authority for the 5 regions (i.e. Belfast; North Eastern; South Eastern; Southern, and Western).
- Numbers for non-teaching staff are based on a reference week in the autumn term.
- This includes staff in schools delivering a centrally managed service e.g. catering, cleaning etc, with the exception of the Western and Belfast regions which are unable to provide this information at this time.
- The numbers of Grounds Maintenance Staff are detailed separately in the table below as this staff group cannot be categorised as requested in the question as they work across sectors in North Down, Ballynahinch and Lisburn within the South Eastern region.

September 2005	35
September 2010	39
September 2014	38

- Numbers for non-teaching staff employed in schools within the Grant Maintained Integrated sector have been provided by DE Statistics Research Team and were obtained from the annual survey of non-teaching staff working in schools within this sector. The latest available, validated numbers are for September 2014. Figures for this sector include only non-manual staff (for example, classroom assistants, nursery assistants, administrative staff and school nurses).
- The figures provided for non-teaching staff are a headcount. This means that a part-time employee will be counted in the same way as a full-time employee.
- The figures for Grant Maintained Integrated include staff on maternity or sick leave but do not include staff covering these posts.

- 8 In relation to non-teaching staff numbers for the remaining sectors these figures will include temporary staff covering sickness / maternity absence etc and this will have the effect of inflating the headcount.

School Based Teachers

	Controlled	Controlled Integrated	Maintained Catholic	Maintained Other	Irish Medium	Grant Maintained Integrated
November 2005						
Total	8760	284	7176	51	156	892
November 2010						
Total	8257	386	6908	40	194	989
November 2013						
Total	8052	389	6695	39	224	969

- Teacher numbers are from Teachers Payroll and Pensions System. They are validated with schools and are based on a reference week in the autumn term. The latest available validated data for teacher numbers is for 2013, figures for 2014 will be available from 16 June 2015. These figures are published each year in the 'Teacher Workforce Statistics in Grant-Aided Schools in Northern Ireland'.
- Teachers employed at more than one school are counted at the school at which they work the majority of their time.
- The following types of teacher are included:
 - full-time (FT) permanent teachers;
 - part-time (PT) permanent teachers;
 - temporary teachers filling vacant posts, secondments or career breaks.
- The following teachers are excluded:
 - substitute teachers covering illness or other short -term absences;
 - peripatetic teachers,
 - teachers employed under the Signature Project.
- The figures provided are a headcount of teaching staff. This means that a part-time employee will be counted in the same way as a full-time employee.

Mr Gardiner asked the Minister of Education to detail how much his Department and their arm's-length bodies have spent on translation services, broken down by language, in each year since 2007.

(AQW 46588/11-15)

Mr O'Dowd: The table below details how much the Department has spent on translation services, broken down by language, in each financial year since 2007/08. In addition to this expenditure, the Department has employed one full time Irish Language Officer from 2008 to date (at various stages during this period, two Irish Language Officers were simultaneously employed). As the translation of documents forms an integral part of a range of duties carried out by the Irish Language Officer it is not possible to provide a cost for this work.

Department of Education

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15* £
Albanian	82							
Arabic	71			45		127		
Basque								374
Bengali				45				
Braille								468
Bulgarian	71						121	
Cantonese	622	1,167	1,492	657		40	1,093	140
Chinese (Simplified)					598	228		

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15* £
Chinese (Traditional)					598	228		
Czech	71						695	
Farsi		94		230				
Fijian	82							
Filipino	82	373	277					
French	235	106					993	
German							993	
Hindi	82			45				
Hungarian	364			525	491	293	979	133
Irish	13,274	47,062	39,370	37,659	36,834	36,347	31,414	28,220
Italian	458							
Latvian	479		710	525	491	253	1,014	133
Lithuanian	1,008	973	1,195	565	491	253	979	133
Malayalam	82					127		
Malaysian	82							
Mandarin	843	257	925	657		40	1,093	140
Nepalese	82							
Polish	2,886	936	1,081	565	700	588	2,042	133
Portuguese	841	893	987	474	630	242	938	166
Punjabi				45				
Romanian	94	82					695	
Russian	188						695	
Shona	82							
Slovak	71	112	256	565	491	253	1,014	133
Spanish	294	10			50		993	
Swahili	82							
Tagalog	82	607	334	40		127		
Tetum							961	
Thai	94						786	
Turkish			710	525				
Ulster Scots	108	261	35			174		
Urdu	82	10		45				
Totals	22,974	52,943	47,372	43,212	41,374	39,320	47,498	30,173

* Estimated figure, subject to finalisation of 2014/15 account.

The Department's arm's-length bodies have provided details of how much they have spent on translation services, broken down by language, in each financial year since 2007/08, in the tables below. The Exceptional Circumstances Body was established in 2010.

Belfast Education and Library Board** (BELB)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Albanian								5

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Arabic						21	110	116
Bengali						105	556	
Bulgarian								273
Cantonese	112			660	521	18	96	249
Chinese						7	39	
Czech								39
Farsi								77
French						9	47	
Hungarian						198	1,051	2,272
Lithuanian						7	39	81
Malayalam								44
Kurdish								39
Mandarin	59			303	135	172	302	455
Mongolian								44
Polish	626			780	724	1,121	3,726	4,438
Portuguese						31	166	154
Romanian	67			488	169	19	102	39
Russian						7	39	141
Sign Language	2,443							
Slovakian				873	907	545	1,618	2,992
Somali						29	153	6,116
Spanish								49
Taiwanese								40
Thai								59
Totals	3,307			3,104	2,456	2,289	8,044	17,722

** Interpretation costs may be included in the total figure recorded.

North Eastern Education and Library Board (NEELB)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Lithuanian								178
Polish								1,080
Russian								41
Slovakian								26
Totals								1,324

South Eastern Education and Library Board*** (SEELB)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Hungarian								42
Latvian								105
Lithuanian								86

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Polish								681
Romanian								42
Totals								956

*** The figures shown indicate the breakdown for Newcomers children for 2014/15.

Southern Education and Library Board (SELB)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Bulgarian								88
Cantonese		150						
Chinese		928						
Czech								73
French			80				61	62
Hungarian					60	257	1,047	665
Italian			192					
Latvian		152	659	40	955	669	1,261	1,746
Lithuanian	2,094	1,617	997	3,428	3,234	6,506	3,825	4,042
Mandarin		1,261					107	2,170
Pakistani						53		
Polish	5,247	2,700	2,021	1,500	1,849	4,908	3,484	10,568
Portuguese	2,500	1,377	1,403	1,465	816	6,174	2,574	5,032
Romanian						140	984	1,504
Russian	29					97	730	2,358
Slovakian	1,009	922	666	179	110	1,621	349	112
Spanish				35				
Tetum					70	2,291	310	1,593
Not known	358							
Totals	11,237	9,107	6,018	6,647	7,094	22,716	14,732	30,013

Western Education and Library Board (WELB)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Arabic	582							
Bengali	582							
Cantonese								75
Chinese	1,822							
Czech	287							
Farsi	120							
Filipino	979							
French	50							
German	632							
Hindi	653							

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Hungarian	50							75
Irish	2,808							
Latvian	3,584							75
Lithuanian	5,179							75
Mandarin								75
Polish	9,206							75
Portuguese	2,092							75
Punjabi	702							
Romanian	120						1,530	
Russian	793							75
Slovakian	439							75
Somali								
Spanish	632							
Tagalog	241							
Thai	152							
Turkish	50							
Urdu	582							
Totals	32,337						1,530	675

Staff Commission for Education and Library Boards

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Braille	78							

Exceptional Circumstances Body

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Hungarian						124		
Irish					50			
Polish						434		116
Russian							70	
Spanish					60			
Totals					110	558	70	116

Council for Catholic Maintained Schools (CCMS)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Filipino	1,084							
Irish		54						
Latvian		75						
Lithuanian	1,084	75						
Polish	1,084	75						
Portuguese	1,084	75						

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Totals	4,336	354						

General Teaching Council** (GTCNI)**

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Irish								1,725

**** The GTCNI does not account separately for translation costs. Translation costs where known have been shown.

Council for the Curriculum, Examinations and Assessment (CCEA)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Irish	66,253	133,683	151,787	212,452	269,174	320,722	294,419	282,717

Comhairle na Gaelscolaíochta

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Irish	5,680	4,431	4,540	3,731	2,659	6,060	6,537	5,920

Middletown

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Irish				850				

Youth Council (YCN)

Language	2007-08 £	2008-09 £	2009-10 £	2010-11 £	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Irish		1,152						
Braille		131						
Totals		1,283						

The Council for Integrated Education (NICIE) has advised of no expenditure since 2007/08.

Mr D McIlveen asked the Minister of Education what strategy his Department has in place to encourage schools to look for innovative solutions and alternative funding streams in light of cuts to the education sector.

(AQW 46602/11-15)

Mr O'Dowd: The management of funds is delegated to schools through the Local Management of Schools scheme and all schools can seek voluntary contributions and undertake funding raising activities to enhance education provision for pupils attending their school. It is a matter for individual schools to investigate alternative sources of funding. However, I am conscious that more should be done to signpost schools to other sources of funding. I have therefore asked my officials to produce an easily accessible sources of funding toolkit for schools.

Mr Weir asked the Minister of Education whether all special schools have been allocated a budget for 2015-16.

(AQW 46623/11-15)

Mr O'Dowd: Special schools do not receive budget allocations directly from the Department; their budgets are determined and allocated by the Education Authority. The Education Authority has confirmed that special schools have not yet been allocated a budget for 2015-16; however the Authority expects to make an allocation to special schools shortly.

Mr Kinahan asked the Minister of Education to detail why the General Teaching Council for Northern Ireland will not issue teacher register numbers to those who have completed their Post Graduate Certificate in Education (Further Education) at Ulster University unless they have worked, as part of their course, at one of the six regional Further Education Colleges.

(AQW 46665/11-15)

Mr O'Dowd: The General Teaching Council (GTCNI) is responsible for determining the qualifications required in order to be registered as a teacher here. I understand the Post Graduate Certificate in Education (Further Education) is an in-service training course for lecturers employed in the Further Education sector. In order to be eligible to be registered as a teacher the GTCNI has determined that individuals who have obtained their PGCE(FE) qualification should be teaching in a Further Education College, recognised by the Department for Employment and Learning, for at least eight hours per week.

Ms Sugden asked the Minister of Education for his assessment of the Special Education Needs Literacy & Numeracy Programme; and how he plans to continue meeting the needs of pupils who participate on this programme in 2015/2016. **(AQW 46691/11-15)**

Mr O'Dowd: I understand that clarification was provided in relation to this question and that the information being sought is "how the special educational needs (SEN) framework will support the literacy and numeracy needs of pupils with SEN in the immediate to medium future; in the context of cuts to the Minister's departmental budget."

Although the Executive's budget has been reduced by the Westminster government by £1.5bn over the last five years, I have allocated an additional £10m to the Education Authority in 2015-16 to support frontline SEN services for those children that are most vulnerable or at risk of exclusion.

It remains my priority to ensure that every child receives a high quality education and has the opportunity to reach their full potential. To that end, the Education Authority (EA) has advised that it continues to offer a range of special education support and provision which is available to parents and schools for children with SEN, such as those with literacy and/or numeracy difficulties, including the following:

- specific learning difficulties awareness training to enhance the capacity of teachers to identify and respond appropriately in addressing pupils' needs;
- all Educational Psychologists are trained in the assessment and identification of SENs and provide a comprehensive range of support including recommendations and resources to parents and schools;
- a range of innovative strategies, resources and computer assisted programmes are available for pupils with literacy and/or numeracy difficulties for whom more traditional methods are unsuccessful;
- a range of measures to help pupils requiring support taking examinations.

A further range of capacity building projects are provided specifically to assist teachers including:

Good Practice Guidelines Booklet

Provides guidelines on relevant and purposeful measures and adjustments to the classroom environment for pupils experiencing literacy difficulties.

SEN Resource File

Provides teaching staff with details of support for SEN, including sections relating to literacy and numeracy.

Certificate of Competence in Educational Testing [CCET] Training

This training, which ended in June 2014, enables schools to carry out a range of assessments on pupils with SEN, including those with literacy difficulties.

SEN Literacy Project

A recently completed three year project delivered jointly by Stranmillis and St Mary's College, funded by the DE, provided schools with online and centre based training on the identification, assessment and the teaching of pupils with literacy difficulties in primary schools across the north of Ireland.

Mr Gardiner asked the Minister of Education how much his Department has paid to consultants in each year since 2011; and how much each agency or individual received in each year.

(AQW 46694/11-15)

Mr O'Dowd: A list of firms engaged by my Department for the provision of external consultancy services, in accordance with guidelines set out by the Department of Finance and Personnel (DFP), is set out below. The tables detail the spend incurred on external consultancy in respect of the financial years since 2011, namely 2011-12, 2012-13 and 2013-14. At this stage, final figures for 2014-15 are not available for inclusion in this response.

Such firms may also be engaged for other areas of work which are not classified as external consultancy in line with DFP guidance. Spend in relation to such activities is not readily available and could only be obtained at disproportionate costs.

2011-12

Name of Consultant/firm	£'s
Martin Sykes	9,102

Name of Consultant/firm	£'s
Early Years	4,390
Encription IT Security & Forensic Services	4,840
EMQC Ltd	3,335
Sean Madden	11,500
Papermouse	720
Pierce Communications	1,360
Arthur Cox	2,377
KPMG	20,271
Moore Stephens	1,819
Smalltown America Ltd	361
2011-12 Total	60,075

2012-13

Name of consultant/firm	£'s
Arthur Cox	312
Bird & Bird LLP	2,235
Deloitte MCS Ltd	25,000
EMQC Ltd	300
Hay Group	5,271
KPMG	947
Napier & Sons	675
Sean Madden	16,525
Robert Salisbury, Eemer Eavers, Evan Bates	101,150
2012-13 Total	152,415

2013-14

Name of consultant/firm	£'s
Deloitte	29,950
EMQC Ltd	2,154
Gardiner and Theobald	14,875
Hay Group	650
John Harkin	25,000
KPMG	22,262
Napier & Sons	945
Sian Thornwaite/ Margaret Martin / Tony McGonigle	73,087
2013-14 Total	168,923

Mr Kinahan asked the Minister of Education whether his Department will instruct the General Teaching Council for Northern Ireland to issue teacher registration numbers to people who have completed the Post Graduate Certificate in Education (Further Education) at Ulster University, that worked as part of their course at an independent training college, subject to an inspection by the Education and Training Inspectorate.

(AQW 46708/11-15)

Mr O'Dowd: The General Teaching Council (GTCNI) is responsible for determining the qualifications required in order to be registered as a teacher here. I have no authority to overrule a decision of the statutory registering body.

Mr Easton asked the Minister of Education to detail the number of year one school places broken down by primary school.
(AQW 46765/11-15)

Mr O'Dowd: I have arranged for the information requested to be placed in the Assembly Library.

Mr D McIlveen asked the Minister of Education what actions his Department is taking to support local teachers following the termination of the Literacy and Numeracy Signature Programme.
(AQW 46770/11-15)

Mr O'Dowd: The Delivering Social Change Literacy and Numeracy Signature Programme has over the last two years provided a valuable employment opportunity to over 300 recent graduate teachers.

The ETI evaluation of the programme stated that "Almost all of the signature funded teachers reported that they have benefitted well from their experience of the recruitment process and felt that they were better prepared for applying for teaching positions in the future".

Whilst I accept that, in the current economic climate, it can be difficult for many teachers to find employment in schools, the same can unfortunately be said of graduates in a wide range of professions. The signature programme teachers have had the benefit of up to two years experience which will stand them in good stead when applying for future teaching positions.

I have taken a number of significant steps to improve employment prospects of newly qualified teachers including for example, guidance enabling schools to identify newly qualified teachers from the NI Substitute Teacher Register, encouraging schools to employ newly qualified teachers and actively discouraging the employment of prematurely retired teachers.

In addition, news of the programme has reached other education authorities such as Aberdeen City Council and the National College for Teaching and Leadership who are actively seeking to recruit these experienced teachers.

Mr Weir asked the Minister of Education, pursuant to AQW 45882/11-15, to detail how many of the 80 applicants still remain unplaced, broken down by constituency.
(AQW 46838/11-15)

Mr O'Dowd: The table below shows the number of applicants that remain unplaced, as of 12 June. Figures provided by the Education Authority.

AQ 46838 – Pupils who Have not Secured A P1 Place for September 2015

	Number of Pupils
Belfast Region	
West Belfast	2
East Belfast	4
Total	6
North Eastern Region	
All P1 applicants in the North Eastern Region have now been placed in primary schools	
South Eastern Region	
North Down	6
Lagan Valley	1
Strangford	1
Total	8
Southern Region	
Newry	1
Portadown	2
Dungannon	1
Total	4
Western Region	
All P1 applicants in the Western Region have now been placed in primary schools	

Mr Easton asked the Minister of Education to list all the schools in need of a new school build by order of priority.
(AQW 46843/11-15)

Mr O'Dowd: The Department of Education (DE) does not maintain a priority list of schools in need of a new school build; rather prioritisation is considered at the point when a further list of projects is being developed.

I announced lists of projects to proceed in planning for new builds in June 2012, January 2013 and June 2014. These will be released to the market in the order of readiness, subject to budget availability. The protocol which was applied for the selection of schools for my June 2014 announcement is available on the DE website - http://www.deni.gov.uk/protocol_for_selection_for_the_selection_of_major_capital_works_-_24_june_2014__pdf_290kb_.pdf

Mr Kinahan asked the Minister of Education to outline (i) when the school meals service was last reviewed; and (ii) what changes were made to the service as a result of that review.

(AQW 46848/11-15)

Mr O'Dowd: School Catering Services were most recently reviewed by the Performance and Efficiency Delivery Unit (PEDU) of the Department of Finance and Personnel in 2012. The recommendations made by PEDU offer a useful source of information to inform the design of service delivery across the five regions of the recently established Education Authority, which will determine how best to make use of the report's recommendations.

In the meantime, School Catering Services undertake an ongoing programme to enhance efficiency. Activities include reviewing the viability of production kitchens on an annual basis; reviewing the cost of transporting of meals; and a monthly review of food costs.

Mr Kinahan asked the Minister of Education how many primary schools cook and serve school meals in their own premises for (i) their pupils; and (ii) other schools.

(AQW 46849/11-15)

Mr O'Dowd: There are a total of 541 primary schools that produce their own school meals on site. 181 of these also provide meals to one or more other schools.

Mr Campbell asked the Minister of Education, pursuant to AQW 45918/11-15, to detail when he expects to have the review into pre school education (i) completed; and (ii) published.

(AQW 46878/11-15)

Mr O'Dowd: I expect this review to be completed in the 2015/2016 academic year. I have not set a timescale for publication yet.

Mr Campbell asked the Minister of Education, pursuant to AQW 46126/11-15, whether all access and accommodation issues relating to the combined enrolment of the two Coleraine post-primary schools will be in place for the start of the new school term in September 2015.

(AQW 46879/11-15)

Mr O'Dowd: The Education Authority, who are responsible for determining eligibility, inform me that those pupils in receipt of transport assistance at the date of the school amalgamation will retain their eligibility until the new school is established. As a result of the split site arrangement in Coleraine, pupils who will be attending a different school site may become eligible for transport as their eligibility is reassessed against this new location. Once the new school location is established the eligibility of all pupils will be reassessed. This approach will be applied and in place for all pupils who choose to attend Coleraine Grammar School in September 2015.

The Education Authority have informed me that the routes and operation of a number of vehicles in the Coleraine area are currently being reviewed. The Education Authority are actively engaging with Translink and the school Principal to ensure that any outstanding issues are resolved prior to the beginning of the new school term.

Modification to the accommodation to allow the new co-educational school to operate across the two existing sites is underway and is scheduled for completion before September.

Mr Lyttle asked the Minister of Education what steps he is taking to ensure cuts to his budget will have as little impact as possible on teachers' ability to effectively deliver the curriculum; and which areas of his departmental spending have been identified for efficiency savings to limit the impact on frontline services.

(AQW 46887/11-15)

Mr O'Dowd: As you are aware, the Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as education. The scale of the budget reductions required in 2015-16 means that these cannot be delivered through efficiency savings alone, especially in light of the savings already delivered during the Budget 2011-15 period.

Throughout the 2015-16 budget process my aim was to protect as far as possible frontline services and funding to schools. Therefore, following the final budget allocation and my wider education budget review I allocated £80m to the ASB. This funding will help ensure that schools can continue to deliver high quality education and enable them to plan according to their school's needs and priorities. This allocation also means that there has been no reduction in cash terms to schools delegated budgets, although in real terms, schools will still face pay and inflationary pressures in 2015-16.

Given the degree of protection afforded to schools' budgets, there remains considerable flexibility in how they deliver the statutory curriculum and I would expect all schools to make use of this flexibility in making sure that their curricular provision not only meets the requirements set out in the Education (Curriculum Minimum Content) Order (NI) 2007 but also meets the needs of their pupils. I have taken every action possible to protect education funding and those frontline services within the Department of Education's (DE's) remit. Unfortunately, it is simply impossible to protect everything.

In order to deliver a balanced 2015-16 Budget, a Savings Delivery Plan (SDP) was developed to address the £97.6m gap in funding facing education. This SDP is available to view in full on the DE website.

The reality is that the full financial challenges facing schools have been alleviated, not eradicated. Given the overall resource funding gap of £97.6m facing education in 2015-16 it is essential that schools make the difficult decisions required to allow them to live within their budgets as a matter of urgency.

In reaching my final decisions on the Budget reductions, I have:

- Focused on protecting frontline services as far as possible, promoting equality and raising education standards;
- Secured the continuation of specific programmes that reflect DE's statutory responsibilities;
- Continued to tackle social disadvantage; and
- Ensured that support for children with Special Education Needs is prioritised.

I acknowledge the demanding financial position still facing the education sector in 2015-16. It must be recognised that this constrained financial context is set to continue for the foreseeable future.

Mr Weir asked the Minister of Education for his assessment of the siting of wind turbines close to school premises.
(AQW 46920/11-15)

Mr O'Dowd: Planning permission is required for all wind turbines and their siting is governed by the relevant planning authorities. Any school concerned about the proposal to erect a wind turbine close to school premises should raise their objections during the planning consultation process. The Education Authority will provide schools with support and appropriate professional advice, if requested.

Any potential impact on a school would be considered on a case by case basis.

Mr Weir asked the Minister of Education what advice his Department has issued to schools in relation to the siting of wind turbines that are close to school premises.
(AQW 46921/11-15)

Mr O'Dowd: The Department has not issued any advice to schools in relation to the siting of wind turbines that are close to school premises as each location where a wind turbine might be sited requires individual assessment. Planning permission is required for all wind turbines and the relevant planning authority will check the application of current planning regulations and planning policy statements.

Mr Weir asked the Minister of Education to detail the number of schools his Department has written to as a result of the inappropriate use of the study leave code in each of the last three years.
(AQW 46922/11-15)

Mr O'Dowd: My Department issues guidance to schools each year on pupil attendance and recording of pupil absences. The guidance advises that study leave should be used at the school's discretion and only for pupils undertaking public examinations, such as GCSEs and A levels, during the examination period.

Following publication of the NI Audit Office (NIAO) and the Public Accounts Committee (PAC) reports on improving pupil attendance in 2014, my Department has been closely monitoring recording of pupil absences by schools. Pupil attendance statistics for the 2012/13 school year showed that 68 post primary schools had recorded study leave as a reason for absence for pupils in Years 8, 9 and 10. My Department wrote to these schools in May 2014 to remind them of the guidance and ask that they review their policy and practice in relation to study leave.

In April 2015, my Department wrote to 56 primary schools which had used the study leave code for some pupils in the 2013/14 school year.

My Department will continue to monitor recording of pupil absences and will raise any issues with schools directly.

Mrs Overend asked the Minister of Education what actions his Department is taking to keep children and young people safe online in the absence of a cross-departmental internet safety strategy.
(AQW 46961/11-15)

Mr O'Dowd: The Department of Education is supporting the work that the Safeguarding Board (SBNI) has been commissioned to undertake by the Executive in relation to the development of a new eSafety strategy and action plan. Through its representation on the SBNI, the Education Authority will ensure educational input to this work.

In schools, the duty to safeguard and promote the welfare of pupils is the responsibility of a school's Board of Governors and, in the exercise of those duties, schools are required to have in place policies on discipline, bullying and the safe and effective use of the Internet and Digital technologies. The Department is currently taking forward new Anti-Bullying Legislation which will further strengthen the role of Governors in addressing all forms of bullying between pupils, including cyber-bullying. ICT plays a central role in the statutory curriculum and Using ICT requires pupils to learn how to keep safe and display acceptable online behaviour.

The C2k ICT managed service, which provides a core ICT service for all grant-aided schools, has in place password protection, internet monitoring, web and email filtering and other eSafety related services. C2k also provides teachers with detailed advice and guidance on eSafety within an eSafety zone available via the C2k Exchange. Resources are also available within the C2k Virtual Learning Environment, Fronter, for both staff and pupils. Teachers have access to an Internet Safety Room within Fronter which has a range of resources and eSafety policies. C2k Helpdesk staff are fully briefed to deal with eSafety and Child Protection issues which are prioritised above all other calls.

During May and June 2015, C2k, in conjunction with UK Safer Internet, ran a number of eSafety Conferences attended by over 400 school representatives. This year the PSNI also had an input into these sessions under the SBNI banner. C2k will offer all schools further training and support in the entire area of eSafety during the coming year.

The DE website contains links to useful sites that can provide children and young people, as well as parents and carers, with specific information and advice on a range of internet safety topics.

Mr Hazzard asked the Minister of Education whether his Department are involved in any transport pilot schemes; and if so, to detail the location; and reasoning for establishing the scheme.

(AQW 46975/11-15)

Mr O'Dowd: The Department of Education and the Education Authority are currently involved in the Integrated Public Passenger Transport Pilot which is taking place in the Dungannon District Council area under the auspices of the Department for Regional Development.

The key objectives of the pilot project are to test the concept of a more joined-up approach to the delivery of publicly funded passenger transport services and how this could deliver improved operational efficiency and increased options for public transport users.

Mr Weir asked the Minister of Education for his assessment of playgroups and other projects that will have to close as a result of the reduction or removal of Early Years funding in 2015/2016.

(AQW 46986/11-15)

Mr O'Dowd: The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE) remit. However, it is simply impossible to protect everything.

The budget for the DE Early Years Fund, which is administered by Early Years the Organisation for Young Children (EYO), has been reduced by £2m in 2015/16. The residual 2015/16 Fund is enabling all (153) recipient groups to receive continued funding to the end of the current academic year i.e. 31 August 2015. Funding has not been removed from any of the settings.

I will continue to review my budget and other opportunities for funding to establish if a Fund can continue beyond August. However any such fund will have to be open to all applicants, not just current recipients, and reflect the policy priorities of DE. As part of the June monitoring round, I have submitted a bid of £2million to the Department of Finance and Personnel.

Groups currently supported by the Early Years Fund which are also offering funded pre-school places within the Pre-School Education Programme (PSEP) will continue to be funded through the PSEP. In accordance with the Programme for Government commitment to ensure that at least one year of pre-school is available to every family that wants it, I have allocated sufficient funding to the Education Authority to meet the projected need for pre-school places for children in their final pre-school year.

The pre-school admissions process for September 2015 has now concluded. DE officials have asked PEAG officers within the Education Authority to advise them of any groups participating in PSEP and receiving EYF support which have indicated that they are no longer able to provide places within the PSEP for September 2015. To date DE has not been made aware of any groups in this position. The PEAG officers will continue to monitor the situation and will take any necessary action to ensure that a place continues to be available for every child whose parent wants it.

A number of groups in the Early Years Fund also receive funding from sources other than my Department. It is not therefore possible to identify the impact on settings without consideration of the full details including the financial position of each group.

The current recipients of the DE Early Years Fund are:

Group Name	Location
174 Trust Pre-School	Belfast

Group Name	Location
Acorn Women's Group	Augher
Aghadowey Pre-School Playgroup	Coleraine
An Droichead	Belfast
Appletree Childcare	Coleraine
Ardstraw Community Playgroup	Newtownstewart
Armoy Cross Community Playgroup	Ballymoney
Ashgrove Pre - School Playgroup	Portadown
Ashton Childcare	Belfast
Atlas Creche	Lisburn
Atticall Playgroup	Kilkeel
Ballinascreen Early Years Pre-Sch Education Centre	Draperstown
Balloughry Integrated Community Playgroup	Derry
Ballykinlar Cross Community Pre School Ltd	Downpatrick
Ballymacarrett Youth and Community Project	Belfast
Banagher Community Playgroup	Derry
Barnardos BME	Belfast
Barnardos Forward Steps	Belfast
Barnardos Travellers Pre-School	Belfast
BCDA	Belfast
Beacon Playgroup	Cookstown
Bees Nees Early Years Centre	Newtownards
Belfast and Lisburn Women's Aid	Belfast
Benburb Community Playgroup	Dungannon
Blackie Creche	Belfast
Bloomfield Playgroup	Belfast
Bunnahone Bunnies Playgroup	Derrygonnelly
Buttonmoon Playgroup	Tandragee
Carebears Community Playgroup	Newtownstewart
Carryduff Pre School Playgroup	Belfast
Castlerock Community Playgroup	Castlerock
Caw Community Playgroup	Derry
Chirpy Chicks Playgroup	Greyabbey
Chrysalis Women's Centre	Craigavon
Clady Tiny Tots	Clady
Clough & District Community Playgroup	Ballymena
Cloughmills Early Years	Cloughmills
Crows Nest Community Playgroup	Coleraine
Dara Playgroup	Armagh
Derry Well Woman Creche	Derry
Derrytrasna Playgroup	Craigavon
Dervock Playgroup	Ballymoney

Group Name	Location
Drumellan Community Association	Craigavon
Drumsurn Parent and Toddler	Limavady
Dundrum Cross Community Playgroup	Dundrum
Dunloy Community Playgroup	Ballymoney
Dunnaman Childrens Centre	Kilkeel
Earlybird Playgroup	Armagh
Falls Women's Centre	Belfast
First Steps Community Playgroup (PM Session)	Castlederg
First Steps Day Care Project	Castlederg
First Steps Playgroup	Belfast
Forthspring Afterschools	Belfast
Foyle Downs Syndrome Trust	Derry
Gingerbread Lone Parent Services	Derry
Glenarm Community Pre School	Glenarm
Greengables Playgroup	Carrickfergus
Grove Community Playgroup	Lisburn
Hansel and Gretal Pre School	Glynn
Happy Days Playgroup	Newry
Harbour Bears Pre-School Playgroup	Larne
Harpurs Hill Community Early Years	Coleraine
Hillside Pre School Playgroup	Newtownabbey
Hobby Horse Playgroup	Belfast
Holy Cross Pre School	Belfast
Holy Trinity Centre	Belfast
Ionad Uibh Eachach	Belfast
Kiddies Castle Early Years	Castledawson
Kids Korner	Larne
Kids R Us Cross Community	Fivemiletown
Kidzone Playgroup (Newry)	Newry
Kilkeel Community Association	Kilkeel
Killeen Playgroup	Newry
Killen Parent and Toddler	Castlederg
Killyleagh Early Years P & T	Killyleagh
Killyman Community Playgroup	Dungannon
Kingdom Playgroup	Kilkeel
Krafty Kids (Ogras)	Coalisland
Ladybird Playgroup	Omagh
Laurencetown Playgroup	Laurencetown
Leitrim Community Playgroup	Castlewellan
Lifestart Limavady	Limavady
Ligoniel Family Centre	Belfast

Group Name	Location
Little Acorns Playgroup Derrynoose	Derrynoose
Little Amps Playgroup	Maghera
Little Castles Playgroup	Lisnaskea
Little Diamonds Community Playgroup	Claudy
Little Doves Childcare Centre	Newtownards
Little Folk Playgroup	Rostrevor
Little Oaks Pre-School Playgroup	Craigavon
Little People Playgroup	Newry
Little Rainbows PG	Maghera
Little Rascals Community Playgroup	Limavady
Little Villagers Playgroup	Loughilly
Loughgiel Community PG	Loughgiel
Lower Oldpark Community Association	Belfast
Macosquin Community Playgroup	Coleraine
Magherafelt Womens Group (Kidz Lodge)	Magherafelt
Magic Roundabout Playgroup	Omagh
Magilligan Community Playgroup	Limavady
Monkstown Community School Playgroup	Monkstown
Mother Goose Community Playgroup	Ballycastle
Naiscoil an Chreagain	Silverbridge
Naiscoil an tSleibhe Dhuibh	Belfast
Naiscoil Ard Eoin	Belfast
Naiscoil Charn Tochair	Maghera
Naiscoil Dhun Padraig	Downpatrick
Naiscoil Mhachaire Ratha	Maghera
Newhill First Steps Childcare Centre	Belfast
NICMA	Newtownards
O'Fiaich Playgroup	Armagh
Old Warren Community Association*	Lisburn
Omagh Early Years Centre	Omagh
Orana Nursery	Newry
Orchard Community Playgroup	Limavady
Parish of Nativity Playgroup, Poleglass	Belfast
Pomeroy Pre School Playgroup	Dungannon
Portaferry Playgroup	Newtownards
Portrush Community Pre-School Playgroup	Portrush
Poyntzpass Community Playgroup	Poyntzpass
Rainbow Child and Family Centre (WHSSB)	Derry
Rainbow Community Playgroup	Omagh
Rainbow Playgroup	Carrickfergus
Rasharkin Community Playgroup	Ballymena

Group Name	Location
Roden Street Development Group	Belfast
Scoil na Fuiseoige	Dunmurray
Shalom House Creche	Belfast
Shankill Women's Centre	Belfast
Slievegallion Community Playgroup	Magherafelt
Smart Attack Childcare Services	Omagh
St Teresa's Youth Centre	Belfast
Stepping Stones Playgroup	Maghera
Stepping Stones Pre School Nursery	Newtownabbey
Stewartstown Tiny Tots	Stewartstown
Straidarran Community Playgroup	Claudy
Strangford Parent and Toddler	Strangford
Sugar and Spice Playgroup	Drumquin
Sunflower Early Years Group	Fintona
Taghnevan Pre School Playgroup	Lurgan
Taylorstown Cross Community Complex	Toomebridge
The Cedar Foundation	Derry
The Firs Playgroup	Armagh
The Orchard Playgroup	Loughgall
Tiny Steps Creche	Cookstown
Tiny Toons Playgroup	Ballyhoran
Tiny Tots Community Playgroup	Strathfoyle
Tiny Tots Corner Playgroup	Killylea
Tober Tinys Playgroup	Tobermore
Upper Andersonstown Comm. Forums Daycare Facility	Belfast
West Bann Development (Dev Worker)	Coleraine
Whiterock Creche Centre	Belfast
Windsor Women's Centre	Belfast
Zero-8-Teen	Brownlow

* setting did not accept the offer of funding for 2015/16.

Mr Weir asked the Minister of Education to detail the extent of funding cuts to early years groups in 2015/2016.
(AQW 46987/11-15)

Mr O'Dowd: The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE) remit. However, it is simply impossible to protect everything.

The budget for the DE Early Years Fund, which is administered by Early Years the Organisation for Young Children (EYO), has been reduced by £2m in 2015/16. The residual 2015/16 Fund is enabling all (153) recipient groups to receive continued funding to the end of the current academic year i.e. 31 August 2015. Funding has not been removed from any of the settings.

I will continue to review my budget and other opportunities for funding to establish if a Fund can continue beyond August. However any such fund will have to be open to all applicants, not just current recipients, and reflect the policy priorities of DE. As part of the June monitoring round, I have submitted a bid of £2million to the Department of Finance and Personnel.

Groups currently supported by the Early Years Fund which are also offering funded pre-school places within the Pre-School Education Programme (PSEP) will continue to be funded through the PSEP. In accordance with the Programme

for Government commitment to ensure that at least one year of pre-school is available to every family that wants it, I have allocated sufficient funding to the Education Authority to meet the projected need for pre-school places for children in their final pre-school year.

The pre-school admissions process for September 2015 has now concluded. DE officials have asked PEAG officers within the Education Authority to advise them of any groups participating in PSEP and receiving EYF support which have indicated that they are no longer able to provide places within the PSEP for September 2015. To date DE has not been made aware of any groups in this position. The PEAG officers will continue to monitor the situation and will take any necessary action to ensure that a place continues to be available for every child whose parent wants it.

A number of groups in the Early Years Fund also receive funding from sources other than my Department. It is not therefore possible to identify the impact on settings without consideration of the full details including the financial position of each group.

The current recipients of the DE Early Years Fund are:

Group Name	Location
174 Trust Pre-School	Belfast
Acorn Women's Group	Augher
Aghadowey Pre-School Playgroup	Coleraine
An Droichead	Belfast
Appletree Childcare	Coleraine
Ardstraw Community Playgroup	Newtownstewart
Armoyn Cross Community Playgroup	Ballymoney
Ashgrove Pre - School Playgroup	Portadown
Ashton Childcare	Belfast
Atlas Creche	Lisburn
Atticall Playgroup	Kilkeel
Ballinascreen Early Years Pre-Sch Education Centre	Draperstown
Balloughry Integrated Community Playgroup	Derry
Ballykinlar Cross Community Pre School Ltd	Downpatrick
Ballymacarrett Youth and Community Project	Belfast
Banagher Community Playgroup	Derry
Barnardos BME	Belfast
Barnardos Forward Steps	Belfast
Barnardos Travellers Pre-School	Belfast
BCDA	Belfast
Beacon Playgroup	Cookstown
Bees Nees Early Years Centre	Newtownards
Belfast and Lisburn Women's Aid	Belfast
Benburb Community Playgroup	Dungannon
Blackie Creche	Belfast
Bloomfield Playgroup	Belfast
Bunnahone Bunnies Playgroup	Derrygonnelly
Buttonmoon Playgroup	Tandragee
Carebears Community Playgroup	Newtownstewart
Carryduff Pre School Playgroup	Belfast
Castlerock Community Playgroup	Castlerock
Caw Community Playgroup	Derry
Chirpy Chicks Playgroup	Greyabbey

Group Name	Location
Chrysalis Women's Centre	Craigavon
Clady Tiny Tots	Clady
Clough & District Community Playgroup	Ballymena
Cloughmills Early Years	Cloughmills
Crows Nest Community Playgroup	Coleraine
Dara Playgroup	Armagh
Derry Well Woman Creche	Derry
Derrytrasna Playgroup	Craigavon
Dervock Playgroup	Ballymoney
Drumellan Community Association	Craigavon
Drumsum Parent and Toddler	Limavady
Dundrum Cross Community Playgroup	Dundrum
Dunloy Community Playgroup	Ballymoney
Dunnaman Childrens Centre	Kilkeel
Earlybird Playgroup	Armagh
Falls Women's Centre	Belfast
First Steps Community Playgroup (PM Session)	Castleberg
First Steps Day Care Project	Castleberg
First Steps Playgroup	Belfast
Forthspring Afterschools	Belfast
Foyle Downs Syndrome Trust	Derry
Gingerbread Lone Parent Services	Derry
Glenarm Community Pre School	Glenarm
Greengables Playgroup	Carrickfergus
Grove Community Playgroup	Lisburn
Hansel and Gretal Pre School	Glynn
Happy Days Playgroup	Newry
Harbour Bears Pre-School Playgroup	Larne
Harpurs Hill Community Early Years	Coleraine
Hillside Pre School Playgroup	Newtownabbey
Hobby Horse Playgroup	Belfast
Holy Cross Pre School	Belfast
Holy Trinity Centre	Belfast
Ionad Uibh Eachach	Belfast
Kiddies Castle Early Years	Castledawson
Kids Korner	Larne
Kids R Us Cross Community	Fivemiletown
Kidzone Playgroup (Newry)	Newry
Kilkeel Community Association	Kilkeel
Killeen Playgroup	Newry
Killen Parent and Toddler	Castleberg

Group Name	Location
Killyleagh Early Years P & T	Killyleagh
Killyman Community Playgroup	Dungannon
Kingdom Playgroup	Kilkeel
Krafty Kids (Ogras)	Coalisland
Ladybird Playgroup	Omagh
Laurencetown Playgroup	Laurencetown
Leitrim Community Playgroup	Castlewellan
Lifestart Limavady	Limavady
Ligoniel Family Centre	Belfast
Little Acorns Playgroup Derrynoose	Derrynoose
Little Amps Playgroup	Maghera
Little Castles Playgroup	Lisnaskea
Little Diamonds Community Playgroup	Claudy
Little Doves Childcare Centre	Newtownards
Little Folk Playgroup	Rostrevor
Little Oaks Pre-School Playgroup	Craigavon
Little People Playgroup	Newry
Little Rainbows PG	Maghera
Little Rascals Community Playgroup	Limavady
Little Villagers Playgroup	Loughilly
Loughgiel Community PG	Loughgiel
Lower Oldpark Community Association	Belfast
Macosquin Community Playgroup	Coleraine
Magherafelt Womens Group (Kidz Lodge)	Magherafelt
Magic Roundabout Playgroup	Omagh
Magilligan Community Playgroup	Limavady
Monkstown Community School Playgroup	Monkstown
Mother Goose Community Playgroup	Ballycastle
Naiscoil an Chreagain	Silverbridge
Naiscoil an tSleibhe Dhuibh	Belfast
Naiscoil Ard Eoin	Belfast
Naiscoil Charn Tochair	Maghera
Naiscoil Dhun Padraig	Downpatrick
Naiscoil Mhachaire Ratha	Maghera
Newhill First Steps Childcare Centre	Belfast
NICMA	Newtownards
O'Fiaich Playgroup	Armagh
Old Warren Community Association*	Lisburn
Omagh Early Years Centre	Omagh
Orana Nursery	Newry
Orchard Community Playgroup	Limavady

Group Name	Location
Parish of Nativity Playgroup, Poleglass	Belfast
Pomeroy Pre School Playgroup	Dungannon
Portaferry Playgroup	Newtownards
Portrush Community Pre-School Playgroup	Portrush
Poyntzpass Community Playgroup	Poyntzpass
Rainbow Child and Family Centre (WHSSB)	Derry
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Smart Attack Childcare Services	Omagh
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Stepping Stones Pre School Nursery	Newtownabbey
Stewartstown Tiny Tots	Stewartstown
Straidarran Community Playgroup	Claudy
Strangford Parent and Toddler	Strangford
Sugar and Spice Playgroup	Drumquin
Sunflower Early Years Group	Fintona
Taghnevan Pre School Playgroup	Lurgan
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West Bann Development (Dev Worker)	Coleraine
Whiterock Creche Centre	Belfast
Windsor Women's Centre	Belfast
Zero-8-Teen	Brownlow

* setting did not accept the offer of funding for 2015/16.

Mr Weir asked the Minister of Education to detail the playgroups and other projects that had their funding (i) reduced; and (ii) removed for early years projects in 2015/2016.

(AQW 46988/11-15)

Mr O'Dowd: The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE) remit. However, it is simply impossible to protect everything.

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An Droichead	Belfast
Appletree Childcare	Coleraine
Ardstraw Community Playgroup	Newtownstewart
Armoy Cross Community Playgroup	Ballymoney
Ashgrove Pre - School Playgroup	Portadown
Ashton Childcare	Belfast
Atlas Creche	Lisburn
Atticall Playgroup	Kilkeel
Ballinascreen Early Years Pre-Sch Education Centre	Draperstown
Balloughry Integrated Community Playgroup	Derry
Ballykinlar Cross Community Pre School Ltd	Downpatrick
Ballymacarrett Youth and Community Project	Belfast
Banagher Community Playgroup	Derry
Barnardos BME	Belfast
Barnardos Forward Steps	Belfast
Barnardos Travellers Pre-School	Belfast
BCDA	Belfast
Beacon Playgroup	Cookstown
Bees Nees Early Years Centre	Newtownards

Group Name	Location
Belfast and Lisburn Women's Aid	Belfast
Benburb Community Playgroup	Dungannon
Blackie Creche	Belfast
Bloomfield Playgroup	Belfast
Bunnahone Bunnies Playgroup	Derrygonnelly
Buttonmoon Playgroup	Tandragee
Carebears Community Playgroup	Newtownstewart
Carryduff Pre School Playgroup	Belfast
Castlerock Community Playgroup	Castlerock
Caw Community Playgroup	Derry
Chirpy Chicks Playgroup	Greyabbey
Chrysalis Women's Centre	Craigavon
Clady Tiny Tots	Clady
Clough & District Community Playgroup	Ballymena
Cloughmills Early Years	Cloughmills
Crows Nest Community Playgroup	Coleraine
Dara Playgroup	Armagh
Derry Well Woman Creche	Derry
Derrytrasna Playgroup	Craigavon
Dervock Playgroup	Ballymoney
Drumellan Community Association	Craigavon
Drumsurn Parent and Toddler	Limavady
Dundrum Cross Community Playgroup	Dundrum
Dunloy Community Playgroup	Ballymoney
Dunnaman Childrens Centre	Kilkeel
Earlybird Playgroup	Armagh
Falls Women's Centre	Belfast
First Steps Community Playgroup (PM Session)	Castledearg
First Steps Day Care Project	Castledearg
First Steps Playgroup	Belfast
Forthspring Afterschools	Belfast
Foyle Downs Syndrome Trust	Derry
Gingerbread Lone Parent Services	Derry
Glenarm Community Pre School	Glenarm
Greengables Playgroup	Carrickfergus
Grove Community Playgroup	Lisburn
Hansel and Gretal Pre School	Glynn
Happy Days Playgroup	Newry
Harbour Bears Pre-School Playgroup	Larne
Harpurs Hill Community Early Years	Coleraine
Hillside Pre School Playgroup	Newtownabbey

Group Name	Location
Hobby Horse Playgroup	Belfast
Holy Cross Pre School	Belfast
Holy Trinity Centre	Belfast
Ionad Uibh Eachach	Belfast
Kiddies Castle Early Years	Castledawson
Kids Korner	Larne
Kids R Us Cross Community	Fivemiletown
Kidzone Playgroup (Newry)	Newry
Kilkeel Community Association	Kilkeel
Killean Playgroup	Newry
Killen Parent and Toddler	Castlelurg
Killyleagh Early Years P & T	Killyleagh
Killyman Community Playgroup	Dungannon
Kingdom Playgroup	Kilkeel
Kraffy Kids (Ogras)	Coalisland
Ladybird Playgroup	Omagh
Laurencetown Playgroup	Laurencetown
Leitrim Community Playgroup	Castlewellan
Lifestart Limavady	Limavady
Ligoniel Family Centre	Belfast
Little Acorns Playgroup Derrynoose	Derrynoose
Little Amps Playgroup	Maghera
Little Castles Playgroup	Lisnaskea
Little Diamonds Community Playgroup	Claudy
Little Doves Childcare Centre	Newtownards
Little Folk Playgroup	Rostrevor
Little Oaks Pre-School Playgroup	Craigavon
Little People Playgroup	Newry
Little Rainbows PG	Maghera
Little Rascals Community Playgroup	Limavady
Little Villagers Playgroup	Loughilly
Loughgiel Community PG	Loughgiel
Lower Oldpark Community Association	Belfast
Macosquin Community Playgroup	Coleraine
Magherafelt Womens Group (Kidz Lodge)	Magherafelt
Magic Roundabout Playgroup	Omagh
Magilligan Community Playgroup	Limavady
Monkstown Community School Playgroup	Monkstown
Mother Goose Community Playgroup	Ballycastle
Naiscoil an Chreagain	Silverbridge
Naiscoil an tSleibhe Dhuibh	Belfast

Group Name	Location
Naiscoil Ard Eoin	Belfast
Naiscoil Charn Tochair	Maghera
Naiscoil Dhun Padraig	Downpatrick
Naiscoil Mhachaire Ratha	Maghera
Newhill First Steps Childcare Centre	Belfast
NICMA	Newtownards
O'Fiaich Playgroup	Armagh
Old Warren Community Association*	Lisburn
Omagh Early Years Centre	Omagh
Orana Nursery	Newry
Orchard Community Playgroup	Limavady
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Pomeroy Pre School Playgroup	Dungannon
Portaferry Playgroup	Newtownards
Portrush Community Pre-School Playgroup	Portrush
Poyntzpass Community Playgroup	Poyntzpass
Rainbow Child and Family Centre (WHSSB)	Derry
Rainbow Community Playgroup	Omagh
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Rasharkin Community Playgroup	Ballymena
Roden Street Development Group	Belfast
Scoil na Fuisioige	Dunmurray
Shalom House Creche	Belfast
Shankill Women's Centre	Belfast
Slievegallion Community Playgroup	Magherafelt
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Stewartstown Tiny Tots	Stewartstown
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Strangford Parent and Toddler	Strangford
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Taghnevan Pre School Playgroup	Lurgan
Taylorstown Cross Community Complex	Toomebridge
The Cedar Foundation	Derry
The Firs Playgroup	Armagh
The Orchard Playgroup	Loughgall
Tiny Steps Creche	Cookstown
Tiny Toons Playgroup	Ballyhoran

Group Name	Location
Tiny Tots Community Playgroup	Strathfoyle
Tiny Tots Corner Playgroup	Killylea
Tober Tinys Playgroup	Tobermore
Upper Andersonstown Comm. Forums Daycare Facility	Belfast
West Bann Development (Dev Worker)	Coleraine
Whiterock Creche Centre	Belfast
Windsor Women's Centre	Belfast
Zero-8-Teen	Brownlow

* setting did not accept the offer of funding for 2015/16.

Mr Weir asked the Minister of Education to outline his Department's monitoring round bid for Early Years funding. (AQW 46989/11-15)

Mr O'Dowd: The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's (DE) remit. However, it is simply impossible to protect everything.

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Armoy Cross Community Playgroup	Ballymoney
Ashgrove Pre - School Playgroup	Portadown
Ashton Childcare	Belfast
Atlas Creche	Lisburn
Atticall Playgroup	Kilkeel

Group Name	Location
Ballinascreen Early Years Pre-Sch Education Centre	Draperstown
Balloughry Integrated Community Playgroup	Derry
Ballykinlar Cross Community Pre School Ltd	Downpatrick
Ballymacarrett Youth and Community Project	Belfast
Banagher Community Playgroup	Derry
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Barnardos Forward Steps	Belfast
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Carryduff Pre School Playgroup	Belfast
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Caw Community Playgroup	Derry
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Chrysalis Women's Centre	Craigavon
Clady Tiny Tots	Clady
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Cloughmills Early Years	Cloughmills
Crows Nest Community Playgroup	Coleraine
Dara Playgroup	Armagh
Derry Well Woman Creche	Derry
Derrytrasna Playgroup	Craigavon
Dervock Playgroup	Ballymoney
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Leitrim Community Playgroup	Castlewellan
Lifestart Limavady	Limavady
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Little Amps Playgroup	Maghera
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Little Folk Playgroup	Rostrevor
Little Oaks Pre-School Playgroup	Craigavon
Little People Playgroup	Newry
Little Rainbows PG	Maghera
Little Rascals Community Playgroup	Limavady

Group Name	Location
Little Villagers Playgroup	Loughilly
Loughgiel Community PG	Loughgiel
Lower Oldpark Community Association	Belfast
Macosquin Community Playgroup	Coleraine
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Magic Roundabout Playgroup	Omagh
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Group Name	Location
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Mrs Overend asked the Minister of Education how his Department is contributing to the development of a cross-departmental internet safety strategy.

(AQW 47012/11-15)

Mr O'Dowd: At its meeting on 29 January 2015, the Executive agreed to formally commission the Safeguarding Board (SBNI) to develop an e-safety strategy and action plan. Terms of Reference (TOR) have been developed and the SBNI has appointed a project manager to deliver the work within an 18 month timeframe. The aim is that the draft e-Safety strategy will be ready for consultation by the end of the financial year and the draft strategy and action plan will be presented to the Executive once complete.

My Department has a very effective working relationship with the Safeguarding Board (SBNI) which is why I was pleased to endorse this proposal.

My Department's involvement in agreeing the Terms of Reference for the project has ensured that two of the key aims of the strategy are to educate and support children young people and parent in developing the skills, knowledge and understanding to stay safe online, to recognise unsafe situations and to understand how to help children stay safe online and to promote safe and responsible behaviour in the use of internet and mobile technology and to keep up to date with developments.

Mr Eastwood asked the Minister of Education to detail the capital infrastructure projects financed by his Department in Foyle in 2014/15; and the cost of each project.

(AQW 47018/11-15)

Mr O'Dowd: A total of four Major Capital Works Projects in the Foyle constituency were announced to be taken forward in planning in June 2012, January 2013 and June 2014 however there were no projects announced in the Foyle constituency in June 2014. Work was ongoing to progress the projects in 2014/15.

- Eglinton Primary School £2.6m
- Ardnashee School and College £7.4m
- Foyle College and Ebrington Primary School £31.45m
- Craigback/Mullabuoy/Listress Primary Schools £2m

Three School Enhancement Projects (SEP) in the Foyle constituency were approved for funding in March 2014 and design work continued on these projects throughout 2014/15.

- St Columb's College £2.669m
- Newbuildings PS £1.923m
- Broadbridge PS £2.63m

There are currently no other SEP schemes in the Foyle constituency.

Mr Weir asked the Minister of Education whether there is any provision for teaching animal welfare in schools.
(AQW 47064/11-15)

Mr O'Dowd: There is no specific statutory requirement for schools to teach about animal welfare in primary or post-primary schools. However, there is flexibility within our curriculum to allow schools to teach about animal welfare if they wish to do so.

This topic could be taught in other subjects for example through Personal Development and Mutual Understanding (PDMU) in the primary curriculum or through subjects such as English, Science and Learning for Life and Work (Citizenship) at Key Stage 3. At Key Stage 4, students who choose Occupational Studies as a qualification have the option of studying a unit on Animal Care.

CCEA has also published some non-statutory resources for primary level that address animal welfare issues and introduced a GCSE in Agriculture and Land Use for first teaching from September 2013. The GCSE contains a unit on Animals in the Land.

Mr Weir asked the Minister of Education whether any consideration has been given to increasing education within the curriculum on the need to adopt responsible behaviour and care towards animals.
(AQW 47065/11-15)

Mr O'Dowd: As part of its curriculum monitoring remit, CCEA is currently conducting research with staff and pupils in primary and post-primary schools to obtain their views on the curriculum and their learning experience.

This will help to inform future developments in the curriculum here and includes gathering educationalists' and pupils' views about the need to include learning about responsible behaviour and care towards animals.

Mrs Cochrane asked the Minister of Education, pursuant to AQW 46338/11-15, to detail (i) how many providers availed of temporary flexibility arrangements in each of the last three years; (ii) if these providers solely received funding per pupil; and (iii) if any providers funded additional staff through school funds in order to maintain a staffing ratio of 1:13 adults to children.
(AQW 47083/11-15)

Mr O'Dowd: Temporary flexibility in enrolment/class size in statutory nursery settings was first introduced for admissions in the 2014/15 when temporary flexibility was approved in 30 settings. In 2015/16 temporary flexibility has been approved in 43 settings at this stage.

As indicated in the answer to AQW46338/11-15 approved additional places are funded on an equivalent per pupil basis in the next financial year. All pupil count and other funding arrangements, as outlined in the Common Funding Scheme, apply to the temporarily increased enrolment number for the school.

The Department does not routinely collect information on staffing levels in statutory nursery settings following the approval of temporary flexibility, or on how they were funded that year.

Schools applying for the temporary flexibility must confirm, prior to approval, that the premises and staffing structure can support the increase and that they can operate within the Common Funding Scheme arrangements.

Mr D McIlveen asked the Minister of Education what actions his Department is taking to educate children and young people about online safety.
(AQW 47092/11-15)

Mr O'Dowd: In schools, the duty to safeguard and promote the welfare of pupils is the responsibility of a school's Board of Governors, and schools are required to have in place policies on discipline, bullying and the safe and effective use of the Internet and Digital technologies.

In terms of educating our pupils about online safety, ICT plays a central role in the statutory curriculum and Using ICT, a cross-curricular skill, requires pupils to learn how to keep safe and display acceptable online behaviour.

Support is available via the C2k ICT Managed Service which provides teachers with detailed advice and guidance on eSafety and resources are also available within the C2k Virtual Learning Environment, Fronter, for both staff and pupils. Teachers have access to an Internet Safety Room within Fronter which has a range of resources and eSafety policies. C2k also directly reaches pupils through the C2k News Desk which frequently raises issues of pupils' online safety, through news articles, highlighting current issues and providing Online Safety fact files and appropriate web resources for school use.

In addition, there are links on the DE website to useful sites that can provide children and young people, as well as parents and carers with specific information and advice on a range of internet safety topics.

The Department has also recently issued a circular letter to all schools and the Youth Council, containing advice provided by the PSNI and endorsed by the Safeguarding Board NI (SBNI) about how to stay safe online. The circular letter also includes advice for parents. This circular will be made available on the C2K Exchange.

The Department also funds the work of the NI Anti-Bullying Forum (NIABF). As part of its remit, the Forum visits schools and works with staff and pupils to raise awareness of all forms of bullying, promote best-practice responses to bullying incidents and, if required, signposting the school and individuals to other sources of specialist advice and support.

You may also be aware that the Department has endorsed the commissioning of the SBNI to produce a regional eSafety strategy and action plan and has contributed to the Terms of Reference to ensure that the needs of children and young people as well as parents are addressed within that strategy.

Mr D McIlveen asked the Minister of Education what actions his Department is taking to educate children and young people about how to manage their finances.

(AQW 47098/11-15)

Mr O'Dowd: Financial capability was made a statutory element of the Curriculum in 2007. At primary level it is embedded in the 'Money' strand of Mathematics and Numeracy and within Personal Development and Mutual Understanding (PDMU). At postprimary level, it is embedded within 'Mathematics (including Financial Capability)' and through the Home Economics strand of Learning for Life and Work at Key Stage 3.

Mr Rogers asked the Minister of Education for his assessment of the criteria for the allocation of nursery school places.

(AQW 47124/11-15)

Mr O'Dowd: Legislation requires that all pre-school settings give priority to children from socially disadvantaged backgrounds. Pre-school settings are responsible for setting any subsequent criteria themselves.

Priority is given to children from socially disadvantaged circumstances in the pre-school admissions process because research has shown that they experience more difficulty at school than other children: this is part of wider efforts to tackle educational underachievement.

Learning to Learn – a Framework for Early Years Education and Learning - includes an action to implement remaining actions from the Review of Pre-School admissions including one to examine the definition of socially disadvantaged circumstances with a view to ensuring the relevant criteria are up-to-date. I also want to examine the criteria to ensure that they do not disadvantage low paid working parents.

I have asked my officials to consider the issues associated with extending the priority criterion.

Ms Sugden asked the Minister of Education to detail how the transfer of statutory functions for Outdoor Education Centres to the Education Authority will impact on the sustainability of Woodhall Outdoor Education Centre in Kilrea.

(AQW 47177/11-15)

Mr O'Dowd: The transfer of statutory functions for Outdoor Education Centres to the Education Authority has had no impact on the sustainability of the Woodhall Outdoor Education Centre in Kilrea.

However, as part of the implementation of Priorities for Youth, there will be a review of Residential and Outdoor Education Service provision as outlined in the 2015-16 Regional Youth Development Framework.

Mrs Cameron asked the Minister of Education how he plans to deal with any barriers to the uptake of events held at university level, as part of the widening access programmes and Science, Technology, Engineering and Maths delivery to primary schools.

(AQO 8486/11-15)

Mr O'Dowd: I understand that clarification was provided in relation to this question and that the barriers referred to relate to transport from primary schools to Sentinus events or other similar programmes at relevant universities.

It is matter for individual schools to determine how they transport pupils to Sentinus events or other similar programmes held at universities in the north.

Department for Employment and Learning

Mr Weir asked the Minister for Employment and Learning to detail what actions the Managing Authority will take if Data collected throughout the ESF Programme, shows that there is an imbalance in the gender breakdown of participants accessing the ESF Programme.

(AQW 45575/11-15)

Dr Farry (The Minister for Employment and Learning): The implementation and delivery of the European Social Fund (ESF) Programme will be monitored and reviewed to ensure that my Department's section 75 duties, and commitment to

mainstream equality, are met. The ESF Programme's participation, or take-up rates, will be monitored annually to identify any participation or take-up rates which are lower than expected, and their causes.

My Department plans and oversees a rolling programme of evaluations (updated annually) which ensures that labour market programmes and services are evaluated every five years. Equality issues are treated as an integral part of each evaluation. The ESF Programme will be included in my Department's rolling programme and it will have its own evaluation strategy that will include at least two evaluations during its lifespan. Equal opportunities, non discrimination and equality between men and women will be examined as part of the evaluation work.

If data collected throughout the ESF programme shows that there is an imbalance in the gender breakdown of participants, this will be identified through the actions detailed above and appropriate action taken. At this stage, it is not possible to define the exact nature of the action that would be taken as a decision on how to respond would depend on the particular circumstances at the time. However, possible measures might include efforts to target recruitment of under-represented groups.

Mr Flanagan asked the Minister for Employment and Learning pursuant to AQW 44667/11-15 could his Department provide (i) a list of successful applicants; (ii) the sums awarded to each organisation and (iii) the programmes to which the organisation will participate.

(AQW 45767/11-15)

Dr Farry: Over this initial three years of funding, 67 projects with a total value of £102 million will be supported to help over 42,700 individuals, and will also provide assistance to 2,340 families.

A total of 67 Projects have been sent Letters of Offer. The projects have been given until 30 June 2015 to confirm whether they have match funding in place.

My officials are awaiting the acceptance of these; so a decision on total funding to individual organisations has yet to be finalised but will be published in due course.

A list of the organisations in receipt of a funding offer is available via this link:

<http://www.delni.gov.uk/index/publications/pubs-euro-funding/ni-european-social-fund-programme-2014-2020.htm>

Ms Sugden asked the Minister for Employment and Learning what provisions are in place to allow parental leave for new foster parents, including Kinship Carers.

(AQW 46532/11-15)

Dr Farry: Entitlement to shared parental leave is available to new mothers and adopters and their partners (who may be the child's father or the other adopter).

Entitlement to the right may arise for foster parents when a child enters a foster placement with them and there is a significant probability that the placement will become an adoptive placement. In those circumstances, entitlement to adoption leave and shared parental leave can arise prior to the formal placement for adoption.

There are no broader arrangements for shared parental leave for foster parents or kinship carers.

Mr Easton asked the Minister for Employment and Learning how many projects will be funded by his Department through the European Social Fund for this financial year.

(AQW 46554/11-15)

Dr Farry: Over the initial three years of funding, 67 projects with a total value of £102 million will be supported to help over 42,700 individuals and will also provide assistance to 2,340 families.

The full list can be accessed at:

<http://www.delni.gov.uk/index/publications/pubs-euro-funding/ni-european-social-fund-programme-2014-2020.htm>

Mr Easton asked the Minister for Employment and Learning to detail the group projects which will be funded through the European Social Fund in this financial year.

(AQW 46556/11-15)

Dr Farry: Projects which have been offered funding from the European Social Fund Programme 2014-2020, include 12 applicants in the young people not in education, employment or training priority (four of these applications include consortium members); 24 applicants in the disability priority (20 of which include consortium members); 25 applicants in the unemployed/economically inactive priority (16 of which include consortium members), and six applicants in the Community Family Support Programme priority (four of which include consortium members). Over 65% of applications have consortium members.

All of the 67 Projects were issued a Letter of Offer on Friday 5th June 2015 and have one month from the date of the Letter of Offer to accept the terms and conditions for funding.

Ms Sugden asked the Minister for Employment and Learning for his assessment of the benefits for students of having a Further Education College Campus located within a town centre.

(AQW 46655/11-15)

Dr Farry: Colleges are required to develop a business case when considering any major capital investment. In arriving at a preferred option, the business case will consider a range of social and economic factors including an assessment of the relative advantages and disadvantages of a range of proposed locations. This will take into account accessibility to facilities and services, transport links, etc. In addition to this there will also be an assessment of the overall value for money and affordability represented by each option. It is for the College to weigh up these various factors and to make a recommendation as to the option which best meets its needs and those of the student population.

The resultant business case will then be reviewed by my officials and subsequently those from the Department of Finance and Personnel to ensure that the best option has been selected.

Ms Sugden asked the Minister for Employment and Learning to detail all the proposed sites for a new build for the Northern Regional College Campus, within the Northern Regional College area.

(AQW 46658/11-15)

Dr Farry: The Northern Regional College is preparing a business case to address deficiencies at its Coleraine, Ballymoney and Ballymena campuses.

The business case, which will carry out an assessment of all potential sites, is expected to be submitted to my Department for consideration by the end of June. It would, therefore, not be appropriate for me to make any further comment on any of the sites being considered at this stage.

Ms Sugden asked the Minister for Employment and Learning of his assessment of the current condition of the Northern Regional College facility at the Coleraine Campus.

(AQW 46660/11-15)

Dr Farry: It is accepted that the Coleraine campus of the Northern Regional College is in poor condition and unsuited for the delivery of a modern further education curriculum. The building dates back to the 1930's and requires considerable work to remain functional.

As I have previously stated in the Assembly, I see improvements in the Northern Regional College Estate as a priority. The preparation of the business case for the estate is ongoing, and a final draft is expected to be with my officials during July 2015 for consideration.

Ms Sugden asked the Minister for Employment and Learning how he is encouraging the development of links between Ulster University in Coleraine and the Further Education colleges in Coleraine and Limavady.

(AQW 46662/11-15)

Dr Farry: I believe that Further Education Colleges make a distinctive contribution to the overall provision of higher education in Northern Ireland. They have a particular strength in the provision of intermediate-level qualifications to meet the higher skills needs of local employers and regional communities.

My policy is to encourage the provision of Foundation Degrees offered in collaboration between the local universities and the regional colleges. Foundation degrees are professional and technical qualifications and have a major role to play in meeting the higher level priority skills needs of Northern Ireland. They equip learners with the combination of technical capabilities, academic knowledge and transferable skills at the associate professional and higher technician levels that employers are increasingly demanding.

Ulster University (UU) has taken a leading role in the validation of Foundation Degrees and has worked in collaboration with both the Northern Regional College and the North West Regional College in developing a range of Foundation Degree qualifications, including courses in Electrical / Electronic Engineering, Software Development, Sustainable Construction and Applied Medical Sciences.

Over the last two years, I have made increased funding available to provide an additional 75 full time higher education places at North West Regional College, and another 66 at Northern Regional College, in Foundation Degrees in STEM subjects. It is a matter for the senior management of each college to determine the location of specific courses across their campuses to best meet local demand.

I can confirm that a foundation degree course validated by UU in Building Technology and Management is currently being delivered in Coleraine campus. Students on the Northern Regional College Foundation degree in Sport Exercise and Fitness use UU Coleraine sports facilities on a regular basis. I can also confirm that a Level 4 Certificate in Counselling Studies and a Foundation Degree in Counselling validated by UU are currently being delivered at the Limavady campus of North West Regional College.

UU also collaborates with the colleges in the development of Access Diploma courses. These are key qualifications for widening participation in higher education, particularly for adult learners. Currently an Access Diploma in Social Sciences is being delivered at the Coleraine campus, and an Access Diploma in Combined Studies (Humanities) is being delivered at the

Limavady campus. In addition, a small number of Level 3 Health Science students from the Limavady campus progress to degree provision at UU Coleraine in Nutrition.

Developing links include initial discussions between Northern Regional College Performing Arts Department at its Coleraine campus and UU Coleraine, concerning the potential to develop a Foundation Degree in Performing Arts. Beginning in September 2015, Northern Regional College will undertake academic visits to UU to examine course delivery, modules, industrial links, etc with a view to developing a Foundation Degree to begin in September 2016. Northern Regional College, Coleraine Level 3 courses in Music, Performing Arts and Production Arts already have strong links with the Riverside Theatre, UU Coleraine.

Finally, UU is also supportive of Northern Regional College establishing a Foundation Degree in Computing at Coleraine campus in September 2016 and a Foundation Degree in Business with IT commencing in September 2017.

Mr Easton asked the Minister for Employment and Learning to detail the criteria his Department use when awarding payments from the European Social Fund.

(AQW 46674/11-15)

Dr Farry: Organisations must be financially viable to receive support through the European Social Fund. At stage 1 of the application process, my Department undertook Financial Capability Assessments to determine that organisations are financially capable of delivering the projects. Included in this assessment was the requirement that each organisation have net cash assets of 10% or more of the value of each proposed project on an annual basis. Other issues considered at stage 1 were; whether or not the project objectives addressed SMART criteria; did these objectives link to the overall ESF programme objectives; did the project demonstrate value for money, and that the project did not duplicate existing government programmes or local provision.

Projects which successfully passed stage 1 were considered by selection committees. Those projects which achieved a pass mark score of 115 points or above were listed in merit order for each of the four ESF Investment Priorities: Investment Priority 8 (I) a& b - Access to employment for job-seekers and inactive people; Investment Priority 8 (II) - Sustainable integration into the labour market of young people; Investment Priority 9 (I) a – Social Inclusion (Disability Strand) and Investment Priority 9 (I) b Community Family Support Programme (CFSP).

The breakdown of the proposed financing of all successful ESF Projects is ESF Funding of 40%; Department for Employment and Learning contribution of 25%; and Match Funding (from a public or private source) totalling 35%; projects must secure match funding to be funded through ESF.

Mr Rogers asked the Minister for Employment and Learning to detail (i) what plans are underway to decentralise public sector jobs within his Department; and (ii) the number of jobs that will be relocated to South Down.

(AQW 46794/11-15)

Dr Farry: The Department for Employment and Learning does not have any plans to further decentralise public sector jobs either in South Down or throughout Northern Ireland.

Mrs Hale asked the Minister for Employment and Learning whether apprenticeship contracts post March 2016 will be subject to re-tendering.

(AQW 46929/11-15)

Dr Farry: As outlined in my Department's recent strategy on apprenticeships, *Securing our Success*, future apprenticeship provision will commence at professional and technical level 3.

The current contracts for the ApprenticeshipsNI programme support the provision of apprenticeships at levels 2 and 3, based upon a series of existing frameworks.

The new apprenticeship model, which will be introduced in 2016, will be owned by employers and will move away from the existing framework model. In future, opportunities brought forward by employers which meet the key components laid out in my strategy will be funded. Consequently, existing contracting arrangements will not be compatible with this new expansive, employer led model. In future, universities, further education colleges and other approved providers, who meet the necessary quality and standards, will deliver the broad education components.

This new apprenticeship model has required a new system of training for professional and technical areas at level 2. My Department's forthcoming strategy on youth training will outline policy proposals in this regard, a key component of which will include work based learning through both an employed route, replacing apprenticeships at level 2 and, a complementary non employed pathway.

Mr Ramsey asked the Minister for Employment and Learning to detail the reasons for the abolition of the Pathways Education Maintenance Allowance for young people not in employment, education or training as this was designed to address an anomaly.

(AQW 47179/11-15)

Dr Farry: The Pathways Education Maintenance Allowance was not abolished. It was introduced as one of a series of measures under the Pathways to Success strategy, supported by a ring-fenced and time-limited budget secured under the

Executive's Economy and Jobs Initiative in 2012. These programmes, and the associated budget, came to an end on 31 March 2015.

Organisations that were successful in the recent call for applications to the European Social Fund (ESF) Programme are free to utilise the overhead cost allocations they are receiving to cover expenditure, such as allowances for participants. Examples were given of the type of additional costs which could be claimed in the revised simplified model, and it was made clear in the guidance, which was made available when the call for applications was launched, that any such expenses should be included in the 40% overhead costs. It is the expectation of my Department that Education Maintenance Allowance will be paid out of this 40% overhead costs allowance.

The following is an excerpt from the guidance which issued to organisations in late November 2014, prior to the closing date for receipt of applications on 6th January 2015.

"It should be noted that the 40% ESF indirect Costs funding is to be used for all other costs associated with the delivery of your project and this should include participants' allowances, childcare, staff travel, rent, etc."

Therefore, projects were made aware, in writing, well in advance of the closing date that participant costs could be included, and claimed for, in the indirect costs allocation.

Department of Enterprise, Trade and Investment

Mr Hussey asked the Minister of Enterprise, Trade and Investment, in relation to InvestNI's support of sub-regional growth, how many of the 2213 businesses supported outside Belfast were in West Tyrone.

(AQW 46080/11-15)

Mr Bell (The Minister of Enterprise, Trade and Investment): The information you have requested is not currently available as Invest NI's full sub-regional results for 2014/15 have not yet been released.

Mr Gardiner asked the Minister of Enterprise, Trade and Investment to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46278/11-15)

Mr Bell: Approval has been given for three Ministerial Directions since May 2007. The dates of approval and the nature of each are detailed below.

The first Ministerial Direction was issued on 3 December 2009. This was for the provision of grant assistance to a manufacturing company.

A second Ministerial Direction was issued on 4 May 2011, for the provision of financial assistance to a company to carry out new capital works and repairs and improvements to existing property.

The third Ministerial Direction was issued on 21 October 2013, for the provision of grant assistance to a manufacturing company.

Mr B McCrea asked the Minister of Enterprise, Trade and Investment, given his Department's renewables target, whether he supports the Minister of the Environment's aim of bringing forward climate change legislation.

(AQW 46306/11-15)

Mr Bell: I understand that the DOE Minister has no plans to bring forward Northern Ireland climate change legislation in this Assembly term. Northern Ireland is already working within UK legislation and UK wide targets.

If, in the future, legislative proposals are brought forward to the Executive on Climate Change I will consider them at that time.

Mr Eastwood asked the Minister of Enterprise, Trade and Investment to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

(AQW 46337/11-15)

Mr Bell: My Department had no Capital infrastructure projects in Foyle in 2013-14.

Mr Campbell asked the Minister of Enterprise, Trade and Investment whether he or his officials have started the process of estimating the amount of (a) office space; and (b) industrial space, that will be required in addition to what is currently available, if a significant reduction in the rate of Corporation Tax is implemented.

(AQW 46346/11-15)

Mr Bell: Invest NI commissioned a review of the Northern Ireland commercial property market. The review was completed in October 2014 and provides a solid basis for making projections about future demand for office and industrial space. Invest NI recently announced plans to stimulate the development of Grade A office accommodation through the provision of mezzanine funding/equity to private sector property developers. Applications for this are currently open and will remain so until the 31 August 2015.

Invest NI can also provide support towards the development of new property solutions by way of capital grant, loans or shares to qualifying projects through its Property Assistance Scheme. Invest NI also holds serviced industrial land in various locations across Northern Ireland which can be sold to qualifying companies to develop their own bespoke facility meeting their unique business needs.

The Economic Policy Centre (EPC) at Ulster University has produced high level estimates of the potential additional job creation which could result from a lower rate of Corporation Tax. At this point, these estimates have not been converted into associated estimates of office space and industrial space. My Department, through Invest NI, and in conjunction with the Department for Employment and Learning, is in the process of procuring a research project to advise on the specific sectors, sub-sectors and activities that should be targeted with a lower rate of Corporation Tax. This research, together with the ongoing gathering of evidence regarding the property market, will be used to inform the likely requirements for different types of space in the future.

Mr Allister asked the Minister of Enterprise, Trade and Investment whether any funding contributed by the Northern Ireland Executive towards the operation of Tourism Ireland will be spent on its promotion of the Republic of Ireland as a venue for same sex marriages and if not, how will same be assured.

(AQW 46355/11-15)

Mr Bell: The campaign was funded exclusively from promotional monies provided by the Irish Government.

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment whether his Department has a renewable energy strategy.
(AQW 46385/11-15)

Mr Bell: The 2010 Strategic Energy Framework (SEF) which was endorsed by the Northern Ireland Executive sets the direction for energy policy, including renewables, to 2020. The key goals reflected in the current Programme for Government period are to achieve 20% renewable electricity and 4% renewable heat by 2015. The Northern Ireland Renewables Obligation scheme and the Northern Ireland Renewable Heat Incentive have been put in place to support achievement of these goals.

Mr B McCreagh asked the Minister of Enterprise, Trade and Investment for an update on the creation of a Chief Scientific Advisor role.

(AQW 46396/11-15)

Mr Bell: I recognise the benefits in appointing a Chief Scientific Advisor for Northern Ireland, as articulated in the Regional Innovation Strategy. However the timing and the priority given to such an appointment will have to be revisited in light of the current resource/budgetary constraints across public services.

Ad hoc links, supported by DETI and on a cross-departmental basis, remain in place with the UK Government's Chief Scientific Adviser's Advisory Committee (CSAC).

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment what incentives and support his Department provides to households and businesses who choose to convert to natural gas.

(AQW 46487/11-15)

Mr Bell: My Department does not offer incentives to households and businesses who choose to convert to natural gas. However, there is provision within the regulated Price Controls for gas distribution companies in Northern Ireland to incentivise gas connections. Assistance for eligible households is also available through the Utility Regulator's Northern Ireland Sustainable Energy Programme (NISEP) and through Department of Social Development schemes such as the Boiler Replacement Scheme and Affordable Warmth programme.

Invest NI can offer interest free loans to businesses to support capital expenditure on equipment which reduces carbon emissions by improving energy efficiency, including the provision of gas fired combined heat and power units and natural gas boilers.

Mr Agnew asked the Minister of Enterprise, Trade and Investment what discussions have been held with the Department for Energy and Climate Change on the possible early closure of the Renewables Obligation; and to detail any work that will be taken forward as a result.

(AQW 46526/11-15)

Mr Bell: I met with the DECC Secretary of State recently to discuss the future of renewable support including her plans to close the Renewables Obligation in GB in 2016. My Department will assess the policy implications arising from any announcement by DECC on early closure of the RO in GB.

Mr McCallister asked the Minister of Enterprise, Trade and Investment how his Department intends to utilise the recent Irish Open at Royal County Down to boost tourist numbers to Northern Ireland, and in particular South Down.

(AQW 46535/11-15)

Mr Bell: The Irish Open 2015 was undoubtedly a resounding success which positively showcased Newcastle, the Mournes and the wider South Down region. Its success demonstrates Northern Ireland's ability to deliver an outstanding event on the world stage and consolidates our reputation as a positive place not only to visit, but to invest, do business, work and learn.

A Golf Tourism Strategy was launched in March 2015, and a steering group of key stakeholders are working towards delivery of an action plan to drive Northern Ireland golf tourism to a level of £50 million by 2020.

As part of this Strategy there is a clear legacy path to maximize the opportunities arising from the hosting of major golfing events such as the Irish Open.

My Department and Tourism NI will continue working hard to attract major events to Northern Ireland and in partnership with Tourism Ireland, will seek every available opportunity to sustain the worldwide image of Northern Ireland.

We will also work to harness the success of the Irish Open, to increase awareness of Northern Ireland, not only as a premium golfing destination but also as an outstanding tourist destination.

Mr Swann asked the Minister of Enterprise, Trade and Investment what support is available for the development of Grade A office space.

(AQW 46540/11-15)

Mr Bell: Invest NI recently announced plans to stimulate the development of new Grade A office accommodation across Northern Ireland through the provision of mezzanine funding/equity to private sector property developers.

An expression of interest exercise commenced on 1st May and applications are now being accepted by the agency until 31st August 2015.

Further details on the scheme can be found on the Invest NI website at <http://www.investni.com/grade-a-office.html>

Mr Swann asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 42410/11-15, and given that the shale layer is defined as an unconventional reservoir, how a mini-fall off test within this layer is not considered as shale exploration.

(AQW 46544/11-15)

Mr Bell: A mini fall-off test would provide information about the characteristics of any formation in which it is carried out, whether this is a low permeability sandstone or a shale. A mini fall-off test is considered a conventional technique, which is quite different to the High Volume Hydraulic Fracturing, used for testing, and producing, oil or gas from an unconventional reservoir. An exploration well targeting oil and gas in conventional reservoirs may commonly seek to assess all potential hydrocarbon bearing rock formations, as part of a review of the hydrocarbon prospectivity of the petroleum licence area.

Mrs Hale asked the Minister of Enterprise, Trade and Investment whether there any plans to improve broadband supply and connection for the BT25 2HD postcode area.

(AQW 46573/11-15)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project (NIBIP) which will extend the availability of basic and superfast broadband to those who have limited choice across Northern Ireland, particularly in rural areas.

I can confirm that, under Phase 3 of NIBIP, improvements have already been carried out to a number of premises in BT25 2HD. Further details on the project can be found on the NI Direct platform at: <http://www.nidirect.gov.uk/index/information-and-services/leisure-home-and-community/technology-and-online-services/broadband-improvement-project.htm>.

Recognising that NIBIP will not deliver superfast broadband to all premises, my Department, in February 2015, awarded a further contract to BT for the delivery of the Superfast Roll-out Programme (SRP). This project will provide superfast broadband improvements for 38,000 premises across Northern Ireland by December 2017. An extensive survey and design process is underway and will take several months to complete. The post code area BT25 2HD is included under the intervention area of this project. However, until the survey and design process is completed, it will not be possible to say how many premises in this post code area will benefit from the upgrades. Further details on roll-out will be published on the NI Direct platform when this becomes available.

Mr Nesbitt asked the Minister of Enterprise, Trade and Investment what measures Tourism Ireland has taken to maximise the economic potential of Northern Ireland having the world's number one golfer and the Captain of the European Ryder Cup Team.

(AQW 46586/11-15)

Mr Bell: Rory McIlroy and Darren Clarke are great ambassadors and have brought a renewed focus on golf in Northern Ireland. Tourism Ireland is working hard to capitalise on their achievements, to highlight Northern Ireland as a top golfing destination around the world.

Tourism Ireland's extensive "Northern Ireland – Home of Champions" golf campaigns in key golf markets such as Great Britain, the United States, Germany, France and Sweden feature both Rory McIlroy and Darren Clarke (2016 European Ryder

Cup Captain) – with recent examples including Tourism Ireland’s golf TV campaign on NBC Golf Channel in the United States and a range of print and online advertisements in the lead-up to the Irish Open at Royal County Down.

There is also a dedicated ‘Home of Champions’ golf page featuring Darren Clarke, Rory McIlroy and others on Tourism Ireland’s suite of international websites, which attracted 14.25 million visitors in 2014.

Mr Nesbitt asked the Minister of Enterprise, Trade and Investment what assessment Tourism Ireland has made of the economic potential of the Irish Open Golf tournament hosted at Royal County Down, Newcastle.

(AQW 46587/11-15)

Mr Bell: Assessment of the economic potential of the Irish Open Golf tournament at Royal County Down is a matter for Tourism Northern Ireland and an evaluation of the direct economic impact is currently being undertaken and results are awaited.

However, Tourism Ireland capitalised on the estimated potential audience of 440 million households worldwide who could have tuned in to this year’s Irish Open by undertaking an extensive programme of promotions in key golf markets like Great Britain, the United States, Germany, France and Sweden to capitalise on this global publicity for Northern Ireland.

The campaign aims to attract high spending golf visitors to Northern Ireland. Golf is the world’s largest sports related travel market and it is estimated that every £1 spent on green fees creates £4 spend in the local economy. At the moment, golf tourism is estimated to be worth £33million per year to Northern Ireland.

Mr Nesbitt asked the Minister of Enterprise, Trade and Investment what Tourism Ireland is doing to promote Northern Ireland as a destination for golf tourists.

(AQW 46589/11-15)

Mr Bell: Golf holidays are a major focus for Tourism Ireland promotions in key golf markets such as Great Britain, the United States, Germany and Sweden. Tourism Ireland’s ‘Home of Champions’ golf campaigns promote Northern Ireland as a ‘must see’ and ‘must play’ destination to golf enthusiasts overseas, capitalising on the global success of our golfers including Rory McIlroy, Graeme McDowell, Darren Clarke and others.

This year, the Irish Open at Royal County Down provided an additional opportunity to put Northern Ireland’s world-class golf in the global spotlight with further promotional opportunities around another Irish Open in 2017. In addition, Royal Portrush has been restored on the roster for the Open Championship from 2019 which is another exciting development.

Golf tourism currently generates £33million per annum for the local economy. The importance of golf tourism lies in attracting high spending visitors and dispersing their spending power throughout the visitor economy, with research suggesting that for every £1 spent on green fees in Northern Ireland a further £4 is spent elsewhere.

Tourism Ireland’s extensive programme of promotions this year has included a golf TV campaign in the United States; print and online advertising in conjunction with leading online golf tour operators; attendance, with Northern Ireland industry partners, at major golf events and extensive publicity activity, including media golf days and familiarisation visits for influential golf media.

Mr Lyttle asked the Minister of Enterprise, Trade and Investment what action his Department is taking to support an increase in the average wage.

(AQW 46611/11-15)

Mr Bell: The Executive’s Economic Strategy aims to rebalance the Northern Ireland economy, and improve our economic competitiveness through a focus on export-led economic growth, in order to increase wealth and prosperity for all. We will continue to do this by pursuing greater investment in our key drivers of Research & Development and Innovation, and by further developing our skills base.

My Department is committed to increasing wages in the economy which is why Invest NI focuses on promoting jobs that pay salaries above the private sector median.

Invest NI has a target of ensuring that 75% of inward investment jobs and 50% of local investment jobs pay salaries above the private sector median.

Ms McGahan asked the Minister of Enterprise, Trade and Investment what his Department is doing to help the development and growth of the retail sector in Fermanagh and South Tyrone.

(AQW 46612/11-15)

Mr Bell: The Executive’s Economic Strategy provides a clear focus for supporting the retail sector and contains a range of actions aimed at revitalising our town centres and making them attractive places to invest, work and live. The policy responsibility for retail presently cuts across a number of Departments including DETI, DSD, DRD, DOE and DFP.

As Enterprise Minister I welcome opportunities for the development and growth of the retail sector, across all parts of Northern Ireland, which promote investment in the local economy and support sustainable job creation and economic growth.

My Department and Invest NI have worked closely with the full range of businesses across NI including those in the retail sector and a wide range of initiatives are available that offer support and guidance to local retailers. For example, Invest NI's Business Support Team and nibusinessinfo provides a valuable source of business information and signposting to specialist advice for retailers.

Invest NI has supported local councils to develop programmes that are open and accessible to retail businesses and they can also avail of Invest NI's wide range of workshops and seminars.

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment what effect Russian trade sanctions have had on local exporters.

(AQW 46632/11-15)

Mr Bell: Russian and European trade sanctions, following on from the Ukraine crises, have had a significant impact on local exporters, with the Power Generation and Materials Handling sector most affected. In this sector alone manufacturing exports fell by 61%, from £51 million to £19.8 million, in the year to March 2015.

Also, the importance of the Russian market to the EU dairy sector cannot be overstated, as it imports 33% of all cheese and 25% of all butter exported by the EU. In Northern Ireland, the milk and milk products sector has an annual turnover of over £1 billion, with 80% of its output sold in external markets. As such, the ongoing Russian sanctions will be damaging to local companies along with their EU counterparts.

Northern Ireland companies exported £70.1 million in manufactured goods to Russia in 2013/14 with the value falling by just over a third, to £39.8 million in 2014/15, up to Quarter 1 2015.

Mr Rogers asked the Minister of Enterprise, Trade and Investment whether he has received any assurances from Aer Lingus that flights from Northern Ireland will be protected following any potential sale of the company.

(AQW 46645/11-15)

Mr Bell: Frequent access to Heathrow, and its global connections to business and tourism markets, is important for the development of the Northern Ireland economy. The First Minister and I have urged any potential buyer, and everyone involved in the sale of Aer Lingus, to provide assurances that existing air links to and from Belfast will not be impacted as part of any proposed takeover of Aer Lingus.

While any potential sale of Aer Lingus to the International Airlines Group is a commercial matter for the airlines involved and their shareholders, the IAG Chief Executive has stated that it is the company's intention to continue to serve Northern Ireland and that the airline sees opportunities to work with George Best Belfast City Airport to further enhance connectivity.

Mr Weir asked the Minister of Enterprise, Trade and Investment for his assessment of the level of broadband provision in (i) central Bangor; and (ii) the Ward Park area of Bangor.

(AQW 46797/11-15)

Mr Bell: DETI undertook an assessment on the level of broadband provision across Northern Ireland in August 2014. A public consultation was produced to establish current and planned commercial coverage of broadband services in Northern Ireland over the next three years by existing, and any prospective, broadband infrastructure providers. This included central Bangor and the Ward Park area of Bangor.

The outcome of that analysis was the publication on DETI's website of a list of postcodes where public investment in broadband services would be permitted. This included areas of Bangor and the North Down constituency. The consultation response can be found at the following link http://www.detini.gov.uk/index/what-we-do/deti-telecoms-index/consultations_from_2014/superfast_rollout_programme_phase_2.htm

Separately OFCOM, through its infrastructure reports, publishes information on the availability of a range of telecoms services across the UK. Its most recent report indicates that superfast broadband services are widely available in central Bangor, including the Ward Park area.

Mr Weir asked the Minister of Enterprise, Trade and Investment what action his Department is taking to improve broadband provision in Bangor.

(AQW 46799/11-15)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project (NIBIP), which will extend the availability of basic and superfast broadband to those who have limited choice across Northern Ireland.

I can confirm that, under Phase 3 of NIBIP, improvements have already been carried out to a number of premises in the Bangor area. Further details on the project can be found on the DETI website and the NI Direct platform at: <http://www.nidirect.gov.uk/index/information-and-services/leisure-home-and-community/technology-and-online-services/broadband-improvement-project.htm>.

Recognising that NIBIP will not deliver superfast broadband to all premises, my Department, in February 2015, awarded a further contract to BT for the delivery of the Superfast Roll-out Programme. This project will provide superfast broadband

improvements for 38,000 premises across Northern Ireland by December 2017. An extensive survey and design process is underway and will take several months to complete. The post code areas of BT19 and BT20 are included under the intervention area of this project. However, until the survey and design process is completed, it will not be possible to say how many premises in these post code areas will benefit from the upgrades. Further details on roll-out will be published on the NI Direct platform when this becomes available.

Mr Weir asked the Minister of Enterprise, Trade and Investment what departmental schemes or grants are aimed at increasing broadband provision.

(AQW 46800/11-15)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project (NIBIP) which will extend the availability of basic and superfast broadband to those who have limited choice across Northern Ireland.

Improvements have already been carried out for over 30,000 premises across Northern Ireland. Further details on the project can be found on the DETI website and the NI Direct platform at: <http://www.nidirect.gov.uk/index/information-and-services/leisure-home-and-community/technology-and-online-services/broadband-improvement-project.htm>.

Recognising that NIBIP will not deliver superfast broadband to all premises, my Department, in February 2015, awarded a further contract to BT for the delivery of the Superfast Roll-out Programme. This project will provide superfast broadband improvements for 38,000 premises across Northern Ireland by December 2017. An extensive survey and design process is underway and will take several months to complete. Further details on roll-out will be published on the NI Direct platform when this becomes available.

Mr Kinahan asked the Minister of Enterprise, Trade and Investment when the Northern Ireland Renewables Obligation Closure Order will be tabled in the Assembly.

(AQW 46815/11-15)

Mr Bell: It is my intention to bring forward the Renewables Obligation Closure Order (Northern Ireland) 2015 as soon as possible.

Mr Kinahan asked the Minister of Enterprise, Trade and Investment to detail what plans his Department has to phase out Renewables Obligation Certificates.

(AQW 46816/11-15)

Mr Bell: It is my intention to close the Northern Ireland Renewables Obligation (NIRO) to new generation from 1 April 2017. My Department has recently sought views on the closure of the NIRO and associated exceptions to closure, known as grace periods. I hope to publish a consultation response shortly.

Mr Swann asked the Minister of Enterprise, Trade and Investment what impact the lack of a data centre in Coleraine is having on foreign direct investment opportunities.

(AQW 46841/11-15)

Mr Bell: There is little evidence to suggest that the absence of a data centre has acted as a significant impediment to new investment. However, the development of data centres is an important component in our drive to grow the indigenous industry and attract Foreign Direct Investment.

The development of Northern Ireland's IT infrastructure to support the growth of our digital economy is a priority of the Executive. I warmly welcome any proposed private sector investment in Coleraine which would further improve Northern Ireland's already competitive ICT proposition.

Mr Hazzard asked the Minister of Enterprise, Trade and Investment to detail (i) how her Department has worked to improve the economic potential of Credit Unions; and (ii) any ongoing procedures to re-examine current restrictions on the lending ability of Credit Unions.

(AQW 46979/11-15)

Mr Bell:

- (i) My Department has long recognised the credit union movement as an important contributor to the economy. I acknowledge that expanding the role of Credit Unions allows the movement to improve its economic potential. To facilitate this, my Department has been working closely with the sector and regulators in identifying appropriate updates to the NI legislation governing credit unions. This will be achieved by way of the introduction of an Assembly Bill.
- (ii) On the 23 June 2015, I will introduce the Credit Union and Co-operative and Community Benefit Societies Bill in the Assembly. The Bill will remove restrictions on Northern Ireland credit unions and thereby permit them to expand further the range of services they offer to reach out to new groups. This will help enhance the range of products that a credit union can now offer customers, increasing its economic potential.

Ms Sugden asked the Minister of Enterprise, Trade and Investment for his assessment of Ofcom's announcement that broadband providers will have to give accurate information on broadband speeds to customers, with the freedom to leave contracts if that service is not received; and whether this regulation will be implemented locally.

(AQW 47058/11-15)

Mr Bell: I welcome this announcement by Ofcom.

Accurate information will help consumers with their choice of broadband provider. It is, however, important to recognise that this announcement is not a regulation as such, but a strengthening of the industry's Code of Practice.

As Ofcom is the communications regulator for the whole of the UK, Northern Ireland consumers will also benefit.

Mr Allister asked the Minister of Enterprise, Trade and Investment for his assessment of the impact the decision to impose rates on renewable plants will have on the future of the renewable energy sector.

(AQW 47071/11-15)

Mr Bell: The general revaluation of non-domestic rates which came into effect in April 2015 resulted in significant increases for the renewable industry to reflect the transformation of the sector since the last revaluation in 2003. This is a cost that developers will have to take into account in making business decisions on investment in renewables.

It is my understanding that the new rates levels assessed by Land and Property Services (LPS) DFP, are broadly in line with those already in place across the UK. Any operator dissatisfied with their new valuation may submit an appeal application and present evidence to the District Valuer, LPS, with further appeal rights to the Commissioner of Valuation and the Lands Tribunal.

Mr Beggs asked the Minister of Enterprise, Trade and Investment to detail how the UK Super-Fast Broadband Rollout Programme funding has been allocated locally; and in what areas has service improved.

(AQW 47089/11-15)

Mr Bell: My Department awarded a contract in February 2015 to BT for the Superfast Rollout Programme. This is a UK wide programme, aimed at extending the reach of superfast broadband services across Northern Ireland, with a target completion date of 2017. Total funding of £17million has been allocated to this project, including £7.05million each from DETI and BDUK and the remainder from BT.

This project will bring more choice and improved speeds to over 38,000 premises across Northern Ireland.

The project is still at the survey and design stage and this will continue over a number of months. It is expected that the actual build stage and roll-out will commence in early 2016. Until the planning work is completed, it will not be possible to say which specific premises will benefit from this upgrade.

However, it is expected that the majority of areas that will see improved superfast broadband services, will be in rural areas.

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment what actions her Department is taking to ensure rural communities have access to high speed broadband.

(AQW 47099/11-15)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project (NIBIP), which seeks to provide improvements in access to a basic fixed-line broadband service (2Mbps) and to increase availability of fixed-line superfast broadband (24Mbps or more), across Northern Ireland by the end of 2015, and especially to those living in rural areas. Further details on the project can be found on the NI Direct platform at <http://www.nidirect.gov.uk/index/information-and-services/leisure-home-and-community/technology-and-online-services/broadband-improvement-project.htm>

Recognising that NIBIP will not deliver superfast broadband to all premises, in February 2015, my Department awarded another contract to BT for the Superfast Rollout Programme. This is a £17 million project aimed at extending the reach of superfast broadband services across Northern Ireland, with a target completion date of 2017. A contract for this Programme was signed on 27 February 2015 and will bring more choice and improved speeds to over 38,000 premises across Northern Ireland.

The Project has begun with an extensive survey and design process, which will continue over a number of months. Until this planning work is completed, it will not be possible to say what specific premises will benefit from this upgrade. However, it is expected that the majority of premises that will see improved superfast broadband services will be in rural areas.

Mr D McIlveen asked the Minister of Enterprise, Trade and Investment what his Department has done to improve broadband connection in the Dark Hedges area.

(AQW 47241/11-15)

Mr Bell: The Next Generation Broadband Project, which was completed in 2010, resulted in 1,265 street cabinets across Northern Ireland, (including 4 in the Armoy exchange, which serves the Dark Hedges area) being fibre-enabled, making them capable of carrying services of up to 40 Megabits per second. This public project acted as a catalyst for additional investment by BT, under which it upgraded a further 1,201 cabinets across its network. This has led to Northern Ireland having the highest availability of superfast broadband services in the UK.

In February 2015, following a public consultation, my Department awarded a contract to BT for the Superfast Rollout Programme. This is a £17 million project aimed at extending the reach of superfast broadband services across Northern Ireland, with a target completion date of December 2017. It is anticipated that this project will bring more choice and improved speeds to over 38,000 premises across Northern Ireland, particularly in rural areas.

The project has now commenced with an extensive survey and design process, which will continue over the next few months. I can confirm that a number of postcodes for the Dark Hedges area have been included in Phase 3 of this project. However, until this planning work is completed, it will not be possible to say what specific premises will benefit from this upgrade.

Department of the Environment

Mr Agnew asked the Minister of the Environment how he will avoid EU infractions arising from non-compliance with regard to (i) *Modiolus modiolus* horse mussel biogenic reefs of Strangford Lough; and (ii) other statutory obligations to monitor and restore designated species and habitats, in the absence of Natural Heritage Research Partnership.

(AQW 46266/11-15)

Mr Durkan (The Minister of the Environment): Responsibility for the protection of horse mussel reefs in Strangford Lough rests with DOE and DARD.

The European Commission closed the infraction case relating to the Strangford Lough horse mussel reefs in 2013 on the basis that both departments delivered on an action plan agreed by the Commission.

A Restoration Working Group was set up to monitor progress against the plan. In addition to officials from DOE and DARD the group comprises interested stakeholders including Ulster Wildlife, the complainant to the Commission.

The group is satisfied with progress to date and has just completed its mid-term review of the plan. As a consequence, the plan is now being revised and the group hopes to ratify these revisions in June before seeking further approval from the Commission shortly thereafter. I understand from informal discussions between my officials and officials from the Commission, that the Commission is broadly content with the proposed changes.

As regards wider obligations, my Department has been subject to the largest budget cuts of all Government departments despite my warnings of the impact on a diverse range of educational, public sector, voluntary, community based and private sector organisations, my opposition to and voting against the budget. Under direction my officials have been exploring new and innovative ways to deliver our statutory obligations to monitor and restore species and habitats within a context of a much reduced resource availability.

The Natural Heritage Research Partnership was one of the delivery mechanisms that had been utilised to provide quality data for evidence to underpin decision making in relation to a number of our statutory obligations to monitor and restore designated species and habitats. The Department is currently exploring alternative options to ensure delivery of our statutory obligations to monitor and restore designated species and habitats. I can also confirm that a bid of £1 million has been submitted at the June Monitoring Round to enhance the funding available to third parties for delivery of key environmental outcomes. This bid covers activities such as protecting our landscape, species and access to the countryside; the designation process and assessment of the condition and extent of *modiolus* biogenic reef in Strangford Lough including seabed mapping, ground truthing surveys and sample analysis and the essential monitoring of other high quality EU habitats and species such as the fresh water pearl mussel, Irish hare, and blanket bog.

My officials also use a range of other mechanisms to gather such evidence. This includes in house monitoring and surveillance activities, focused delivery through the Natural Environment Fund, influencing other funding sources e.g. INTERREG Va, and working with larger bodies to create more efficient delivery mechanisms at national levels e.g. JNCC. With respect to the infraction risk associated with monitoring and restoration I will continue to prioritise Departmental work to mitigate those risks.

Mr Gardiner asked the Minister of the Environment to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46404/11-15)

Mr Durkan: There have been no ministerial directions issued since May 2007.

Lord Morrow asked the Minister of the Environment whether (i) mandatory rest periods are to be introduced for taxi drivers in line with HGV drivers; and (ii) this is included in existing legislation within the Road Traffic (NI) Order 1981, but has not been enforced, and if so why this was permitted.

(AQW 46495/11-15)

Mr Durkan:

- i My department currently has no plans to introduce mandatory rest periods for taxi drivers.
- ii. There is no mandatory rest requirement for taxi drivers in either the Road Traffic Order (Northern Ireland) 1981 or in secondary legislation made under it.

Section 56 of the Road Traffic (Northern Ireland) Order 1981, in conjunction with section 63, provides the department with the power to make regulations with regard to the limitation of continuous hours of duty of drivers for both goods and public service vehicles. These regulations are set out in the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991. Regulation 3(d) provides the exemption from the regulations for a public service vehicle seating not more than 8 passengers in addition to the driver. Therefore, there are no such regulations or requirements pertaining to taxi drivers that the department would enforce against.

Lord Morrow asked the Minister of the Environment to detail the (i) material; (ii) functional; and (iii) financial differences in his Department's preferred Digitax F1 Plus taxi meter compared to the Digitax F2 Plus and Digitax F3 Plus.

(AQW 46499/11-15)

Mr Durkan: The Driver & Vehicle Agency (DVA) recently conducted a procurement exercise to acquire a taximeter to assist in developing standards and procedures for the new taximeter approval and testing scheme.

The original procurement correspondence, which specified the Digitax F1 Plus model of taximeter, was later revised to the Digitax F3 Plus model as it is a more modern Measuring Instruments Directive compliant taximeter. The DVA did not consider the material, functional or financial differences of the Digitax taximeters.

Lord Morrow asked the Minister of the Environment whether his Department records the make, model and serial number of a meter when completing a public service vehicle or taxi meter test; and if not, why the data isn't recorded.

(AQW 46569/11-15)

Mr Durkan: When conducting the annual roadworthiness inspection the vehicle examiner checks the make and model of the taximeter against an approved list and records compliance.

Mr Agnew asked the Minister of the Environment to detail (i) the extent of his Department's monitoring of (a) Terns; (b) Grebes; and (c) Special Protection Area features, in the Lough Neagh Special Protection Area; and (ii) the findings of this monitoring.

(AQW 46637/11-15)

Mr Durkan: Northern Ireland Environment Agency, in conjunction with a number of partner organisations, monitors the Lough Neagh and Lough Beg Special Protection Area to assess changes in the bird populations for which the site was classified.

Monitoring of the breeding birds (including Common Tern) is achieved through a mixture of annual site monitoring (e.g. breeding Common Tern by the RSPB) and less frequent contracted surveys (e.g. Great Crested Grebe).

Monitoring of the passage and wintering waterbirds (including Great Crested Grebe) at this site is undertaken as part of the UK Wetlands Birds Survey (WeBS) programme with monthly counts of the SPA and wider area through the Autumn and Winter periods each year.

The formal assessment of the SPA condition is determined by a comparison of recent monitoring data against the historic populations at the time of designation. This is undertaken every 6 years and was last done in 2013.

Monitoring has shown that populations in the SPA of both Common Tern and Great Crested Grebe are now higher than at the time of the SPA designation. This assessment includes breeding, migrating and wintering Great Crested Grebe populations each of which are a feature of the SPA.

In addition to the above, wintering populations of Whooper Swan, Golden Plover and Scaup have all increased since designation.

A number of populations have declined since designation; these are Bewick's Swan, Tufted Duck, Pochard and Goldeneye.

In addition, Lough Neagh and Lough Beg SPA was classified for its total wintering waterbird population. This has also fallen due to the declines in the numbers of duck which made up a high proportion of the overall wintering bird numbers.

Of the species which have declined, research suggests that Bewick's Swan in Ireland have been affected by a combination of changing migration patterns, with fewer birds now wintering in Ireland, together with overall declines in the breeding population.

Research at Lough Neagh and elsewhere suggest that the declines in Tufted Duck, Pochard and Goldeneye populations are probably due to changes in migration patterns with more birds wintering closer to their breeding grounds.

Linked research suggests that a reduction in food availability in Lough Neagh may also be a factor. This is possibly a result of improvement in water quality. However, other independent work has indicated that food availability is unlikely to be a limiting factor due to the sheer abundance of invertebrates on the bed of the Lough.

Mr Agnew asked the Minister of the Environment whether his Department has received correspondence from (i) the Department for Environment, Food and Rural Affairs; (ii) the European Commission; and (iii) any other European institution on (a) the Lough Neagh Special Protection Area; and (b) any failure to comply with European directives; and if so, provide the content of that correspondence.

(AQW 46650/11-15)

Mr Durkan: My Department has recently received correspondence from the European Commission, via DEFRA known as a 'pilot' case. This case seeks clarification on allegations relating to a number of environmental matters, including reference to the Lough Neagh Special Protection Area.

In addition to the Pilot case the Commission has, through the infraction process, raised other concerns with the UK as a Member State relating to various environmental directives. As has been the case in the past, whether infraction proceedings relate to the UK as a whole or Northern Ireland in particular, we will either seek to demonstrate that compliance has been achieved or prioritise any actions necessary to achieve full compliance to the satisfaction of the Commission.

Given the sensitivities around the infraction process, which is quasi-legal in nature, and in line with protocol, correspondence between the Commission and the Member State on infraction cases is regarded by both parties as confidential between them. I can however assure you that my Department and I are taking all steps necessary to minimise the risk of any infraction penalties.

Lord Morrow asked the Minister of the Environment (i) whether a taxi meter only needs to be retested if the seal is broken; and if so, is this safety compliant and efficient in fraud prevention; and if not (ii) to detail all instances when a taxi meter needs to be retested.

(AQW 46687/11-15)

Mr Durkan:

- (i) The Driver & Vehicle Agency (DVA) tests taximeters on Belfast Public Hire taxis only. The taximeter test is carried out every year at the time of the taxis annual roadworthiness test where, after establishing the accuracy of the settings within the taximeter, the examiner seals the taximeter and seals the taximeter into the taxi to prevent tampering.

The taximeter test is not a safety compliance test. However, location and safe installation would be considered by the examiner at the time of test.

- (ii) Owners/operators of Belfast Public Hire taxis can request to have a taximeter retested at any time during the life of the taxi licence. The reasons for requesting a taximeter retest are:

- a a different taximeter has been installed;
- b the tariff programme has been changed;
- c the seals are broken or missing; or
- d components within the taxi have been changed and affect the taximeter settings, such as signal generator pulse or different road tyre circumference.

The DVA Enforcement & Compliance team can also have a taximeter retested if they suspect that it has been tampered with.

Ms Sugden asked the Minister of the Environment, pursuant to AQO 8158/11-15, where the £0.5 million has been allocated. **(AQW 46698/11-15)**

Mr Durkan: Since the budget was announced, I have allocated over £2 million from the Carrier Bag Levy Fund for the environment giving some relief to environmental groups and programmes. Of this £2 million, £0.5m is to be spent on Listed Building grant schemes. The focus will be on supporting existing restoration and maintenance projects, in buildings that provide facilities for community access and use, including churches, and I expect to make an announcement on the funding allocation details shortly.

Mr Agnew asked the Minister of the Environment to detail (i) why Stop Notices were not served on unregulated sand traders operating in the Lough Neagh Special Protection Area; and (ii) whether unauthorised development will be allowed to continue if an appeal to an Enforcement Notice is lodged by a trader, while the appeal decision is being determined.

(AQW 46711/11-15)

Mr Durkan: My officials served enforcement notice on 27 May 2015. The Department considers this the appropriate action to be taken at this time.

As this is an ongoing formal enforcement case, my Department is not in a position to comment further at this stage.

Mr Agnew asked the Minister of the Environment whether his Department has been approached by, or met with, environmental consultants to advise on the content of an Environmental Impact Statement or Habitats Regulation Assessment, in relation to the unauthorised sand extraction from the Lough Neagh Special Protection Area.

(AQW 46712/11-15)

Mr Durkan: My officials have been engaged in pre-application discussions with agents acting on behalf of the Lough Neagh sand traders.

Mr McCarthy asked the Minister of the Environment whether any land ownership or access issues are inhibiting the Northern Ireland Environment Agency from making the necessary repairs to enable access to the Waterfall Walk in Crawfordsburn Country Park.

(AQW 46729/11-15)

Mr Durkan: There are no ownership or access issues preventing access to make repairs. However, senior engineers have advised that the steep slope on the left side of the Crawford's Burn, into which the closed path was cut, is inherently unstable.

With the prospect of further landslips I have asked NIEA to explore the creation of an alternative access path. Subject to the availability of capital funding, this would provide a long term solution and ensure public safety.

The outcome of a current bid for funding will determine whether the works can progress this financial year.

Meanwhile visitors to Crawfordsburn Country Park wishing to see the waterfall behind Crawfordsburn Village can still access the viewing platform from the path on the right bank of the Crawford's Burn.

Lord Morrow asked the Minister of the Environment, in relation to enquiries made by the PSNI and Trading Standards on tampering with taxi meters or the possession of any device capable of tampering with taxi meters, to provide, or place in the Assembly library, a copy of his Department's response to those enquiries.

(AQW 46758/11-15)

Mr Durkan: I am not aware of any enquiries received by my Department from PSNI or Trading Standards regarding tampering with taximeters or the possession of devices capable of tampering with taxi meters.

Lord Morrow asked the Minister of the Environment to provide, or place in the Assembly library, a list of the taxi meter manufacturers' approved agents.

(AQW 46759/11-15)

Mr Durkan: The table below lists the details of manufacturers' approved agents held by the Driver & Vehicle Agency:

Name	Contact Number/Email	Contact Address
Cedel Communications	02871220794	Communications House, Beraghmore Road, Londonderry, BT48 8SE
Fred Pavis (Wired or less)	02890228338 07887878757 fred@wired-or-ess.co.uk fred.pavis@ntlworld.com	Unit 15 Bloomfield Commercial Centre, 5 Factory Street, Belfast, BT5 5AQ
Patterson Electronics	02890381387	12 Falcon Road, Belfast, BT12 6RD
Stephen McKee	07870236999 stephenmckee@btconnect.com	16 Vaddegan Ave, Newtownabbey, BT36 7SP
Gary Quanttrill Independent Radio Services	07973629272	21 Killynether Gardens, Belfast, BT8 7PH
Paul Gray City Comm Telematics	02890501950	Unit 3 McKibben House, EastBank Road, Carryduff, BT88BD
James McMacken Connect MS	02890313222 james@connectms.co.uk	Unit 2, Sperrin View Business Park, Glen Road, Maghera, BT46 5LT
Michael Gilliland Digifare Communications	07816637847 Michael@digifare.co.uk	66 Bendingo St, Ravenhill Road, Belfast
Airphone Communications LTD	02890662266	Unit 3 Boucher Business Centre, Apollo Road, Belfast, BT12 6HP
T Cole & Son, Carrickfergus	02893360844	Unit 10 Carrickfergus Enterprise Centre, Meadowbank Road, Carrickfergus

Mr D McIlveen asked the Minister of the Environment to detail what incentives his Department has in place to encourage supermarkets to donate food to local charities.

(AQW 46771/11-15)

Mr Durkan: As part of its Rethink Waste initiative the Department has allocated funding to support the establishment of outlets to allow supermarkets to donate food to local charities.

Since 2010 Fareshare have been awarded £112,500 of Rethink Waste revenue funding to cover set-up and running costs, including the rental of premises and refrigerated vehicles suitable for the transport of food.

Fareshare are working with approximately 40 suppliers, retailers and distributors. Supermarket chains Tesco, Sainsbury's and ASDA regularly deliver 'in-date' surpluses across all food types to the Fareshare food re-distribution depot in Belfast. The deliveries include cereals, breads, fresh fruit and vegetables and fresh and frozen meats. Local producers Dale Farm, Britvic, Dublin Meade and Clandeboye are also supporting the FareShare scheme.

Fareshare currently supplies 70 charities across Northern Ireland with surplus food on a weekly basis. These charities are providing meals to low-income families, senior citizens, lone parents, homeless people, 'at-risk' young people and destitute foreign nationals. In total they supply around 155 tonnes of surplus food every year to charitable causes which equates to 370,000 meals.

A further scheme, Food Cloud, was awarded £28,600 last year from the Rethink Waste revenue fund for a project to reduce waste in the retail sector. Food Cloud are a partner with City Church.

The award was based on the reduction of food waste in the retail sector by facilitating a link between businesses and charities by implementing a Food Cloud Network for use with mobile phones and website software.

The aim of this Project was to reduce food waste in the retail sector, supporting implementation of environmental best practice in participating food donation businesses and charities and educating project participants with regard to food wastage during the production of fresh vegetables.

In line with its 'Love Food Hate Waste' campaign the Department has been working more broadly to considerably reduce food waste across all sectors.

Belfast was chosen by WRAP (who are funded by the Department) as one of the 10 cities in the UK to focus on fighting food waste in 2014-16, helping the people of Belfast to 'do one thing differently' - changing kitchen habits and showing it is possible for everyone to make a difference and prevent our food from becoming waste. The initiative is in partnership with Tesco and Belfast City Council.

"10 Cities" was officially launched in the centre of Belfast in September 2014 and as part of 'Love Food Hate Waste' saw thousands of people come along to pledge their support to reduce their household food waste.

The Hospitality and Food Services Agreement (HaFS) has been developed with industry input and assistance, to build on the sector's achievements to reduce food and packaging waste arising in restaurants, hotels, foodservice, pubs and canteens across the whole of the UK. The aims were also to have a more sustainable management of waste that does arise. This is a voluntary agreement to support the hospitality sector to reduce waste.

Mr Agnew asked the Minister of the Environment, following a briefing on 24th February 2015, to detail the reasoning behind his Department's three month delay in taking formal enforcement action over sand extraction from Lough Neagh.
(AQW 46802/11-15)

Mr Durkan: As this is an ongoing formal enforcement case, my Department is not in a position to comment further at this stage.

Mr Gardiner asked the Minister of the Environment to detail the (i) number of fixed penalty notices issued for littering offences, broken down by local council area for each of the last four years; and (ii) total revenue generated for each year.
(AQW 46809/11-15)

Mr Durkan: The Department requests information on fixed penalty notices issued by district councils after the end of each financial year. The following table sets out the number of fixed penalty notices issued by each district council for litter offences in the four financial years from 2010/11 to 2013/14. Information on fixed penalty notices issued during the 2014/15 year has not yet been collated.

You may note that the receipts generated are not directly proportional to the number of notices issued. This is due to a number of factors, including: non-payment of fixed penalty notices – some may be withdrawn and others pursued through the courts; the application of discounts for early payment; and the raising of the maximum penalty from £50 to £80 through the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

Council	2010/11	2011/12	2012/13	2013/14
Antrim	23	30	24	27
Ards	7	12	3	5
Armagh	34	14	17	20
Ballymena	73	30	28	39
Ballymoney	6	4	4	8
Banbridge	11	12	14	13
Belfast	1995	1534	1,790	1,907

Council	2010/11	2011/12	2012/13	2013/14
Carrickfergus	16	19	16	13
Castlereagh	38	26	95	69
Coleraine	53	16	98	135
Cookstown	13	12	22	8
Craigavon	1038	1046	672	663
Derry City	56	41	182	447
Down	51	60	289	146
Dungannon & South Tyrone	14	1	4	9
Fermanagh	16	8	17	38
Larne	73	23	28	24
Limavady	6	4	4	4
Lisburn	80	42	20	14
Magherafelt	39	40	45	45
Moyle	7	5	7	13
Newry & Mourne	167	89	92	153
Newtownabbey	48	150	157	160
North Down	8	4	34	124
Omagh	35	24	32	23
Strabane	23	22	48	46
Total FPNs issued*	3930	3268	3742	4153
Total FPN receipts*	£150,248	£126,260	£199,392	£ 204,961

*N.B. All of the figures quoted in the table are as supplied by the councils and are not official DOE statistics.

Lord Morrow asked the Minister of the Environment, given the Road Traffic Act 1981 states that tampering with taxi meters in an offence, to detail (i) the actions taken by his Department in relation to people found with equipment enabling installation, calibration and tariff abuses of taxi meters, particularly if it is unauthorised, stolen or unlawfully obtained; (ii) the number of times this has occurred; and (iii) whether all such instances are reported to the PSNI.

(AQW 46919/11-15)

Mr Durkan: I refer the member to my response to AQW 46421/11-15.

Mr Allister asked the Minister of the Environment, pursuant to AQW 46353/11-15, whether the guidance being prepared for processing renewable energy applications can be issued before the Strategic Planning Policy Statement is approved.

(AQW 46942/11-15)

Mr Durkan: The guidance is currently being finalised but its release is not linked to the publication of the SPPS. I have however committed to liaising with the Department for Enterprise, Trade and Investment before the guidance is finally made available. It is intended to release the guidance as soon as possible after this consultation is complete.

As stated in AQW 46353/11-15, the review of strategic renewable energy policy is linked to the publication of the SPPS.

Mr Agnew asked the Minister of the Environment when the next stakeholder group meeting will be held to discuss the progress made and the concerns which persist with the Mobuoy Road illegal landfill site.

(AQW 46952/11-15)

Mr Durkan: The Department, at the Minister's direction, has set up a project team to consider the management of the site and the longer term options for its remediation. On this basis the Northern Environment Agency (NIEA) has commenced a detailed investigation of the illegal waste at the Mobuoy Road illegal waste sites. The outcome of this work will produce a comprehensive picture of the potential impacts of this waste and identify sustainable remediation solutions to address these.

You may be aware a stakeholder meeting was held at Derry City Council offices on 6 February 2015 to keep stakeholders informed about this project and also to take their views. Representatives included Local planning officers, DRD / Transport NI officers, River Faughan Anglers, Zero Waste North West and Friends of the Earth, along with other stakeholders attended this meeting.

The project is due to report on the final remediation options, including the short/medium term and long term options, in the early part of July 2015. NIEA will need further time to have the options peer reviewed, alongside further time to consider all of the outputs before further presentation to the stakeholders at a further meeting with the expectation this will happen in September 2015. NIEA will, of course, invite you to this event.

Department of Finance and Personnel

Mr Allister asked the Minister of Finance and Personnel to detail (i) why AQW 33937/11-15 remains unanswered; (ii) when he was provided with a draft answer by officials; and (iii) when he will provide an answer to the question.

(AQW 41691/11-15)

Mr Hamilton (The Minister of Finance and Personnel): AQW 33937/11-15 was answered on 10 June 2015.

Mr Allister asked the Minister of Finance and Personnel whether her Department, on behalf of the Executive, has signed a Memorandum of Understanding with Cerberus; and if not, whether a draft Memorandum of Understanding ever existed, and if so, why it was not executed.

(AQW 46431/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

Cerberus is an investor with global experience of improving the assets it acquires and which also has the ability to invest in those assets. On that basis, I would hope Cerberus will have a positive impact in Northern Ireland. But it is too early to form a definitive view at this stage. Nor am I in a position to comment on the likely duration of Cerberus' activity in Northern Ireland. That is a matter for the firm itself.

Mr Allister asked the Minister of Finance and Personnel whether Cerberus is licensed to act as a bank in Northern Ireland; and if it is subject to the Financial Services Authority.

(AQW 46432/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

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Mr Allister asked the Minister of Finance and Personnel for her assessment of whether Cerberus is treating Northern Ireland businesses in a balanced, fair and transparent manner and what mechanisms are in place to permit her to make an assessment on these matters.

(AQW 46451/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

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Mr Allister asked the Minister of Finance and Personnel for her assessment of how Cerberus is treating local businesses whose debts are not significantly impaired.

(AQW 46452/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

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Mr Allister asked the Minister of Finance and Personnel for her assessment of whether the actions of Cerberus are making a positive contribution to the Northern Ireland economy and on what does she base her assessment.

(AQW 46508/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

Cerberus is an investor with global experience of improving the assets it acquires and which also has the ability to invest in those assets. On that basis, I would hope Cerberus will have a positive impact in Northern Ireland. But it is too early to form a definitive view at this stage. Nor am I in a position to comment on the likely duration of Cerberus' activity in Northern Ireland. That is a matter for the firm itself.

Mr Allister asked the Minister of Finance and Personnel to outline any discussions her departmental officials have had regarding how long Cerberus anticipates being active within Northern Ireland.

(AQW 46512/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

Cerberus is an investor with global experience of improving the assets it acquires and which also has the ability to invest in those assets. On that basis, I would hope Cerberus will have a positive impact in Northern Ireland. But it is too early to form a definitive view at this stage. Nor am I in a position to comment on the likely duration of Cerberus' activity in Northern Ireland. That is a matter for the firm itself.

Mr Allister asked the Minister of Finance and Personnel what positive development opportunities have resulted from the activities of Cerberus in Northern Ireland.

(AQW 46514/11-15)

Mrs Foster: The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard. Rather, it is for the proper, regulatory authorities to ensure businesses operating in the financial services industry comply with the legally defined standards of conduct and prudential management.

My Department does not have a Memorandum of Understanding with Cerberus. However, arrangements are in place whereby my officials meet with representatives of Cerberus on a regular basis to discuss the firm's activities in Northern Ireland and where they emphasise my expectation that borrowers are treated in a balanced, fair and transparent manner.

Cerberus is an investor with global experience of improving the assets it acquires and which also has the ability to invest in those assets. On that basis, I would hope Cerberus will have a positive impact in Northern Ireland. But it is too early to form a definitive view at this stage. Nor am I in a position to comment on the likely duration of Cerberus' activity in Northern Ireland. That is a matter for the firm itself.

Mr Dickson asked the Minister of Finance and Personnel to detail the total annual cost of employing a temporary agency worker at Executive Officer 1 grade for the financial year 2014/15, compared with the total annual cost, including NICS Nuvos

Pension and National Insurance Contributions, of a permanent NICS employee on step 1 of the Executive Officer 1 grade pay scale.

(AQW 46566/11-15)

Mrs Foster: The total annual cost, including NICS Nuvo Pension and National Insurance Contributions, of a permanent NICS employee on step 1 of the Executive Officer 1 grade pay scale is £32833.68.

The total annual cost of employing a temporary agency worker at Executive Officer 1 grade for the financial year 2014/15 cannot be released as this information is commercially sensitive.

Mr Dickson asked the Minister of Finance and Personnel whether her Department has stipulated that a 'Swedish Derogation' and/or 'Regulation 10' clause be invoked when hiring temporary agency staff and temporary contract workers to fill posts within NICS, in order to circumvent the equal pay requirements under Regulation 5 of the Agency Workers' Regulations (NI) 2011.

(AQW 46570/11-15)

Mrs Foster: No. I can confirm that no stipulation has ever been made by my Department with regards to invocation of 'Swedish Derogation' or 'Regulation 10' clause to circumvent the equal pay requirements under the Agency Workers' Regulations (NI) 2011.

Mr Dickson asked the Minister of Finance and Personnel whether the inclusion of a 'Swedish Derogation' and/or 'Regulation 10' clause in temporary agency worker contracts formed a key factor in the decision to award Contract P3436 (Supply of Temporary/short term, Workers to NICS 2011) to Kennedy Recruitment, Premier Employment Group Ltd, and Brooke Street Bureau PLC, in November 2011.

(AQW 46571/11-15)

Mrs Foster: No, the inclusion of a 'Swedish Derogation' or 'Regulation 10' clause in the temporary worker contracts had no bearing on the award of the contract.

Mr Gardiner asked the Minister of Finance and Personnel, pursuant to AQW 46196/11-15, for her Department's assessment of the business case, including that of senior officials and of any observations noted by her predecessors.

(AQW 46664/11-15)

Mrs Foster: As stated in my answers to AQW 46196/11-15 and AQW 46201/11-15, the Minister of Agriculture and Rural Development's decision to direct her Accounting Officer to relocate the headquarters to Ballykelly was agreed, on behalf of the Executive, by the First Minister and deputy First Minister. My Department therefore had no role in the assessment or approval of the business case in support of the Agriculture Minister's decision.

Mr Dickson asked the Minister of Finance and Personnel (i) whether umbrella companies are used as part of the recruitment and payroll process for temporary agency workers hired by the NI Civil Service and (ii) what steps her Department take to ensure legal compliance with the Agency Workers' Regulation (Northern Ireland) 2011.

(AQW 46671/11-15)

Mrs Foster: The majority of temporary workers assigned to NICS by Kennedy Recruitment have their recruitment and payroll processed by umbrella companies. No temporary workers assigned to NICS by Premiere have their recruitment and payroll processed through umbrella companies. Apple Recruitment provides temporary accountants and auditors to the NICS and at present do not use umbrella companies as part of their recruitment and payroll process.

Monitoring compliance with the Agency Workers' Regulations (Northern Ireland) 2011 does not fall within the remit of my Department.

Mr Dickson asked the Minister of Finance and Personnel to detail how many temporary workers were employed on Swedish Derogation or Regulation 10 contracts by (i) Kennedy Recruitment; (ii) Premier Employment Group Ltd; and (iii) Brook Street Bureau PLC for each year between 2011 and 2015.

(AQW 46681/11-15)

Mrs Foster: For temporary workers provided by Kennedy Recruitment all assignees to NICS operated under Swedish Derogation contracts. The number for each assignees each year is as the table below:

(i)

Year	No. Swedish derogation contracts
2011	46
2012	325
2013	410
2014	350

Year	No. Swedish derogation contracts
2015	163

- (ii) For temporary workers provided by Premiere no assignees operated under Swedish Derogation contracts.
- (iii) Brook Street is no longer a contracted supplier to the NICS for temporary worker services.

Mr Dickson asked the Minister of Finance and Personnel to detail who is the legal employer of temporary agency staff and temporary contract workers employed in the NICS through Kennedy Recruitment, Premier Employment Group Ltd and Brook Street Bureau PLC.

(AQW 46682/11-15)

Mrs Foster: Temporary workers provided by Kennedy:-

Kennedy Recruitment Ltd is the legal employer for some temporary workers assigned to NICS. However, the majority of temporary workers provided by Kennedy Recruitment Ltd are employed by the Zeva Group of companies.

Temporary workers provided by Premiere:-

The legal employer of all workers assigned to NICS by Premier Employment Group Ltd is Premier Employment Group Ltd.

Brook Street is no longer a contracted supplier to the NICS for temporary workers.

Mr Allister asked the Minister of Finance and Personnel, in pursuant to AQW 45852/11-15, on what basis is it asserted that where Special Advisers are reappointed within one week of their previous NI Civil Service employment being terminated, they are considered to be in continuous employment, given that their first contract terminated and a new contract is required.

(AQW 46699/11-15)

Mrs Foster: The NICS Staff Handbook applies to Special Advisers, with the exception of those elements specifically covered in the Special Adviser Code. The Handbook sets out that previous service should count as continuous service provided there is no break in service: a break in service is defined as a period of at least one week.

Mr Dickson asked the Minister of Finance and Personnel to detail why temporary agency workers employed within the NI Civil Service do not receive equal pay commensurate with their permanent colleagues after twelve weeks continuous employment.

(AQW 46723/11-15)

Mrs Foster: The NICS contract for the supply of temporary workers to the NICS has been set up to comply with the Agency Workers Regulations (Northern Ireland) 2011. The legislation gives agency workers the right to the same basic employment and working conditions (including pay) as if they had been recruited directly, if/when they complete a qualifying period of 12 weeks in the same job. However, as per the Regulations, those agency workers who have signed up to the Swedish Derogation with their agency, are not entitled to the same pay as this effectively waives their right to equal pay.

Mr McKay asked the Minister of Finance and Personnel if she has met or plans to meet with George Osborne to discuss further cuts to the Executive Budget.

(AQW 46747/11-15)

Mrs Foster: I anticipate meeting with HM Treasury Ministers in the coming months.

My officials will continue to engage with their counterparts in HM Treasury on a wide range of public expenditure issues including the latest cuts to the Executive's Budget.

Mr Dickson asked the Minister of Finance and Personnel to detail the relationship between her Department, Kennedy Recruitment and the business entity trading variously as Zeva/Corvus Contact Ltd/UKPA Ltd.

(AQW 46776/11-15)

Mrs Foster: Kennedy Recruitment was awarded a contract by the Department of Finance and Personnel in November 2011 on behalf of all NI Government departments and their sponsored bodies for temporary/short term workers to the NICS. This contract is due to expire on 30 November 2016. The Department has no contracts with Zeva/Corvus Contact Ltd or UKPA Ltd for the provision of temporary workers.

Mr Dickson asked the Minister of Finance and Personnel to detail the estimate the total monetary value of wages withheld from temporary agency workers hired by the NI Civil Service, through the use of a 'Swedish Derogation' and/or 'Regulation 10' clause, between the awarding of Contract P3436 (Supply of Temporary /Short-term Workers to NI Civil Service 2011) in November 2011 and March 2015, compared to providing these workers with their equal pay rights as stipulated by Regulation 5 of the Agency Workers' Regulations (Northern Ireland) 2011.

(AQW 46778/11-15)

Mrs Foster: No wages have been withheld from temporary workers hired by the NI Civil service through agencies who use the Swedish Derogation Model/Regulation 10 clause, between the awarding of contract P3436 (Supply of Temporary/Short-term Workers to the NI Civil Service 2011) in November 2011 and March 2015.

The NICS contract for the supply of temporary workers to the NICS has been set up to comply with the Agency Workers Regulations (Northern Ireland) 2011 and staff have been paid accordingly. The legislation gives agency workers the right to the same basic employment and working conditions (including pay) as if they had been recruited directly, if/when they complete a qualifying period of 12 weeks in the same job. However, as per the Regulations, those agency workers who have signed up to the Swedish Derogation with their agency are not entitled to the same pay as this effectively waives their right to equal pay.

Mr Dickson asked the Minister of Finance and Personnel to confirm that temporary agency workers who have worked for more than 12 continuous weeks within the NI civil Service under a 'Swedish Derogation' and/or Regulation 10' contract will automatically receive a minimum of the four weeks 'between assignments pay' at National Minimum Wage once their contract concludes, in accordance with Regulation 10 of the Agency Workers' Regulations (Northern Ireland) 2011, unless the agency first finds them a suitable post within that time line.

(AQW 46782/11-15)

Mrs Foster: The NICS contract for the supply of temporary workers to the NICS has been set up to comply with the Agency Workers Regulations (Northern Ireland) 2011. The regulations provide that those agency workers who have signed up to Swedish Derogation/Regulation 10 contracts with their agencies will receive pay between assignments of at least 50% of the assignment pay, and not below the National Minimum Wage. In addition, the pay between assignments must be at least 4 weeks' pay before the contract is terminated.

Mr Dickson asked the Minister of Finance and Personnel to detail any Personal Tax Relief Schemes onto which temporary agency workers within the NI Civil Service are automatically enrolled, either by (i) the contracted temporary worker agency or (ii) an assigned 'umbrella' company.

(AQW 46784/11-15)

Mrs Foster: The Department does not hold this information. This is a matter between the temporary worker and their employer. The Department is not the employer of temporary workers.

Mr Rogers asked the Minister of Finance and Personnel to detail (i) what plans are underway to decentralise public sector jobs within her Department; and (ii) the number of jobs that will be relocated to South Down.

(AQW 46791/11-15)

Mrs Foster: There are no plans underway to decentralise public sector jobs within the Department of Finance and Personnel and there are no plans at present to relocate any posts to the South Down area.

Ms Lo asked the Minister of Finance and Personnel for (i) an update on the Voluntary Exit Scheme and (ii) what consideration is being given to Civil Servants who have been given a conditional offer.

(AQW 46792/11-15)

Mrs Foster: The Scheme Information Booklet indicated that the progress of the Scheme was dependent upon funding for compensation costs being made available as part of the Stormont House Agreement. It had been anticipated that this funding would have been confirmed by now. Unfortunately that is not the case. However, in order for the Scheme to proceed, conditional offers have been issued to those staff selected to leave in the first tranche at the end of September, subject to funding becoming available. All other applicants have been informed that they have not yet been selected, until the position becomes clearer.

I can confirm that on 29 May 2015, the Head of the Civil Service issued a note to all staff to update them on the decision to proceed with conditional offers and next steps.

I appreciate the uncertainty this creates for those selected and hope that the funding position will be favourably resolved as soon as possible and before the end of August, which would be the cut-off point at which this group would have to be informed whether they are leaving on 30th September 2015, or not.

Staff have been assured that they will be provided with an update on the funding position when it becomes clearer and how it will impact on the Voluntary Exit Scheme.

Mr Campbell asked the Minister of Finance and Personnel whether all Civil Servants, upon commencing their employment, are offered the opportunity to add to their pension entitlement; and, how is this information communicated.

(AQW 46927/11-15)

Mrs Foster: All Civil Servants upon commencing their employment are issued with a New Entrant Starter Pack. This pack contains a booklet outlining the benefits of the pension scheme, which includes the opportunity to increase pension benefits.

Mr Dallat asked the Minister of Finance and Personnel to detail (i) the number of official cars provided for Civil Servants and (ii) the total cost of these vehicles in each of the last five years.

(AQW 46939/11-15)

Mrs Foster: Official cars are not provided for civil servants.

Mr Allister asked the Minister of Finance and Personnel to detail on what basis are renewable energy sources, including wind turbines and hydro plants, being subjected to rates.

(AQW 47008/11-15)

Mrs Foster: Renewable energy sources are valued on exactly the same basis as other forms of energy generation, namely, on an estimate of the facility's 2013 annual rental value. To do otherwise would contravene EU State Aid rules. This is also the same basis that is applied to all other non domestic rateable property. The legislation does not lay out how the valuation should be arrived at. This is something that is established through the courts and tribunals both in NI and elsewhere in the UK. Accordingly, Land & Property Services (LPS) will adopt whatever methodology is appropriate. Energy sources, including renewable energy, tend to be valued using the receipts and expenditure method of valuation, given the absence of direct and reliable market rental evidence.

The rating system must value all rateable properties in a consistent manner and this does not allow discounts to be given for subsidised sectors of business. Reliefs can be and are given in certain circumstances to specific sectors, however, the circumstances in which these can be given is limited due to EU State Aid considerations. For example small business rate relief is able to operate under de-minimus rules because it allows a maximum possible annual relief of £1,789 per property and it applies across all sectors; industrial derating was introduced in 1929 and is therefore allowable as 'pre-accession aid'.

Renewable energy sources have always been subject to rates throughout the UK, as is the case with all business activities that are part of the built environment. There was no decision point nor was there any impact assessment carried out.

As Finance Minister I cannot interfere with the basis used for calculating rate bills. Land & Property Services (LPS) is the statutory authority for valuation assessment, billing and collection of rates and this is governed by the provisions of the Rates (NI) Order 1977, and is consistent with the methodology for calculation utilised in the rest of the UK. This legislation is fully devolved and any change to the current arrangements would be for the Assembly to approve.

Mr Allister asked the Minister of Finance and Personnel to detail her Department's rationale in applying a Renewable Obligation Certificate payment to encourage renewables and then introduce rates on such facilities.

(AQW 47009/11-15)

Mrs Foster: Renewable energy sources are valued on exactly the same basis as other forms of energy generation, namely, on an estimate of the facility's 2013 annual rental value. To do otherwise would contravene EU State Aid rules. This is also the same basis that is applied to all other non domestic rateable property. The legislation does not lay out how the valuation should be arrived at. This is something that is established through the courts and tribunals both in NI and elsewhere in the UK. Accordingly, Land & Property Services (LPS) will adopt whatever methodology is appropriate. Energy sources, including renewable energy, tend to be valued using the receipts and expenditure method of valuation, given the absence of direct and reliable market rental evidence.

The rating system must value all rateable properties in a consistent manner and this does not allow discounts to be given for subsidised sectors of business. Reliefs can be and are given in certain circumstances to specific sectors, however, the circumstances in which these can be given is limited due to EU State Aid considerations. For example small business rate relief is able to operate under de-minimus rules because it allows a maximum possible annual relief of £1,789 per property and it applies across all sectors; industrial derating was introduced in 1929 and is therefore allowable as 'pre-accession aid'.

Renewable energy sources have always been subject to rates throughout the UK, as is the case with all business activities that are part of the built environment. There was no decision point nor was there any impact assessment carried out.

As Finance Minister I cannot interfere with the basis used for calculating rate bills. Land & Property Services (LPS) is the statutory authority for valuation assessment, billing and collection of rates and this is governed by the provisions of the Rates (NI) Order 1977, and is consistent with the methodology for calculation utilised in the rest of the UK. This legislation is fully devolved and any change to the current arrangements would be for the Assembly to approve.

Mr Allister asked the Minister of Finance and Personnel to detail what impact assessment was conducted on the viability of the renewable energy industry before the decision was taken to impose rates on renewable energy sources, including wind turbines and hydro plants.

(AQW 47010/11-15)

Mrs Foster: Renewable energy sources are valued on exactly the same basis as other forms of energy generation, namely, on an estimate of the facility's 2013 annual rental value. To do otherwise would contravene EU State Aid rules. This is also the same basis that is applied to all other non domestic rateable property. The legislation does not lay out how the valuation should be arrived at. This is something that is established through the courts and tribunals both in NI and elsewhere in the UK. Accordingly, Land & Property Services (LPS) will adopt whatever methodology is appropriate. Energy sources, including

renewable energy, tend to be valued using the receipts and expenditure method of valuation, given the absence of direct and reliable market rental evidence.

The rating system must value all rateable properties in a consistent manner and this does not allow discounts to be given for subsidised sectors of business. Reliefs can be and are given in certain circumstances to specific sectors, however, the circumstances in which these can be given is limited due to EU State Aid considerations. For example small business rate relief is able to operate under de-minimus rules because it allows a maximum possible annual relief of £1,789 per property and it applies across all sectors; industrial derating was introduced in 1929 and is therefore allowable as 'pre-accession aid'.

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Ms Sugden asked the Minister of Finance and Personnel to detail the number of 'Meet the Buyer' events which have been facilitated by the Central Procurement Directorate, in each of the last three years, broken down by Constituency.
(AQW 47024/11-15)

Mrs Foster: CPD does not directly facilitate 'Meet the Buyer' events; however it participates in Meet the Buyer and supplier awareness / training events which are facilitated by a broad range of bodies. CPD participates in these events by providing an overview of public procurement policy and processes, and highlighting tendering opportunities for central government contracts.

The number of 'Meet the Buyer' events in which CPD has participated, in each of the last three years, broken down by Constituency, is detailed in the attached table.

'Meet the Buyer' events with CPD participation 2012-2015 by constituency

2012

Constituency	Events
Foyle	2
Mid Ulster	1
East Londonderry	1
Rol	2

2013

Constituency	Events
East Londonderry	1
Foyle	2
West Tyrone	1
Fermanagh & South Tyrone	1
South Antrim	2
Newry & Armagh	1
Belfast South	2
Upper Bann	1
South Down	1
Rol	2

2014

Constituency	Events
Mid Ulster	1
Newry & Armagh	4
Lagan Valley	1

Constituency	Events
Belfast South	2
Rol	1

2015

Constituency	Events
Mid Ulster	1
Newry & Armagh	1
South Antrim	1
Belfast South	1
Total 2012-2015	33

Mr Dobson asked the Minister of Finance and Personnel for an update on the issue of equal pay for the Department of Justice and former Northern Ireland Office staff.

(AQW 47037/11-15)

Mrs Foster: The matter remains with the Executive for consideration.

Mr Eastwood asked the Minister of Finance and Personnel to detail the capital infrastructure projects financed by his Department in Foyle in 2014/15; and the cost of each project.

(AQW 47042/11-15)

Mrs Foster: Audited figures for total spend on capital infrastructure projects financed by the Department of Finance and Personnel in 2014-15 are not yet available.

Mr Allister asked the Minister of Finance and Personnel to detail his rationale for the calculation deployed in imposing rates demands on renewable energy sources, including wind turbines and hydro plants.

(AQW 47035/11-15)

Mrs Foster: Renewable energy sources are valued on exactly the same basis as other forms of energy generation, namely, on an estimate of the facility's 2013 annual rental value. To do otherwise would contravene EU State Aid rules. This is also the same basis that is applied to all other non domestic rateable property. The legislation does not lay out how the valuation should be arrived at. This is something that is established through the courts and tribunals both in NI and elsewhere in the UK. Accordingly, Land & Property Services (LPS) will adopt whatever methodology is appropriate. Energy sources, including renewable energy, tend to be valued using the receipts and expenditure method of valuation, given the absence of direct and reliable market rental evidence.

The rating system must value all rateable properties in a consistent manner and this does not allow discounts to be given for subsidised sectors of business. Reliefs can be and are given in certain circumstances to specific sectors, however, the circumstances in which these can be given is limited due to EU State Aid considerations. For example small business rate relief is able to operate under de-minimus rules because it allows a maximum possible annual relief of £1,789 per property and it applies across all sectors; industrial derating was introduced in 1929 and is therefore allowable as 'pre-accession aid'.

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Mr Frew asked the Minister of Finance and Personnel how many years back payment can Land and Property Services demand for non-payment of rates.

(AQW 47097/11-15)

Mrs Foster: Subject to a few exceptions, Land & Property Services (LPS) has a statutory duty under The Rates (Northern Ireland) Order 1977 (as amended) to demand payment for rates from the date liability commenced. A common exception is a revision to the Valuation List following a revaluation, where liability is constrained to the effective date of the revaluation. The Statute of Limitations (Northern Ireland) limits recovery of rate monies billed (rating debt) to 6 years.

Mr Agnew asked the Minister of Finance and Personnel what consideration his Department has given to outcome based budgeting.

(AQW 47101/11-15)

Mrs Foster: My Department has previously engaged with the Finance and Personnel Committee on the issue of outcome based budgeting and the details of these discussions are set out in Hansard.

Linking budgets to outcomes for the purposes of determining allocations is extremely complex. There are a number of practical difficulties, not least of which is cost. There are a number of other issues such as concerns around transparency of budgeting and the potential for distorting behaviour. A switch to outcome based budgeting would require a fundamental change to the budgeting system currently in place and I am not of the opinion that the end result would merit the cost of such a change.

Mr Agnew asked the Minister of Finance and Personnel, whether his Department has considered the pooling of funds and resources between Departments in order to achieve shared objectives.

(AQW 47103/11-15)

Mrs Foster: My Department is keen to explore avenues to better use resources to achieve shared objectives. It was with this in mind that the Budget 2015-16, announced in this Assembly in January 2015, included a £30 million Change Fund.

One of the aims of the Change Fund is to improve integration and collaboration between government departments, arms length bodies, the private sector and the third sector. The Fund was oversubscribed by five times its value illustrating its value and the commitment of Ministers to the principles of reform. Bids were assessed and scored and the 19 successful projects were detailed in Table 5 of the Final Budget document.

Mr Weir asked the Minister of Finance and Personnel to detail the number of posts due to be released in the first tranche of the Voluntary Exit Scheme, broken down by Department,

(AQW 47128/11-15)

Mrs Foster: The first 1,200 staff with the best value for money scores have been selected and these staff received conditional offers on 2 June, subject to the necessary funding becoming available in order for these staff to leave.

The number of posts that will be released in the first tranche of the Voluntary Exit Scheme cannot be determined until acceptances have been received, the closing date for which is 30th June 2015. The breakdown in the overall number of posts selected by Departments is outlined in the table attached at Annex A.

Annex A

Tranche 1 selection by Department

Department	Total
DARD	150
DCAL	14
DE	35
DEL	131
DETI	18
DFP	160
DHSSPS	27
DOE	158
DOJ	119
DRD	132
DSD	190
HSENI	6
OFMDFM	5
PPS	54

Mr Weir asked the Minister of Finance and Personnel to detail the number of applications received for the Voluntary Exit Scheme broken down by Department.

(AQW 47129/11-15)

Mrs Foster: The information requested by Mr Weir is provided in the table attached at Annex A.

Annex A

Department	Applicants
DARD	918
DCAL	78
DE	170
DEL	684
DETI	106
DFP	851
DHSSPS	137
DOE	466
DOJ	958
DRD	668
DSD	1983
HSENI	31
OFMDFM	102
PPS	133
Total	7285

Department of Health, Social Services and Public Safety

Mr Allister asked the Minister of Health, Social Services and Public Safety what is the scale of cuts, in both actual and percentage terms, being implemented in his Department's budget in 2015/16, specifying the level of cut in each programme.
(AQW 45002/11-15)

Mr Wells (The Minister of Health, Social Services and Public Safety): My Department's budget for 2015/16 has increased by £155m, or 3.4%, compared to 2014/15.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the savings from the rejection of the NHS Pay Review Body's 1 per cent pay uplift recommendation for 2014/2015; and for a breakdown of how this money had been invested in Health and Social Care.
(AQW 45311/11-15)

Mr Wells: The decision not to implement the NHS Pay Review Body's recommendation for 2014/15 had the effect of reducing the pressures on the HSC pay bill by an estimated £12 million and hence contributed to the reduction in the Department's overall forecast funding gap in 2014/15.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what services are available to patients who have wasp or bee sting allergy.
(AQW 46039/11-15)

Mr Hamilton: Emergency Departments provide full emergency and resuscitation facilities for patients having an acute allergic reaction.

Treatment, support and advice for people with wasp or bee sting allergy may be provided by GPs, hospital specialists and the Belfast Health and Social Care Trust as a tertiary centre for desensitisation therapy. Treatment is determined on a case-by-case basis and tailored to the patient's need.

The Regional immunology Service, based in the Belfast HSC Trust, provides specialist management of severe immune-mediated allergy, including venom allergy.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much has been spent on travel costs for staff in the Public Health Agency for each of the last two years.
(AQW 46091/11-15)

Mr Hamilton: Spend by the Public Health Agency on travel costs for staff in each of the last two years was:

- 2014/15 - £342,175
- 2013/14 - £389,164

Mr Weir asked the Minister of Health, Social Services and Public Safety to detail the projected savings that would result from the proposed closure of Northfield House, Donaghadee.

(AQW 46190/11-15)

Mr Hamilton: The Health and Social Care Board have advised me that projected savings from the proposed closure of Northfield House will be £240k per year.

The figure is based on savings from staff costs and facilities management costs, namely rent, rates, heat, light and power.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much the Southern Health and Social Care Trust has spent on postage in each of the last two financial years.

(AQW 46271/11-15)

Mr Hamilton: Spend on postage by the Southern Health and Social Care Trust in each of the last two years was:

- 2014/15 - £575,000
- 2013/14 - £714,000

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety why healthcare workers have not received the one per cent pay rise as recommended by the Independent Pay Review Body.

(AQW 46296/11-15)

Mr Hamilton: The NHS Pay Review Body (NHSPRB) and the Review Body for Doctors' and Dentists' Remuneration (DDRB) recommendations of a 1% increase from 1 April 2014 were considered in the context of the prevailing financial constraints and viewed unaffordable. Instead all eligible staff were awarded with either incremental progression or a 1% non-consolidated payment in respect of 2014/15 but not both. Incremental increases are not insignificant with an average rise in Agenda for Change spine point values of 3.7% in 2014/15, and some staff having received increases as high as 6.7%.

No decisions have yet been made in relation to the pay award for 2015/16, however, my first priority is to protect and properly staff frontline services in order to secure the provision of safe and effective services.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the cost of implementing the plan by the Business Services Organisation to redeploy the staff in the GP payments team from Ballymena to Belfast; and when the business case was approved.

(AQW 46297/11-15)

Mr Hamilton: The business case to replace payment systems for Pharmaceutical, Dental and GP Payments Services was approved in April 2013 and the proposal to move the GP payments function from Ballymena to Belfast from January 2016 was approved by the BSO's Board on 28 May 2015.

The BSO is working to find suitable alternative employment in the Ballymena area for those GP Payments staff that do not wish to be redeployed to Belfast. The cost of any redeployment will therefore only be known once that process has been completed. The new GP payment system went live last month.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to outline the process by which day care centres, for people with disabilities and learning difficulties, are procured through Health and Social Care Trusts.

(AQW 46312/11-15)

Mr Hamilton: The Health and Social Care (HSC) Board allocates funding to each HSC Trust for the provision of Day Care Centres. Much of this provision is delivered by HSC Trusts however Trusts also sub-commission services from the voluntary and community sector.

While the arrangements by which each HSC Trust procure these services may vary across the Trusts, each HSC Trust is required to comply with Northern Ireland Public Procurement Policy.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for a breakdown of all spend on the implementation of Transforming Your Care, broken down by (a) year; and (b) Health and Social Care Trust.

(AQW 46322/11-15)

Mr Hamilton: I am advised by the Health and Social Care Board that the expenditure on the implementation of Transforming Your Care to cover project delivery costs and project support, broken down by (a) year; and (b) Health and Social Care Trust is:

Organisation	2012/13 £m	2013/14 £m	2014/15 £m	Total £m
Belfast	2.2	0.4	1.2	3.7
South Eastern	0.9	0.4	1.0	2.2
Southern	0.3	0.3	0.5	1.2

Organisation	2012/13 £m	2013/14 £m	2014/15 £m	Total £m
Northern	1.3	0.3	0.8	2.5
Western	1.1	0.6	2.4	4.0
NI Ambulance Service	0.0	0.1	0.4	0.5
Total Trust Expenditure	5.8	2.1	6.2	14.1
Health and Social Care Board	3.0	4.0	3.2	10.3
Total Expenditure on TYC	8.8	6.1	9.5	24.4

Notes:

- 1) HSCB expenditure relates to; projects that are led by the HSCB; funding provided to voluntary sector organisations; the costs of ICP Service Developments that are incurred by GPs (e.g. costs of backfill to permit attendance at meetings); ICP Business & Clinical Support Teams and the TYC Central Programme Team costs.
- 2) The above excludes expenditure on Quality Improvement Cost Reduction (QICR) Voluntary Redundancy/ Voluntary Early Retirement payments made in 2012/13.
- 3) The Belfast and Western Trusts have received a higher proportion of the resources to date because they host the 2 regional cardiac catheterisation labs which received TYC funding in 2012/13.
- 4) The above excludes expenditure on initiatives already started prior to financial year 2012/13 e.g. implementation of the Bamford Review.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to outline the measures being taken by his Department to alleviate the waiting times for children awaiting an appointment for potential autism diagnosis within the Belfast Health and Social Care Trust.

(AQW 46324/11-15)

Mr Hamilton: I refer the member to the answer given to AQW 45073/11-15 on 7 May 2015.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Belfast Health and Social Care Trust in each of the last three years.

(AQW 46378/11-15)

Mr Hamilton: Spend on postage by the Belfast Health and Social Care Trust in each of the last three years was:

- 2014/15 - £1,348,732
- 2013/14 - £1,331,420
- 2012/13 - £1,058,757

Mr McGlone asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 45160/11-15, in relation to Business Service Organisation and the new system for HR, Payroll, Travel and Subsistence (HRPTS), how much has been spent on (i) the acquisition of this new system, computer equipment and programs; and (ii) the maintenance of systems, computer equipment and programs by the Health and Social Care Board in the last three years.

(AQW 46399/11-15)

Mr Hamilton: The HSCB spent £513k on the acquisition of the HRPTS system in 2014/15 and £55k and £26k on the related system maintenance costs in 2013/14 and 2014/15 respectively.

Mr McGlone asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 45161/11-15, of the 24 reported complaints regarding payroll issues (i) what investigations have taken place to identify the cause of those complaints; and (ii) what measures have been taken, and at what level, to rectify those issues associated with payments processed by the Business Service Organisation.

(AQW 46400/11-15)

Mr Hamilton: A range of investigations have taken place in relation to these complaints, including: obtaining further information by contacting the person making the complaint; discussing the complaint with the relevant staff; liaising with relevant specialists to obtain clarification (eg HR, pensions, HMRC) and escalating the complaint to the payroll shared services management team for further investigation/consideration.

A range of measures have been taken in response to these complaints, including: issuing letters of apology by members of the BSO senior management team; training staff to raise awareness and to avoid recurrence of issues; clarification of roles/responsibilities and the updating of internal procedures/processes; and the development of new processes/reporting protocols to enhance the monitoring capability.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail every ministerial direction issued by his Department since May 2007 including the (i) date; and (ii) the nature of each.

(AQW 46405/11-15)

Mr Hamilton: Since 2007, there have been six Ministerial Directions as follows:

Direction	Date	Nature
Integrated Services for Children and Young People (ISCYP)	September 2012	To preserve services for children and young people.
Third Party Development schemes	March 2013	To proceed with the pathfinder projects using third party development procurement methodology rather than conventional capital procurement.
NI Hospice	July 2013	To enable the development of a new NI Hospice 18 bed Adult Hospice and Day Hospice facility on the Somerton Road, Belfast.
Mencap NI	July 2013	To enable the development of a new Mencap facility at Newtownbreda offering a range of support services to children and young people with learning disabilities and their families.
ISCYP	June 2014	To preserve services for children and young people.
ISCYP	January 2015	To preserve services for children and young people.

Mrs Overend asked the Minister of Health, Social Services and Public Safety to outline how the services at the Mid Ulster Hospital will change over the next five years.

(AQW 46409/11-15)

Mr Hamilton: The Northern Health and Social Care Trust is currently developing a Community Rehabilitation Services strategy for consultation (previously referred to as Intermediate Care Services). The Trust views the Mid Ulster Hospital as a vital part of future service delivery. My Department continues to invest in services at the hospital and has allocated capital of £416,000 this year for an upgrade to accommodation for a pharmacy scheme.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 44450/11-15, when the Northern Ireland Fire and Rescue Service will make a decision on service delivery; and whether a public consultation on the future of the Northern Ireland Fire and Rescue Service's Large Animal Rescue Service is a mandatory requirement before any changes are made to the service.

(AQW 46427/11-15)

Mr Hamilton: The Northern Ireland Fire and Rescue Service, as part of its ongoing planning process for 2015-16, will continue to keep under review a range of options and measures necessary to achieve a balanced budget. Any proposed changes in relation to the provision of a large animal rescue team will be subject to public consultation.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to define community healthcare.

(AQW 46435/11-15)

Mr Hamilton: There is no formal definition of community healthcare.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46078/11-16, to detail all the work completed on the Atlantic Philanthropies/Delivering Social Change Dementia initiative since funding was received.

(AQW 46446/11-15)

Mr Hamilton: Since the project was launched in September 2014, project staff have been recruited and appropriate project governance arrangements have been put in place. A programme plan has been developed and agreed by the Project Board. Initial scoping exercises have been completed for two out of the three work streams, on awareness raising, information and support, and training including delirium. The scoping exercise for the remaining work stream on short breaks and support for carers is due to be completed by the end of June.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting times for first consultant-led outpatient appointments in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time and; (iii) the estimated waiting time where targets are not currently being met.

(AQW 46462/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.
- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

Information on the number of patients waiting for a first consultant-led outpatient appointment in the Western Trust at 31st March 2015 is shown in the table below.

	Number of patients waiting, in weeks, for a first consultant-led outpatient appointment at 31st March 2015			
	0-9 weeks	>9-15 weeks	>15 weeks	Total waiting
Western HSC Trust	12,224	3,001	7,212	22,437

These data are published on a quarterly basis in the Northern Ireland Waiting Times Statistics: Outpatient Waiting Times publication. The latest data can be found at the following link:

<http://www.dhsspsni.gov.uk/index/statistics/hospital/waitingtimes.htm>

- (iii) The allocation of appointments is determined by patient priority, therefore it is not possible to provide an "estimated" waiting time for a first outpatient appointment because the waiting list is renewed daily to take account of the prioritisation of new referrals, some of whom may need to be seen more quickly than those already on the list. In addition the waiting time will be affected by the level of activity in Trust outpatient clinics which will be subject to constant adjustment. If funding becomes available in year, additional activity in the independent sector may be commissioned, if there is an identified capacity gap in a particular specialty.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in neurology in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46463/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.
- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

Information on the number of patients waiting for a first consultant-led outpatient appointment in the Western Trust at 31st March 2015 is shown in the following table.

	Number of patients waiting, in weeks, and by selected specialty, for a first consultant-led outpatient appointment at 31st March 2015			
	0-9 weeks	>9-15 weeks	>15 weeks	Total waiting
Neurology	448	173	1,036	1,657
General Surgery	1,775	683	1,817	4,275
Urology	423	76	31	530
Ophthalmology	1,302	301	387	1,990
ENT	1,460	97	1	1,558

These data are published on a quarterly basis in the Northern Ireland Waiting Times Statistics: Outpatient Waiting Times publication. The latest data can be found at the following link:

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Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in general surgery in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46464/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.
- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

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Mr Easton asked the Minister of Health, Social Services and Public Safety whether he can guarantee that no staff at Northfield House will lose their job if it is closed by the South East Health and Social Care Trust.

(AQW 46480/11-15)

Mr Hamilton: I refer the Member to the response given to AQW 46468/11-15.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety what strategies her Department supports which aim to help consumers to eat well whilst also making their food budget go further.

(AQW 46498/11-15)

Mr Hamilton: My Department supports a number of strategies which contain elements relating to healthy nutrition and/or food poverty including the obesity prevention framework A Fitter Future for All 2012-2014 and the public health strategy Making Life Better 2013-2023. My Department also supports the 'Healthy Start' programme, which aims to improve the health of low-income pregnant women and families on benefits and tax credits by issuing vouchers which can be exchanged for cow's milk, fresh or frozen plain fruit and vegetables and infant formula milk at local retailers.

The Public Health Agency (PHA) explicitly focuses on those communities in greatest need and experiencing the sharpest inequalities. It has invested significantly in supporting communities and building capacity at a local level to ensure their active participation and engagement in promoting positive health and wellbeing and tackling health inequalities.

Furthermore the Food Standards Agency (FSA) in Northern Ireland (NI) engages with food retailers and manufacturers to provide colour-coded nutrient information on the front of pre-packed foods (front of pack) to help consumers make healthier choices. The FSA in NI is also working with the Consumer Council for NI (CCNI) on a three-stage investigation into the balance of 'healthy versus less healthy' food promotions among food retailers in Northern Ireland.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety for an update on the Mental Health Inpatient unit in Belfast; and the Hospital for Sick Children in the Royal Victoria Hospital.

(AQW 46501/11-15)

Mr Hamilton: Mental Health Unit

The development of the Acute Mental Health Unit at the Belfast City Hospital continues. The enabling and demolition work is underway and work on the main construction is currently scheduled to commence in February 2016. It is planned that the facility will be completed in May 2018.

Regional Children's Hospital

This Executive priority project remains on schedule and it is anticipated that the handover of the facility will take place in December 2021. The first element of the Regional Children's Hospital enabling contract was awarded on 13 May 2015.

The precise timing of all capital investment projects remains dependent on budget availability.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in Urology in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46503/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.
- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

Information on the number of patients waiting for a first consultant-led outpatient appointment in the Western Trust at 31st March 2015 is shown in the following table.

	Number of patients waiting, in weeks, and by selected specialty, for a first consultant-led outpatient appointment at 31st March 2015			
	0-9 weeks	>9-15 weeks	>15 weeks	Total waiting
Neurology	448	173	1,036	1,657
General Surgery	1,775	683	1,817	4,275
Urology	423	76	31	530
Ophthalmology	1,302	301	387	1,990
ENT	1,460	97	1	1,558

These data are published on a quarterly basis in the Northern Ireland Waiting Times Statistics: Outpatient Waiting Times publication. The latest data can be found at the following link:

<http://www.dhsspsni.gov.uk/index/statistics/hospital/waitingtimes.htm>

- (iii) The allocation of appointments is determined by patient priority, therefore it is not possible to provide an "estimated" waiting time for a first outpatient appointment because the waiting list is renewed daily to take account of the prioritisation of new referrals, some of whom may need to be seen more quickly than those already on the list. In addition the waiting time will be affected by the level of activity in Trust outpatient clinics which will be subject to constant adjustment. If funding becomes available in year, additional activity in the independent sector may be commissioned, if there is an identified capacity gap in a particular specialty.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in Ophthalmology in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46504/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.

- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

Information on the number of patients waiting for a first consultant-led outpatient appointment in the Western Trust at 31st March 2015 is shown in the following table.

	Number of patients waiting, in weeks, and by selected specialty, for a first consultant-led outpatient appointment at 31st March 2015			
	0-9 weeks	>9-15 weeks	>15 weeks	Total waiting
Neurology	448	173	1,036	1,657
General Surgery	1,775	683	1,817	4,275
Urology	423	76	31	530
Ophthalmology	1,302	301	387	1,990
ENT	1,460	97	1	1,558

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Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in Ear, Nose and Throat in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46505/11-15)

Mr Hamilton:

- (i) The 2015/16 Ministerial target for outpatient waiting times states that, from April 2015, at least 60% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 18 weeks.
- (ii) The most recent date for which official statistics are available is at 31st March 2015. At this time the 2014/15 Ministerial target for outpatient waiting times applied, which states that from April 2014, at least 80% of patients should wait no longer than nine weeks for their first outpatient appointment and no patient should wait longer than 15 weeks.

Information on the number of patients waiting for a first consultant-led outpatient appointment in the Western Trust at 31st March 2015 is shown in the following table.

	Number of patients waiting, in weeks, and by selected specialty, for a first consultant-led outpatient appointment at 31st March 2015			
	0-9 weeks	>9-15 weeks	>15 weeks	Total waiting
Neurology	448	173	1,036	1,657
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- (iii) The allocation of appointments is determined by patient priority, therefore it is not possible to provide an "estimated" waiting time for a first outpatient appointment because the waiting list is renewed daily to take account of the prioritisation of new referrals, some of whom may need to be seen more quickly than those already on the list. In addition the waiting time will be affected by the level of activity in Trust outpatient clinics which will be subject to

constant adjustment. If funding becomes available in year, additional activity in the independent sector may be commissioned, if there is an identified capacity gap in a particular specialty.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail (i) the target waiting time for first consultant-led outpatient appointments in radiology in the Western Health and Social Care Trust; (ii) the number of patients currently waiting longer than the target waiting time; and (iii) the estimated waiting time for cases where targets are not currently being met.

(AQW 46506/11-15)

Mr Hamilton: Consultant- led outpatient appointments are not provided in the radiology specialty.

Mr Buchanan asked the Minister of Health, Social Services and Public Safety whether he has given any further consideration to the introduction of a cancer drugs fund.

(AQW 46511/11-15)

Mr Hamilton: I have difficulty in supporting the concept of a 'Cancer Drugs Fund' because it is not equitable or fair to patient groups suffering from other serious health conditions who also need expensive specialist drugs and treatments. I am aware of similar concerns about the fund expression by professionals working in this field. For example, an article by Karl Claxton, Professor of Health Economics at the University of York, published in the New Scientist in January 2015 stated that... "the evidence suggests that much greater improvements in health would have been possible across a range of diseases, including cancer, if the fund's money had been made available to the wider NHS..... Examples include improved survival for people with circulatory, gastrointestinal and respiratory diseases, along with cancer, and improved quality of life for people with mental health, respiratory and neurological diseases".

My Department has recently evaluated the Individual Funding Request (IFR) process, which is designed to provide access to novel, off-label or non-NICE approved specialist drugs, and has publicly consulted on the recommendations from the published report. A key recommendation is to create a specialist drug fund to be financed by reintroducing a charge for prescriptions. The responses to the consultation are currently being analysed and when this has been concluded I will announce my decision on whether to create a specialist drugs fund, taking into consideration the views gathered, subject to available funding.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail any instances where kinship carers have been required to give up employment in order to meet the needs of children they care for, and if so, for his assessment of this issue.

(AQW 46534/11-15)

Mr Hamilton: My Department does not collect information on this issue.

Mrs McKeivitt asked the Minister of Health, Social Services and Public Safety for a breakdown, by Health and Social Care Trust, of the approximate waiting time for people on the list for a prophylactic bilateral mastectomy.

(AQW 46541/11-15)

Mr Hamilton: Information on the waiting time for people on the list for a prophylactic bilateral mastectomy is not available.

Inpatient waiting lists only record the procedure that the patient is waiting for and not the reason for this procedure. It is therefore not possible to separately identify those patients waiting for a bilateral mastectomy where this is for prophylactic reasons.

Mr Easton asked the Minister of Health, Social Services and Public Safety what plans the South Eastern Health and Social Care Trust has in place to address the loss of beds at (i) Northfield House residential home; and (ii) the Bangor GP Ward for residential and respite care.

(AQW 46542/11-15)

Mr Hamilton:

- (i) There will be no immediate change to Northfield House pending a public consultation by the Trust. I have written to the three existing permanent residents to provide an assurance that they will not be required to leave their home.

In the event of the future closure of Northfield House the Intermediate Care Beds currently provided in Northfield would be re-provided through alternative arrangements including increased domiciliary based rehabilitation supported through the Enhanced Care at Home Model.

- (ii) The South Eastern Health and Social Care Trust's public consultation on the future of intermediate care in North Down and Ards closed on 29 April 2015. The Trust is currently analysing the consultation responses. The Trust's preferred option is to provide in the future up to 105 intermediate care beds across the area. This would not include the 20 Beds GP Unit in Bangor Community Hospital which is temporarily closed.

Mr Easton asked the Minister of Health, Social Services and Public Safety whether any of the Health and Social Care Trusts have plans to operate a Gamma Knife scanner.

(AQW 46546/11-15)

Mr Hamilton: Gamma Knife is a registered trade mark of Elekta Inc. It refers to a radiotherapy machine capable of delivering stereotactic radio surgery (SRS) for the treatment of cranial tumours. Cyberknife, Truebeam and RapidArc refer to similar devices used to deliver SRS. While there are no plans to operate a Gamma Knife Scanner in NI, we are aiming to obtain the Truebeam equipment required to deliver SRS in the Regional Cancer Centre. In the meantime patients requiring this mode of treatment are referred to specialist treatment centres in England.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of referrals to Trust run residential care homes within the Northern Health and Social Care Trust for each of the last five years.

(AQW 46560/11-15)

Mr Hamilton: The Northern HSC Trust has advised that they do not keep records of the number of people who have been referred to their Trust run residential care homes.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the disparity in accessing services for kinship carers depending on whether the kinship arrangements are formal or informal.

(AQW 46561/11-15)

Mr Hamilton: Health and Social Care Trusts have a duty to maintain and support formal placements, as these children and young people in those placements are 'looked-after' children under The Children (Northern Ireland) Order 1995. As a result, all foster carers and formal kinship foster carers receive Foster Care Allowances; are allocated a supervising social worker to provide support and supervision; have access to a range of specialist and therapeutic supports as determined by the assessed needs of the child/young person; and are provided with a range of learning and development opportunities as well as educational support. In the majority of informal kinship care arrangements, parental responsibility, including provision of financial support, remains with the parent. Within such arrangements, there is an entitlement to support services and a general duty to safeguard and promote the welfare of children in those arrangements who are deemed to be "in need", within the meaning of The Children (Northern Ireland) Order 1995.

Ms Sugden asked the Minister of Health, Social Services and Public Safety how his Department is working with officials in the Department of Agriculture and Rural Development to develop better access to health care for people who are rurally isolated.

(AQW 46562/11-15)

Mr Hamilton: My Department is represented on the Interdepartmental Committee on Rural Policy which reports to DARD on implementation of the Rural White Paper Action plan. The latest annual report (see below) provides information on partnership working with DARD on programmes such as the Farm Family Health Checks, and the MARA (Maximising Access to Services, Grants and Benefits in Rural Areas) project which supports vulnerable rural dwellers living in, or at risk of poverty and social isolation. In addition, the PHA works in partnership with DARD, rurally based agencies and community partners on an ongoing basis in the design and delivery of health improvement programmes.

<http://www.dardni.gov.uk/annual-progress-report-2014-final.pdf>

Lord Morrow asked the Minister of Health, Social Services and Public Safety what support is available for parents who have suffered a miscarriage in the Southern Health and Social Care Trust area, in (i) the immediate aftermath in hospital; and (ii) the community.

(AQW 46565/11-15)

Mr Hamilton: All women and their partners who experience the loss of a child at any gestation of pregnancy are supported initially by the midwifery staff and obstetric team responsible for care at the time of their loss. Further bereavement care and support is available following discharge from hospital by the General Practitioner, Community Midwife and Health Visitor to whom the mother is referred for follow up care. Support is also provided in the form of Southern Trust bereavement booklets containing advice and links to relevant support and counselling organisations.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of patients that have utilised the Integrated Care Partnerships since their implementation, broken down by Health and Social Care Trust.

(AQW 46598/11-15)

Mr Hamilton: Integrated Care Partnerships are not constituted to provide direct care to patients or service users. Integrated Care Partnerships are collaborative networks of care providers, bringing together doctors, nurses, pharmacists, social workers, hospital specialists, other healthcare professionals, council officers with community planning responsibilities, voluntary and community sector representatives, as well as service users and carers, to design and coordinate local health and social care services. National Institute for Health and Care Excellence Approved Drugs

Mr McKinney asked the Minister of Health, Social Services and Public Safety, subject to clinical assessment, whether patients will be able to avail of all the new National Institute for Health and Care Excellence approved drugs in 2015/16.
(AQW 46600/11-15)

Mr Hamilton: Funding is available for the provision of existing NICE therapies and treatments to new patients during 2015/16. However, the Department's budget does not include specific funding for new NICE drugs and in the absence of additional funding the HSCB has indicated it will not be able to fund all new NICE approved drugs. However, in line with the guidance, set out in Circular HSC (SQSD) 02/13, the HSCB is still required to assess NICE's Technology Appraisals individually for each new drug and arrive at a decision on timeframe etc. for implementation. This of course must take account of resource issues as well as the costs and benefits of that drug. Some new Drugs can generate efficiencies and reduce costs or may realise such significant benefits to patients and clients that they should still be funded. This is a judgement for the Commissioner to make in each case.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the cost of the service study being conducted into the provision of community pharmacy.
(AQW 46601/11-15)

Mr Hamilton: The aim of the Cost of Service Investigation (CoSI) is to capture the total cost of providing Community Pharmacy Services in Northern Ireland for the financial year 2011/12. All pharmacy contractors in Northern Ireland will be invited to participate in a survey which will capture the relevant costs.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety what progress has been made with regard to the actions and recommendations outlined in the Improving Dementia Services in Northern Ireland (2011) strategy.
(AQW 46627/11-15)

Mr Hamilton: Significant progress has been made to date across a number of recommendations in my Department's regional Dementia Strategy, including the development of memory clinics across the five Health and Social Care Trusts, which will provide timely diagnosis for people with dementia and information and support to inform decisions about future care and treatment.

The Atlantic Philanthropies/Delivering Social Change Dementia Signature initiative, launched in September 2014, will also support implementation of recommendations in the Dementia Strategy. This initiative will focus on three key strands: promoting greater understanding and awareness of dementia across the whole community; enhancing the quality of services through improved training opportunities for staff; and developing innovative support services for carers of people with dementia.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety to outline the (i) next steps; and (ii) timeline for reforming the Individual Funding Request process.
(AQW 46630/11-15)

Mr Hamilton: I have difficulty in supporting the concept of a 'Cancer Drugs Fund' because it is not equitable or fair to patient groups suffering from other serious health conditions who also need expensive specialist drugs and treatments. I am aware of similar concerns about the fund expression by professionals working in this field. For example, an article by Karl Claxton, Professor of Health Economics at the University of York, published in the New Scientist in January 2015 stated that... "the evidence suggests that much greater improvements in health would have been possible across a range of diseases, including cancer, if the fund's money had been made available to the wider NHS..... Examples include improved survival for people with circulatory, gastrointestinal and respiratory diseases, along with cancer, and improved quality of life for people with mental health, respiratory and neurological diseases".

My Department's proposals for reforming the Individual Funding Request (IFR) process combined with the proposal to introduce a Specialist Drugs Fund, to be financed by reintroducing a charge for prescriptions, will provide a more equitable basis for all patients requiring access to specialist drugs. The responses to the consultation on these proposals are currently being analysed and when this has been concluded I will announce my decision on whether to create a specialist drugs fund, taking into consideration the views gathered, subject to available funding.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety whether he can provide assurances that local cancer patients will have the same access to drugs as people living in England, Scotland and Wales, due to reforms put in place following the Individual Funding Request consultation.
(AQW 46636/11-15)

Mr Hamilton: I have difficulty in supporting the concept of a 'Cancer Drugs Fund' because it is not equitable or fair to patient groups suffering from other serious health conditions who also need expensive specialist drugs and treatments. I am aware of similar concerns about the fund expression by professionals working in this field. For example, an article by Karl Claxton, Professor of Health Economics at the University of York, published in the New Scientist in January 2015 stated that... "the evidence suggests that much greater improvements in health would have been possible across a range of diseases, including cancer, if the fund's money had been made available to the wider NHS..... Examples include improved survival for people with circulatory, gastrointestinal and respiratory diseases, along with cancer, and improved quality of life for people with mental health, respiratory and neurological diseases".

My Department's proposals for reforming the Individual Funding Request (IFR) process combined with the proposal to introduce a Specialist Drugs Fund, to be financed by reintroducing a charge for prescriptions, will provide a more equitable basis for all patients requiring access to specialist drugs. The responses to the consultation on these proposals are currently being analysed and when this has been concluded I will announce my decision on whether to create a specialist drugs fund, taking into consideration the views gathered, subject to available funding.

Mr Agnew asked the Minister of Health, Social Services and Public Safety to detail the number of (i) occupational therapists employed; and (ii) assessments for special educational needs that have been completed by each of the Health and Social Care Trusts in each of the last five years.

(AQW 46649/11-15)

Mr Hamilton:

- (i) At 31st March 2015, there were 984 (857.8 whole-time equivalent) occupational therapists employed within the Health and Social Care (HSC) Trusts, excluding bank staff, staff on career breaks and those with a WTE of less than 0.03. Table 1 below provides the number of occupational therapists employed by HSC Trust.

HSC Trust	Headcount	WTE
Belfast	270	239.76
Northern	228	192.12
South Eastern	149	133.67
Southern	207	177.85
Western	130	114.39

Source: HSC Trusts – Human Resources, Payroll, Travel and Subsistence System (HRPTS)

- (ii) The information requested is not available and could only be provided at disproportionate cost.

Mr Beggs asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 47511/11-15, to detail the number of elected theatre slots that may have been cancelled between January and March 2015, during the period when elective surgery was suspended and information on cancellations was not collected.

(AQW 46653/11-15)

Mr Hamilton: Information is not collected on the number of cancelled theatre slots. The Department routinely collects information on operations cancelled due to hospital pressures, which was provided in AQW 45711/11-15.

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety to detail how many locum GPs are available in Upper Bann.

(AQW 46656/11-15)

Mr Hamilton: Business Services Organisation advises that there are currently 396 Locum GPs registered on the Performers List for Northern Ireland. As they are registered by their home addresses, it is not possible to identify from the list where they might be available to work.

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety for an update on Brownlow Health Centre, Craigavon, following the resignation of two GPs.

(AQW 46661/11-15)

Mr Hamilton: A Selection Panel conducted interviews on Monday 18 May 2015. The successful applicant has been offered a GMS contract to provide primary medical services to the patients currently registered with Brownlow Medical Practice from 1 August 2015. Once the applicant confirms acceptance of the offer the HSCB will notify all interested parties.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 8177/11-15, of the 94 vacancies in the Northern Ireland Ambulance Service, to detail how many positions have been (i) offered; and (ii) filled.

(AQW 46700/11-15)

Mr Hamilton: Of the 94 Emergency Medical Technician (EMT) vacancies in the Northern Ireland Ambulance Service referred to in my previous answer, 20 positions have already been filled and a further 24 positions will be filled by 24 July 2015. The remaining vacancies are being filled on a phased basis during 2015/16 to coordinate with the associated training programmes.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Patient Client Council in each of the last three years.

(AQW 46718/11-15)

Mr Hamilton: Spend on postage by the Patient Client Council in each of the last three financial years was:

- 2014/15 - £13,285
- 2013/14 - £30,996
- 2012/13 - £23,610

Mr Easton asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the Regional Quality Improvement Agency in each of the last three years.

(AQW 46719/11-15)

Mr Hamilton: Spend on postage by the Regulation and Quality Improvement Authority in each of the last three years was:

- 2014/15 - £20,740
- 2013/14 - £18,147
- 2012/13 - £20,429

Mr Buchanan asked the Minister of Health, Social Services and Public Safety to detail how many (i) nurses have been trained in the last three years; and (ii) more nurses are needed to fill the vacancies in both the public and private sectors.

(AQW 46725/11-15)

Mr Hamilton:

- (i) My Department annually commissions 685 new student nursing and midwifery places from Queen's University Belfast (QUB), the University of Ulster (UU) and the Open University (OU). Information on the total numbers of nurses graduating from each of these universities in each of the academic years 2011/12, 2012/13 and 2013/14 is detailed in the table below.

	QUB	UU	OU	Total
2011/12	365	204	24	593
2012/13	439	216	31	685
2013/14	410	218	10	638

- (ii) I have no immediate plans to increase the number of pre registration places commissioned. However, my officials continue to work with employers and staff side representatives in order to ensure that we retain the skills of those nurses we do train, in Northern Ireland.

Mr Hussey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 45953/11-15, whether he or his officials have (i) considered midwife led maternity units for non-acute hospitals; and (ii) have had sight of the report into a midwife led maternity unit commissioned by the former Western Health and Social Services Board.

(AQW 46728/11-15)

Mr Hamilton: My Department's strategy in regard to midwife-led maternity units for non-acute hospitals was explained in my answer to AQW 45953/11-15.

A report commissioned by the former Western Health and Social Services Board was forwarded to the Department in December 2007. Additional evidence from across all Trusts was subsequently collected to develop my Department's regional maternity strategy, 'A Strategy for Maternity Care in Northern Ireland 2012-2018'. This strategy is my Department's extant policy for maternity services as it supersedes any report produced prior to the publication of the strategy.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety to detail the number of children in Foyle that (i) have been placed in hotel accommodation; and (ii) for how long in each of the last three years.

(AQW 46732/11-15)

Mr Hamilton:

- (i) Figures supplied by the Western Health and Social Care Trust indicate that eight children in Foyle had been placed in hotel accommodation in the last three years. In each case specific circumstances led to this placement. The Trust provided a twenty four hour support package for each child during their placement in a hotel.
- (ii) Table 1 below details the total number of days children from Foyle were placed in hotel accommodation in each of the last three years.

Table 1

	2012/13	2013/14	2014/15
Total number of days children were placed in hotel accommodation during the year.	2 days	69 days	322 days

Mr Ramsey asked the Minister of Health, Social Services and Public Safety to detail how much his Department has spent on using hotels due to the lack of residential care homes in Foyle.

(AQW 46733/11-15)

Mr Hamilton: There is no shortage of children's residential care provision in the Foyle area.

However, for some young people, accommodation in a children's home or in supported accommodation would not be deemed appropriate due to the intricacies of the individual care plan which could include risks presented to or by the individual child or young person.

The Western Trust has indicated that in the last three years eight young people in Foyle area had been placed in hotel accommodation at a total cost of £33,000.

In these circumstances the Trust provides a twenty four hour support package for each young person during their placement in a hotel.

Mr Ramsey asked the Minister of Health, Social Services and Public Safety what action his Department is taking to address the shortfall in residential care home provision in Foyle.

(AQW 46734/11-15)

Mr Hamilton: There is no shortfall in children's residential care home provision in the Foyle area.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety what strategy his Department has in place to address drug addiction in Ballymena.

(AQW 46739/11-15)

Mr Hamilton: Under the New Strategic Direction for Alcohol and Drugs Phase 2, a range of alcohol and drug education, early intervention, and treatment and support services are commissioned from a number of providers in the Northern Health and Social Care Trust area. Details of the current services are provided at the following link to the Public Health Agency's Directory of Services: http://www.publichealth.hscni.net/sites/default/files/DrugsAlcohol_Directory_Northern_12_12.pdf. These services are all available to people living in the Ballymena area and, following the completion of the current re-tendering exercise, the directory will be updated shortly.

In addition, the New Strategic Direction for Alcohol and Drugs Phase 2 commits us to working in partnership with the Department of Justice, the Police Service of Northern Ireland, the Department for Social Development and other key stakeholders to restrict the availability and accessibility of alcohol and illicit drugs in our local communities.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail what monies have been transferred from acute/primary care to the community care budget since 2011.

(AQW 46748/11-15)

Mr Hamilton: Details of monies transferred from acute/primary care settings to the community care setting are not held.

Information on the shift of services and associated resources from the acute care setting into primary, community and social care settings is recorded as part of the monitoring of the implementation of Transforming Your Care.

The table below presents a summary of this financial shift.

Shift Left by Year

2012/13	Cumulative Shift Left	2013/14	Cumulative Shift Left	2014/15	Total
£17.43m	£17.43m	£20.83m	£38.26m	£6.05m	£44.31m

Note

- 1) Of the total £44.31m of Health and Social Care resources 'shifted left' by the end of 2014/15, the areas were:
 - resettlement of Mental Health / Learning Disability clients (£27.5m)
 - a range of transformational initiatives in the primary and community setting funded directly by HSCB recurrent funding (£16.29m)
 - hospital activity avoided (£0.52m)

Mr Easton asked the Minister of Health, Social Services and Public Safety whether he has given any consideration to where the South East Trust will find a sufficient number of beds for respite care following the closure of Northfield House and Bangor GP Ward.

(AQW 46774/11-15)

Mr Hamilton: No decision has been taken on the future of Northfield House, pending the outcome of a consultation on this by the South Eastern Trust.

Responsibility for provision of services, including respite care, in this area rests with the South Eastern Trust. The Trust has advised me that the additional beds in Northfield House are primarily used for intermediate care provision, and there are no designated respite beds in the Bangor GP Ward. Within the North Down & Ards area, the Trust has 10 designated respite beds. In addition, it spot purchases respite beds to meet service user demand or choice. The number of vacancies within independent sector homes varies on a daily basis.

Mr Givan asked the Minister of Health, Social Services and Public Safety to detail (i) the medications dispensed by; and (ii) the number of, private prescriptions in each of the last three years.

(AQW 46781/11-15)

Mr Hamilton: It is not possible to detail the medications dispensed by, and the number of private prescriptions, in each of the last three years, as this information is not collected centrally and is therefore not available.

Mr Givan asked the Minister of Health, Social Services and Public Safety to detail the number of prescription dispensed for (i) Mifepristone; (ii) Misoprostol; (iii) Gemeprost; and (iv) Methotrexate in each of the last five years.

(AQW 46783/11-15)

Mr Hamilton: The number of prescriptions dispensed for Mifepristone; Misoprostol; Gemeprost; and Methotrexate, in each of the last five years is shown in Table 1 overleaf.

Table 1: Number of prescriptions dispensed for Mifepristone, Misoprostol, Gemeprost and Methotrexate in each of the last five years

Drug Name	Number of prescription items				
	2010	2011	2012	2013	2014
(i) Mifepristone (Mifegyne Tablets 200MG)	1	1	-	-	-
(ii) Misoprostol Tablet 200microgram	-	181	249	209	372
(iii) Gemeprost	-	-	-	-	-
(iv) Methotrexate Tablet 10mg	51	69	62	67	72
(iv) Methotrexate Tablet 2.5mg	57,016	61,919	64,658	66,764	69,097
(iv) Methotrexate 2ML Vials 25MG/ML	4	-	-	-	-
(iv) Methotrexate Solution Inj. 2MI Vial 50mg/2ml	-	8	12	11	13
(iv) Total Methotrexate prescriptions	57,071	61,996	64,732	66,842	69,182

Source: Prescription Cost Analysis 2010-2014, Business Services Organisation

Mr McGimpsey asked the Minister of Health, Social Services and Public Safety to detail the estimated expenditure of implementing the pay increase to Health and Social Care workers as recommended by the NHS Independent Pay Review Body in (i) 2014/15; and (ii) 2015/16.

(AQW 46823/11-15)

Mr Hamilton: Based on the latest quarterly staff in post figures at the time of the 2014/15 reports from the NHS Pay Review Body and the Review Body on Doctors' and Dentists' Remuneration, the recommendations in relation to the pay increase were estimated to cost around £54 million for 2014/15 - £22m for the 1% uplift and £32m to cover contractual increments. A recommendation for 2015/16 was not made for Northern Ireland.

Mr McGimpsey asked the Minister of Health, Social Services and Public Safety whether his Department had previously budgeted to award an increase in pay following the outcome of report of the NHS Independent Pay Review Body.

(AQW 46824/11-15)

Mr Hamilton: The NHS Pay Review Body (NHSPRB) and the Review Body for Doctors' and Dentists' Remuneration (DDRB) recommendations of a 1% increase from 1 April 2014 were considered in the context of the prevailing financial constraints and were considered to be unaffordable. However, a pay award was budgeted for and all eligible staff were awarded with either incremental progression or a 1% non-consolidated payment in respect of 2014/15 but not both. It should be noted that as a result of one step progression, the average pay increase for Agenda for Change staff was 3.7% with some staff receiving as much as 6.7%.

No decisions have yet been made in relation to the pay award for 2015/16.

Mr McMullan asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 31979/11-15, whether he plans to set new performance indicators and targets for access to cancer services.

(AQW 46852/11-15)

Mr Hamilton: I have no plans to set new performance indicators and targets for Northern Ireland. The current performance indicators and targets are broadly consistent with those in the rest of the UK. My Department is therefore satisfied that Health and Social Care (HSC) in Northern Ireland is required to deliver access to cancer services by measuring performance in line with best practice across the UK. My focus is on ensuring that the Health and Social Care Board works with the HSC Trusts to achieve the current targets.

Mr Buchanan asked the Minister of Health, Social Services and Public Safety to detail the percentage difference in the number of referrals of children and adolescents to the Western Health and Social Care Trust due to the use of legal highs for each of the last three years.

(AQW 46853/11-15)

Mr Hamilton: The number of people aged under 18 in the Western Health and Social Care Trust, presenting for treatment for New Psychoactive Substances, is outlined in the table below.

Number of people in the Western Health and Social Care Trust who received treatment for New Psychoactive Substances 2011/12 to 2013/14

2011/12	<5
2012/13	6
2013/14	19

Mr Buchanan asked the Minister of Health, Social Services and Public Safety for his assessment of the added pressures legal highs are having on the health service.

(AQW 46854/11-15)

Mr Hamilton: It is difficult to get an accurate picture of how prevalent misuse of New Psychoactive Substances (sometimes mislabelled as 'legal highs') is and the subsequent impact on the Health Service. A survey in 2010/11 indicated that 2% and 2.4% of the population had taken Mephedrone (then legal but subsequently banned) and New Psychoactive Substances respectively. Figures from our treatment services in 2013/14 also indicated that 15% of those in treatment reported the use of Mephedrone.

However, we are aware of presentations to Emergency Departments and admissions to hospital following the use of New Psychoactive Substances and other drugs. In these settings, it is very difficult to know exactly what a person has taken and what has caused their presentation. Overall there were 3,360 drug related admissions to hospital in 2013/14 and figures have remained broadly consistent since 2010.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the cost of providing treatment for psychoactive substance abuse for each of the last five years, broken down by each Health and Social Care Trust.

(AQW 46858/11-15)

Mr Hamilton: Substance misuse services based within each of the five Health & Social Care Trust areas are responsible for dealing with both alcohol and drug misuse. Many of the clients require support to recovery from misuse of multiple substances, including alcohol, illegal drugs, misused prescription drugs, and new psychoactive substances. Accordingly, information is not available in the format requested, as it is not possible to disaggregate substance misuse services from those that also deal with alcohol misuse.

However, each year approximately £8 million is invested each year in support of our overall Strategy to prevent and address the harm related to substance misuse, the New Strategic Direction (NSD) for Alcohol and Drugs Phase 2, and a further approximately £8 million is invested in statutory alcohol and drug treatment services through the mental health budget.

Mr Kinahan asked the Minister of Health, Social Services and Public Safety for an update on the proposed development of the North Wing at Altnagelvin Hospital.

(AQW 46859/11-15)

Mr Hamilton: Detailed design work and tender preparation are progressing with respect to the North Wing Ward Accommodation at Altnagelvin Hospital. It is anticipated that the award of contract and construction will commence on site in autumn 2015 however this is subject to planning approval and budget availability.

Work with respect to associated enabling schemes, including the new multi-storey car park, continues and is expected to be completed in advance of the North Wing construction works commencing.

Mr D McIlveen asked the Minister of Health, Social Services and Public Safety to detail the rationale behind his decision to withdraw funding for ADD-NI.

(AQW 46873/11-15)

Mr Hamilton: No decision has been made on future core and grant funding arrangements. I am currently considering a range of options and intend to communicate my decision to those organisations, which received core grant in 2014/15, as soon as possible.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46077/11-15, to detail the number of adult carers within each Health and Social Care Trust.

(AQW 46898/11-15)

Mr Hamilton: The information requested is not available as Health and Social Care Trusts do not keep a register of carers.

Mr Swann asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46366/11-15, to detail how often each condition has been reported in each of the last three years.

(AQW 46899/11-15)

Mr Hamilton: With the exception of Avian Influenza none of the diseases are notifiable diseases and therefore GPs are under no obligation to report these diseases to the Public Health Agency. The table below shows the numbers of cases reported over last three years for each condition.

	2012	2013	2014
Chlamydia psittaci	0	0	0
Histoplasma	0	0	0
Cryptococcus	0	1 - 4	0
Avian Influenza	0	0	0

In order to ensure an individual cannot be identified the PHA report any number greater than zero and less than 5 as "1-4".

Mr Easton asked the Minister of Health, Social Services and Public Safety how much funding is required to complete Transforming Your Care.

(AQW 46906/11-15)

Mr Hamilton: Transforming Your Care estimated that transitional funding of £70 million would be needed to implement the new service model. To date, my Department has obtained £26.4m:

- £19m for TYC and HSC savings initiatives via Invest to Save in 2012/13 (of which £9m was spent on TYC)
- £9.4m of funding via the 2013/14 June Monitoring Round
- £8m of funding via the 2014/15 Monitoring Round

I remain committed to securing the remaining funds necessary to implement the model of care described in Transforming Your Care.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much the Belfast Health and Social Care Trust spent on bank nurses in each of the last three years.

(AQW 46907/11-15)

Mr Hamilton: The table below shows the Belfast Health and Social Care Trust's expenditure on bank nursing for the last three financial years.

Trust	2012/2013	2013/2014	2014/2015
BHSCT	£16.7m	£17.4m	£16.2m

Source: Belfast Health and Social Care Trust

Mr Weir asked the Minister of Health, Social Services and Public Safety to detail the number of locum GPs available in North Down.

(AQW 46923/11-15)

Mr Hamilton: Business Services Organisation advises that there are currently 396 Locum GPs registered on the Performers List for Northern Ireland. As they are registered by their home addresses, it is not possible to identify from the list where they might be available to work.

Mr Eastwood asked the Minister of Health, Social Services and Public Safety to detail the number of psychologists operating in each Health and Social Care Trust.

(AQW 46933/11-15)

Mr Hamilton: Headcount and whole-time equivalent (WTE) figures for staff employed as Psychologists and Assistant Psychologists by each HSC Trust are shown in the table below. These are provisional figures as at 31st March 2015, and exclude staff on career breaks and those with a WTE of less than 0.03.

Trust	Headcount	WTE
Belfast Health and Social Care Trust	106	95.6
Northern Health and Social Care Trust	67	61.7
South Eastern Health and Social Care Trust	52	44.9
Southern Health and Social Care Trust	42	37.6
Western Health and Social Care Trust	44	41.5

Source: NI HSC Human Resources, Payroll, Travel & Subsistence.

A further 35 (35.0 WTE) trainee psychologists are employed through the Business Services Organisation.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the financial cost to his Department in appealing the courts decision on the ban on gay men giving blood.

(AQW 46969/11-15)

Mr Hamilton: At this time, the financial costs incurred by this Department in relation to the policy on blood donation by men who have had sex with men, are not yet complete.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the effectiveness of the Regulation and Quality Improvement Authority in regulating social care considering they do not take account of the reductions in expenditure reducing on services whilst assessing the quality of care received by patients.

(AQW 46970/11-15)

Mr Hamilton: The role and functions of the Regulation and Quality Improvement Authority [RQIA] are governed by the legislation – the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and related regulations.

In regulating provision of services, RQIA assesses the quality of services delivered by establishments and agencies, against relevant regulations and published minimum standards. Inspection reports include, where necessary, quality improvement plans detailing what improvements are required to meet regulations and minimum standards, and an associated timescale.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for an update on the business case in relation to establishing genomic medicine.

(AQW 46972/11-15)

Mr Hamilton: The Northern Ireland Pathology Network is developing the business case for the establishment of a Genomic Medicines Centre. It is anticipated that the business case will be submitted to my Department in early July 2015.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what plans his Department has to make additional funding available to tackle drug-resistant infections over the next five years.

(AQW 46973/11-15)

Mr Hamilton: Drug-resistant infections are a sub-set of all infections. The regional strategic action plan for healthcare-associated infections (HCAIs), Changing the Culture, first published in 2006 and updated in 2010, is founded on two core principles, the first of which is a recognition that infection prevention and control (IPC) is an integral part of safe healthcare. For this reason it is not possible to meaningfully disaggregate healthcare expenditure in a way that would identify discretely all expenditure on IPC. By the same token, to quote specific investments or items of expenditure would not truly reflect the full resources devoted to IPC.

Tackling HCAIs requires a wide range of actions, and through the concerted efforts of healthcare and public health professionals in Northern Ireland there have been significant reductions in HCAIs since 2006/07, with in-patient episodes of MRSA down by 73% and in-patient episodes of Clostridium difficile in patients aged 65 and over reduced by 72%. My aim is to ensure that this progress continues.

The global rise of antimicrobial resistance has been recognised for decades as a serious threat to health and healthcare. In July 2012 my Department published the Strategy for Tackling Antimicrobial Resistance (STAR). STAR has five strands:

- (i) antimicrobial stewardship in all Health and Social Care settings;

- (ii) monitoring of antimicrobial usage and surveillance of resistance;
- (iii) professional education and practice;
- (iv) research and development; and
- (v) patient and public engagement and information.

Mr Department is currently working with the Public Health Agency on the implementation of STAR. In addition my Department is a signatory to the UK 5-year Antimicrobial Resistance Strategy published in September 2013.

I would also draw to your attention my Department's current consultation on the Medicines Optimisation Quality Framework which highlights the risk of inappropriate use of antimicrobials. This framework sets the foundation for good practice and proposes a new approach to pharmaceutical innovation to drive continuous improvement through the development and implementation of best practice.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much the South Eastern Health and Social Care Trust spent on bank nurses in each of the last three years.

(AQW 47053/11-15)

Mr Hamilton: The table below shows the South Eastern Health and Social Care Trust's expenditure on bank nursing for the last three financial years.

Trust	2012/2013	2013/2014	2014/2015
SEHSCT	£6.2m	£7.1m	£7.2m

Source: South Eastern Health and Social Care Trust

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much the Southern Health and Social Care Trust spent on bank nurses in each of the last three years.

(AQW 47054/11-15)

Mr Hamilton: The table below shows the Southern Health and Social Care Trust's expenditure on bank nursing for the last three financial years.

Trust	2012/2013	2013/2014	2014/2015
SHSCT	£6.1m	£6.6m	£6.7m

Source: Southern Health and Social Care Trust

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much the Western Health and Social Care Trust spent on bank nurses in each of the last three years.

(AQW 47055/11-15)

Mr Hamilton: The table below shows the Western Health and Social Care Trust's expenditure on bank nursing for the last three financial years.

Trust	2012/2013	2013/2014	2014/2015
WHSCCT	£4.6m	£5.2m	£6.2m

Source: Western Health and Social Care Trust

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much the Northern Health and Social Care Trust spent on bank nurses in each of the last three years.

(AQW 47057/11-15)

Mr Hamilton: The table below shows the Northern Health and Social Care Trust's expenditure on bank nursing for the last three financial years.

Trust	2012/2013	2013/2014	2014/2015
NHSCT	£6.8m	£7.7m	£7.9m

Source: Western Health and Social Care Trust

Department of Justice

Mr Campbell asked the Minister of Justice for an estimate of the number of cases which have been adjourned in the past month as a result of legal representation being withdrawn due to the ongoing legal aid dispute.

(AQW 46523/11-15)

Mr Ford (The Minister of Justice): While there is no requirement or process to record any specific reasons given when a legal representative applies to come off record in a case before the court, I am aware of six cases where the legal aid dispute has been cited as the reason for the legal representative coming off record. However, no cases have been adjourned specifically as a result of legal representation being withdrawn due to the ongoing legal aid dispute.

Ms Sugden asked the Minister of Justice for an update on the development of a cross-departmental hate crime action plan.

(AQW 46559/11-15)

Mr Ford: The Department of Justice leads on the implementation of the Executive's Building Safer, Shared and Confident Communities: A Community Safety Strategy for Northern Ireland 2012-2017.

The Strategy has a set of associated action plans, including a dedicated hate crime action plan detailing the measures which a multi-agency Hate Crime Delivery Group is taking forward under a safety remit to address hate crime.

These actions are designed to contribute to the wider Executive commitment to improve community relations and build a united and shared society, and to complement the policies and practice of government departments and their agencies intended to change the prejudices and attitudes within our wider society which are ultimately manifested in hate crime.

Examples of measures currently being delivered through the Hate Crime Delivery Group include: investment in a Hate Crime Advocacy Service, which aims to provide support, advice and assistance for victims of hate crime, and provide a third party reporting mechanism (PSNI and DOJ); investment in the tripartite (PSNI, Northern Ireland Housing Executive, DOJ) Hate Incident Practical Action Scheme, which provides personal and home protection measures for victims of hate crime; and the development of a pilot scheme by the Probation Board for offenders convicted of hate related crimes.

Copies of the action plan and annual progress reports are available in the publications section of the Department of Justice website.

Mr Allister asked the Minister of Justice on how many occasions in the past year have dogs been deployed within (i) Maghaberry Prison; and (ii) its exercise yards.

(AQW 46633/11-15)

Mr Ford: Patrol dogs are deployed on a daily basis within Maghaberry Prison. During the past year patrol dogs have been deployed on 20 occasions within recreation rooms and yards.

Mr Allister asked the Minister of Justice how many staff have left the Prison Service in the last twelve months.

(AQW 46634/11-15)

Mr Ford: A total of 144 Prison Grade and Non Prison Grade Staff left the Northern Ireland Prison Service in the 12 month period up to 31 May 2015.

Mr Allister asked the Minister of Justice what percentage of the staff in Maghaberry Prison are female.

(AQW 46635/11-15)

Mr Ford: At 1 May 2015 the percentage of female, Full Time Equivalent, staff in the Northern Ireland Prison Service, based in Maghaberry Prison was 32%.

Lord Morrow asked the Minister of Justice for a breakdown, or estimate, of the costs incurred in the recent trial of Padriac Wilson and Sean Hughes.

(AQW 46688/11-15)

Mr Ford: The estimated costs incurred in the recent Crown Court case is given in the table below:

Cost Type	Estimated Cost
(i) Legal Aid ¹	£23,596
(ii) Prosecution ²	£13,958
(iii) Court (Judiciary and staff costs)	£1,197
(iv) Facilities (e.g. courtroom accommodation)	£320
Total	£39,071

- 1 The estimate of fees provided are based on the fixed fee structure provided under the Crown Court Rules and include fees based on actual court attendances that have actually taken place. The estimates do not include subsidiary fees such as travel time, mileage or consultations by Senior and/or Junior Counsel. There may also be a claim for additional disbursement costs by Solicitor.

Fees in relation to the Crown Court proceedings are assessed in accordance with the provisions of the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 as amended by 2011 Rules.

- 2 In the absence of detailed records of time spent on individual cases it is not possible to produce precise or average costs for a particular case. Some costs are identifiable however, for example the fees paid to prosecuting counsel and expenses paid to witnesses and expert witnesses.

Mr Hazzard asked the Minister of Justice to outline the reasons for the PSNI £16 million resource and capital underspend for the 2014/15 financial year; and when his Department became aware of the underspend.

(AQW 46755/11-15)

Mr Ford: Based on provisional figures, PSNI's 2014-15 outturn is as follows:

- an unringfenced resource DEL underspend of £14.9m;
- a capital DEL underspend of £1.3m; and
- a ringfenced resource DEL overspend of £8.7m.

2014-15 was an extremely challenging year for financial planning, with significant uncertainty over in-year budget cuts and the 2015-16 budget. The Chief Constable was very much alive to the need to make savings and to deliver a balanced budget. Therefore, in response to in-year cuts and the need to plan for an uncertain level of cuts in future years, PSNI implemented cost reduction plans with a focus on planning for the longer term. Establishing that trend resulted in this underspend, but breaking the trend simply to have avoided the underspend would have run counter to what the Chief Constable is trying to achieve.

Regular monthly reporting structures are in place between the PSNI, the Policing Board and my Department. In the final quarter 2014-15, following the completion of the January monitoring process, my Department was advised that there would be underspends for the reasons set out above.

Mr Hazzard asked the Minister of Justice what steps his Department can take to ensure that the PSNI does not have an underspend in the 2015/2016 financial year; and what measures can be introduced to ensure that unspent resources can be redirected before the onset of a monitoring round.

(AQW 46756/11-15)

Mr Ford: The PSNI reports its financial position on a monthly basis to my Department and the Policing Board, including year to date spend and forecast annual outturn. In addition, my officials meet with PSNI and Policing Board colleagues on a regular basis to discuss financial matters.

I must respect the operational autonomy and independence of the Chief Constable – he is responsible for the allocation of the police budget, for which he is accountable to the Policing Board.

However, if there is potential PSNI underspend, my Department will seek to ensure that this is used as effectively as possible. Any underspends would be reallocated as part of the monitoring round process, in the context of Department of Finance and Personnel guidelines.

Mr Hazzard asked the Minister of Justice what measures his Department can take to ensure that sufficient resources are redirected to the Police Ombudsman's Office as soon as possible.

(AQW 46757/11-15)

Mr Ford: In 2015-16, my Department faced very difficult funding and prioritisation decisions. In setting the budget, the Office of the Police Ombudsman was one of the most protected in the Department, with an unringfenced Resource DEL budget reduction of 5%.

A bid for resources from the Stormont House Agreement is currently under consideration, which includes funding for legacy related work within the remit of the Police Ombudsman's Office.

Mr Allister asked the Minister of Justice how the limitations on visiting times are enforced in Maghaberry Prison; and how the Prison Service ensure that there is an even handed approach for republican and loyalist prisoners.

(AQW 46775/11-15)

Mr Ford: Family visits are allocated timed slots which may be booked by those visiting the prisoner. All prisoners are able to avail of visits on an equitable basis regardless of category or any allegiance.

Mr D McIlveen asked the Minister of Justice what measures his Department can take to save proposals for a joint training academy for police, fire and prison services.

(AQW 46779/11-15)

Mr Ford: Given a number of uncertainties, particularly in relation to the Services' budgets, an urgent review was commissioned to clarify their training needs in the changed financial climate. This identified a reduction of 48% in the training day requirement from that in the approved business case. With support from the Minister for Health, Social Services and Public Safety and myself, the Steering Group has asked the Programme Board to develop a revised business case. That work is now underway. The business case is to assume maximum delivery of training at sites and premises currently owned by the Services and the Policing Board, including Desertcreat. The aim is to enable required funding to be sought within the 2016-17 spending review process.

Mr Ross asked the Minister of Justice whether his Department has given any consideration to the (i) establishment; and (ii) approximate running costs of the Office of the Public Guardian as proposed under the Mental Capacity Bill.
(AQW 46785/11-15)

Mr Ford: The Department of Justice has been working with the Department of Health, Social Services and Public Safety to establish indicative costs in relation to the Mental Capacity Bill.

This work has estimated the costs for the establishment of the Office of the Public Guardian at £155,000 in the two years prior to implementation; £1.6m in Year 1; £1.4m in Year 2; and £1.8m in Year 3 and annually thereafter. These include estimated costs for IT, accommodation, training, staffing, and the investigatory function. The figures are based on a high level costing exercise and more work is required to refine them when the Office of the Public Guardian model is developed further.

Many of the current functions of the Office of Care and Protection will transfer to the Office of the Public Guardian. However the Office of Care and Protection function to support the administration of court work will remain and may increase through the broadening of the jurisdiction to take in health and welfare matters.

Mr Ross asked the Minister of Justice whether his Department has given any consideration to the estimated annual staffing cost of the Office of the Public Guardian as proposed under the Mental Capacity Bill.
(AQW 46786/11-15)

Mr Ford: The Department of Justice has been working with the Department of Health, Social Services and Public Safety to establish indicative costs in relation to the Mental Capacity Bill.

This work has estimated the costs for the establishment of the Office of the Public Guardian at £155,000 in the two years prior to implementation; £1.6m in Year 1; £1.4m in Year 2; and £1.8m in Year 3 and annually thereafter. These include estimated costs for IT, accommodation, training, staffing, and the investigatory function. The figures are based on a high level costing exercise and more work is required to refine them when the Office of the Public Guardian model is developed further.

Many of the current functions of the Office of Care and Protection will transfer to the Office of the Public Guardian. However the Office of Care and Protection function to support the administration of court work will remain and may increase through the broadening of the jurisdiction to take in health and welfare matters.

Mr Ross asked the Minister of Justice whether his Department has given any consideration to the estimated IT costs of the Office of the Public Guardian as proposed under the Mental Capacity Bill.
(AQW 46787/11-15)

Mr Ford: The Department of Justice has been working with the Department of Health, Social Services and Public Safety to establish indicative costs in relation to the Mental Capacity Bill.

This work has estimated the costs for the establishment of the Office of the Public Guardian at £155,000 in the two years prior to implementation; £1.6m in Year 1; £1.4m in Year 2; and £1.8m in Year 3 and annually thereafter. These include estimated costs for IT, accommodation, training, staffing, and the investigatory function. The figures are based on a high level costing exercise and more work is required to refine them when the Office of the Public Guardian model is developed further.

Many of the current functions of the Office of Care and Protection will transfer to the Office of the Public Guardian. However the Office of Care and Protection function to support the administration of court work will remain and may increase through the broadening of the jurisdiction to take in health and welfare matters.

Mr Ross asked the Minister of Justice whether his Department has given any consideration to the estimated cost of the investigatory function of the Office of the Public Guardian as proposed under the Mental Capacity Bill.
(AQW 46788/11-15)

Mr Ford: The Department of Justice has been working with the Department of Health, Social Services and Public Safety to establish indicative costs in relation to the Mental Capacity Bill.

This work has estimated the costs for the establishment of the Office of the Public Guardian at £155,000 in the two years prior to implementation; £1.6m in Year 1; £1.4m in Year 2; and £1.8m in Year 3 and annually thereafter. These include estimated costs for IT, accommodation, training, staffing, and the investigatory function. The figures are based on a high level costing exercise and more work is required to refine them when the Office of the Public Guardian model is developed further.

Many of the current functions of the Office of Care and Protection will transfer to the Office of the Public Guardian. However the Office of Care and Protection function to support the administration of court work will remain and may increase through the broadening of the jurisdiction to take in health and welfare matters.

Mr Ross asked the Minister of Justice whether the Office of Care and Protection will be retained after the establishment of the Office of the Public Guardian as proposed under the Mental Capacity Bill.
(AQW 46789/11-15)

Mr Ford: The Department of Justice has been working with the Department of Health, Social Services and Public Safety to establish indicative costs in relation to the Mental Capacity Bill.

This work has estimated the costs for the establishment of the Office of the Public Guardian at £155,000 in the two years prior to implementation; £1.6m in Year 1; £1.4m in Year 2; and £1.8m in Year 3 and annually thereafter. These include estimated costs for IT, accommodation, training, staffing, and the investigatory function. The figures are based on a high level costing exercise and more work is required to refine them when the Office of the Public Guardian model is developed further.

Many of the current functions of the Office of Care and Protection will transfer to the Office of the Public Guardian. However the Office of Care and Protection function to support the administration of court work will remain and may increase through the broadening of the jurisdiction to take in health and welfare matters.

Mr Rogers asked the Minister of Justice to detail (i) the plans underway to decentralise public sector jobs within his Department; and (ii) the number of jobs that will be relocated to South Down.
(AQW 46833/11-15)

Mr Ford: The Bain Review on the relocation of public sector posts outside Belfast predates my Department, which came into existence on 12 April 2010.

The Department of Finance and Personnel has responsibility for taking forward the recommendations of the Bain Review.

There are currently no strategic or active plans to move any DOJ posts to South Down.

Lord Morrow asked the Minister of Justice, pursuant to AQW 45964/11-15, in what way this case fails to meet the criteria for a Serious Case Review; and under what circumstances can this be waived or amended, as in previous similar instances.
(AQW 46835/11-15)

Mr Ford: The objectives of a serious case review are to look at whether all the agencies involved in the risk management of an individual did all that could be expected of them to manage the assessed risks and to establish if there are lessons to be learned about the effectiveness of the current public protection arrangements.

The offender in this case was being proactively risk managed on a single agency basis for a sustained period, which warranted an internal review being conducted. The report of that review will be examined by the PPANI Strategic Management Board, which will determine if any further case review is merited. In the instances where such action was taken in the past, the cases evidenced exceptional or exacerbating factors relating to the offence or the offender or recent changes in categorisation or risk management.

Mr Easton asked the Minister of Justice how many female Prison Officers have been assaulted in Maghaberry in each of the last three years.
(AQW 46839/11-15)

Mr Ford: The Northern Ireland Prison Service system for recording assaults does not differentiate between assaults on male and female staff. For that reason it is not possible to provide the information requested.

Mr Campbell asked the Minister of Justice how many Prison Service staff were employed at Magilligan Prison in (i) 2009; and (ii) 2014.
(AQW 46931/11-15)

Mr Ford: The number of staff employed in Magilligan Prison in each of the years requested is: (i) 435; and (ii) 295. These figures are a snapshot as at 1 May in each year.

Mr Campbell asked the Minister of Justice what has been the change in the percentage of female Prison Service staff at Magilligan Prison between 2009 and 2014.
(AQW 46932/11-15)

Mr Ford: For comparator purposes the figures are based on 1 May in each year requested. On 1 May 2009 18.34% of Prison Service staff at Magilligan were female and this rose to 24.69% by 1 May 2014. This represents an increase of 6.35% over the period.

Mrs Hale asked the Minister of Justice how many security threats against members of the police, prison service and the judiciary have been recorded in the last twelve months.

(AQW 46950/11-15)

Mr Ford: It would not be appropriate to comment on threats against individuals. That includes releasing information on numbers which might inadvertently identify a specific person or persons. I can confirm, however, that there have been a number of general and specific threats in the past twelve months.

Lord Morrow asked the Minister of Justice, pursuant to AQW 35537/11-15, for a further update on the progress of this case since 4 September 2014.

(AQW 46984/11-15)

Mr Ford: This case is due back in court on 29 June 2015. Details of the hearings since 4 September 2014 are detailed in the table below.

Date	Hearing Type	Adjournment Reason
21-May-15	Preliminary Investigation	Defence Not Ready
8-May-15	Preliminary Investigation	To fix a date
12-Mar-15	Preliminary Investigation	Case Management
23-Feb-15	Preliminary Enquiry	Defence Not Ready
19-Feb-15	Preliminary Enquiry	Defence Not Ready
8-Jan-15	Preliminary Enquiry	Defence Not Ready
30-Oct-14	Preliminary Enquiry	By Direction of Judge
18-Sep-14	Preliminary Enquiry	Prosecution Not Ready

Mrs Dobson asked the Minister of Justice for an update on the issue of equal pay for the Department of Justice and former Northern Ireland Office staff.

(AQW 47036/11-15)

Mr Ford: The Finance Minister has submitted a draft paper on this matter for consideration by the Executive. I continue to be supportive of a centrally funded and centrally driven resolution.

To date, the Executive has not been given an opportunity to consider this paper and I am unaware when this issue will be discussed or resolved.

Mr Dallat asked the Minister of Justice to detail (i) the number of prison officers currently suspended from work; and (ii) the timescales and cost of (a) salaries; (b) pension contributions; and (c) national insurance contributions while suspended.

(AQW 47081/11-15)

Mr Ford: Due to the small number of staff, I cannot provide the number and timescales as disclosure would be contrary to the Data Protection Act 1998. However, the total salary costs are £91,461.56, the total employer pension contributions are £14,140.78 and the total employer national insurance contributions are £7,288.14.

Mr D McIlveen asked the Minister of Justice what actions his Department is taking to prevent online criminal gangs targeting vulnerable young people.

(AQW 47091/11-15)

Mr Ford: There is work ongoing in a number of areas across Government and its agencies to raise awareness and prevent this sort of crime and also to address non-criminal problem behaviour. The Safeguarding Board's work, into which a number of Departmental agencies have an input, is particularly relevant in that regard. The Policing Board also has a target on the issue of cyber bullying in its Policing Plan.

In terms of criminal gangs specifically, the PSNI, in conjunction with the Organised Crime Task Force sub-group on cyber-crime, is working on a strategy to deal with cyber-crime. This includes:

Prevention – Awareness campaigns to alert the community to the threats posed by cyber enabled platforms. This incorporates a young persons' education programme involving the Public Protection Unit which is engaged with the Safeguarding Board. Work is ongoing to develop this awareness to prevent young people becoming victims.

Protection – The development of effective liaison with social media providers, internet service providers and other industry contacts in this area to identify criminality and protect the community through collaborative partnerships with industry.

Enforcement – PSNI is engaging with the National Crime Agency nationally and Europol and Interpol internationally to progress investigations and identify criminals targeting the Northern Ireland community.

Mr Eastwood asked the Minister of Justice whether the United Nations Standard Minimum Rules for the Administration of Juvenile Justice are applicable in Northern Ireland.

(AQW 47176/11-15)

Mr Ford: The United Nations Standard Minimum Rules for the Administration of Juvenile Justice have not been incorporated into UK law, and therefore are not directly applicable in Northern Ireland. They do, however, have persuasive authority and cognisance is paid to them when developing policies relating to children in the justice system.

Mr Lyttle asked the Minister of Justice for his assessment of the implications of a reduction in his departmental budget 2015-16 in line with the potential cuts recently set out by the Minister of Finance and Personnel.

(AQO 8386/11-15)

Mr Ford: Throughout the 2015-16 budget process, I highlighted that very difficult funding and prioritisation decisions have been, and will be, required, which will have a major impact on the wider justice system and the services we provide. The impact of savings already factored into 2015-16 budgets are set out in my Department's 2015-16 Savings Delivery Plan.

My priorities as part of the 2015-16 budget process included protecting frontline policing as far as possible; and protecting other frontline areas across the Department as far as possible, with the aim of protecting outcomes for the public.

However, it is unlikely that these priorities could be retained if further cuts were applied.

The core Department was previously asked to make baseline savings of 22% so that funding can be released to frontline priorities. It is unlikely that the core could deliver further savings, so other frontline areas would have to make higher cuts.

Whilst it is too early to quantify the impact of additional cuts, there would be very significant operational implications and in some cases there would potentially be public safety implications.

There would also be very significant risks to actually delivering cuts. For example, delivering further savings in staff costs in the short term would be extremely difficult, meaning that more radical cuts would have to be made in other areas.

Mr Nesbitt asked the Minister of Justice what discussion he has had with the Public Prosecution Service regarding Sir Keir Starmer's report on the Independent Review of the Prosecution of Related Sexual Abuse and Terrorism Cases.

(AQO 8387/11-15)

Mr Ford: The DPP briefed me on Sir Keir Starmer's report shortly before it was published. My officials are considering the Report, particularly in relation to the treatment of victims and witnesses within the justice system.

The Starmer Review is a matter for the Director of Public Prosecutions. That said, the Report is clearly a thorough and well-considered review. I welcome the Director's decision to publish the Report in full and to accept all its findings without reservation, the programme of change that is underway based on Sir Keir's recommendations and the Director's sincere apology to the three victims.

Mr McKay asked the Minister of Justice for his assessment of the damage being done to the justice system by the refusal of the Criminal Bar Association to take part in future criminal cases.

(AQO 8388/11-15)

Mr Ford: The decision by the Criminal Bar Association and individual solicitors to withdraw from participation in Crown Court cases in a dispute over remuneration is deeply regrettable, especially since the representative bodies are challenging the Rules through legal action.

It is too early at this stage to gauge the impact that the removal of services by the Criminal Bar Association will have on the justice system or to defendants who may be left unrepresented. The new Crown Court Rules came in to effect on 5 May, so the majority of cases before the courts at present will have certification for counsel pre-dating the new fees. I believe the new fees continue to provide appropriate remuneration for the work undertaken in the Crown Court. I therefore urge lawyers to consider the implications their actions will have for their clients and to reconsider their position.

As Judicial Review proceedings have been commenced against the Department, it would be inappropriate for me to discuss the specifics of this issue.

Ms Ruane asked the Minister of Justice for his assessment of the implications for policing and justice following the BBC Panorama programme Britain's Secret Terror Deals broadcast on 28 May 2015, reporting collusion.

(AQO 8389/11-15)

Mr Ford: The Panorama programme was another reminder of the toxic effect the past continues to have on modern policing, and of the pressing need to deal with the legacy of our past.

The practices of the past are not reflective of modern policing, which has a greater emphasis on accountability and policing with the community.

Any allegations of collusion by the State are very serious, and must be dealt with rigorously. It is important that no one, and that includes State agents, sees themselves as beyond the reach of the law.

The Police Ombudsman is conducting a number of investigations which reflect concerns raised in the Panorama programme. I will of course consider the implications of those reports in due course. The Policing Board will also want to consider the reports and discuss their implications for modern policing with the Chief Constable.

I would point to the great progress that we have made since the devolution of justice to ensure greater accountability and to build confidence in the police among all sections of the community.

My Department remains committed to that process as we work to set up the Historical Investigations Unit and make arrangements to improve the legacy inquest function. These institutions will shed greater light on Troubles related deaths and, in doing so, will address a number of the issues raised in the Panorama programme.

Mr D McIlveen asked the Minister of Justice to outline the financial implications for his Department of the ongoing failure to implement the Stormont House Agreement.

(AQO 8390/11-15)

Mr Ford: The financial implications for my Department of the ongoing failure to implement the Stormont House Agreement are significant.

The Stormont House Agreement includes a range of measures that affect my Department, in particular the establishment of the Historical Investigations Unit and improvements to the way the legacy inquest function is conducted. The Agreement also provides for the appropriate funding of these new arrangements – without the funding, these critical arrangements for dealing with the past will be unaffordable to my Department.

Given the lead-in time to establish the proposed arrangements there are a range of issues on which we have already started working. For example, I have a number of officials engaged in working on the project and preparing the legislation for the establishment of the Historical Investigations Unit – these costs are currently creating a pressure on my Department's budget.

I must, however, emphasise once again the importance of overcoming the impasse of Welfare Reform to ensure that we have the necessary capacity to deal with the issues of our past. If it transpires that the arrangements proposed by the Stormont House Agreement are to be established without the associated funding being released as anticipated, significant frontline cuts will have to be made in other areas. This will be a matter for the Executive.

The alternative is that the arrangements are simply not affordable and will not be implemented. If this is the case, responsibility for investigating Troubles related deaths will remain with my Department and I will have to find alternative arrangements to fulfil the Executive's commitments on these aspects of dealing with the past.

It is likely that legacy inquests and Troubles related investigations by the Police Ombudsman will continue as they have as additional resources will not be available to progress them more quickly. This raises the risk of increased reputational damage for the UK in a European context and at worst it could lead to costly infraction proceedings by the European Court of Human Rights.

My Department, and others in the justice family including the PSNI, are the subject of significant litigation on the basis of delay in holding investigations into deaths linked to the Troubles. Without the new arrangements outlined in the Stormont House Agreement the costs associated with such litigation are likely to increase significantly as my Department's capacity to deal with existing inquests will remain inadequate.

In summary, the costs to my Department in financial terms, and the costs to the people of Northern Ireland in terms of the delivery of justice, will both be significant. The failure of this agreement will impede our ability to effectively deal with the past and increase pressure on resources that we need to keep society safe in the present and future.

Mr Frew asked the Minister of Justice for an update on the consultation on proposals for the rationalisation of the court estate.

(AQO 8391/11-15)

Mr Ford: The consultation on the rationalisation of the court estate closed on the 18 May 2015. The responses to the consultation are currently being analysed and I do not anticipate final decisions on any of the proposals being made until the autumn.

Mr Newton asked the Minister of Justice to outline any discussions he has had with the Chief Constable regarding the implications of lack of progress on Welfare Reform on capacity to police unrest at interface areas.

(AQO 8384/11-15)

Mr Ford: I have regular discussions with the Chief Constable on a range of issues, including on police resources. The financial implications of lack of progress on welfare reform will continue to be felt across the entire public service. Unfortunately, the police cannot be immune from that. Nonetheless, I will continue to protect front-line services to the greatest extent possible.

Mr F McCann asked the Minister of Justice, in light of the proposal by the British government to ban all psychoactive substances, what discussions has he had with the Home Office in relation to the scope of the legislation.

(AQO 8385/11-15)

Mr Ford: As a reserved matter, the Psychoactive Substances Bill, as introduced in the House of Lords on 28 May, will apply across the UK.

Over the past year I have written to the Home Secretary and the Minister for Crime Prevention, making the case that further legislation was required to tackle NPS and, given the positive impact of the legislation introduced in the Republic of Ireland, that it would be valuable to consider their approach.

The Home Secretary wrote to me on 14 May outlining the provisions contained within the proposed Bill which draws heavily on the Irish approach.

I have welcomed the introduction of the Bill, which aims to tackle the production, supply, import and export of NPS and includes provision for a range of offences that could carry a maximum sentence of 7 years in prison.

The Bill also provides powers to stop and search persons, vehicles and vessels, enter and search premises in accordance with a warrant, and to seize and destroy psychoactive substances.

My officials will continue to discuss the proposed content of the Bill with the Home Office and, following advice from my officials, I am aware that the Home Office has also sought input from other Executive Departments.

Department for Regional Development

Lord Morrow asked the Minister for Regional Development, pursuant to AQW45182/11-15, who has responsibility for maintaining the exclusive rank.

(AQW 46280/11-15)

Mr Kennedy (The Minister for Regional Development): Translink has advised that as the taxi rank is located on Translink property, it falls to Translink's infrastructure and property staff to maintain the facility.

Mr Lyttle asked the Minister for Regional Development for an update on the operation of the Dundonald Park and Ride facility.
(AQW 46426/11-15)

Mr Kennedy: The Park and Ride facility at Dundonald opened in December 2014 and initially was attracting an average of approximately 50 cars per day. This number has grown steadily to the current level of around 90 cars per day. The site also attracts a number of walk-in customers from the local area.

I remain committed to developing and improving the provision of Park and Ride facilities across Northern Ireland.

Mrs Cochrane asked the Minister for Regional Development for an update on disability policy and wheelchair accessibility for public transport.

(AQW 46579/11-15)

Mr Kennedy: My Department's Accessible Transport Strategy 2005 -2015 continues to address the barriers that many older and disabled people face when using or trying to use public transport. The strategy has driven investment in the transport system with new accessible vehicles and stations. Improvements have also been delivered in other areas such as training, information provision and specialist transport services.

However I recognise that more still needs to be done and work is well underway to deliver a new Accessible Transport Strategy to 2025. This includes engagement with stakeholders including older people and people with disabilities to help identify the priority issues to be addressed in the new Strategy.

I intend to go out to public consultation on the new Strategy during the summer and I will also publish a third Monitoring Report detailing the progress made in the last five years of the current Strategy.

Mr Frew asked the Minister for Regional Development for an update on the proposed Cullybackey Throughpass.

(AQW 46604/11-15)

Mr Kennedy: My officials are continuing to work on the design for this scheme and, at present, the junction strategy is being assessed.

As you may be aware, the Cullybackey Bypass is not currently included in any Departmental works programme. However, I am aware of the importance and benefits of the scheme and have asked my officials to continue to progress with the scheme design, as available resources permit.

Mr Hazzard asked the Minister for Regional Development what measures exist for a local primary school to enhance road safety in their locality.

(AQW 46631/11-15)

Mr Kennedy: The safety of school children is one of my Department's highest priorities and over many years it has invested significantly in measures to reduce vehicle speeds and improve road safety for children. In the last three years road safety improvements have been provided at 73 schools as part of the School Travel and Safety Projects initiative.

Dangers arising from road traffic at schools are varied and are assessed by experienced TransportNI traffic engineers. The engineers can call upon a number of safety measures to improve safety including provision of enhanced signing and lining, central islands, lay-bys, and traffic calming features such as road humps. A recent innovation has been the development of part-time 20 mph speed limits at schools. TransportNI's policy and procedure guide for safety at schools is available for download at www.drdsn.gov.uk/rsppg_e070.pdf

Since 2013, my Department and the Public Health Agency have funded an Active School Travel programme. This programme aims to encourage children to walk or cycle to school and provides walking and cycling skills training so that children can travel to school more safely. Infrastructure in the vicinity of these schools has also been provided under the programme.

Each year schools throughout Northern Ireland have been invited to participate in this programme. Over 120 schools have done so in the past two years, and a further 65 schools will join the programme next school year. Officials are exploring the continuation of the programme beyond 2016.

Mr Gardiner asked the Minister for Regional Development how much his Department and arm's-length bodies have spent on translation services, broken down by language, in each year since 2007.

(AQW 46657/11-15)

Mr Kennedy: The table below details the costs of translations carried out by my Department and Arm's Length Bodies since April 2007 - by calendar year.

Departmental Translation costs from 2007 to present day.

	Irish	Ulster Scots	Polish	Portuguese	Slovakian	Other#
2007	462.50	49.45	117.50	0	0	0
2008	3672.76	202.23	272.87	302.24	231.74	1390.44
2009	3342.95	40.00	109.00	183.40	40.00	240.00
2010	2191.58	0	0	0	0	0
2011	4233.28	392.00	389.11	389.11	389.11	1334.67
2012	838.68	185.52	0	0	0	0
2013	264.18	142.70	102.70	102.70	102.70	616.20
2014	89.50	0	0	0	0	0
2015 To date	0	0	48.00	0	48.00	0

Note:

These costs are solely in respect of the DRD multilingual webpage and are divided equally between Chinese (Cantonese and Mandarin), Czech, Latvian, Lithuanian and Russian.

NI Water

The table below details the costs of translations carried out by NI Water since 2007 to present day - by calendar year.

	Irish £	Ulster Scots £
2007	0	0
2008	0	0
2009	272.20	0
2010	511.60	0
2011	0	0
2012	0	0
2013	978.75	226.25
2014	0	0
2015 To date	0	0

Translink

The table below details the costs of translations carried out by Translink since 2007 to present day - by calendar year.

	Irish	Polish	Portuguese	Lithuanian
2007	0	0	0	0
2008	1905.54	1030.28	1030.28	1030.28
2009	677.22	647.22	647.21	647.21
2010	644.92	500.02	500.02	500.02
2011	€50.00	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	0	0	0	0
2015 To date	0	0	0	0

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 45294/11-15, whether the existing public taxi hire rank was strategically placed in its current location to allow for an income generating opportunity to be gained by installing an exclusive taxi hire rank.

(AQW 46685/11-15)

Mr Kennedy: You have previously been provided with, in response to AQW 45505/11-15, a copy of the business plan and economic appraisal which outlines the rationale for the development at Central Station. This was placed in the Assembly Library.

Translink has advised that the provision of the current public taxi hire rank was a TransportNI (formerly Roads Service) project developed to provide a facility to replace that which was subsumed into the overall Central Station car park development. The decision was primarily driven by the need to provide enhanced customer arrangements and to formalise arrangements for taxi provision.

Mr Weir asked the Minister for Regional Development to list the unadopted roads and streets in North Down.

(AQW 46701/11-15)

Mr Kennedy: Details of unadopted streets in North Down, which have been the subject of determination in accordance with the provisions of the Private Streets (NI) Order 1980, are provided in the table below:

Rockfield	Green Lane, Conlig
Upritchard PK	Ardvanagh Road
Hanover Hill	Cotswold Gardens
Design Shaftesbury	Holborn Ave / Stanley Road
Clifton Rd	Rathgill Parade / Green Road
Millbank	Victoria Road
Victoria Dr	147 Newtownards Road
Ballycrochan Rd	Spafield Playing Fields
Ashfield Hall	200-212 Old Belfast Road
13A Fort Rd Helens	182 Rathgael Road
Balmoral Rd	Abbey Place Sullivan School
Roseville Ave	Seapark Cont Seapark Rd Phase 2
Site At 42 Green Rd	Unit2, Faulkner Road
Bridge Lea	Gransha Rd, Rossinver Grds
Dellmount/Fairfield Road	Rossinver Grds/Glendowan Way
102 Bangor Rd, Hollywood	Ballymenoch Road
Downshire Road	Beechfield Final Phase

22-24 Main St, Conlig	Gibson's Lane
20 Green Rord	2-4 Cultra Ave
Rathgill Pard, Linen Lane	107-109 Victoria Rd
61-65 Crawfordsburn Rd	17 Forthill Parade
216 Bangor Road, Seahill	397A Old Holywood Road
11-13 High St Holywood	1-3 Henalta Wood
77 Rathgael Road	140-148 Church Road
Rathgill Park	165 Groomsport Road
Rathmore Road 3(4C)	14 Killaire Pk
215/225 Belfast Road	Ballyvester Grove
Faulkner/Clandeboyne Road	Skipperstone Road
Adj 49 Green Road	12-14 Bangor Road
19 Stewarts Place	Adj 277 Clandeboyne
4-4A Ballymullan Road	32-36 Ballymacconnell Road
Ass 71-77 Main St Conlig	Primacy Road
163 Groomsport Road	Green Road
8 Old Quay Road	28-32 Ballymenoch Road
6 Towerview Road	Balloo Link
Old Belfast Road	68 Brunswick Rd
Former Bangor Grammer	Green Lane
West Green/Abbey Ring	Rathgill Parade/Linen Road
3 Alexandra Park	

Mr Anderson asked the Minister for Regional Development to detail the total compensation paid by his Department for personal injury claims in each of the last three financial years; and the amount paid in legal costs for these cases. (AQW 46721/11-15)

Mr Kennedy: Details of the total amount of compensation paid by my Department for public liability personal injury claims, in each of the last three financial years, are set out in the table below. As my Department's Claim's Unit database does not link to the NICS accounting system, details of the legal costs associated with these specific claims could only be obtained at disproportionate cost, as it would necessitate an extensive manual exercise by clerical staff.

Year	Public Liability Personal Injury Compensation
2012/2013	£1,889,551
2013/2014	£2,083,727
2014/2015	£2,215,861

Mr Rogers asked the Minister for Regional Development to detail (i) the plans underway to decentralise public sector jobs within his Department; and (ii) the number of jobs that will be relocated to South Down. (AQW 46828/11-15)

Mr Kennedy: Given the need to manage and maintain the regional road network and to deliver effective local services, my Department is already well-dispersed with a high proportion of its staff based at work locations outside of Belfast.

Some 173 TransportNI staff already work at locations within the South Down area. These include Downpatrick, Seaforde, Corbet Depot (Banbridge) and the Strangford Ferry Terminal.

At present, my Department has no plans to further decentralise jobs to locations outside Belfast, whether to the South Down area or elsewhere. However, in the event of any such opportunities arising, these will be explored in accordance with the normal criteria of business need, value for money and affordability.

Mr McCallister asked the Minister for Regional Development for his assessment of the economic impact of his reduced roads maintenance budget.

(AQW 46901/11-15)

Mr Kennedy: My Department is facing a £60 million resource budget pressure in 2015/16. As more than half of this falls to TransportNI, I have had no option other than to cut routine maintenance activities and introduce a skeleton service until the outcome of June monitoring is known.

As well as impacts on service levels for activities such as pothole repairs, grass cutting, gully cleaning and street lighting repairs, there are underlying economic implications. With works orders not being issued to external contractors, there is a direct impact on jobs and investment in the construction industry.

Roads are a valuable asset and they are main arteries for the economy. A reduction in maintenance in the short term will inevitably lead to longer-term deterioration and higher long-term repair costs. Reduced maintenance has also the potential to impact on public safety and increase public liability claims and hence costs. In addition, at skeleton service levels, tens of thousands of street lights are likely to be out by the end of this year. I have no doubt that this has the potential to impact on perceptions of safety and security and hence on the night-time economy.

Whilst there are significant local economic impacts of not providing routine maintenance services, I have no doubt that the inability of the Executive to fund my Department to provide basic services reduces the attractiveness of Northern Ireland to both potential investors and tourists.

Mr Dallat asked the Minister for Regional Development what steps have been taken by Translink to reduce the risk of fire on buses following the incident on Monday 8 June 2015; and to explain the cause of this incident.

(AQW 46937/11-15)

Mr Kennedy: Road vehicles have a number of inherent fire risks mostly relating to fuel, oil, hot surfaces and electrical systems. Much care is taken at design stage to reduce the risk.

During the last 3 years there has been no-one injured directly as a result of a fire on a Translink bus service. However Translink is not complacent and has a number of strategies to manage the risk of vehicle fires. These include:

- drivers are trained on evacuation procedures;
- staff carry out First Use Safety Checks and these are formally documented;
- vehicle technicians are trained specifically on fire awareness issues;
- fire suppression systems have been specified on all new vehicles since 2013;
- fire suppression systems have been retro-fitted on a number of buses with further work under way on the remaining fleet;
- engineering investigation reports on all bus fires;
- where technical issues are identified as the cause of the fire, modifications are applied as appropriate; and
- Fleet replacement plans are informed by known technical issues, including matters pertaining to fire risks.

Translink will continue to keep focus on this important aspect of passenger safety.

In relation to the fire on 8 June 2015, a full investigation including a detailed forensic analysis of the cause of the fire is under way.

Lord Morrow asked the Minister for Regional Development to provide, or place in the Assembly Library, the legislation that bans public hire taxis from the bus lane in East Bridge Street, Belfast.

(AQW 47259/11-15)

Mr Kennedy: A copy of the Bus Lane (East Bridge Street, Belfast) Order (Northern Ireland) 2000 (2000 No. 352) has been placed in the Assembly Library.

Mr Girvan asked the Minister for Regional Development whether the A8 project will be completed within budget.

(AQO 8397/11-15)

Mr Kennedy: I am very pleased to confirm that the new 14 kilometre long A8 dual carriageway between Belfast and Larne opened to traffic on 29 May and is within its £130million budget.

I have no doubt that this is money well spent in that this much needed upgraded section of the A8 will help grow the local economy and contribute to wider economic development across Northern Ireland. The scheme will also help with the development of the Port of Larne.

Throughout the works, which commenced in August 2012, TransportNI and its contractors have worked hard to minimise any inconvenience for the public.

However, traffic management arrangements will still be required to complete some works such as the tie in to side roads and accommodation works along the scheme, but every effort will be made to keep traffic disruption to a minimum.

Landscaping works will also be taking place in the autumn planting season and, with favourable weather conditions, should be completed by December 2015.

Mr Poots asked the Minister for Regional Development to outline how his Department and its arm's-length bodies adhere to the provisions of the Noxious Weeds (Northern Ireland) Order 1977 requiring noxious weeds to be controlled.

(AQO 8398/11-15)

Mr Kennedy: My Department's policy and procedures on weed control aim to ensure the safety of road users, prevent deterioration of the road pavement and meet our statutory obligations in controlling noxious weeds.

Due to the £60 million Resource budget pressures, half of which fall to TransportNI, it is currently only able to provide a skeleton routine maintenance service using its internal workforce, with priority given to work to meet our legislative requirement in relation to noxious weeds.

In relation to our arms length bodies, Northern Ireland Water has a tender in place for grounds maintenance by an approved contractor, trained and experienced in the treatment and removal of noxious weeds.

In addition, Translink has introduced an annual rolling programme of weed spraying throughout its infrastructure and is currently in the process of spraying the rail corridor. The Londonderry Line has been completed and the equipment is currently on the Larne Line.

To ensure my Department continues to meet its statutory obligations in relation to noxious weeds, I have submitted a June Monitoring bid for the resources required to restore routine maintenance activities to normal levels and I trust the Member and the House will robustly support my Department's bid.

Mrs Cameron asked the Minister for Regional Development for his assessment of the road and rail network in South Antrim.

(AQO 8399/11-15)

Mr Kennedy: My Department is taking forward a programme of improvements to the strategic road network, which includes a number of schemes in South Antrim.

Schemes such as the A8 Belfast to Larne dual carriageway and A2 Shore Road, Greenisland will improve journey times and improve safety on the strategic network.

Construction work on the new 14km A8 Belfast to Larne dual carriageway is substantially complete and it opened to traffic, on programme, on 29th May.

The 3.5km, A2 Shore Road, Greenisland dualling scheme is progressing well and is on programme for completion in August 2015.

In addition, a contract to develop the detailed design A6 Randalstown to Castledawson Dual Carriageway was awarded on 1 May 2015. This will see the scheme advanced to a 'shovel ready' stage and allow construction of the project to commence at relatively short notice when funding becomes available.

With regard to the rail network, currently, daily services to and from Antrim represent a significant proportion of the total for the whole of Northern Ireland. There are around 40 services daily to and from Antrim and Mossley West, connecting to Belfast, Coleraine and Londonderry.

The quality of service is such that the network continues to enjoy significant levels of passenger growth, with an increase of over 12% on the Belfast-Coleraine-Derry line and over 7% on the Belfast-Carrickfergus-Larne line in 2014/15, compared to 2013/14.

Mr Hilditch asked the Minister for Regional Development when the A2 between Silver Stream Banks and Seapark will be fully functional.

(AQO 8400/11-15)

Mr Kennedy: I can advise the Member that work is progressing well on the A2 Shore Road scheme at Greenisland.

Work on upgrading 3.5 kilometres of single carriageway to dual carriageway began in March 2013 and is programmed for completion in September this year.

Along the on-line section of the scheme, between Jordanstown Road and Station Road, the new carriageway in the Carrickfergus bound direction has been substantially constructed and a contra-flow traffic arrangement is currently in operation.

The existing road is now being reconstructed to become the Belfast bound carriageway. This work is nearing completion, and later this month traffic will revert to it while the final surfacing is completed on the Carrickfergus bound carriageway.

At the Carrickfergus end of the scheme, a contra-flow traffic management arrangement is in place at Seapark to allow construction of a new roundabout. At the start of June this switched from being on the Belfast bound carriageway to the Carrickfergus bound carriageway. This coincided with traffic first starting to use the off-line section of the scheme between Station Road and Seapark.

My Department has kept disruption to traffic to a minimum by maintaining one lane of traffic in each direction on weekdays throughout the works, however, it will be necessary to have full road closures to complete the final surfacing at junctions. These closures are planned for two consecutive Sundays in early August.

Like the many thousands of commuters who regularly use this route, I am looking forward to completion of the scheme and wish to thank them for their patience and forbearance over the past two years.

Mr Weir asked the Minister for Regional Development for an update on the proposed cuts to bus services between Bangor, Donaghadee and Ballywalter.

(AQO 8401/11-15)

Mr Kennedy: First of all I would emphasise that my aim is to provide the most effective Public Transport service for the travelling public throughout Northern Ireland but I have to do this within the reduced budget allocation that the Executive has given to my Department.

You will be aware that as part of a programme to reduce costs and overheads Translink had started a consultation on service adjustments. I suspended this in early May.

To help save costs without impacting frontline services in Translink I want to consider all possible options and I can advise you that after a meeting with representatives from Unite the Union on 1 May 2015, at which they indicated that they could produce an alternative set of proposals for Translink to implement but with less impact on front line services I agreed to defer consideration of the outcome of the consultation process, that was nearing completion, for a period of three months.

I have met with Unite recently and requests for information have been addressed and further meetings planned. It is clear that there is an urgency here and any proposals must be workable and deliverable immediately so that savings can be delivered this year.

At the conclusion of that period I will consider these alternative proposals alongside the outcome of Translink's consultation process.

Mr McKay asked the Minister for Regional Development, following the recent publication of the Consultation Report on the draft Bicycle Strategy, for an update on the delivery plan.

(AQO 8402/11-15)

Mr Kennedy: I welcome the Member's continued interest in my 'cycling revolution'.

The final Bicycle Strategy is due out in the summer. Following this I intend to publish the Delivery Plan in October.

The Bicycle Strategy Delivery Plan will contain a series of specific, and time bound objectives, policies and projects. It will also identify a number of infrastructure schemes for Belfast which will link pieces of the existing infrastructure to the city centre. These will be constructed early in 2016.

Mr Milne asked the Minister for Regional Development to outline the recent pay settlement in NI Water.

(AQO 8403/11-15)

Mr Kennedy: The pay and pension agreement reached by NIW is consistent with Executive policy. The policy recognises that pay deals can take account of measures involving modernisation and resilience. Any pay policy that did not allow this would be too inflexible, as it would remove the incentive to improve ways of working.

The pay settlement represents a total increase in the wage bill of £1.442million in 2014 -15 and £1.522million in 2015-16. The 2015-16 figure for frontline staff includes a one-off payment to support a move from weekly to monthly pay. It is estimated that the increase in the wages bill to cover the benefits based payment will be £483k for the 2014/15 year and £476k in 2015/16.

That is the basis of the NIW deal. The element of the increases above 1% are part of productivity and modernisation initiatives which will deliver overall operational efficiencies for the company, as well as providing additional resilience for out of hours operational cover.

NI Water has identified savings well in excess of these costs to support the Pay Remit Business Case approved by DRD and the DFP Minister. Savings of around £1.7million were achieved in 2014/15, whilst the figure for 2015/16 is likely to be around £2million.

Ms Sugden asked the Minister for Regional Development for his assessment of the service provided by the Disability Action Transport Scheme.

(AQO 8404/11-15)

Mr Kennedy: I acknowledge the valuable services delivered by Community Transport providers. As Minister I have increased funding for these services in recent years. This has included funding to support the Disability Action Transport Scheme in towns and cities across Northern Ireland for elderly and disabled people.

The Scheme was introduced on 1 April 2013 and continues to operate well. Disability Action seeks the views of their members through user forums and provides feedback to my officials, which continues to be positive. In light of the reduction to grant

made available to Disability Action recent discussions have focused on how operational adjustments could be made which would minimise changes to front line services.

I will be bidding, with support from the Committee for Regional Development, for additional funding in June monitoring for Community Transport.

Mr McNarry asked the Minister for Regional Development for an update on the work schedules planned for the summer months in relation to road repairs, maintenance of road gullies and grass and verge cutting throughout the Strangford constituency.

(AQO 8405/11-15)

Mr Kennedy: My Department is facing an £60 million resource budget pressure in 2015/16, more than half of which will fall to TransportNI.

This budget pressure has created an immediate impact on the delivery of routine maintenance services such as; road repairs, the maintenance of road gullies and grass a verge cutting. As such, I have had no option other than to agree a skeleton service, at some financial risk to my Department, until June monitoring.

With regards to the specific operation of the skeleton service in the Strangford constituency, I can confirm that only a single grass cut will be completed across all urban/rural areas and this work is already underway.

Patching of carriageway/footway defects will be restricted to only the most hazardous defects on roads carrying higher traffic volumes, while gully cleaning will be carried out on a responsive basis only and at known hotspots.

Department for Social Development

Mrs Dobson asked the Minister for Social Development to detail for each month of the last three years (i) the cost; and (ii) the number of days spent by Northern Ireland Housing Executive clients in, (a) Bed and Breakfast; and (b) hotel accommodation.

(AQW 46100/11-15)

Mr Storey (The Minister for Social Development): The information is not available in the format requested as the Housing Executive introduced a new IT system in September 2013 for recording the usage of temporary accommodation and information prior to this date is no longer available. However, the table attached provides details of (i) the cost and (ii) the number of days spent by Housing Executive clients in (a) Bed and breakfast and (b) hotel accommodation from September 2013 to March 2015.

Costs of External Accommodation

Month	Hotels		B&Bs	
	Cost	Number of Days	Cost	Number of Days
Sep-13	£363.34	6	£3,711.68	209
Oct-13	£9,536.82	110	£5,078.32	207
Nov-13	£2,642.50	62	£3,371.71	224
Dec-13	£2,733.78	79	£3,811.58	222
Jan-14	£1,621.67	27	£3,585.35	197
Feb-14	£1,933.13	41	£4,264.31	281
Mar-14	£3,242.64	48	£7,671.85	402
Apr-14	£8,160.80	175	£8,192.52	321
May-14	£1,488.97	28	£9,041.71	401
Jun-14	£2,860.69	46	£6,090.79	287
Jul-14	£3,678.43	74	£5,104.40	286
Aug-14	£3,294.25	75	£6,759.10	328
Sep-14	£5,479.62	83	£5,920.55	337
Oct-14	£6,045.54	160	£8,919.14	336
Nov-14	£6,778.34	159	£9,932.44	389
Dec-14	£5,432.75	135	£9,791.76	341
Jan-15	£7,055.34	136	£8,986.92	308

Month	Hotels		B&Bs	
	Cost	Number of Days	Cost	Number of Days
Feb-15	£8,442.82	164	£8,417.66	270
Mar-15	£5,979.44	218	£5,871.92	252
Total	£86,770.87	182	£124,523.71	5,598

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr McCausland asked the Minister for Social Development to detail all Housing Executive properties in North Belfast with flat roofs.

(AQW 46414/11-15)

Mr Storey: The Housing Executive has advised that the following is a list of their high rise and low rise flat complexes with flat roofs and a number of individual properties in North Belfast:-

- 53, 56, 67, 72, 86 & 90 Sunningdale Gardens
- 61, 73, 77, 89, 93 & 105 Sunningdale Park
- 1 Victoria Parade
- Eithne House – Duncairn Parade
- Fianna House – Queens Parade
- Finn House – Queens Parade
- Grainne House – New Lodge Road
- Maeve House – Duncairn Parade
- Mount Vernon House – Shore Road
- Oisin House – Victoria Parade
- Ross House – Shore Road
- 6 Pinkerton Walk
- 11 Carlisle Parade
- 18 New Lodge Road
- 62 Carlisle Road
- 164 & 180 Mount Vernon Park
- 164, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191 & 193 Skegoneill Avenue

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Weir asked the Minister for Social Development to detail how many claimants are under each stage of sanction by the Social Security Agency for unacceptable behavior.

(AQW 46483/11-15)

Mr Storey: There are a number of preventative measures the Social Security Agency can take, after careful consideration, when dealing with unacceptable claimant behaviour. These, however, do not include the use of sanctions.

When a claimant's behaviour is deemed unacceptable, the Agency may invoke the Public Order (NI) Order 1987, thereby instructing someone to leave an office. Although relatively uncommon, the Agency may also seek the assistance of the Police.

On occasion it may be necessary following an incident to deem a claimant as potentially violent, exclude a claimant from visiting offices or to require them to be accompanied in future, for example by a Social Worker or Community Worker.

At present, there are 361 people recorded and categorised as either Potentially Violent (235), Potential Violent and to be Accompanied (61) or Excluded (65).

By way of context, the Agency has in the region of 13 million inbound/outbound telephony or ad hoc face to face contacts with its claimant base per annum.

Mr Weir asked the Minister for Social Development to detail the different stages of restrictions that the Social Security Agency can impose on claimants as sanctions due to unacceptable behavior.

(AQW 46484/11-15)

Mr Storey: There are a number of preventative measures the Social Security Agency can take, after careful consideration, when dealing with unacceptable claimant behaviour. These, however, do not include the use of sanctions.

When a customer's behaviour is deemed unacceptable, the Agency may invoke the Public Order (NI) Order 1987, thereby instructing someone to leave an office. Although relatively uncommon, the Agency may also seek the assistance of the Police.

On occasion it may be necessary following an incident to deem a claimant as potentially violent, exclude a claimant from visiting offices or to require them to be accompanied in future, for example by a Social Worker or Community Worker. Any measures taken will always be proportionate with the primary aim of safeguarding and protecting staff and other claimants.

Mr Nesbitt asked the Minister for Social Development to detail whether tenants in social housing properties that are larger than their need are encouraged by housing officers to consider downsizing to a smaller property.

(AQW 46594/11-15)

Mr Storey: The Housing Executive has advised that its Officers discuss such matters with tenants when appropriate, for example, where the circumstances of the household have changed following an assignment or succession. Information about the benefits of downsizing (for example, in terms of heating and maintaining a home) and the schemes available to help tenants move home are featured on the Housing Executive's website; in Information Leaflets which are made available to tenants; and in the Tenants magazine 'Housing News' which is delivered annually to almost 90,000 homes.

Tenants can apply for a transfer and may be eligible for up to 30 Under Occupation Points under the rules of the Housing Selection Scheme where the size of their current accommodation is in excess of their needs. This award of 30 points provides additional weighting under the Scheme to existing tenants who are seeking to downsize and enables Landlords to better manage their stock.

The Housing Executive also operates a mutual exchange service which allows tenants to exchange their home with another Housing Executive or Housing Association tenant. This may be where their home is larger than they need. The Housing Executive has procured an online 'HomeSwapper' service which is an internet based exchange service that allows all social housing tenants to register interest and obtain information on potential 'swaps' or exchanges of properties with other tenants across Northern Ireland and the UK.

It is anticipated that this may assist in addressing the impact on under-occupying tenants, should bedroom size restrictions be introduced as part of Welfare Reform in Northern Ireland. In this respect, it should also be noted that any new tenants are advised about potential implications of under-occupation in the event of Welfare Reform.

Mrs D Kelly asked the Minister for Social Development to detail the number of (i) referrals to the Affordable Warmth Scheme since its introduction; and (ii) schemes successfully delivered in the Armagh City, Banbridge and Craigavon Borough Council area.

(AQW 46608/11-15)

Mr Storey: The new Affordable Warmth Scheme has been fully operational across all council areas since 1 April 2015. At 31 May 2015 the Housing Executive had received 554 referrals to the Affordable Warmth Scheme from the Armagh City, Banbridge and Craigavon Council area. Of these, 168 technical visits have been arranged, 38 approvals for work to commence have been issued and 5 homes in the area have had the measures installed. The Housing Executive continues to carry out technical inspections and issue approvals. I have asked officials to closely monitor progress of this scheme.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Hussey asked the Minister for Social Development whether he will implement unpaid voluntary development opportunities for Administrative Assistants as a way of increasing their workload, as identified by The Appeals Service management as a potential solution.

(AQW 46617/11-15)

Mr Storey: As advised in my response to AQW/38367/11-15, it remains the position that personal development opportunities are an integral part of the NICS Performance Management System and as such are agreed between members of staff and line management on an individual basis.

Mr Gardiner asked the Minister for Social Development how much his Department has paid to consultants in each year since 2011; and how much each agency or individual received in each year.

(AQW 46695/11-15)

Mr Storey: The amounts paid to all consultancy firms/ individuals between 2011/12 – 2014/15 is as below, further detail is provided at Annex 1. These payments cover all professional services including consultancy, managed services, staff substitution and research.

	Total Amount Paid
2011/12	£2,751,938
2012/13	£1,138,827

	Total Amount Paid
2013/14	£2,087,969
2014/15	£7,411,397

Annex 1

Year	Consultancy Firm	Total Amount Paid
2011/12	AECOM	£20,000
	Agencia	£3,993
	Alison Wightman	£2,000
	Arthur Cox Northern Ireland	£19,543
	ASM	£65,681
	BDP	£3,927
	Bryson Charitable Group	£10,000
	Capita	116,375
	Deloitte	£652,614
	Docklands	£78,584
	Dornan Consulting	£1,000
	DTZ McCombe Pierce	£2,000
	Genesis	£152,092
	Grant Thornton UK LLP	£3,979
	GVA	£16,582
	Hamilton Architects	£43,747
	Hays	£29,565
	Innovation Ulster	£53,000
2011/12	IPSOS MORI	£162,710
	Landmark Information Group Ltd	£111
	McGrigors LLP/Masons LLP	£131,091
	Millward Brown Ulster	£181,247
	Morrow Gilchrist Associates	£13,889
	Pinsent Masons	£118,262
	PLACE	£7,544
	PriceWaterhouse Coopers	£374,133
	Qi Consulting	£1,350
	RSM McClure Watters	£13,796
	SAS	£44,292
	Scott Wilson Ltd	£9,000
	SOPRA Group	£23,724
	Sykes Environmental LLP	£10,513
	The Paul Hogarth Company	£21,602
	Turley Associates	£10,000
	URS	£137,990
	White Young Green	£216,002

Year	Consultancy Firm	Total Amount Paid
	Total 2011/12	£2,751,938
2012/13	AECOM	£19,580
	BDP	£1,894
	Chemical Treatment services	£20,483
	Deloitte	£164,780
	Docklands Ltd	£65,847
	Drivers Jonas	£178,130
	Eventsec	£20,165
	GVA Grimley Ltd	£17,117
	Hamilton Architects	£48,468
	Hays	£13,464
	Heat Energy & Associated Technology Ltd	£5,000
	McAdam Design	£112,609
	McGrigors	£114,000
	O'Connor Kennedy Turtle	£10,798
	Pricewaterhouse Coopers	£5,000
	RPS	£106,839
	SAS	£14,792
	Scott Wilson Ltd	£49,180
	SOPRA	£2,357
	The Paul Hogarth Company	£52,753
	Tribal Consulting Ltd	£15,729
	URS	£60,651
	White Young Green	£39,191
	Total 2012/13	£1,138,827
	AECOM	£15,136
	Apple Recruitment	£5,700
	ASM	£1,170
	Capita	£8,322
	Chemical Treatment Services	£28,175
	Deloitte	£161,820
	Docklands Ltd	£33,716
	Dr Chris Vivian – CEFAS	£35,000
	GM Design Associates Ltd	£46,875
	Hamilton Architects	£13,990
	Hays	£34,108
	Innovation Ulster	£26,500
	McGrigors LLP/Masons LLP	£7,235
	Morrow Gilchrist Associates	£9,833
	Pricewaterhouse Coopers	£329,065
	RPS	£83,461

Year	Consultancy Firm	Total Amount Paid
	RSM McClure Watters	£40,228
	SAS	£13,000
	The Mosaic Partnership	£48,202
	The Paul Hogarth Company	£330,701
	Turley Associates	£86,052
	URS	£630,517
2013/14	White Young Green	£99,163
	Total 2013/14	£2,087,969
2014/15	ASM Howarth	£18,690
	Campbell Tickell	£31,314
	Capita	£59,975
	CEFAS	£4,925
	Chemical Treatment Services	£20,000
	Deloitte	£296,300
	Drivers Jonas	£13,013
	DTZ McCombe Pierce	£2,000
	GM Design Associates Ltd	£28,000
	GVA Grimley Ltd	£10,000
	Hamilton Architects	£75,806
	Innovation Ulster Ltd	£4,775
	KMPG	£24,500
	Kremer Consultancy Services Ltd	£3,813
	McAdam Design	£334,770
	Morrow Gilchrist Associates	£14,730
	O'Connor Kennedy Turtle	£2,573
	Paul Hogarth Company	£208,920
	Pinsent Masons	£90,754
	Pricewaterhouse Coopers	£782,257
	RPS	£99,386
	SAS	£9,017
	Savills	£3,951,020
	The Mosaic Partnership	£91,738
	The Paul Hogarth Company	£9,000
	Trowers	£67,948
	Turley Associates	£457,459
	URS	£584,648
	White Young Green	£114,066
	Total 2014/15	£7,411,397

Mr Weir asked the Minister for Social Development how many people receive Independent Living Fund payments in North Down.

(AQW 46726/11-15)

Mr Storey: There are currently 21 service users in receipt of Independent Living Fund payments in North Down.

Mr D McIlveen asked the Minister for Social Development what action his Department will take to ensure that businesses are not impacted by the ongoing development works included in the Ballymena Public Realm scheme.

(AQW 46740/11-15)

Mr Storey: My Department continues to work closely with Mid and East Antrim Borough Council to progress the public realm scheme in Ballymena. Council is responsible for the delivery of the public realm scheme and they have confirmed that access to all trading premises will be maintained during opening hours. The contractor has established an office in the town centre with a dedicated liaison officer to keep traders informed and to deal with any issues traders may have. A senior council official will also meet with traders in the affected areas on a weekly basis.

Ms Sugden asked the Minister for Social Development, pursuant to AQW 43284/11-15, to detail the process for assessing applications.

(AQW 46754/11-15)

Mr Storey: In this difficult financial climate my Department's aim was to maximise the delivery of high quality services to the most disadvantaged though the introduction of a process that delivered within timeframe, ensured funding was prioritised against the highest quality projects, and allowed for a consistent and transparent process. Applications were sought from all existing projects and were prioritised against the following criteria at both at a strategic and project level to ensure uniformity:

- Linkage to Departmental Policies and Programme for Government priorities
- Evidence based need
- Value for Money
- Impact on area of disadvantage
- Ministerial Priority
- Sustainability – Impact of withdrawal/Other funding opportunities

These criteria along with regional and local intelligence gathered, feedback from the formal consultation process, our organisational / sectoral experience and knowledge of the funding environment were considered and the following project methodology was introduced.

Project Methodology

Stage 1 Remove costs relating to projects that would not require DSD funding in 2015/16. This included for example one-off projects (e.g. refurbishments of premises, purchase of equipment, design fees, community audits and so on) and those projects for which alternative funding in 2015/16 had been secured.

Stage 2 All remaining projects went through a robust Economic Appraisal process. The economic appraisal ensured that projects had effectively delivered against agreed existing contractual targets and continued to meet identified need and strategic priorities going forward. Those that failed to meet these criteria were no longer considered for funding. Those that passed the economic appraisal were considered suitable for funding. Where possible, efficiencies were identified through the economic appraisal process to improve value for money.

Stage 3 Finally, subject projects to the existing Senior level Approval Panel arrangements, where a sample of projects were considered against the set criteria.

Mr Kinahan asked the Minister for Social Development to detail what relationship the Northern Ireland Charities Commission has with its counterparts in other UK regions.

(AQW 46814/11-15)

Mr Storey: The Commission works closely with other regulators including the Charity Commission for England and Wales, the Office of the Scottish Charity Regulator and the Charities Regulatory Authority in the Republic of Ireland, to share information and learning on issues relating to charity regulation, the charity sector and charities.

The Commission also participates in the UK and Ireland Charity Regulators Forum, which provides charity regulators and tax authorities in the UK and Ireland with a forum to discuss policy and operational matters at a strategic level.

Mr Nesbitt asked the Minister for Social Development to detail the criteria used by his Department when considering applications for the Voluntary Exit Scheme.

(AQW 46818/11-15)

Mr Storey: The Voluntary Exit Scheme is a Northern Ireland Civil Service Scheme. The eligibility and selection criteria used were published in the Scheme Information Booklet and also Frequently Asked Questions document both of which are available via the Department of Finance and Personnel website on the following link:

http://www.dfpni.gov.uk/nics_voluntary_exit_scheme

Mr Nesbitt asked the Minister for Social Development what training support his Department intends to provide to staff who will be taking up new responsibilities following the departure of other staff through the Voluntary Exit Scheme.

(AQW 46820/11-15)

Mr Storey: All necessary training and support will be provided to staff who take up new responsibilities in the Department in line with the Department's policy to ensure that all staff have the skills and knowledge they need to do their jobs effectively.

Mr Hussey asked the Minister for Social Development how much funding his Department is providing to the Omagh Independent Advice Service in 2015; and how much it has provided for each of the last five years as both direct or indirect funding.

(AQW 46826/11-15)

Mr Storey: In the current financial year 2015/16 my Department has provided, through its Community Support Programme, funding of £25,229 to Omagh Independent Advice Service with the same amount of funding provided for each of the last five years 2010/11 to 2014/15.

Ms Maeve McLaughlin asked the Minister for Social Development for an update on the regeneration of the Fort George site in Derry.

(AQW 46861/11-15)

Mr Storey: I anticipate that a Planning decision will be made on the Fort George Development Framework by my Ministerial colleague Mark H Durkan in the near future. If Planning Permission is granted, my Department will be able to move forward with the remediation works required to enable the regeneration of the site.

An approach has also been made by a potential purchaser seeking a portion of the Fort George site. In line with normal practice the details of this offer remain 'commercial in confidence' at this point, and will require further consideration before any decision is made.

Mrs D Kelly asked the Minister for Social Development whether he plans to revise the guidelines for eligibility to the Affordable Warmth Scheme to exclude Disability Living Allowance as part of the income threshold.

(AQW 47005/11-15)

Mr Storey: The Affordable Warmth Scheme was piloted in 2012 and 2013 and evaluation of the pilots indicated that 67% of households surveyed had an income of less than £16,000 per year and 50% had an income less than £12,000 per year. My Department conducted a public consultation on proposals for the Affordable Warmth Scheme between 17 February and 9 May 2014 and proposed an income threshold of £16,000 per year as a qualification criterion for the scheme.

Responses to the public consultation suggested that disability benefits like Disability Living Allowance (DLA) and Attendance Allowance (AA) should be excluded from the calculation of income. My Department then increased the income threshold to £20,000 per year to include all income including disability benefits.

The policy intention of the Affordable Warmth Scheme is to target low income households considered to be in severe/extreme fuel poverty. The expectation of setting the income threshold at £20,000 was that it would capture large numbers of low income households including those receiving DLA and AA.

Officials will monitor the volume of Affordable Warmth cases which are disallowed due to income during the first year of the scheme, particularly where they are in receipt of DLA or AA. My Department will review the Affordable Warmth Scheme after one year of operation.

Mr Gardiner asked the Minister for Social Development how many new social housing units are planned for Upper Bann in 2015-16.

(AQO 8411/11-15)

Mr Storey: I can advise you that 12 schemes are currently programmed to be delivered through the Social Housing Development Programme in the Upper Bann area in 2015-16. These schemes will deliver a total of 102 social housing units.

Mr Givan asked the Minister for Social Development whether he will be in a position to transfer regeneration powers to local government by 2016.

(AQO 8412/11-15)

Mr Storey: The proposed transfer of powers to local government in April 2016 is dependent on the successful passage of the Regeneration Bill through the Assembly. The Bill completed its formal 'clause by clause' consideration by the Social Development Committee on 28 May and the Committee has proposed three amendments in its report. I am currently considering the amendments before bringing the Bill to the Assembly for Consideration Stage. However, it will be up to the Assembly to vote on whether or not any proposals to amend the Bill should be accepted. Operationally my Department is working closely with Councils to develop Transition Plans to ensure a smooth transfer. I remain committed to the transfer of my department's powers to local councils.

Mr McAleer asked the Minister for Social Development whether he has consulted with the Department of Finance and Personnel on the subject of restrictive security covenants in respect of departmental capital grants for regeneration projects. (AQO 8413/11-15)

Mr Storey: I am unsure whether this is a general question or one that relates to St Lucia Barrack which is within the Members constituency. My officials have sought clarification from the Member. In the absence of any such clarification:

General

Restricted Covenants are a legal matter and as such the Department would have to consult with the Departmental Solicitors Office who is part of the Department of Finance and Personnel.

Specific - St Lucia Barracks

I understand that there has been a Restrictive Covenant in relation to the St. Lucia Barracks in Omagh which is within the Members constituency.

St. Lucia Barracks was to be gifted from MOD to the Northern Ireland Executive through OFMdFM. However there was a 'Restrictive Covenant' on the site which delayed the transfer. The 'Restrictive Covenant' was that the site could only be used for Military Purposes.

The removal of the Restrictive Covenant would have been a matter for the MOD and until such was removed the site could not have been used for any alternative purposes.

I understand that the MOD has been in negotiations with the former owners of the site over the past number of years to try and have this Restrictive Covenant lifted.

In 2010 DSD completed a Masterplan for the site, but this was never taken to consultation because of the Restrictive Covenant issue. It was only in December 2014 that DSD was advised by OFMDFM (informally) that the Covenant has been lifted.

My Officials are currently working with Fermanagh and Omagh District Council Officials to have the Masterplan updated and issued for consultation. My Department is committed to supporting the development of a Masterplan for the St Lucia site.

Mr Ó hOisín asked the Minister for Social Development how many social housing units are being built in East Londonderry. (AQO 8414/11-15)

Mr Storey: I can advise you that 14 schemes are currently programmed to be delivered through the Social Housing Development Programme in the East Londonderry area in 2015-16. These schemes will deliver 114 social housing units.

Mr Middleton asked the Minister for Social Development how he ensures his Department is aware of the needs and views of local councils.

(AQO 8415/11-15)

Mr Storey: My Department has a history of close collaboration with Councils. By taking into account Councils' local knowledge and experience my Department has successfully formulated and implemented Public realm schemes, area Masterplans and Development Frameworks. My Department also co-funds the Community Support Programme in partnership with the Councils.

Furthermore my Department have been working closely with Councils in relation to current regeneration projects and preparing for the proposed transfer of powers in April 2016. Council have an opportunity through this engagement to express their views and needs. Where appropriate, Council representative are invited to sit on programme or project boards to ensure the views and contributions of the Council are taken into account at a strategic level also.

The transfer of planning to councils and the creation of community plans brings an added dimension to this relationship. Despite not being named as a statutory partner I and my Officials are fully committed to this process and it is our intention to engage proactively with the new structures. I recently met with representatives from all councils and expressed my desire to build on the good relations that are already in place. To that end my officials have been engaging directly with each Council to discuss the Departments role in each of the community planning processes.

I will also continue to participate in the work of the Partnership Panel and to hear directly from local elected representatives about issues in which we have a shared interest.

Ms Lo asked the Minister for Social Development how his Department ensures that no tenant is disadvantaged when transferring housing association.

(AQO 8416/11-15)

Mr Storey: The views of tenants will be taken into account from the earliest stages of Small Scale Voluntary Stock Transfer proposals. Initially tenants' representatives will be involved in the process of selecting the preferred partner housing association. Tenants will be fully and formally consulted on the transfer proposal. Finally each tenant will be invited to vote on the proposed transfer in a tenant ballot, the outcome of which will decide if the transfer goes ahead.

Ms Ruane asked the Minister for Social Development how many Town Centre Master Plans has his Department sponsored or adopted in the last 12 months.

(AQO 8417/11-15)

Mr Storey: In the last 12 months Masterplans have been published for the towns of Ballynahinch, Comber, Donaghadee, Dromore and Holywood. Each of these documents is unique to their town centre and each contain many exciting ideas, which with support from the private and public sector will transform the town centre for the benefit of retailers, businesses and local people.

My Department has also worked in partnership with local councils and contributed to the production of Regeneration Development Frameworks in Castlereagh, Coalisland, Greenland and the Lansdowne area of Portrush. The purpose of the Development Framework is to provide a strategic focus for regeneration activities and initiatives to aide the drawdown of funding from other statutory agencies and investors.

Mr Lyttle asked the Minister for Social Development for an update on the review of housing to bring forward recommendations on shared neighbourhoods, identified as a headline action by the Together Building a United Community strategy published in May 2013.

(AQO 8418/11-15)

Mr Storey: My Department is undertaking the review in two stages. The first stage is a review of existing evidence on shared housing. This will be completed this summer and my Department will use it to identify key gaps in the evidence base. This will inform stage two which will involve engaging an external researcher to fill these gaps and offer recommendations on ways in which the framework for furthering shared housing can be improved. It is anticipated that stage two will be completed in 2016.

Northern Ireland Assembly Commission

Mr Allister asked the Assembly Commission whether an incident of interference with the flying of the Union flag on Parliament Buildings took place on 2nd June 2015.

(AQW 46743/11-15)

Mr Ramsey (The Representative of the Assembly Commission): As was noted in the Report that the Speaker sent to Members on 8 June 2015 there was no evidence to suggest that the flags had been in any way tampered with on 2 June 2015. It is also worthy of note that there have been some occasions in the past when flags appear to have worked loose on poles during inclement weather. This may also have been in part due to their high level elevated exposure to the elements on the roof of Parliament Buildings.

Mr Allister asked the Assembly Commission what actions were taken and by whom to secure the removal of the unauthorised flags flown from Parliament Buildings on 3rd June 2015.

(AQW 46744/11-15)

Mr Ramsey (The Representative of the Assembly Commission): At approximately 1.10pm on Wednesday 3rd June 2015, it was reported to Assembly Usher Services that two unauthorised flags were flying on the flag poles on the roof of Parliament Buildings.

On receipt of that information, Usher Services supervisors immediately made their way to the flag poles on the roof and retrieved the two flags which were the flag of the Republic of Ireland, and also a green coloured flag bearing the words "Irish Republic".

Supervisors then briefed Assembly Senior management in relation to the matter, and the flags were subsequently handed over to police.

Mr D McIlveen asked the Assembly Commission what steps will be taken to ensure tighter security at Parliament Buildings following the flag incident on 3rd June 2015.

(AQW 46745/11-15)

Mr Ramsey (The Representative of the Assembly Commission): The main Contractor who is carrying out work on the roof of Parliament Buildings, had been requested to provide an explanatory report into this incident and the Commission is now in receipt of that report, together with a report from Assembly Senior Management.

A police investigation is also already underway and is currently ongoing.

A range of measures have also been put in place by management to prevent any recurrence and to improve security on the construction site, a site which the main contractor has responsibility for.

The Commission has also requested a wider review of security arrangements to Parliament Buildings.

You will have noted that the Speaker has written to all Members and provided an update report on the incident following a meeting of the Assembly Commission on 8 June 2015.

Lord Morrow asked the Assembly Commission (i) to provide or place in the Assembly Library a copy of the Assembly's procedures for the vetting and/or authorisation of contract staff carrying out services in Parliament Buildings; (ii) to detail the dates on which these procedures have been reviewed; and (iii) under what specific circumstances these procedures can be waived.

(AQW 46917/11-15)

Mr Ramsey (The Representative of the Assembly Commission): The Assembly Security Clearance policy which is referred to at Chapter 1.08 of the Assembly Staff Handbook, and which is accessible via AsslSt, includes a section on security clearance of Contractors. These procedures were last reviewed in October 2014.

All contractors entering Parliament Buildings are first required to produce written evidence that they have undergone appropriate security clearance, and on receipt of this, a contractor may be granted unrestricted access. Where such clearance is pending, or occasionally to facilitate critical work, restricted access under escort may be granted by the Usher Services office.

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.

Northern Ireland Assembly

Revised Written Answers

Department of Education

In Bound Volume 91, page WA 148 please replace AQW 30039/11-15 with:

Middletown Centre for Autism

Mrs Dobson asked the Minister of Education how many children are treated in outreach by the Middletown Centre for Autism. (AQW 30039/11-15)

Mr O'Dowd (The Minister of Education): The Chief Executive of the Middletown Centre for Autism has advised that 20 children were provided with outreach support from 1 April 2013 to 30 November 2013.

A further 123 children also benefitted from support offered to the referred children within the same school.

Journal of Proceedings

Minutes of Proceedings

Northern Ireland Assembly

Tuesday 26 May 2015

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Final Stage – Welfare Reform Bill (NIA Bill 13/11-15)

A valid Petition of Concern was presented under Standing Order 28, on Friday 22 May 2015 in relation to the Final Stage of the Welfare Reform Bill (NIA Bill 13/11-15) (Appendix 1).

The Minister for Social Development, Mr Mervyn Storey, moved that the Final Stage of the Welfare Reform Bill (NIA Bill 13/11-15) do now pass.

Debate ensued.

The sitting was suspended at 12.31pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

3. Assembly Business

3.1 Motion – Suspension of Standing Order 20(1)

Proposed:

That Standing Order 20(1) be suspended for the 26th of May 2015.

*Mr P Weir
Ms C Ruane
Mrs K McKeivitt
Mr R Swann
Mr S Dickson*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

4. Executive Committee Business (cont'd)

4.1 Final Stage – Welfare Reform Bill (NIA Bill 13/11-15) (cont'd)

Debate resumed.

The Principal Deputy Speaker (Mr Newton) took the Chair.

The debate was suspended for Question Time.

5. Question Time

5.1 Agriculture and Rural Development

Questions were put to, and answered by, the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill.

6. Executive Committee Business (cont'd)

6.1 Final Stage – Welfare Reform Bill (NIA Bill 13/11-15) (cont'd)

Debate resumed.

The Speaker took the Chair.

The Principal Deputy Speaker (Mr Newton) took the Chair.

The Speaker took the Chair.

The Question being put, the Bill **fell** on a cross-community vote (Division).

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 9.01pm.

Mr Mitchel McLaughlin

The Speaker

26 May 2015

Appendix 1

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Friday 22 May 2015 in relation to the Final Stage of the Welfare Reform Bill (NIA Bill 13/11-15):

- Mr Martin McGuinness
- Ms Megan Fearon
- Mr Cathal Boylan
- Mr Gerry Kelly
- Mr Chris Hazzard
- Mr Cathal Ó Hoisín
- Ms Caitríona Ruane
- Mr Pat Sheehan
- Mr Phil Flanagan
- Ms Carál Ní Chuilín
- Mr Alex Maskey
- Ms Rosaleen McCorley
- Mr Oliver McMullan
- Ms Jennifer McCann
- Mrs Michelle O'Neill
- Mr Mickey Brady
- Ms Bronwyn McGahan
- Mr Seán Lynch
- Mr Barry McElduff
- Mr Declan McAleer
- Mr Máirtín Ó'Muilleoir
- Ms Maeve McLaughlin
- Ms Michaela Boyle
- Mr Ian Milne
- Mr Raymond McCartney
- Mr Daithí McKay
- Mr Fra McCann
- Mr John O'Dowd
- Mr Alban Maginness
- Mr Dominic Bradley
- Mr Fearghal McKinney
- Mr Patsy McGlone
- Dr Alasdair McDonnell
- Mr Joe Byrne
- Mr Pat Ramsey
- Mrs Dolores Kelly
- Mr Colum Eastwood
- Mr Seán Rogers
- Mrs Karen McKeivitt
- Mr Mark H. Durkan
- Mr Alex Attwood
- Mr John Dallat
- Mr Steven Agnew

Northern Ireland Assembly

26 May 2015
Division 1

Final Stage – Welfare Reform Bill (NIA Bill 13/11-15)

Minister for Social Development

The Question was put and the Assembly divided.

Ayes: 58

Noes: 39

AYES

Unionist:

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Other:

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr McQuillan, Mr G Robinson.

NOES

Nationalist:

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr F McCann, Mr McGlone.

Total votes	97	Total Ayes	58	[59.8%]
Nationalist Vote	39	Nationalist Ayes	0	[0.0%]
Unionist Votes	50	Unionist Ayes	50	[100%]
Other Votes	8	Other Ayes	8	[100%]

The Bill **fell** on a cross-community vote.

Northern Ireland Assembly

Papers Presented to the Assembly on 20 May - 26 May 2015

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
A Review of the Northern Ireland Environment Agency's Environmental Crime Unit (DOJ).
Draft Code of Practice No. 3 Funding Defined Benefits (DSD).
5. Assembly Reports
6. Statutory Rules
S.R. 2015/253 The Ballinderry Road/Glenavy Road, Lisburn (Stopping-Up) Order (Northern Ireland) 2015 (DRD).
7. Written Ministerial Statements
8. Consultation Documents
Consultation on NITPS Teachers' Superannuation (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2015 (DE).
9. Departmental Publications
General Report on the Health and Social Care Sector 2012-13 and 2013-14 (NIAO).
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.

Stages in Consideration of Public Bills 27 May 2015

2011-2016 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
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15	26.05.15	
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15			
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15				
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15				
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15				
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15				
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15					
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					

**2011-2016 Mandate
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.06.15					
Ombudsman and Commissioner for complaints (amendment) Bill 48/11-16	27.04.15	11.05.15	/	/				

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

Northern Ireland Assembly

Monday 1 June 2015

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Committee Business

2.1 Consideration Stage – Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16)

Chairperson, Committee for the Office of the First Minister and deputy First Minister

The Chairperson of the Committee for the Office of the First Minister and Deputy First Minister, Mr Mike Nesbitt, moved the Consideration Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill.

No amendments were tabled to the Bill.

Debate ensued.

Clauses

The question being put, it was **agreed** without division that Clauses 1 to 3 stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

Bill NIA Bill 48/11-16 stood referred to the Speaker.

2.2 Motion – Area Planning Position Paper

Proposed:

That this Assembly notes the position paper produced by the Committee for Education on Area Planning; and calls on the Minister of Education to implement the recommendations contained therein.

Chairperson, Committee for Education

Debate ensued.

The Deputy Speaker (Mr Beggs) took the Chair.

The Speaker took the Chair.

The Question being put, the Motion was **carried** without division.

3. Private Members' Business

3.1 Motion – Human Rights Act 1998

Proposed:

That this Assembly recognises the vital importance that the Human Rights Act 1998 plays in the lives of citizens of the United Kingdom; further recognises the importance of this Act to the Good Friday Agreement and the devolution of policing and justice powers; and rejects any attempts by the Conservative Government to repeal the Human Rights Act 1998.

Mr S Dickson

Mr C Lyttle

Ms A Lo

Debate ensued.

The debate was suspended for Question Time.

The Deputy Speaker (Mr Dallat) took the Chair.

4. Question Time

4.1 Culture, Arts and Leisure

Questions were put to, and answered by, the Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín.

4.2 Education

Questions were put to, and answered by, the Minister of Education, Mr John O'Dowd.

The Speaker took the Chair.

5. Private Members' Business (cont'd)

5.1 Motion – Human Rights Act 1998 (cont'd)

Debate resumed.

The Question being put, the Motion was **carried** (Division).

6. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 4.56pm.

Mr Mitchel McLaughlin

The Speaker

1 June 2015

Northern Ireland Assembly

1 June 2015

Division

Motion – Human Rights Act 1998

Proposed:

That this Assembly recognises the vital importance that the Human Rights Act 1998 plays in the lives of citizens of the United Kingdom; further recognises the importance of this Act to the Good Friday Agreement and the devolution of policing and justice powers; and rejects any attempts by the Conservative Government to repeal the Human Rights Act 1998.

Mr S Dickson

Mr C Lyttle

Ms A Lo

The Question was put and the Assembly divided.

Ayes: 43

Noes: 41

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Dallat, Mr Dickson, Dr Farry, Ms Fearon, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Ayes: Mr Dickson, Mr McCarthy.

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan, Mr G Robinson.

The motion was **carried**.

Northern Ireland Assembly

Papers Presented to the Assembly on 27 May – 1 June 2015

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
 - An Announced Inspection of Woodlands Juvenile Justice Centre (DOJ).
 - Revised Framework Document for the National Crime Agency (DOJ).
5. Assembly Reports
 - Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees (NIA 250/11-16).
 - Report on the Regeneration Bill (NIA Bill 43/11-16) (DSD).
 - Draft Report by the NI Assembly Public Accounts Committee on the Cross-border Broadband Initiative: the Bytel Project (PAC).
6. Statutory Rules
 - S.R. 2015/254 The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2015 (DETI).
 - S.R. 2015/XX The Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015 (DOE).
 - S.R. 2015/XX The Local Government (Exclusion of Non-commercial Consideration) Order (Northern Ireland) 2015 (DOE).
7. Written Ministerial Statements
 - Update on actions to take forward recommendations from the report of the Inquiry into Child Sexual Exploitation in Northern Ireland (DHSSPS).
8. Consultation Documents
 - Consultation on the Proposals to Increase the Maximum Construction Speed and Weights of Agricultural Tractors and Trailers (DOE).
 - Consultation on proposals for fixed penalties for offences originating from the Taxis Act (Northern Ireland) 2008 (DOE).
 - Consultation on draft Local Government Pension Scheme (Amendment No.3) Regulations (Northern Ireland) 2015 (DOE).
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 2 June 2015

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Statement - North South Ministerial Council Meeting in Environment Sectoral Format

The Minister of the Environment, Mr Mark H. Durkan, made a statement regarding the North South Ministerial Council meeting in Environment sectoral format following which he replied to questions.

2.2 Consideration Stage – Justice Bill (NIA Bill 37/11-15)

The Minister of Justice, Mr David Ford, moved the Consideration Stage of the Justice Bill (NIA Bill 37/11-15).

78 amendments were tabled to the Bill and selected for debate, as well as notice of intention to oppose the questions that Clauses 7, 8, 9 and 86 and Schedule 2 stand part of the Bill.

Debate ensued.

Clauses

The question that Clauses 1 to 6 stand part of the Bill was **agreed** without division.

The Deputy Speaker (Mr Dallat) took the Chair.

The sitting was suspended at 12.25pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker (Mr Newton) in the Chair.

3. Question Time

3.1 Employment and Learning

Questions were put to, and answered by, the Minister for Employment and Learning, Dr Stephen Farry.

3.2 Enterprise, Trade and Investment

Questions were put to, and answered by, the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell.

4. Question for Urgent Oral Answer

4.1 Coleraine to Londonderry Track Renewal Project — Phase 2

The Minister for Regional Development, Mr Danny Kennedy, responded to a Question for Urgent Oral Answer tabled by Mr Trevor Clarke.

The Speaker took the Chair.

5. Executive Committee Business (Cont'd)

5.1 Consideration Stage – Justice Bill (NIA Bill 37/11-15) (cont'd)

Debate resumed on the Bill.

The question being put, it was **negatived** on division that Clause 7 stand part of the Bill (Division 1).

After debate, Amendment 1 inserting new Clause 7A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **negatived** without division that Clause 8 stand part of the Bill.

After debate, Amendment 2 inserting new Clause 8A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **negatived** without division that Clause 9 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 10 to 12 stand part of the Bill.

After debate, Amendment 3 inserting new Clause 12A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 13 stand part of the Bill.

After debate, Amendment 4 to Clause 14 was **made** without division.

After debate, Amendment 5 to Clause 14 was **made** without division.

The question being put, it was **agreed** without division that Clause 14, as amended, stand part of the Bill.

The question that Clauses 15 and 16 stand part of the Bill was **agreed** without division.

The Deputy Speaker (Mr Beggs) took the Chair.

The sitting was suspended at 6.12pm.

The sitting resumed at 6.34pm, with the Deputy Speaker (Mr Beggs) in the Chair.

The Principal Deputy Speaker (Mr Newton) took the Chair.

After debate, Amendment 6 to Clause 17 was withdrawn by leave.

The question being put, it was **agreed** without division that Clause 17 stand part of the Bill.

The question that Clauses 18 to 32 stand part of the Bill was **agreed** without division.

After debate, Amendment 7 to Clause 33 was **made** without division.

After debate, Amendment 8 to Clause 33 was **made** without division.

After debate, Amendment 9 to Clause 33 was **made** without division.

After debate, Amendment 10 to Clause 33 was **made** without division.

The question being put, it was **agreed** without division that Clause 33, as amended, stand part of the Bill.

The question that Clauses 34 and 35 stand part of the Bill was **agreed** without division.

After debate, Amendment 11 inserting new Clause 35A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 36 stand part of the Bill.

The Speaker took the Chair.

After debate, Amendment 12 to Clause 37 was made without division.

The question being put, it was agreed without division that Clause 37, as amended, stand part of the Bill.

The question being put, it was agreed without division that Clause 38 stand part of the Bill.

The sitting was suspended at 9.48pm.

The sitting resumed at 10.02pm, with the Principal Deputy Speaker (Mr Newton) in the Chair.

After debate, Amendment 13 to Clause 39 was **made** without division.

The question being put, it was **agreed** without division that Clause 39, as amended, stand part of the Bill.

After debate, Amendment 14 inserting new Clause 39A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 15 to Clause 40 was **made** without division.

The question being put, it was **agreed** without division that Clause 40, as amended, stand part of the Bill.

After debate, Amendment 16 to Clause 41 was **made** without division.

The question being put, it was **agreed** without division that Clause 41, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 42 stand part of the Bill.

After debate, Amendment 17 inserting new Clause 42A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 18 inserting new Clause 42B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 43 stand part of the Bill.

After debate, Amendment 19 inserting new Clause 43A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question that Clauses 44 and 45 stand part of the Bill was **agreed** without division.

After debate, Amendment 20 to Clause 46 was **made** without division.

The question being put, it was **agreed** without division that Clause 46, as amended, stand part of the Bill.

The question that Clauses 47 to 49 stand part of the Bill was **agreed** without division.

After debate, Amendment 21 was not moved.

As Amendment 21 was not moved, Amendments 22 to 29 were not called.

The question that Clauses 50 to 64 stand part of the Bill was **agreed** without division.

After debate, Amendment 30 to Clause 65 was **made** without division.

The question being put, it was **agreed** without division that Clause 65, as amended, stand part of the Bill.

The question that Clauses 66 and 67 stand part of the Bill was **agreed** without division.

After debate, Amendment 31 to Clause 68 was **made** without division.

After debate, Amendment 32 to Clause 68 was **made** without division.

The question being put, it was **agreed** without division that Clause 68, as amended, stand part of the Bill.

The question that Clause 69 stand part of the Bill was **agreed** without division.

After debate, Amendment 33 to Clause 70 was **made** without division.

The question being put, it was **agreed** without division that Clause 70, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 71 stand part of the Bill.

The Speaker took the Chair.

After debate, Amendment 34 inserting new Clause 71A was **negatived** on division on a cross-community vote (Division 2).

The question that Clauses 72 to 76 stand part of the Bill was **agreed** without division.

After debate, Amendment 35 inserting new Clause 76A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 36 inserting new Clause 76B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 37 inserting new Clause 76C was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 38 inserting new Clause 76D was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 39 inserting new Clause 76E was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 77 stand part of the Bill.

After debate, Amendment 40 to Clause 78 was **made** without division.

The question being put, it was **negatived** on division that Clause 78, as amended, stand part of the Bill (Division 3).

After debate, Amendment 41 inserting new Clause 78A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 42 inserting new Clause 78B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 43 to Clause 79 was **made** without division.

After debate, Amendment 44 to Clause 79 was **made** without division.

The question being put, it was **agreed** without division that Clause 79, as amended, stand part of the Bill.

After debate, Amendment 45 to Clause 80 was **made** without division.

After debate, Amendment 46 to Clause 80 was **made** without division.

The question being put, it was **agreed** without division that Clause 80, as amended, stand part of the Bill.

The question that Clause 81 stand part of the Bill was **agreed** without division.

After debate, Amendment 47 to Clause 82 was **made** without division.

The question being put, it was **agreed** without division that Clause 82, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 83 stand part of the Bill.

After debate, Amendment 48 inserting new Clause 83A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 84 and 85 stand part of the Bill.

After debate, Amendment 49 inserting new Clause 85A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 50 inserting new Clause 85A was **negatived** on division on a cross-community vote (Division 4).

The question being put, it was **negatived** without division that Clause 86 stand part of the Bill.

After debate, Amendment 51 to Clause 87 was not moved.

After debate, Amendment 52 to Clause 87 was not moved.

The question being put, it was **agreed** without division that Clause 87 stand part of the Bill.

The question that Clauses 88 to 90 stand part of the Bill was **agreed** without division.

After debate, Amendment 53 to Clause 91 was **made** without division.

After debate, Amendment 54 to Clause 91 was **made** without division.

The question being put, it was **agreed** without division that Clause 91, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 92 stand part of the Bill.

Schedules

After debate, Amendment 55 to Schedule 1 was **made** without division.

After debate, Amendment 56 to Schedule 1 was **made** without division.

After debate, Amendment 57 to Schedule 1 was **made** without division.

After debate, Amendment 58 to Schedule 1 was **made** without division.

After debate, Amendment 59 to Schedule 1 was **made** without division.

After debate, Amendment 60 to Schedule 1 was **made** without division.

The question being put, it was **agreed** without division that Schedule 1, as amended, stand part of the Bill.

The question being put, it was **negatived** without division that Schedule 2 stand part of the Bill.

After debate, Amendment 61 to Schedule 3 was **made** without division.

After debate, Amendment 62 to Schedule 3 was **made** without division.

After debate, Amendment 63 to Schedule 3 was **made** without division.

After debate, Amendment 64 to Schedule 3 was **made** without division.

After debate, Amendment 65 to Schedule 3 was **made** without division.

After debate, Amendment 66 to Schedule 3 was **made** without division.

After debate, Amendment 67 to Schedule 3 was **made** without division.

The question being put, it was **agreed** without division that Schedule 3, as amended, stand part of the Bill.

After debate, Amendment 68 inserting new Schedule 3A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 69 inserting new Schedule 3B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 70 to Schedule 4 was **made** without division.

The question being put, it was **agreed** without division that Schedule 4, as amended, stand part of the Bill.

After debate, Amendment 71 inserting new Schedule 4A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 72 to Schedule 5 was **made** without division.

After debate, Amendment 73 to Schedule 5 was **made** without division.

After debate, Amendment 74 to Schedule 5 was **made** without division.

The question being put, it was **agreed** without division that Schedule 5, as amended, stand part of the Bill.

After debate, Amendment 75 to Schedule 6 was **made** without division.

After debate, Amendment 76 to Schedule 6 was **made** without division.

After debate, Amendment 77 to Schedule 6 was **made** without division.

After debate, Amendment 78 to Schedule 6 was **made** without division.

The question being put, it was **agreed** without division that Schedule 6, as amended, stand part of the Bill.

Long Title

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

Bill NIA 37/11-15 stood referred to the Speaker.

6. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 1.37am.

Mr Mitchel McLaughlin

The Speaker

3 June 2015

Northern Ireland Assembly

2 June 2015
Division 1

Consideration Stage – Justice Bill (NIA Bill 37/11-15) – Clause 7 Stand Part

Proposed:

Abolition of preliminary investigations

7. Article 30 of the Magistrates' Courts (Northern Ireland) Order 1981 (which enables a magistrates' court to conduct a preliminary investigation of an indictable offence) is repealed; and accordingly all committal proceedings in a magistrates' court shall be by way of preliminary inquiry under that Order.

Minister of Justice

The Question was put and the Assembly divided.

Ayes: 39

Noes: 42

AYES

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Dickson, Mr Lunn.

NOES

Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Cree, Mr Durkan, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Noes: Mr Allister, Mr Eastwood.

The Question was **negatived**.

Northern Ireland Assembly

2 June 2015
Division 2

Consideration Stage – Justice Bill (NIA Bill 37/11-15) – Amendment 34

The Question was put and the Assembly divided.

Ayes: 39

Noes: 41

AYES

Nationalist:

Mr D Bradley, Mrs D Kelly, Dr McDonnell, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Rogers.

Unionist:

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Hussey, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan, Mr G Robinson.

NOES

Nationalist:

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Cree, Mr Gardiner, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Ms Sugden.

Other:

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Noes: Mr Hazzard, Ms Lo.

Total votes	80	Total Ayes	39	[48.8%]
Nationalist Vote	33	Nationalist Ayes	7	[21.2%]
Unionist Votes	39	Unionist Ayes	32	[82.1%]
Other Votes	8	Other Ayes	0	[0.0%]

The Motion was **negatived** on a cross-community vote.

Northern Ireland Assembly

2 June 2015
Division 3

Consideration Stage – Justice Bill (NIA Bill 37/11-15) – Clause 78, as amended, Stand Part

The Question was put and the Assembly divided.

Ayes: 34

Noes: 45

AYES

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Dickson, Mr Lyttle.

NOES

Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Cree, Mr Elliott, Ms Fearon, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden.

Tellers for the Noes: Mrs McKeivitt, Mr Rogers.

The Question was **negatived**.

Northern Ireland Assembly

2 June 2015
Division 4

Consideration Stage – Justice Bill (NIA Bill 37/11-15) – Amendment 50

The Question was put and the Assembly divided.

Ayes: 41

Noes: 36

AYES

Nationalist:

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Ms Fearon, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mr Rogers, Ms Ruane, Mr Sheehan.

Unionist:

Mr Allister, Mr Cree, Mr Elliott, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Ms Sugden.

Tellers for the Ayes: Mr Hazzard, Mr Lynch.

NOES

Unionist:

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Irwin, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other:

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Noes: Mr Dickson, Dr Farry.

Total votes	77	Total Ayes	41	[53.2%]
Nationalist Vote	31	Nationalist Ayes	31	[100%]
Unionist Votes	39	Unionist Ayes	10	[25.6%]
Other Votes	7	Other Ayes	0	[0.0%]

The Motion was **negatived** on a cross-community vote.

Marshalled List of Amendments

Consideration Stage Justice Bill (NIA Bill 37/11-15)

Tuesday 2 June 2015

Amendments tabled up to 9.30am Thursday, 28 May 2015 and selected for debate
The Bill will be considered in the following order-
Clauses, Schedules and Long Title

Clause 7

The Member listed below gives notice of his intention to oppose the question that clause 7 stand part of the Bill.

Mr Jim Allister

Amendment 1

New Clause

After clause 7 insert -

‘Preliminary investigations

7A. Article 30 of the Magistrates’ Courts (Northern Ireland) Order 1981 (which enables a magistrates’ court to conduct a preliminary investigation of an indictable offence) shall apply only when the court is satisfied that a preliminary investigation is required in the interests of justice; and accordingly in all other cases committal proceedings in a magistrates’ court shall be by way of preliminary inquiry under that Order.’

Mr Jim Allister

Clause 8

The Member listed below gives notice of his intention to oppose the question that clause 8 stand part of the Bill.

Mr Jim Allister

Amendment 2

New Clause

After clause 8 insert -

‘Mixed committals: evidence on oath at preliminary inquiry

8A. Article 34(2) of the Magistrates’ Courts (Northern Ireland) Order 1981 (which enables witnesses to give evidence on oath at a preliminary inquiry) shall apply only when the court is satisfied that such is required in the interests of justice.’

Mr Jim Allister

Clause 9

The Member listed below gives notice of his intention to oppose the question that clause 9 stand part of the Bill.

Mr Jim Allister

Amendment 3

New Clause

After clause 12 insert -

‘Direct committal for trial: offences related to specified offences

Direct committal: offences related to specified offences

12A.—(1) Where—

- (a) this Chapter applies in relation to an accused (“A”) who—
 - (i) is charged with an offence (“offence A”) which is not a specified offence, and
 - (ii) is not also charged with a specified offence,
- (b) A appears or is brought before the court on the same occasion as another person (“B”) charged with a specified offence,
- (c) the court commits B for trial for the specified offence under section 12, and
- (d) offence A appears to the court to be related to the specified offence for which the court commits B for trial,

the court shall forthwith commit A to the Crown Court for trial for offence A.

(2) Where—

- (a) this Chapter applies in relation to an accused (“A”) who—
 - (i) is charged with an offence (“offence A”) which is not a specified offence, and
 - (ii) is not also charged with a specified offence,
- (b) on a previous occasion another person (“B”) has appeared or been brought before the court charged with a specified offence,
- (c) the court has on that occasion committed B for trial for the specified offence under section 12, and
- (d) offence A appears to the court to be related to the specified offence for which the court committed B for trial,

the court may forthwith commit A to the Crown Court for trial for offence A if the court considers that it is necessary or appropriate in the interests of justice to do so.

(3) Where the court commits the accused for trial for an offence under this section—

- (a) it shall accordingly not conduct committal proceedings in relation to that offence; and
- (b) the functions of the court then cease in relation to that offence, except as provided by—
 - (i) section 13; or
 - (ii) Article 29(2)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or any regulations under Article 26(3) of the Access to Justice (Northern Ireland) Order 2003.

- (4) For the purposes of this section an offence is related to a specified offence if a count charging the offence could be included in the same indictment as a count charging the specified offence.'

Minister of Justice

Amendment 4

Clause 14, Page 8, Line 31

After 'section 12' insert 'or 12A'

Minister of Justice

Amendment 5

Clause 14, Page 9, Line 14

Leave out '(e) or (f)' and insert 'or (e)'

Minister of Justice

Amendment 6

Clause 17, Page 11, Line 39

After 'conviction,' insert 'excepting violent or controlling or coercive offences by a current or previous intimate partner,'

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 7

Clause 33, Page 23, Line 14

Leave out from 'and' to end of line 16

Minister of Justice

Amendment 8

Clause 33, Page 23, Line 40

At end insert 'and members of the victim's family'

Minister of Justice

Amendment 9

Clause 33, Page 23, Line 43

At end insert 'and members of the victim's family'

Minister of Justice

Amendment 10

Clause 33, Page 23, Line 43

At end insert -

'(8A) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words "and members of the victim's family".'

(8B) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29.'

Minister of Justice

Amendment 11

New Clause

After clause 35 insert -

'Information sharing

Disclosure for purposes of victim and witness support services and victim information schemes

35A. Schedule 3A (which makes provision for the disclosure of information for the purposes of victim and witness support services and victim information schemes) has effect.'

Minister of Justice

Amendment 12

Clause 37, Page 26, Line 35

Leave out 'subsection (3)(b)' and insert 'subsection (4)(b)'

Minister of Justice

Amendment 13

Clause 39, Page 27

Leave out lines 20 to 22 and insert -

“(4A) The Department may from time to time publish guidance to chief officers as to the exercise of functions under subsection (4); and in exercising functions under that subsection a relevant chief officer must have regard to any guidance for the time being published under this subsection.”'

Minister of Justice

Amendment 14

New Clause

After clause 39 insert -

'Review of criminal record certificates

39A.—(1) The Police Act 1997 is amended as follows.

(2) After section 117A (inserted by section 39(5)) insert—

“Review of criminal record certificates

117B. Schedule 8A (which provides for an independent review of certain criminal record certificates) has effect.”

(3) After Schedule 8 insert as Schedule 8A the Schedule set out in Schedule 3B to this Act.’

Minister of Justice

Amendment 15

Clause 40, Page 29, Line 44

At end insert -

‘(7A) The Department must not grant an application as mentioned in subsection (4)(c) or (5)

(c) if—

- (a) the certificate in question is an enhanced criminal record certificate; and
- (b) the certificate contains (or would contain) information which relates to an individual other than the individual whose certificate it is.’

Minister of Justice

Amendment 16

Clause 41, Page 31, Line 18

Leave out ‘it is’ and insert ‘be’

Minister of Justice

Amendment 17

New Clause

After clause 42 insert -

‘Disclosures by Department of Justice to Disclosure and Barring Service

42A. In section 119 of the Police Act 1997 (sources of information) after subsection (4) insert—

“(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.”’

Minister of Justice

Amendment 18

New Clause

After clause 42 insert -

‘Inclusion of cautions and other diversionary disposals in criminal records

42B. In Article 29 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for paragraph (4) substitute—

“(4) The Department of Justice may by regulations make provision for recording—

- (a) convictions for such offences as are specified in the regulations (“recordable offences”);
- (b) cautions given in respect of recordable offences;
- (c) informed warnings given in respect of recordable offences;
- (d) diversionary youth conferences in respect of recordable offences.

(5) For the purposes of paragraph (4)—

- (a) “caution” means a caution given to a person in respect of an offence which, at the time when the caution is given, the person has admitted;
- (b) “diversionary youth conference” has the meaning given by Part 3A of the Criminal Justice (Children) (Northern Ireland) Order 1998.”’

Minister of Justice

Amendment 19

New Clause

After clause 43 insert -

‘PART 5A

Child protection disclosures

Child protection disclosures

43A.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 50 (Guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain arrangements for the consideration of disclosure, to any particular member of the public, of information in the possession of the agencies about the relevant previous convictions of any specified sexual or violent offender, where it is necessary to protect a particular child or children from serious harm caused by the offender. Such arrangements may include conditions for preventing the member of the public concerned from disclosing the information to any other person.”

(3) In paragraph (3), for “Paragraph 2 does” substitute “Paragraphs (2) and (2A) do”.

(4) In Article 49, (interpretation), at end of paragraph (1) insert—

““relevant previous convictions” means convictions, findings or cautions which relate to the offender’s specification in guidance under Article 50”.’

Mr Paul Frew

The Lord Morrow of Clogher Valley

Amendment 20

Clause 46, Page 36, Line 7

At end insert -

‘(9A) If where the offender is attending proceedings through a live link it appears to the court—

- (a) that the offender is not able to see and hear the court and to be seen and heard by it, and
- (b) that this cannot be immediately corrected,

the court must adjourn the proceedings.’

Minister of Justice

Amendment 21**New Clause**

After clause 49 insert -

PART 6A**DOMESTIC VIOLENCE PROTECTION NOTICES, ORDERS AND DISCLOSURES****Power to issue a domestic violence protection notice**

- 49A.**—(1) A member of a police force not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this section.
- (2) A DVPN may be issued to a person (“P”) aged 16 years or over if the authorising officer has reasonable grounds for believing that—
- P has been violent towards, or has threatened violence towards or controlled or coerced, a former or current intimate partner or an associated person, and
 - the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.
- (3) Before issuing a DVPN, the authorising officer must, in particular, consider—
- the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person);
 - the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN;
 - any representations made by P as to the issuing of the DVPN, and
 - in the case of provision included by virtue of subsection (8), the opinion of any other associated person who lives in the premises to which the provision would relate.
- (4) The authorising officer must take reasonable steps to discover the opinions mentioned in subsection (3).
- (5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.
- (6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.
- (7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—
- to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued;
 - to prohibit P from entering the premises;
 - to require P to leave the premises, or
 - to prohibit P from coming within such distance of the premises as may be specified in the DVPN.
- (9) An “associated person” means a person who is associated with P within the meaning of section 62 of the Family Law Act 1996;
- (10) Subsection (11) applies where a DVPN includes provision in relation to premises by virtue of subsection (8)(b) or (8)(c) and the authorising officer believes that—
- P is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006, and
 - the premises fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act.
- (11) The authorising officer must make reasonable efforts to inform P’s commanding officer (within the meaning of section 360 of the Armed Forces Act 2006) of the issuing of the notice.
- (12) A former or current intimate partner means a person who is personally connected with P within the meaning of section 76 of the Serious Crime Act 2015.
- (13) Controlling or coercive behaviour includes behaviour by P that is within the meaning of section 76 of the Serious Crime Act 2015 and financial coercion.
- (14) Financial coercion means a series of acts of manipulation by P to the financial detriment of A as provided in regulations by Department.’

Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood

Amendment 22**New Clause**

After clause 49 insert -

‘Contents and service of a domestic violence protection notice

- 49B.**—(1) A DVPN must state—
- the grounds on which it has been issued;
 - that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN;
 - that an application for a domestic violence protection order under section 49D will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P;
 - that the DVPN continues in effect until that application has been determined, and
 - the provision that a magistrates’ court may include in a domestic violence protection order.
- (2) A DVPN must be in writing and must be served on P personally by a constable.
- (3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the domestic violence protection order.’

Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood

Amendment 23**New Clause**

After clause 49 insert -

‘Breach of a domestic violence protection notice

49C.—(1) A person arrested by virtue of section 49B(1)(b) for a breach of a DVPN must be held in custody and brought before the magistrates’ court which will hear the application for the DVPO under section 49D—

- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
- (b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of subsection (1)(a), the court may remand the person.

(3) If the court adjourns the hearing of the application by virtue of section 49D(8), the court may remand the person.’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 24**New Clause**

After clause 49 insert -

‘Application for a domestic violence protection order

49D.—(1) If a DVPN has been issued, a constable must apply for a domestic violence protection order (“a DVPO”).

(2) The application must be made by complaint to a magistrates’ court.

(3) The application must be heard by the magistrates’ court not later than 48 hours after the DVPN was served pursuant to section 49B(2).

(4) A notice of the hearing of the application must be given to P.

(5) The notice is deemed given if it has been left at the address given by P under section 49B(3).

(6) But if the notice has not been given because no address was given by P under section 49B(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.

(7) The magistrates’ court may adjourn the hearing of the application.

(8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.

(9) On the hearing of an application for a DVPO, section 20 of the Magistrates’ Courts (Northern Ireland) Order 1981 does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 25**New Clause**

After clause 49 insert -

‘Conditions for and contents of a domestic violence protection order

49E.—(1) The court may make a DVPO if two conditions are met.

(2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards or coerced, a former or current intimate partner or, an associated person.

(3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.

(4) Before making a DVPO, the court must, in particular, consider—

- (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is a former or current intimate partner or an associated person), and
- (b) any opinion of which the court is made aware—
 - (i) of the person for whose protection the DVPO would be made, and
 - (ii) in the case of provision included by virtue of subsection (8), of any other associated person who lives in the premises to which the provision would relate.

(5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.

(6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

(7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—

- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made;
- (b) to prohibit P from entering the premises;
- (c) to require P to leave the premises, or
- (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

- (a) no fewer than 14 days beginning with the day on which it is made, and
- (b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 26

New Clause

After clause 49 insert -

‘Breach of a domestic violence protection order

49F.—(1) A person arrested by virtue of section 49E(9) for a breach of a DVPO must be held in custody and brought before a magistrates’ court within the period of 24 hours beginning with the time of the arrest.

(2) If the matter is not disposed of when the person is brought before the court, the court may remand the person.’’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 27

New Clause

After clause 49 insert -

‘Further provision about remand

49G.—(1) This section applies for the purposes of the remand of a person by a magistrates’ court under section 49C(2) or (3) or 49F(2).

(2) In the instance of a magistrates’ court remanding a person on bail for a period exceeding 8 clear days under section 47(4) of the Magistrates’ Courts (Northern Ireland) Order 1981, for those purposes the reference to the “other party” is to be read—

- (a) in the case of a remand prior to the hearing of an application for a DVPO, as a reference to the authorising officer;
- (b) in any other case, as a reference to the constable who applied for the DVPO.

(3) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made.

(4) If the person is remanded in custody for that purpose, the adjournment may not be for more than 3 weeks at a time.

(5) If the person is remanded on bail for that purpose, the adjournment may not be for more than 4 weeks at a time.

(6) If the court has reason to suspect that the person is suffering from a mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to make an order under section 42 of that Act (remand to hospital for medical report) as it has under that section in the case of an accused person (within the meaning of that section).

(7) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 28

New Clause

After clause 49 insert -

‘Domestic Violence Disclosures

Guidance

49H.—(1) The Department must provide guidance relating to the exercise by a constable of functions under sections 49A to 49H to enable him or her to—

- (a) undertake full checks to inform a risk assessment and disclosure of P’s previous history of domestic violence or violent acts at the request of the current or former intimate partner of P;
- (b) proactively disclose information in prescribed circumstances to a current or former intimate partner of P relating to P’s previous history of domestic violence or violent acts.

(2) A constable must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.

(3) Before issuing guidance under this section, the Department must consult—

- (a) the Association of Chief Police Officers;
- (b) the Police Service of Northern Ireland, and
- (c) such other persons as the Department should think fit.’

*Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood*

Amendment 29**New Clause**

After clause 49 insert -

***Pilot schemes**

- 49I.**—(1) The Department may by order made by statutory instrument provide for any provision of sections 49A to 49H to come into force for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.
- (2) Such an order may make different provision for different areas.
- (3) More than one order may be made under this section.
- (4) Provision included in an order under this section does not affect the provision that may be included in relation to sections 49A to 49G in an order under section 91.'

Mrs Dolores Kelly
Mrs Karen McKeivitt
Mr Alban Maginness
Mr Colum Eastwood

Amendment 30**Clause 65, Page 49**

Leave out lines 2 to 4 and insert -

- '(4) Fingerprints and photographs taken from an offender under this section—
- (a) are to be used for verifying the identity of the offender at any time while the offender is subject to notification requirements; and
- (b) may also, subject to the following provisions of this section, be used for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.
- (5) Fingerprints taken from an offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements, unless they are retained under the power conferred by subsection (7).
- (6) Subsection (7) applies where—
- (a) fingerprints have been taken from a person under any power conferred by the Police and Criminal Evidence (Northern Ireland) Order 1989;
- (b) fingerprints have also subsequently been taken from that person under this section; and
- (c) the fingerprints taken as mentioned in paragraph (a) do not constitute a complete and up to date set of the person's fingerprints or some or all of those fingerprints are not of sufficient quality to allow satisfactory analysis, comparison or matching.
- (7) Where this subsection applies—
- (a) the fingerprints taken as mentioned in subsection (6)(b) may be retained as if taken from the person under the power mentioned in subsection (6)(a); and
- (b) the fingerprints taken as mentioned in subsection (6)(a) must be destroyed.
- (8) Photographs taken of any part of the offender under this section must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless they are retained by virtue of an order under subsection (9).
- (9) The Chief Constable may apply to a District Judge (Magistrates' Courts) for an order extending the period for which photographs taken under this section may be retained.
- (10) An application for an order under subsection (9) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.
- (11) An order under subsection (9) may extend the period for which photographs may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.
- (12) The following persons may appeal to the county court against an order under subsection (9), or a refusal to make such an order—
- (a) the Chief Constable;
- (b) the person in relation to whom the order was sought.
- (13) In this section—
- (a) "photograph" includes any process by means of which an image may be produced; and
- (b) references to the destruction or retention of photographs or fingerprints include references to the destruction or retention of copies of those photographs or fingerprints.'

Minister of Justice

Amendment 31**Clause 68, Page 51, Line 8**

After 'may' insert ', subject to subsections (3A) to (3E),'

Minister of Justice

Amendment 32**Clause 68, Page 51, Line 13**

At end insert -

- '(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements unless it is retained by virtue of an order under subsection (3B).
- (3B) The Chief Constable may apply to a District Judge (Magistrates' Court) for an order extending the period for which the information may be retained.
- (3C) An application for an order under subsection (3B) must be made within the period of 3 months ending on the last day on which the offender will be subject to notification requirements.
- (3D) An order under subsection (3B) may extend the period for which the information may be retained by a period of 2 years beginning when the offender ceases to be subject to notification requirements.
- (3E) The following persons may appeal to the county court against an order under subsection (3B), or a refusal to make such an order—
- (a) the Chief Constable;

- (b) the person in relation to whom the order was sought.’

Minister of Justice

Amendment 33

Clause 70, Page 52, Line 3

Leave out ‘and’ and insert -

- ‘(ca) that, in a case where a person other than the offender resides there, it is proportionate in all the circumstances for a constable to enter and search the premises for that purpose; and’

Minister of Justice

Amendment 34

New Clause

After clause 71 insert -

‘PART 7A
ENDING THE LIFE OF AN UNBORN CHILD

Ending the life of an unborn child

- 71A.**—(1) Without prejudice to section 58 and section 59 of the Offences Against the Person Act 1861 and section 25 of the Criminal Justice Act (Northern Ireland) 1945 and subject to subsection (2) any person who ends the life of an unborn child at any stage of that child’s development shall be guilty of an offence and liable on conviction on indictment to a period of not more than ten years’ imprisonment and a fine.
- (2) It shall be a defence for any person charged with an offence under this section to show—
- (a) that the act or acts ending the life of an unborn child were lawfully performed at premises operated by a Health and Social Care Trust, or
 - (b) that the act or acts ending the life of the unborn child were lawfully performed without fee or reward in circumstances of urgency when access to premises operated by a Health and Social Care Trust was not possible.
- (3) For the purposes of this section a person ends the life of an unborn child if that person does any act, or causes or permits any act, with the intention of bringing about the end of the life of an unborn child, and, by reason of any such act, the life of that unborn child is ended.
- (4) For the purposes of this section ‘lawfully’ in subsection (2) means in accordance with any defence or exception under section 58 and section 59 of the Offences Against the Person Act 1861 and section 25 of the Criminal Justice Act (Northern Ireland) 1945.’

Chair, Committee for Justice

Amendment 35

New Clause

After clause 76 insert -

‘Personal samples, DNA profiles and fingerprints

Power to take further fingerprints or non-intimate samples

- 76A.**—(1) In Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprinting)—
- (a) in paragraphs (5A) and (5B) for the words after “investigation” in sub-paragraph (b) substitute “but—
 - (i) paragraph (4A)(a) or (b) applies, or
 - (ii) paragraph (5C) applies.”;
 - (b) after paragraph (5B) insert—

“(5C) This paragraph applies where—

 - (a) the investigation was discontinued but subsequently resumed, and
 - (b) before the resumption of the investigation the fingerprints were destroyed pursuant to Article 63B(2).” .
- (2) In Article 63 of that Order (non-intimate samples)—
- (a) at the end of paragraph (3ZA)(b) insert “, or
 - (iii) paragraph (3AA) applies.”;
 - (b) in paragraph (3A)(b) for “insufficient; or” substitute “insufficient, or
 - (iii) paragraph (3AA) applies; or”;
 - (c) after paragraph (3A) insert—

“(3AA) This paragraph applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

 - (a) any DNA profile derived from the sample was destroyed pursuant to Article 63B(2), and
 - (b) the sample itself was destroyed pursuant to Article 63P(2), (3) or (10).”.
- (3) In Schedule 2A to that Order (fingerprinting and samples: power to require attendance at police station)—
- (a) in paragraph 1 (fingerprinting: persons arrested and released)—
 - (i) in sub-paragraph (2) for “Article 61(5A)(b)” substitute “Article 61(5A)(b)(i)”;
 - (ii) after sub-paragraph (3) insert—
- “(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;
- (b) in paragraph 2 (fingerprinting: persons charged, etc.)—
 - (i) in sub-paragraph (2)(b) for “Article 61(5B)(b)” substitute “Article 61(5B)(b)(i)”;
 - (ii) at the end of sub-paragraph (2) insert “, or
- “(c) in a case falling within Article 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”;
- (c) in paragraph 9 (non-intimate samples: persons arrested and released)—
 - (i) in sub-paragraph (2) for “within Article 63(3ZA)(b)” substitute “within Article 63(3ZA)(b)(i) or (ii)”;
 - (ii) after sub-paragraph (3) insert—

- “(4) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”;
- (d) in paragraph 10 (non-intimate samples: person charged etc.)—
- (i) in sub-paragraph (3) for “within Article 63(3A)(b)” substitute “within Article 63(3A)(b)(i) or (ii)”;
 - (ii) after sub-paragraph (4) insert—
- “(5) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”.’

Minister of Justice

Amendment 36

New Clause

After clause 76 insert -

‘Retention of material: persons convicted of an offence in England and Wales or Scotland

76B. After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of material: effect of convictions in England and Wales or Scotland

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

- (2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE (“an EW recordable offence”) Articles 63D, 63E, 63H and 63L apply as if—
- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of “convicted”) applies for that purpose);
 - (b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;
 - (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.
- (3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment (“a relevant Scottish offence”) Article 63D, 63E, 63H and 63L apply as if—
- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;
 - (b) references in Article 63D(14) to a qualifying offence included references to—
 - (i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and
 - (ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;
 - (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.
- (4) In this Article “PACE” means the Police and Criminal Evidence Act 1984.”.’

Minister of Justice

Amendment 37

New Clause

After clause 76 insert -

‘Retention of DNA profiles or fingerprints: persons given a prosecutorial fine

76C. After Article 63K of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of Article 63B material: persons given a prosecutorial fine notice

63KA.—(1) This Article applies to Article 63B material which—

- (a) relates to a person who is given a prosecutorial fine notice under section 18 of the Justice Act (Northern Ireland) 2015, and
 - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) from the person in connection with the investigation of the offence (or one of the offences) to which the notice relates.
- (2) The material may be retained—
- (a) in the case of fingerprints, for a period of 2 years beginning with the date on which the fingerprints were taken,
 - (b) in the case of a DNA profile, for a period of 2 years beginning with—
 - (i) the date on which the DNA sample from which the profile was derived was taken, or
 - (ii) if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken.”.’

Minister of Justice

Amendment 38

New Clause

After clause 76 insert -

‘Power to retain DNA profile or fingerprints in connection with different offence

76D. For Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 63B material obtained for one purpose and used for another) substitute—

“Retention of Article 63B material in connection with different offence

63N.—(1) Paragraph (2) applies if—

- (a) Article 63B material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and
- (b) the person subsequently—
 - (i) is arrested for or charged with a different offence,

- (ii) is convicted of a different offence,
 - (iii) is given a penalty notice or a prosecutorial fine notice in respect of a different offence;
 - (iv) is given a caution in respect of a different offence committed when the person is under the age of 18; or
 - (v) completes a diversionary youth conference process with respect to a different offence.
- (2) Articles 63C to 63M and Articles 63O and 63Q have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—
- (a) in connection with the investigation of the offence mentioned in paragraph (1)(b),
 - (b) on the date on which the person was arrested for that offence or, if the person was not arrested, on the date on which the person—
 - (i) was charged with the offence or given a penalty notice or prosecutorial fine in respect of the offence, or
 - (ii) was cautioned in respect of the offence; or
 - (iii) completed the diversionary youth conference process with respect to the offence.
- (3) Paragraph (3) of Article 63J applies for the purposes of this Article as it applies for the purposes of Article 63J.”’

Minister of Justice

Amendment 39

New Clause

After clause 76 insert -

‘Retention of personal samples that are or may be disclosable

76E. In Article 63R of the Police and Criminal Evidence (Northern Ireland) Order 1989 (exclusions for other regimes)—

- (a) in paragraph (5) (material that is or may become disclosable to the defence) for “Articles 63B to 63O and 63Q” substitute “Articles 63B to 63Q”;
- (b) after that paragraph insert—
 - “(5A) A sample that—
 - (a) falls within paragraph (5), and
 - (b) but for that paragraph would be required to be destroyed under Article 63P,
 must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.
 - (5B) A sample that once fell within paragraph (5) but no longer does, and so becomes a sample to which Article 63P applies, must be destroyed immediately if the time specified for its destruction under that Article has already passed.”’

Minister of Justice

Amendment 40

Clause 78, Page 55, Line 21

Leave out subsection (3)

Minister of Justice

Amendment 41

New Clause

After clause 78 insert -

‘Sexual offences against children

Meeting a child following sexual grooming etc.

78A. In Article 22(1)(a) of the Sexual Offences (Northern Ireland) Order 2008 (meeting a child following sexual grooming etc.) for “on at least two occasions” substitute “on one or more occasions”.’

Minister of Justice

Amendment 42

New Clause

After clause 78 insert -

‘Sexual communication with a child

78B.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

“Sexual communication with a child

22A.—(1) A person aged 18 or over (A) commits an offence if—

- (a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),
- (b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and
- (c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

- (a) any part of it relates to sexual activity, or
- (b) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual.

(3) A person guilty of an offence under this Article is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”’

(2) In Article 4 of that Order (meaning of “sexual”) after “except” insert “Article 22A (sexual communication with a child) or”.

(3) In Article 76(10)(a) of that Order (offences outside the United Kingdom) after “children” insert “except Article 22A”.

(4) In the Sexual Offences Act 2003 in Schedule 3 (sexual offences for purposes of Part 2 of that Act) after paragraph 92H insert—
“92HA. An offence under Article 22A of that Order (sexual communication with a child).”’

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the

entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert—
 “Article 22A (sexual communication with a child).”’

Minister of Justice

Amendment 43

Clause 79, Page 55, Line 31

Leave out ‘The Department may by regulations impose a general duty on’ and insert ‘It is the duty of all’

Minister of Justice

Amendment 44

Clause 79, Page 55, Line 34

Leave out subsection (2)

Minister of Justice

Amendment 45

Clause 80, Page 56, Line 23

At end insert -

‘(5) The regulations must in particular take account of the need to identify and respect the needs of—

- (a) victims,
- (b) witnesses, particularly those to whom Article 4(2) of the Criminal Evidence (Northern Ireland) Order 1999 may apply; and
- (c) persons under the age of 18.’

Minister of Justice

Amendment 46

Clause 80, Page 56, Line 23

At end insert -

‘(6) Before making any regulations under this section the Department must consult—

- (a) the Lord Chief Justice;
- (b) the Director of Public Prosecutions;
- (c) the General Council of the Bar of Northern Ireland; and
- (d) the Law Society of Northern Ireland.’

Minister of Justice

Amendment 47

Clause 82, Page 57, Line 37

Leave out from ‘in connection’ to ‘D’s appeal’ on line 38 and insert ‘to ensure compliance with Article 6 of the European Convention on Human Rights’

Minister of Justice

Amendment 48

New Clause

After clause 83 insert -

‘Causing or allowing child or vulnerable adult to suffer serious physical harm

Causing or allowing child or vulnerable adult to suffer serious physical harm

83A.—(1) Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a) after “dies” insert “or suffers serious physical harm”;
 - (b) in paragraph (d) for “V’s death” substitute “the death or serious physical harm”.
- (3) In subsection (3)(a) for “V’s death” substitute “the death or serious physical harm”.
- (4) In subsection (4)(b) for “V’s death” substitute “the death or serious physical harm”.
- (5) In subsection (7) after “this section” insert “of causing or allowing a person’s death”.

(6) After that subsection insert—

“(8) A person guilty of an offence under this section of causing or allowing a person to suffer serious physical harm is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or to both.”.

(7) For the cross-heading before section 5 substitute “Causing or allowing a child or vulnerable adult to die or suffer serious physical harm”.

(8) Schedule 4A (which contains amendments consequential on this section) has effect.’

Minister of Justice

Amendment 49

New Clause

After clause 85 insert -

‘Salary of Lands Tribunal members

Salary of Lands Tribunal members

85A.—(1) Section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 is amended as follows.

(2) For subsections (5) and (5A) substitute—

“(5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration as the Department of Justice may determine.”.’

Minister of Justice

Amendment 50**New Clause**

After clause 85 insert -

***Provision of health and social care information to Attorney General about direction of inquests**

85A. In the Coroners Act (NI) 1959 after section 14 insert—

“Provision of information to Attorney General for purposes of section 14

14A.—(1) The Attorney General may, by notice in writing to any person who has provided health care or social care to a deceased person, require that person to produce any document or give any other information which in the opinion of the Attorney General may be relevant to the question of whether a direction should be given by the Attorney General under section 14.

(2) A person may not be required to produce any document or give any other information under this section if that person could not be compelled to produce that document or give that information in civil proceedings in the High Court.

(3) In this section—

“document” includes information recorded in any form, and references to producing a document include, in relation to information recorded otherwise than in a legible form, references to providing a copy of the information in a legible form.

(4) A person who fails without reasonable excuse to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Review and duration of section 14A

14B.—(1) Section 14A ceases to have effect on (3 years after Royal Assent) unless, before that date, having considered the report under subsection (2), the Assembly resolves that it is to continue to have effect.

(2) The Department must, at the end of the period of 3 years beginning with the coming into operation of section 14A, review its operation and lay before the Assembly a report on that review; that report must in particular include—

- (a) the number of cases in which the Attorney General compelled the provision of documents and other information;
- (b) the number of inquests the Attorney General subsequently directed;
- (c) an assessment, by an independent person appointed by the Department, of the impact of the operation of section 14A on the use of the power in section 14.”.

Mr Raymond McCartney

Mr Seán Lynch

Mr Chris Hazzard

Clause 86

The Chairperson of the Committee listed below gives notice of his intention to oppose the question that clause 86 stand part of the Bill.

Chair, Committee for Justice

Amendment 51

Clause 87, Page 60, Line 8

Leave out paragraph (b)

Chair, Committee for Justice

Amendment 52

Clause 87, Page 60, Line 12

Leave out from ‘incidental’ to ‘saving’ and insert ‘consequential and transitional’

Chair, Committee for Justice

Amendment 53

Clause 91, Page 60, Line 36

At end insert -

‘() section 35A and Schedule 3A;’

Minister of Justice

Amendment 54

Clause 91, Page 60, Line 36

At end insert -

‘() sections 78A and 78B;’

Minister of Justice

Amendment 55

Schedule 1, Page 62

Leave out lines 4 to 28 and insert -

‘The Gaming Act (Ireland) 1739 (c. 8)

. In section 16 (bringing of actions) omit the words from “and shall be laid” to the end.

The Forcible Entry Act (Ireland) 1786 (c.24)

. In section 65 (indictments) for “some one or more of the justices of the peace of the county, county of the city or town where such indictment shall be made” substitute “a district judge (magistrates’ courts)”.

The Parliamentary Representation Act (Ireland) 1800 (c.29)

. In section 7 (writs) for “crown office in Ireland” and “crown office of Ireland” substitute “chief clerk”.

The Tolls (Ireland) Act 1817 (c.108)

. In section 7 (schedule of tolls) for “chief clerk for the county court division where such custom, toll, or duty may be claimed,” substitute “chief clerk”.

The Tithe Rentcharge (Ireland) Act 1838 (c. 109)

. In section 27 (recovery of rent-charge) omit “wherein the lands charged therewith may be situate”.

The Defence Act 1842 (c. 94)

. In section 24 (compensation)—

- (a) for “two justices of the peace of the county, riding, stewardry, city or place” substitute “a court of summary jurisdiction”;
- (b) for “such justices” substitute “that court”.

The Fisheries (Ireland) Act 1842 (c. 106)

—(1) In section 92 (byelaws) for the words from “deposited with” to “in each such petty sessions district” substitute “deposited with the clerk of petty sessions who shall publish notice of the lodgement”;

(2) In section 103 omit “in the district where the same shall be seized”.

The Companies Clauses Consolidation Act 1845 (c. 16)

—(1) In section 3 (interpretation) omit “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.

(2) In section 161 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

The Lands Clauses Consolidation Act 1845 (c. 18)

. In section 150 (deposit of copies of special Act) for the words from “deposit in the office” to “into which the works shall extend” substitute “deposit in the office of the chief clerk”.

The Railways Clauses Consolidation Act 1845 (c. 20)

—(1) In section 7 (correction of plans) for the words from “deposited with” to “shall be situate” substitute “deposited with the chief clerk”.

(2) In section 8 (deposit of plans) for the words from “deposited with” to “intended to pass” substitute “deposited with the chief clerk”.

(3) In section 11 (limitation of deviation)—

- (a) for the words from “two or more justices” to “may be situated” substitute “a court of summary jurisdiction”;
- (b) omit the words from “Provided also, that” to the end.

(4) In section 59 (consent to level crossing)—

- (a) for the words from “any two or more justices” to “is situate, and assembled in petty sessions” substitute “a court of summary jurisdiction”;
- (b) for “such justices” substitute “that court”.

The Ejectment and Distress (Ireland) Act 1846 (c. 111)

. In section 16 for the words from “apply to any one” to “fixed in such summons” substitute “apply to a district judge (magistrates’ courts) for the redress of his grievance, whereupon the district judge shall summon the person complained of to appear before a court of summary jurisdiction at a reasonable time to be fixed in the summons.”.

The Markets and Fairs Clauses Act 1847 (c. 14)

—(1) In section 7 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(2) In section 50 (annual account) for “the chief clerk for the county court division in which the market or fair is situate” substitute “the chief clerk”.

(3) In section 58 (deposit of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Commissioners Clauses Act 1847 (c. 16)

—(1) In section 95 for “the chief clerk for the county court division where the undertaking is situate” substitute “the chief clerk”.

(2) In section 110 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Harbours, Docks and Piers Clauses Act 1847 (c. 27)

—(1) In section 7 (correction of plans) for the words from “be deposited in” to “are situate” substitute “be deposited with the chief clerk”.

(2) In section 8 (alterations to plans) for the words from “deposited with the said” to “is situate” substitute “deposited with the chief clerk”.

(3) In section 50 (annual account) for the words from “charge, to the” to “is situate” substitute “charge, to the chief clerk”.

(4) In section 97 (copies of special Act) for the words from “deposit in” to “is situate” substitute “deposit in the office of the chief clerk”.

The Towns Improvement Clauses Act 1847 (c. 34)

—(1) In section 3 (interpretation)—

- (a) in the definition of “justice” for the words from “shall mean” to “arises” substitute “shall mean a lay magistrate”;
- (b) in the definition of “quarter sessions” for the words from “shall mean” to the end substitute “shall mean the county court”.

(2) In section 20 (correction of errors) for “the chief clerk for the county court division in which the lands affected thereby shall be situated” substitute “the chief clerk”.

(3) In section 214 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Cemeteries Clauses Act 1847 (c. 65)

—(1) In section 7 (correction of errors) for the words from “deposited with” to “shall be situated” substitute “deposited with the chief clerk”.

(2) In section 60 (annual accounts) for the words from “charge, to the” to “is situated” substitute “charge, to the chief clerk”.

(3) In section 66 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Vagrancy (Ireland) Act 1847 (c. 84)

. In section 8 (interpretation) for the words from “any justice” to “town corporate” substitute “any lay magistrate or district judge (magistrates’ courts)”.

The Town Police Clauses Act 1847 (c. 89)

. In section 77 (copies of special Act) for the words from “deposit in” to “is situated” substitute “deposit in the office of the chief clerk”.

The Railway Act (Ireland) 1851 (c. 70)

—(1) In section 4 (deposit of maps) for the words from “or so much thereof as relates” to the end substitute “with the chief clerk”.

(2) In section 8 (notice of appointment of arbitrator) for the words “with the chief clerks for the county court division” substitute “with the chief clerk”.

(3) In section 11 (retention of documents) for the words from the beginning to “hereby” substitute “The chief clerk is hereby”.

The Fines Act (Ireland) 1851 (c. 90)

—(1) In section 6 (enforcement) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

(2) In section 8 (penalties) for “two justices of the county” substitute “district judge (magistrates’ courts)”.

The Summary Jurisdiction (Ireland) Act 1851 (c. 92)

. In section 1 (jurisdiction of justices) omit—

- (a) “within his or their respective jurisdictions”; and
- (b) “(when the case shall be heard in any petty sessions district)”.

The Petty Sessions (Ireland) Act 1851 (c. 93)

—(1) In section 26(3) (execution of warrants) for the words from “at any place” to “adjoining county” substitute “at any place”.

(2) In section 28 (backing of warrants) for the words from “are not to be found” to “in any of the places” substitute “are in any of the places”.

(3) In section 31 (execution of warrant) for the words from “or peace officers” to the end substitute “to execute the warrant by arrest, committal, or levy, as the case may be, and in the case of a warrant to arrest any person and convey him when arrested before any district judge (magistrates’ courts) to be dealt with according to law.”.

The Boundary Survey (Ireland) Act 1854 (c. 17)

. In section 12 (alteration of boundary) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

The Towns Improvement (Ireland) Act 1854 (c. 103)

. In section 1 (interpretation) omit the definition of “assistant barrister”.

The Boundary Survey (Ireland) Act 1859 (c. 8)

. In section 4 (publication of order) for the words from “transmitted to” to “way relate” substitute “transmitted to the chief clerk”.

The Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)

. In section 3 (offenders) for the words from “taken before” to the end substitute “taken before a district judge (magistrates’ courts) to be dealt with according to law.”.

The Tramways (Ireland) Act 1860 (c. 152)

. In section 33 (entry to land)—

- (a) for the words from “under the hand” to “not having” substitute “under the hand of a district judge (magistrates’ courts) who does not have”;
- (b) for the words from “fixed by” to “same district” substitute “fixed by a district judge (magistrates’ courts)”.

The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)

—(1) In section 35 (restraint of waste)—

- (a) for the words from “satisfy” to “of the county” substitute “satisfy a district judge (magistrates’ courts)”;
 - (b) for the words from “at the next” to “premises are situate” substitute “at the next petty sessions”.
- (2) In sections 63 and 69 (deposit of sums due) for “chief clerk for the county court division” substitute “chief clerk”.
- (3) In section 79 (view of lands) for the words from “lawful for” to “shall be situate and” substitute “lawful for a district judge (magistrates’ courts)”.
- (4) In Schedule (A) (forms) omit “for the county of M,” (wherever occurring).

The Railways Act (Ireland) 1864 (c. 71)

. In section 14 (value of crops) for the words from “determined by” to the end substitute “determined by a district judge (magistrates’ courts)”.

The Dockyard Ports Regulation Act 1865 (c. 125)

. Omit section 22 (jurisdiction of justices over vessels).

The Promissory Oaths Act 1871 (c. 48)

. In section 2 (persons who may take oaths) for the words from “or at the” to the end substitute “or at the county court”.

The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 (c. 49)

. In section 23 (register books) for the words from “information thereof to” to “solemnized” substitute “information thereof to a district judge (magistrates’ courts)”.

The Public Health (Ireland) Act 1878 (c. 52)

—(1) In section 2 (interpretation) omit the definition of “court of quarter sessions”.

(2) In section 269 (appeals) for subsection (1) substitute—

“(1) The appeal shall be made to the county court.”

The Settled Land Act 1882 (c. 38)

. In section 46(10) (payment into court) for the words from “be exercised by” to the end substitute “be exercised by the county court”.

The Married Women’s Property Act 1882 (c. 75)

. In section 17 (summary decision of questions) for the words from “in a summary way” to “and the court” substitute “in a summary way to the High Court or a county court and the court”.

The Explosive Substances Act 1883 (c. 3)

. In section 6(1) (inquiry into crimes) omit—

- (a) “for the county, borough, or place in which the crime was committed or is suspected to have been committed”;
- (b) “in the said county, borough, or place”.

The Bills of Sale (Ireland) Act (1879) Amendment Act 1883 (c. 7)

. In section 11 (registration) for the words from “transmit” to the end of the first paragraph substitute “transmit an abstract in the prescribed form of the contents of such bill of sale to the chief clerk.”.

The Local Government (Ireland) Act 1898 (c. 37)

. In section 69 (boundaries)—

- (a) in subsection (3) omit the words from “provided that” to the end;
- (b) omit subsections (4) and (5).

The Open Spaces Act 1906 (c. 25)

. In section 4(2) (transfer of open space) omit the words from “of the district” to the end.

The Summary Jurisdiction (Ireland) Act 1908 (c. 24)

. In sections 1(2) and 2(2) (habitual drunkards) for the words from “anyone holding” to the end substitute “any justice of the peace”.

*Minister of Justice***Amendment 56****Schedule 1**, Page 66, Line 38

At end insert -

'(2A) In section 18(2) (rules) after "subsection (1) above" insert "(other than paragraph (a))".'

*Minister of Justice***Amendment 57****Schedule 1**, Page 75, Line 12

Leave out sub-paragraph (1) and insert—

'(1) Omit section 15(3) (interpretation).'

*Minister of Justice***Amendment 58****Schedule 1**, Page 84

Leave out lines 10 to 12

*Minister of Justice***Amendment 59****Schedule 1**, Page 86, Line 16

At end insert -

'(1A) In section 125 (variation, renewal and discharge of orders)—

(a) in subsection (1) for "the appropriate court" substitute "a court of summary jurisdiction"; and

(b) omit subsection (7).'

*Minister of Justice***Amendment 60****Schedule 1**, Page 90, Line 31

At end insert -

'The Serious Crime Act 2015 (c. 9)

109. In Schedule 2 in paragraph 11(2)(c) omit "for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant".'

*Minister of Justice***Schedule 2***The Member listed below gives notice of his intention to oppose the question that Schedule 2 stand part of the Bill.**Mr Jim Allister***Amendment 61****Schedule 3**, Page 94, Line 29

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 62****Schedule 3**, Page 94, Line 37

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 63****Schedule 3**, Page 95, Line 4

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 64****Schedule 3**, Page 95, Line 12

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 65****Schedule 3**, Page 95, Line 19

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 66****Schedule 3**, Page 95, Line 27

After 'section 12' insert 'or 12A'

*Minister of Justice***Amendment 67****Schedule 3**, Page 96, Line 13

After 'section 12' insert 'or 12A'

Minister of Justice

Amendment 68**New Schedule**

After schedule 3 insert -

‘SCHEDULE 3A

DISCLOSURE OF INFORMATION: VICTIM AND WITNESS SUPPORT SERVICES AND VICTIM INFORMATION SCHEMES

Disclosure by police to body providing support services for victims

1.—(1) A police officer or member of the police support staff may disclose relevant information relating to a victim to a prescribed body for the purpose of enabling that body to advise the victim about support services provided by the body, or offer or provide support services to the victim.

(2) For the purposes of this paragraph—

“relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted; and
- (c) such other information relating to the victim or the criminal conduct concerned as it appears to the police officer or member of the police support staff to be appropriate to disclose for the purpose mentioned in sub-paragraph (1);

“support services” means services involving the provision of information, advice, support or any other form of assistance to victims.

Disclosure by Public Prosecution Service to body providing support services for witnesses

2.—(1) Where the Director of Public Prosecutions has the conduct of criminal proceedings, a member of staff of the Public Prosecution Service may disclose relevant information relating to a witness for the prosecution in those proceedings to a prescribed body for the purpose of enabling that body to advise the witness about support services provided by the body, or offer or provide support services to the witness.

(2) For the purposes of this paragraph—

(a) “relevant information relating to a witness” means—

- (i) the name and address of the witness;
- (ii) the age of the witness;
- (iii) any telephone number or e-mail address at which the witness may be contacted; and
- (iv) such other information relating to the witness or the proceedings concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

(3) In this paragraph—

“support services” means services involving the provision of information, advice, support or any other form of assistance to prosecution witnesses in criminal proceedings;

“prosecution witness”, in relation to any criminal proceedings, means a person who has been or may be called to give evidence for the prosecution in such proceedings.

Disclosure by Public Prosecution Service for purposes of victim information schemes

3.—(1) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Department for the purpose of enabling the Department to provide information and advice to the victim in connection with—

- (a) a scheme under section 68 of the Justice (Northern Ireland) Act 2002 (prisoner release victim information scheme); or
- (b) a scheme under section 69A of the Justice (Northern Ireland) Act 2002 (victims of mentally disordered offenders information scheme).

(2) A member of staff of the Public Prosecution Service may disclose relevant information relating to a victim to the Board for the purpose of enabling the Board to provide information and advice to the victim in connection with a scheme under Article 25 of the Criminal Justice (Northern Ireland) Order 2005 (the Probation Board for Northern Ireland victim information scheme).

(3) For the purposes of this paragraph “relevant information relating to a victim” means—

- (a) the name and address of the victim;
- (b) any telephone number or e-mail address at which the victim may be contacted;
- (c) details of the criminal conduct concerned; and
- (d) such other information relating to the victim or the criminal conduct concerned as it appears to the member of staff of the Public Prosecution Service to be appropriate to disclose for the purpose mentioned in sub-paragraph (1).

Unauthorised disclosure of information

4.—(1) If a person to whom this paragraph applies discloses without lawful authority any information—

- (a) acquired in the course of that person’s employment,
- (b) which is, or is derived from, information provided under this Schedule, and
- (c) which relates to a particular person,

that person is guilty of an offence.

(2) This paragraph applies to any person who is—

- (a) employed in a body prescribed under paragraph 1 or 2 or in the provision of services to such a body;
- (b) employed in the Department or in the provision of services to the Department; or
- (c) employed by the Board or in the provision of services to the Board.

(3) It is not an offence under this paragraph to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this paragraph to show that at the time of the alleged offence—

- (a) that person believed that the disclosure in question was made with lawful authority and had no reasonable cause to believe otherwise; or
- (b) that person believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

- (5) A person who is guilty of an offence under this paragraph is liable—
- on summary conviction, to a fine not exceeding the statutory maximum;
 - on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) For the purposes of this paragraph a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—
- in the course of and for the purposes of that person's employment in a prescribed body;
 - in accordance with that person's official duty as a civil servant or as an employee of the Board;
 - in accordance with an authorisation given by the Department, the Board or the prescribed body;
 - in accordance with any statutory provision or order of a court;
 - for the purposes of any criminal proceedings; or
 - with the consent of the person to whom the information relates.
- (7) In this paragraph "employment"—
- includes employment as a volunteer; and
 - in relation to a particular person, shall be construed in accordance with sub-paragraph (2).

Saving for other powers of disclosure

5. Nothing in this Schedule affects any power to disclose information that exists apart from this Schedule.

Interpretation

6.—(1) In this Schedule—

"the Board" means the Probation Board for Northern Ireland;

"prescribed" means prescribed by regulations made by the Department.

(2) Section 29 (meaning of victim and related terms) applies for the purposes of this Schedule as it applies for the purposes of section 28.'

Minister of Justice

Amendment 69

New Schedule

After schedule 3 insert -

‘SCHEDULE 3B

Schedule inserted as Schedule 8A to the Police Act 1997

“SCHEDULE 8A

REVIEW OF CRIMINAL RECORD CERTIFICATES

Interpretation

1. In this Schedule—

"conviction" and "spent conviction" have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

"the independent reviewer" means the person appointed under paragraph 2;

"other disposal", in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution, diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

The independent reviewer

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

- for such period, not exceeding 3 years, as the Department decides; and
- on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph

(2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

- pay such remuneration or allowances to the independent reviewer as it may determine;
- make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

- any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;
- any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

Guidance

3. The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

Application for review after issue of certificate

4.—(1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—

- the details of any spent conviction; or
- the details of any other disposal.

(2) An application under this paragraph must—

- be accompanied by such fee (if any) as may be prescribed; and
- be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.

(3) The Department must refer any application under this paragraph to the independent reviewer together with—

- (a) any information supplied by the applicant in connection with the application; and
- (b) any other information which appears to the Department to be relevant to the application.

Review by independent reviewer after issue of certificate

5.—(1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—

- (a) the details of any spent conviction; and
- (b) the details of any other disposal.

(2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

- (a) the independent reviewer must inform the Department of that fact; and
- (b) on being so informed the Department must issue a new certificate.

(3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

- (a) the independent reviewer must inform the Department of that fact; and
- (b) the Department must inform the applicant that the application is refused.

(5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

Automatic review before issue of certificate containing only details of spent convictions or other disposals of person under 18

6.—(1) This paragraph applies where—

(a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and

(b) the certificate would—

- (i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but
- (ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.

(2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.

(3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—

- (a) the details of any spent conviction; and
- (b) the details of any other disposal.

(4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—

- (a) the independent reviewer must inform the Department of that fact; and
- (b) on being so informed the Department must amend the certificate and issue the amended certificate.

(5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).

(6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—

- (a) the independent reviewer must inform the Department of that fact; and
- (b) the Department must issue the certificate in the form referred to the independent reviewer.

(7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

(8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

Disclosure of information to the independent reviewer

7. The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.”’

Minister of Justice

Amendment 70

Schedule 4, Page 96, Line 33

Leave out ‘a criminal’ and insert ‘an enhanced criminal’

Minister of Justice

Amendment 71

New Schedule

After schedule 4 insert -

‘SCHEDULE 4A

AMENDMENTS: SERIOUS PHYSICAL HARM TO CHILD OR VULNERABLE ADULT

The Law Reform (Year and a Day Rule) Act 1996 (c. 19)

1. In section 2 (restriction on institution of proceedings for fatal offence) in subsection (3)(c) for “(causing or allowing the death of a child or vulnerable adult)” substitute “of causing or allowing the death of a child or vulnerable adult”.

The Sexual Offences Act 2003 (c. 42)

2. In Schedule 5 (offences for purposes of making sexual offences prevention orders) in paragraph 171A for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.

The Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 3.—(1) For the heading of section 7 substitute “**Evidence and procedure in cases of death: Northern Ireland**”.
 (2) In section 7(5) after “section 5” insert “of causing or allowing a person’s death”.
 (3) After section 7 insert—

“Evidence and procedure in cases of serious physical harm: Northern Ireland

- 7A.—(1) Subsections (3) to (5) apply where a person (“the defendant”) is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm (“the section 5 offence”).
 (2) In this section “relevant offence” means—
 (a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc.);
 (b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.
 (3) Where by virtue of Article 4(4) of the Criminal Evidence (Northern Ireland) Order 1988 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant’s failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.
 (4) Where a magistrates’ court is considering under Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981 whether to commit the defendant for trial for the relevant offence, if there is sufficient evidence to put the defendant on trial for the section 5 offence there is deemed to be sufficient evidence to put the defendant on trial for the relevant offence.
 (5) The power of a judge of the Crown Court under section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (entry of “No Bill”) is not to be exercised in relation to a relevant offence unless it is also exercised in relation to the section 5 offence.
 (6) At the defendant’s trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).”.

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4. In Part 1 of Schedule 2 (specified violent offences) in paragraph 30 for “the death of a child or vulnerable adult” substitute “a child or vulnerable adult to die or suffer serious physical harm”.

Minister of Justice

Amendment 72

Schedule 5, Page 102, Line 23

At end insert -

‘Part 8: DNA profiles or fingerprints

- 6A. The amendment made by section 76D applies even where the event referred to in paragraph (1)(b) of the substituted Article 63N of the Police and Criminal Evidence (Northern Ireland) Order 1989 occurs before the day on which that section comes into operation.’

Minister of Justice

Amendment 73

Schedule 5, Page 102, Line 26

At end insert -

‘Part 8: Meeting a child following sexual grooming etc.

- 7A. Section 78A does not apply in a case in which person A met or communicated with person B only once before the event mentioned in Article 22(1)(a)(i) to (iii) of the Sexual Offences (Northern Ireland) Order 2008, if that meeting or communication took place before the coming into operation of that section.’.

Minister of Justice

Amendment 74

Schedule 5, Page 102, Line 29

At end insert -

‘Part 8: Serious physical harm to a child or vulnerable adult

9. An amendment made by section 83A or Schedule 4A does not apply in relation to any harm resulting from an act that occurs, or so much of an act as occurs, before the coming into operation of that amendment.’

Minister of Justice

Amendment 75

Schedule 6, Page 102, Line 35

Leave out from beginning to end of line 4 on page 103 and insert -

The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
The Tithe Rentcharge (Ireland) Act 1838 (c. 109)	In section 27 the words “wherein the lands charged therewith may be situate”.
The Fisheries (Ireland) Act 1842 (c. 106)	In section 103 the words “in the district where the same shall be seized”.
The Companies Clauses Consolidation Act 1845 (c. 16)	In section 3 the words “acting for the place where the matter requiring the cognizance of any such justice shall arise and”.
The Railway Clauses Consolidation Act 1845 (c. 20)	In section 11 the words from “Provided also, that” to the end.
The Summary Jurisdiction (Ireland) Act 1851 (c. 92)	In section 1 the words “within his or their respective jurisdictions” and “(when the case shall be heard in any petty sessions district)”.
The Towns Improvement (Ireland) Act 1854 (c. 103)	In section 1 the definition of “assistant barrister”.

The Gaming Act (Ireland) 1739 (c. 8)	In section 16 the words from “and shall be laid” to the end.
The Landlord and Tenant Law Amendment Act (Ireland) 1860 (c. 154)	In Schedule (A) the words “for the county of M,” (wherever occurring).
The Dockyard Ports Regulation Act 1865 (c.125)	Section 22.
The Public Health (Ireland) Act 1878 (c. 52)	In section 2 the definition of “court of quarter sessions”.
The Explosive Substances Act 1883 (c. 3)	In section 6(1) the words “for the county, borough, or place in which the crime was committed or is suspected to have been committed” and “in the said county, borough, or place”.
The Local Government (Ireland) Act 1898 (c. 37)	In section 69(3) the words from “provided that” to the end. Section 69(4) and (5).
The Open Spaces Act 1906 (c. 25)	In section 4(2) the words from “of the district” to the end.

Minister of Justice

Amendment 76

Schedule 6, Page 111, Column 2

Leave out lines 23 and 24 and insert -

Section 15(3).

Minister of Justice

Amendment 77

Schedule 6, Page 117, Line 41, Column 2

At beginning insert -

Section 125(7).

Minister of Justice

Amendment 78

Schedule 6, Page 121, Line 35

At end insert -

The Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	In Schedule 11, paragraph 71(5).
The Serious Crime Act 2015 (c. 9)	In Schedule 2, in paragraph 11(2)(c) the words “for the petty sessions district in which the lay magistrate was acting when he or she issued the warrant”.

Minister of Justice

Northern Ireland Assembly

Papers Presented to the Assembly on 2 June 2015

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
 - S.R. 2015/261 The Honey Regulations (Northern Ireland) 2015 (DHSSPS).
 - S.R. 2015/XX The Renewables Obligation (Amendment) Order (Northern Ireland) 2015 (DETI).
7. Written Ministerial Statements
 - Coleraine to Londonderry Track Renewal Project (phase 2) – (DRD).
8. Consultation Documents
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.

Stages in Consideration of Public Bills 3 June 2015

2011-2016 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
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15		
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15			
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15				
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15			
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15				
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15				
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15				
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					

**2011-2016 Mandate
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.06.15					
Ombudsman and Commissioner for complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15			

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

Northern Ireland Assembly

Monday 8 June 2015

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Speaker's Business

2.1 Member Resignation

The Speaker informed Members that the Speaker's Office had received a letter from Mr Mickey Brady giving notice of his intention to resign as a Member of the Assembly with effect from Wednesday 03 June 2015. The Speaker advised that the Speaker's Office had notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

2.2 New Member

The Speaker informed Members that he had been notified by the Chief Electoral Officer that Mr Conor Murphy had been returned as a Member of the Assembly for the Newry and Armagh constituency to fill the vacancy that resulted from the resignation of Mr Mickey Brady.

Mr Murphy signed the Roll of Members on 08 June 2015 in the presence of the Speaker, Mr McLaughlin, and the Clerk to the Assembly. The Speaker confirmed that the Member had signed the Roll and had entered his designation of identity.

3. Public Petition

3.1 Public Petition – Early Years Fund

Mr Dominic Bradley was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding the Early Years Fund.

4. Executive Committee Business

4.1 First Stage – Mental Capacity Bill (NIA Bill 49/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, introduced a Bill to make new provision relating to persons who lack capacity; to make provision about the powers of criminal courts in respect of persons with disorder; to disapply Part 2 of the Mental Health Order (Northern Ireland) 1986 in relation to persons aged 16 or over and make other amendments of that Order; to make provision in connection with the Convention on the International Protection of Adults signed at the Hague on 13th January 2000; and for connected purposes.

The Mental Capacity Bill (NIA Bill 49/11-16) passed First Stage and ordered to be printed.

4.2 First Stage – Legal Complaints and Regulation Bill (NIA Bill 50/11-16)

The Minister of Finance and Personnel, Mrs Arlene Foster, introduced a Bill to make provision for the establishment of the office of the Legal Services Oversight Commissioner for Northern Ireland; to make provision as regards complaints against members of the legal profession in Northern Ireland; and for connected purposes.

The Legal Complaints and Regulation Bill (NIA Bill 50/11-16) passed First Stage and ordered to be printed.

5. Committee Business

5.1 Further Consideration Stage – Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16)

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt, moved the Further Consideration Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16).

No amendments were tabled to the Bill.

The Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

5.2 Motion – Reduction of the Disability Action and Community Transport Budgets

Proposed:

That this Assembly condemns the disproportionate reduction of the Disability Action and Community Transport budgets; notes the very negative impact the severe reduction of departmental budgets is having on people with disabilities and the most vulnerable and isolated people in our society; and calls on the Minister for Regional Development to urgently reinstate this essential funding.

Chairperson, Committee for Regional Development

Debate ensued.

The Principal Deputy Speaker (Mr Newton) took the Chair.

The Question being put, the Motion was **carried** without division.

6. Private Members' Business

6.1 Motion – Funding for Musical Instruments

Proposed:

That this Assembly notes the cultural, artistic and community importance of bands in Northern Ireland; recognises the importance of the Musical Instruments for Bands funding programme; expresses its disappointment at the failure of the Department of Culture, Arts and Leisure to fund the programme this year; and calls on the Minister of Culture, Arts and Leisure to restore the funding for the programme.

Mr N McCausland

Mr G Dunne

Mr D Hilditch

Mr W Humphrey

Debate ensued.

The debate was suspended for Question Time.

The Speaker took the Chair.

7. Question Time

7.1 Office of the First Minister and deputy First Minister

Questions were put to, and answered by, the deputy First Minister Mr Martin McGuinness. The junior Minister, Ms Jennifer McCann, also answered a number of questions.

7.2 Environment

Questions were put to, and answered by, the Minister of the Environment, Mr Mark H. Durkan.

8. Private Members' Business (cont'd)

8.1 Motion – Funding for Musical Instruments (cont'd)

Debate resumed.

The Deputy Speaker (Mr Dallat) took the Chair.

The Question being put, the Motion was **carried** without division.

9. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 4.23pm.

Mr Mitchel McLaughlin

The Speaker

8 June 2015

Northern Ireland Assembly

Papers Presented to the Assembly on 3 June – 8 June 2015

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

Mental Capacity Bill (NIA Bill 49/11-16)

Legal Complaints and Regulation Bill (NIA Bill 50/11-16)

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Northern Ireland Central Investment Fund for Charities Annual Report to 30 September 2014 (DSD).

Charity Commission for Northern Ireland Annual Report and Accounts 2014-15 (DSD).

The Economic Research Institute of Northern Ireland Limited: Annual Report and Statement of Accounts for the Period Ended 30 September 2013 (OFMdfM).

North/South Language Body Annual Report and Accounts for the year ended 31 December 2013 (DCAL).

Civil Service Compensation Scheme (Amendment) Scheme (Northern Ireland) 2015 (DFP).

Principal Civil Service Pension Scheme (Amendment No.2) Scheme (Northern Ireland) 2015 (DFP).

Northern Ireland Estimates 2015-2016 (DFP).

Northern Ireland Estimates 2013-2014 Statement of Excesses for the year ending 31 March 2014 (DFP).

5. Assembly Reports

6. Statutory Rules

S.R 2015/266 The Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 2015 (DHSSPS).

For Information Only:

S.R 2015/257 (C. 20) The Taxis (2008 Act) (Commencement No. 4) (Amendment) Order (Northern Ireland) 2015 (DOE).

S.R. 2015/258 The Parking Places on Roads (Disabled Persons' Vehicles) (Amendment) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/260 The Waiting Restrictions (Lisburn) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/263 The Parking Places, Loading Bay and Waiting Restrictions (Lisburn City Centre) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/264 The Prohibition of Waiting (Amendment) Order (Northern Ireland) 2015 (DRD).

7. Written Ministerial Statements

DEL - Launch of Consultation on Part-Time and Postgraduate Student Finance Arrangements.

8. Consultation Documents

9. Departmental Publications

Review of the Composition and Employment Practices of the Northern Ireland Civil Service (DFP).

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 9 June 2015

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Further Consideration Stage – Reservoirs Bill (NIA Bill 31/11-15)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved the Further Consideration Stage of the Reservoirs Bill (NIA Bill 31/11-15).

One amendment was tabled to the Bill.

Amendment 1 was not moved.

The Reservoirs Bill (NIA Bill 31/11-15) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

3. Committee Business

3.1 Final Stage – Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16)

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt, moved that the Final Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16) do now pass.

Debate ensued.

The Ombudsman and Commissioner for Complaints (Amendment) Bill (NIA Bill 48/11-16) passed Final Stage.

3.2 Motion – Department for Regional Development's Management of Budgets

Proposed:

That this Assembly notes that the Committee for Regional Development has lost confidence in the Department for Regional Development's ability to effectively manage and maintain its budgets, as a result of an over-reliance on in-year monitoring, Translink's statement that it will cease to trade within the next two years, the potential for infraction proceedings arising from a lack of investment in waste water treatment plants and the risk of the Department exceeding its 2014-2015 budgetary control limits; and calls on the Minister for Regional Development to explain how he intends to negate these risks and to set out his financial strategy for the next financial period.

Chairperson, Committee for Regional Development

Debate ensued.

The Question being put, the Motion was **carried** (Division).

The sitting was suspended at 12.25pm.

The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Dallat) in the Chair.

4. Question Time

4.1 Finance and Personnel

Questions were put to, and answered by, the Minister of Finance and Personnel, Mrs Arlene Foster.

4.2 Health, Social Services and Public Safety

Questions were put to, and answered by, the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton.

The Deputy Speaker (Mr Beggs) took the Chair.

5. Adjournment

Mrs Judith Cochrane spoke to her topic regarding nursery and primary school provision in East and South Belfast.

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 4.30pm.

Mr Mitchel McLaughlin

The Speaker

9 June 2015

Northern Ireland Assembly

9 June 2015

Division

Motion – Department for Regional Development's Management of Budgets

Proposed:

That this Assembly notes that the Committee for Regional Development has lost confidence in the Department for Regional Development's ability to effectively manage and maintain its budgets, as a result of an over-reliance on in-year monitoring, Translink's statement that it will cease to trade within the next two years, the potential for infraction proceedings arising from a lack of investment in waste water treatment plants and the risk of the Department exceeding its 2014-2015 budgetary control limits; and calls on the Minister for Regional Development to explain how he intends to negate these risks and to set out his financial strategy for the next financial period.

Chairperson, Committee for Regional Development

The Question was put and the Assembly divided.

Ayes: 67

Noes: 13

AYES

Mr Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Douglas, Mr Easton, Mr Eastwood, Ms Fearon, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McNarry, Mr Ó hOisín.

NOES

Mr Agnew, Mr Allister, Mr Beggs, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McCallister, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Swann.

Tellers for the Noes: Mr Beggs, Mrs Dobson.

The Motion was **carried**.

Marshalled List of Amendments Further Consideration Stage Reservoirs Bill (NIA Bill 31/11-15) Tuesday 09 June 2015

Amendments tabled up to 9.30am Thursday, 04 June 2015 and selected for debate
The Bill will be considered in the following order-

Amendment 1

Clause 41, Page 26, Line 13

At end insert –

‘(2A) Construction or alteration for the purposes of this Part shall be exempt from any requirement for planning permission to be obtained.’

Mr Trevor Clarke

Northern Ireland Assembly

**Papers Presented to the Assembly on
9 June 2015**

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
S.R. 2015/262 The Insolvency (Amendment) Rules (Northern Ireland) 2015 (DOJ).
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
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Northern Ireland Assembly Legislation:

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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.

Stages in Consideration of Public Bills 10 June 2015

2011-2016 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
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15		
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15		
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15				
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15			
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15				
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15				
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15				
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					
Mental Capacity Bill 49/11-16	08.06.15							
Legal Complaints and regulation 50/11-16	08.06.15							

**2011-2016 Mandate
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.06.15					
Ombudsman and Commissioner for Complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

Northern Ireland Assembly

Monday 15 June 2015

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Motion – The draft Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015

Proposed:

That the draft Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015 be approved.

Minister of the Environment

Debate ensued.

The Question being put, the Motion was **carried** without division.

2.2 Motion – The draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015

Proposed:

That the draft Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015 be approved.

Minister of the Environment

Debate ensued.

The Question being put, the Motion was **carried** without division.

2.3 Motion – The Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015

Proposed:

That the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 be approved.

Minister for Social Development

Debate ensued.

The Question being put, the Motion was **carried** without division.

2.4 Motion – The Jobseeker's Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2015

Proposed:

That the Jobseeker's Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2015 be approved.

Minister for Social Development

Debate ensued.

The Question being put, the Motion was **carried** without division.

2.5 Motion – Suspension of Standing Orders 10(2) to 10(4)**Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 15 June 2015.

Minister of Finance and Personnel

The Question being put, the Motion, was **carried** with cross-community support *nemine contradicente*.

2.6 Motion – Supply Resolution for the 2013-2014 Excess Votes**Proposed:**

That this Assembly approves that resources, not exceeding £7,444,446.68 be authorised for use by the Department of Education and the Department of Health, Social Services and Public Safety, for the year ending 31 March 2014, as summarised for each Department in Part II of the 2013-2014 Statement of Excesses that was laid before the Assembly on 8 June 2015.

Minister of Finance and Personnel

2.7 Motion – Supply Resolution for the Northern Ireland Main Estimates 2015-16**Proposed:**

That this Assembly approves that a sum, not exceeding £8,336,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £9,004,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in Columns 3 (b) and 3 (a) of Table 1.3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015.

Minister of Finance and Personnel

2.8 Amendment 1**Proposed:**

Leave out all after 'exceeding' and insert:

'£7,732,067,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that resources, not exceeding £8,400,299,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in Columns 3 (b) and 3 (a) of Table 1.3 in the volume of the Northern Ireland Estimates 2015-16 that was laid before the Assembly on 8 June 2015, subject to a proportionate reduction for each Department, with the exception of the Department of Health Social Services and Public Safety, and each other public body referred to in Columns 3(b) and 3(a) of Table 1.3 of the aforesaid Estimates, so as to reflect the £604,000,000 shortfall resulting from the failure to implement the Stormont House Agreement.'

Mr J Allister

A single debate ensued on both motions and the amendment.

The debate was suspended for Question Time.

The Deputy Speaker (Mr Dallat) took the Chair.

3. Question Time

3.1 Justice

Questions were put to, and answered by, the Minister of Justice, Mr David Ford.

3.2 Social Development

Questions were put to, and answered by, the Minister for Social Development, Mr Mervyn Storey.

4. Executive Committee Business (cont'd)

4.1 Motion – Supply Resolution for the 2013-2014 Excess Votes (cont'd)

4.2 Motion – Supply Resolution for the Northern Ireland Main Estimates 2015-16 (cont'd)

Debate resumed on both motions and the amendment.

The Deputy Speaker (Mr Beggs) took the Chair.

The Principal Deputy Speaker (Mr Newton) took the Chair.

The Speaker took the Chair.

The Question being put, the Motion regarding the Supply Resolution for the 2013-2014 Excess Votes was **carried** with cross-community support *nemine contradicente*.

The Question being put, the Amendment regarding the Supply Resolution for the Northern Ireland Main Estimates 2015-16 **fell**.

The Question being put, the Motion regarding the Supply Resolution for the Northern Ireland Main Estimates 2015-16 was **carried** with cross-community support.

5. Private Members' Business

5.1 Motion – BBC Panorama Programme Broadcast 28 May 2015

Proposed:

That this Assembly shares the serious concerns about collusion, as reported in the BBC Panorama programme broadcast on 28 May; calls for a thorough and independent investigation of these matters; and further calls for the legacy institutions, agreed in the Stormont House Agreement, to be set up as a matter of urgency so that victims and survivors are given real hope of achieving truth and justice in the near future.

Mr R McCartney

Mr S Lynch

Mr G Kelly

Ms C Ruane

5.2 Amendment

Proposed:

Leave out all after 'May' and insert:

'as well as the Spotlight programme broadcast on 9 June 2015 and the criminal actions of paramilitary organisations highlighted in both programmes; and calls for the implementation of the Stormont House Agreement, in full, as a matter of urgency to afford victims and survivors the opportunity to pursue justice in the near future.'

Mr A Ross

Mr E Poots

Mr P Frew

Mr J Craig

Debate ensued.

The Question being put, the Amendment was **made** (Division 1).

The Question being put, the Motion, as amended, was **carried** (Division 2).

6. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 7.40pm.

Mr Mitchel McLaughlin

The Speaker

15 June 2015

Northern Ireland Assembly

15 June 2015

Division 1

Motion – BBC Panorama Programme Broadcast 28 May 2015 - Amendment 1

Proposed:

Leave out all after 'May' and insert:

'as well as the Spotlight programme broadcast on 9 June 2015 and the criminal actions of paramilitary organisations highlighted in both programmes; and calls for the implementation of the Stormont House Agreement, in full, as a matter of urgency to afford victims and survivors the opportunity to pursue justice in the near future.'

Mr A Ross

Mr E Poots

Mr P Frew

Mr J Craig

The Question was put and the Assembly divided.

Ayes: 49

Noes: 36

AYES

Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McGimpsey, Mr D McIlveen, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Anderson, Mr G Robinson.

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr G Kelly, Ms Ruane.

The Amendment was **made**.

Northern Ireland Assembly

15 June 2015
Division 2

Motion – BBC Panorama Programme Broadcast 28 May 2015 (As Amended)

Proposed:

That this Assembly shares the serious concerns about collusion, as reported in the BBC Panorama programme broadcast on 28 May as well as the Spotlight programme broadcast on 9 June 2015 and the criminal actions of paramilitary organisations highlighted in both programmes; and calls for the implementation of the Stormont House Agreement, in full, as a matter of urgency to afford victims and survivors the opportunity to pursue justice in the near future.

The Question was put and the Assembly divided.

Ayes: 48

Noes: 36

AYES

Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Anderson, Mr G Robinson.

NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr G Kelly, Ms Ruane.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr B McCrea.

The motion, as amended was **carried**.

Northern Ireland Assembly

Papers Presented to the Assembly on 10 June – 15 June 2015

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
Royal Ulster Constabulary George Cross Foundation – Annual Report and Accounts 2012/13 (DOJ).
5. Assembly Reports
The Effectiveness of Public Transport in Northern Ireland (NIA 255/11-16) (Public Accounts Committee).
Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members (NIA 178/11-16) (Committee on Standards and Privileges).
Seventeenth Report of the Examiner of Statutory Rules to the Assembly and Appropriate Committees Session 2014/2015 (ESR) (NIA 256/11-16).
6. Statutory Rules
S.R. 2015/265 The Classification, Labelling and Packaging of Chemicals (Amendment) Regulations (Northern Ireland) 2015 (DETI).
S.R. 2015/272 The Funded Public Service Pension Schemes (Reduction of Cash Equivalents) Regulations (Northern Ireland) 2015
S.R. 2015/273 The Planning (Development Management) (Amendment) Regulations (Northern Ireland) 2015
For Information Only
S.R. 2015/267 The Waiting Restrictions (Clogher) Order (Northern Ireland) 2015 (DRD).
S.R. 2015/268 The Cycle Routes (Amendment No. 2) Order (Northern Ireland) 2015 (DRD).
S.R. 2015/269 The Traffic Weight Restriction (Amendment) Order (Northern Ireland) 2015 (DRD).
S.R. 2015/270 The Parking Places on Roads and Waiting Restrictions (Newry) Order (Northern Ireland) 2015 (DRD).
7. Written Ministerial Statements
8. Consultation Documents
Consultation on the draft Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2015 (DETI).
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 16 June 2015

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Executive Committee Business

2.1 Statement – North South Ministerial Council Plenary meeting

The deputy First Minister, Mr Martin McGuinness, made a statement regarding the North South Ministerial Council Plenary meeting held in Dublin on 05 June 2015, following which he replied to questions.

2.2 Statement – North South Ministerial Council Aquaculture and Marine Sectoral Meeting

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, made a statement regarding the North South Ministerial Council Aquaculture and Marine sectoral meeting, following which she replied to questions.

2.3 First Stage – Water and Sewerage Services Bill (NIA Bill 51/11-16)

The Minister for Regional Development, Mr Danny Kennedy, introduced a Bill to amend, and to confer power to amend, the Water and Sewerage Services (Northern Ireland) Order 2006; and for connected purposes.

The Water and Sewerage Services Bill (NIA Bill 51/11-16) passed First Stage and ordered to be printed.

2.4 First Stage – Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, introduced a Bill to make provision about control of data processing in relation to health and social care.

The Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16) passed First Stage and ordered to be printed.

2.5 Second Stage – Mental Capacity Bill (NIA Bill 49/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Second Stage of the Mental Capacity Bill (NIA Bill 49/11-16).

Debate ensued.

The sitting was suspended at 12.33 pm.

The sitting resumed at 1.30 pm, with the Principal Deputy Speaker (Mr Newton) in the Chair.

3. Executive Committee Business (cont'd)

3.1 Second Stage – Mental Capacity Bill (NIA Bill 49/11-16) (cont'd)

Debate resumed.

The debate was suspended for Question Time.

4. Question Time

4.1 Regional Development

Questions were put to, and answered by, the Minister for Regional Development, Mr Danny Kennedy.

4.2 Agriculture and Rural Development

Questions were put to, and answered by, the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill.

The Deputy Speaker (Mr Dallat) took the Chair.

5. Executive Committee Business (cont'd)

5.1 Second Stage – Mental Capacity Bill (NIA Bill 49/11-16) (cont'd)

Debate resumed.

The Mental Capacity Bill (NIA Bill 49/11-16) passed Second Stage without division.

5.2 First Stage – Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)

The Minister of Finance and Personnel, Mrs Arlene Foster, introduced a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the year ending 31 March 2016; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources (including accruing resources) for the year ending 31 March 2016; and to repeal certain spent provisions.

The Budget (No. 2) Bill 2015 (NIA Bill 53/11-16) passed First Stage and ordered to be printed.

5.3 Second Stage – Legal Complaints and Regulation Bill (NIA Bill 50/11-16)

The Minister of Finance and Personnel, Mrs Arlene Foster, moved the Second Stage of the Legal Complaints and Regulation Bill (NIA Bill 50/11-16).

Debate ensued.

The Legal Complaints and Regulation Bill (NIA Bill 50/11-16) passed Second Stage without division.

5.4 Further Consideration Stage – Justice (NIA Bill 37/11-15)

A valid Petition of Concern, under Standing Order 28, was presented in relation to Amendment 7, on Tuesday 16th June 2015 (Appendix 1).

The Minister of Justice, Mr David Ford, moved the Further Consideration Stage of the Justice Bill.

Twenty two amendments were tabled to the Bill.

Debate ensued.

The Deputy Speaker (Mr Beggs) took the Chair.

Clauses

After debate, Amendment 1 to Clause 6 was **made** without division.

After debate, Amendment 2 to Clause 7 was **made** without division.

After debate, Amendment 3 to Clause 8 was **made** without division.

As Amendment 3 was made, Amendment 4 was not called.

After debate, Amendment 5 to Clause 48 was **made** without division.

The Speaker took the Chair.

After debate, Amendment 6 inserting a new Clause 81A after Clause 81 was **made** without division and it was **agreed** that the new clause stand part of the Bill.

Further Consideration Stage of the Justice Bill was suspended until Monday 22 June 2015.

6. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 8.47pm.

Mr Mitchel McLaughlin

The Speaker

16 June 2015

Appendix 1

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, accordance with Standing Order 28, on Tuesday 16 March 2015 in relation to Amendment No. 7 of the Further Consideration Stage of the Justice Bill (NIA Bill 37/11-15):

- Mr Martin McGuinness
- Ms Megan Fearon
- Mr Cathal Boylan
- Mr Gerry Kelly
- Mr Chris Hazzard
- Mr Cathal Ó Hoisín
- Ms Caitríona Ruane
- Mr Pat Sheehan
- Mr Phil Flanagan
- Ms Carál Ní Chuilín
- Mr Alex Maskey
- Ms Rosaleen McCorley
- Mr Oliver McMullan
- Ms Jennifer McCann
- Mrs Michelle O'Neill
- Mr Conor Murphy
- Ms Bronwyn McGahan
- Mr Seán Lynch
- Mr Barry McElduff
- Mr Declan McAleer
- Mr Máirtín Ó'Muilleoir
- Ms Maeve McLaughlin
- Ms Michaela Boyle
- Mr Ian Milne
- Mr Raymond McCartney
- Mr Daithí McKay
- Mr Fra McCann
- Mr John O'Dowd
- Mr Stewart Dickson
- Ms Anna Lo MBE
- Mr Basil McCrea
- Ms Claire Sugden
- Mr Alban Maginness

Justice Bill

Marshalled List of Amendments

Further Consideration Stage

Tuesday 16 June 2015

Amendments tabled up to 9.30am Thursday, 11 June 2015 and selected for debate

Amendment 1

Clause 6, Page 4, Line 40

At end insert -

- ‘(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.
- (3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.’

Minister of Justice

Amendment 2

Clause 7, Page 5

Leave out lines 7 to 12 and insert -

- ‘7.—(1) The Magistrates’ Courts (Northern Ireland) Order 1981 is amended as set out in subsections (2) to (5).
- (2) After Article 29 insert—
- ‘Committal proceedings for indictable offences**
- 29A.—(1) Committal proceedings in a magistrates’ court in relation to an indictable offence are to be conducted—
- (a) in a case where the court directs under this Article that a preliminary investigation is to be held, by way of a preliminary investigation;
- (b) in all other cases, by way of a preliminary inquiry.
- (2) An accused may apply to the court for a direction that a preliminary investigation is to be held.
- (3) Magistrates’ court rules may make provision in relation to an application under paragraph (2), including provision—
- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).
- (4) The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if) the court is satisfied that a preliminary investigation is required in the interests of justice.
- (5) In determining an application under paragraph (2) the court shall in particular have regard to—
- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be witnesses at a preliminary investigation.’.
- (3) In Article 30 (preliminary investigation) for paragraph (1) substitute—
- “(1) This Article applies where committal proceedings are conducted by way of a preliminary investigation following a direction under Article 29A.”.
- (4) Omit Article 31 (preliminary inquiry at request of prosecution).
- (5) In Article 32 (preliminary inquiry: service of documents)—
- (a) in paragraph (1) for the words from the beginning to the end of sub-paragraph (a) substitute—
- “(1) A reasonable time before the day fixed for the conduct of committal proceedings, the prosecution shall—
- (a) provide the clerk of petty sessions with copies of the documents mentioned in sub-paragraph (b); and”;
- (b) in paragraph (1)(b) omit—
- (i) the words “a copy of that notice together with”; and
- (ii) the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;
- (c) omit paragraph (3).
- (6) In section 4 of the Criminal Jurisdiction Act 1975 (trial of extra-territorial offences) for subsection (3) substitute—
- “(3) Where a person is charged with an extra-territorial offence so much of Article 29A of the Magistrates’ Courts (Northern Ireland) Order 1981 as affords to the accused a right to apply for a direction that a preliminary investigation is to be held shall not apply, and the procedure shall be by way of preliminary inquiry under that Order, and not by way of preliminary investigation.”.
- (7) Section 3 of the Justice and Security (Northern Ireland) Act 2007 (committal proceedings for trial without a jury) is repealed.’

Minister of Justice

Amendment 3**Clause 8, Page 5**

Leave out lines 14 to 16 and insert -

- ‘8.—(1) Article 34 of the Magistrates’ Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).
- (1B) Magistrates’ court rules may make provision in relation to an application under paragraph (1A), including provision—
- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).
- (1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.
- (1D) In determining an application under paragraph (1A) the court shall in particular have regard to—
- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be required to give evidence at the preliminary inquiry.
- (1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2).”.
- (3) In paragraph (2) for the words from the beginning to “may each require” substitute “The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require”.’

Minister of Justice

Amendment 4**Clause 8, Page 5, Line 16**

After ‘justice’ insert ‘, with the presumption of exemption from giving evidence on oath to a vulnerable witness; a victim of rape or a violent sexual assault unless deemed that exceptional circumstances exist’

Mr Raymond McCartney

Mr Seán Lynch

Mr Chris Hazzard

Amendment 5**Clause 48, Page 35, Line 1**

Leave out subsections (2) to (4) and insert -

- ‘(2) In Article 49 (1) (interpretation of Part 3)—
- (a) after the definition of “agencies” insert—
- “ “child” means a person under the age of 18;
- “conviction” includes—
- (i) a conviction by or before a court outside Northern Ireland;
- (ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;
- (iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;”;
- (b) after the definition of “specified” insert—
- “ “relevant previous conviction”, in relation to a person, means a conviction for a sexual or violent offence by reason of which the person falls within a specified description of persons;”.
- (3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—
- “(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person.”.
- (4) In Article 50(3) for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.’

Minister of Justice

Amendment 6**New Clause**

After clause 81 insert -

‘Unpaid community service after early release

81A. In Article 19 of the Criminal Justice (Northern Ireland) Order 2008 after paragraph (1) insert—

- “(1A) The Department may by regulations, having consulted the Probation Board, provide for a community service scheme, under which a person released under paragraph (1) may be required to engage in unpaid community service for the remaining period of the fixed term they would have served but for their early release.”.’

Mr Alastair Ross

Amendment 7**New Clause**

After clause 89 insert -

‘Sentencing for violent offences against older people

- 89A.**—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.
- (2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) For the purposes of this section “violent offence” means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
- (4) If there are exceptional circumstances which justify—
- the imposition of a lesser sentence than that provided for under subsection (2), or
 - the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,
- the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.
- (5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.
- (6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.
- (7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.
- (8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—
- “and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.

Mr Edwin Poots

Mr Paul Givan

Amendment 8**Clause 90, Page 65, Line 7**

Leave out from beginning to ‘magistrates’ court’ on line 8 and insert ‘In relation to criminal proceedings in the Crown Court or a magistrates’ court, it is the duty of the court, the prosecution and the defence’

Minister of Justice

Amendment 9**New Clause**

After clause 95 insert -

‘Domestic violence protection notices and orders

Domestic violence protection notices and orders

95A. Schedule 6A (which makes provision about domestic violence protection notices and orders) has effect.’

Minister of Justice

Amendment 10**New Clause**

After clause 98 insert -

‘Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

- 98A.**—(1) Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.
- (2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—
- “(a) be made with a charity;”.
- (3) In subsection (11) (definitions) after the definition of “administrative decision” insert—
- ““charity” means an institution which is—
- a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;
 - a charity within the meaning of section 1 of the Charities Act 2011; or
 - a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;”.

Minister of Justice

Amendment 11**New Clause**

After clause 98 insert -

‘Amendments to the Firearms (Northern Ireland) Order 2004

Amendments to the Firearms (Northern Ireland) Order 2004: firearm certificates

98A.—(1) The Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) In Article 11 (variation of firearm certificate), at the end insert—

“(1) If a person—

- sells a rifle (“the first rifle”) to the holder of a firearms dealer’s certificate (“the dealer”); and
- as part of the same transaction purchases a rifle (“the second rifle”) from him,

the dealer may vary that person's firearm certificate by substituting the second rifle for the first rifle in accordance with the prescribed bands contained in Schedule 9 to this Order.

- (2) The Secretary of State may introduce additional calibres to the bands contained in Schedule 9 if it is considered appropriate to do so for the purposes of improving the variation process.”.
- (3) For Schedule 6 (Fees), substitute the Schedule set out in Schedule 6B to this Act.
- (4) After Schedule 8, insert as Schedule 9 (Bands) the Schedule set out in Schedule 6C to this Act.’

Mr Paul Frew
Mr Edwin Poots
Mr Patsy McGlone

Amendment 12

New Clause

After clause 98 insert -

‘Amendments to the Firearms (Northern Ireland) Order 2004: young shooters

98B. In the Firearms (Northern Ireland) Order 2004 in Schedule 1 (firearm certificates – exemptions)—

- (a) after sub-paragraph (3)(b) of paragraph 9, insert—
“(ba) have an air gun in his possession without a firearm certificate unless he has attained the age of 11 and is, at all times, under the supervision of a person who has attained the age of 25 and who has held a firearm certificate for an air gun of that type for at least five years;”;
- and
- (b) for sub-paragraph (3) of paragraph 11, substitute—
“(3) Subject to sub-paragraph (4), sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 11.
- (4) Persons aged 11 or older but under 18 must, at all times, be supervised by a person who has attained the age of 25 and who has held a firearm certificate for a shotgun of that type for at least five years.”.’

Mr Paul Frew
Mr Edwin Poots
Mr Patsy McGlone

Amendment 13

Clause 99, Page 70, Line 17

Leave out ‘or 51(12)’ and insert ‘, 51(12) or paragraph 10 of Schedule 6A’

Minister of Justice

Amendment 14

Clause 99, Page 70, Line 18

After ‘section’ insert ‘6(2)’

Minister of Justice

Amendment 15

Clause 103, Page 71, Line 9

After ‘96’ insert ‘to 98 and 98B’

Mr Paul Frew
Mr Edwin Poots
Mr Patsy McGlone

Amendment 16

Clause 103, Page 71, Line 11

At end insert -

‘() paragraph 10 of Schedule 6A and section 95A so far as relating to that paragraph;’

Minister of Justice

Amendment 17

Clause 103, Page 71, Line 12

At end insert -

‘(1A) Section 98A and Schedules 6B and 6C shall come into operation 90 days after this Act receives Royal Assent.’

Mr Paul Frew
Mr Edwin Poots
Mr Patsy McGlone

Amendment 18

Schedule 1, Page 87, Line 8

After ‘preliminary inquiry’ insert ‘or a preliminary investigation’

Minister of Justice

Amendment 19

New Schedule

After schedule 6 insert -

‘SCHEDULE 6A
DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS
Power to issue a domestic violence protection notice

- 1.—(1) A police officer not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this paragraph.
- (2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—
- (a) P has been violent towards, or has threatened violence towards, an associated person, and
- (b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

- (3) Before issuing a DVPN, the authorising officer must, in particular, consider—
- (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),
 - (b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,
 - (c) any representations made by P as to the issuing of the DVPN, and
 - (d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.
- (4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).
- (5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.
- (6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.
- (7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—
- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,
 - (b) to prohibit P from entering the premises,
 - (c) to require P to leave the premises, or
 - (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

Contents and service of a domestic violence protection notice

- 2.—(1) A DVPN must state—
- (a) the grounds on which it has been issued,
 - (b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,
 - (c) that an application for a domestic violence protection order (“a DVPO”) under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,
 - (d) that the DVPN continues in effect until that application has been determined, and
 - (e) the provision that a court of summary jurisdiction may include in a DVPO.
- (2) A DVPN must be in writing and must be served on P personally by a constable.
- (3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

Breach of a domestic violence protection notice

- 3.—(1) A person arrested by virtue of paragraph 2(1)(b) for a breach of a DVPN must be held in custody and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—
- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
 - (b) if earlier, at the hearing of that application.
- (2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.
- (3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

Application for a domestic violence protection order

- 4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.
- (2) The application must be made by complaint to a court of summary jurisdiction.
- (3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).
- (4) A notice of the hearing of the application must be given to P.
- (5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).
- (6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.
- (7) The court may adjourn the hearing of the application.
- (8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.
- (9) On the hearing of an application for a DVPO, Article 118 of the Magistrates’ Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

Conditions for and contents of a DVPO

- 5.—(1) The court may make a DVPO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.
- (3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.
- (4) Before making a DVPO, the court must, in particular, consider—
- (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and
 - (b) any opinion of which the court is made aware—
 - (i) of the person for whose protection the DVPO would be made, and
 - (ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.
- (5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.
- (6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

- (7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—
- to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,
 - to prohibit P from entering the premises,
 - to require P to leave the premises, or
 - to prohibit P from coming within such distance of the premises as may be specified in the DVPO.
- (9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.
- (10) A DVPO may be in force for—
- no fewer than 14 days beginning with the day on which it is made, and
 - no more than 28 days beginning with that day.
- (11) A DVPO must state the period for which it is to be in force.

Breach of a DVPO

- 6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.
- (2) If the court finds that the person has breached the DVPO, the court may—
- order the person to pay a sum not exceeding £5000; or
 - commit the person to prison for a fixed period not exceeding 2 months.
- (3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.
- (4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.
- (5) In section 44(5) of the Judicature (Northern Ireland) Act 1978 (appeals relating to punishment of contempt and other defaults) in paragraph (c) after “Article 112 of the Magistrates’ Courts (Northern Ireland) Order 1981” insert “or paragraph 6 of Schedule 6A to the Justice Act (Northern Ireland) 2015”.

Further provision about remand

- 7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).
- (2) The court may remand the person—
- in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or
 - on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.
- (3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.
- (4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—
- in case where the person is before the court and consents, 28 days;
 - in any other case, 8 days.
- (5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.
- (6) For the purposes of sub-paragraph (5) the relevant police officer is—
- in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;
 - in any other case, the constable who applied for the DVPO.
- (7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—
- detention at a police station; or
 - the custody (otherwise than at a police station) of a constable.
- (8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.
- (9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—
- the person shall, as soon as that need ceases, be brought back before the court;
 - the person shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and
 - the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).
- (10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.
- (11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.
- (12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).
- (13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.
- (14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or

otherwise obstruct the course of justice.

Guidance

- 8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.
 (2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.
 (3) Before issuing guidance under this paragraph, the Department must consult—
 (a) the Chief Constable,
 (b) the Policing Board, and
 (c) such other persons as the Department thinks fit.

Interpretation

- 9.—(1) In this Schedule—
 “associated person” means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;
 “the authorising officer” has the meaning given by paragraph 1(1);
 “a DVPN” has the meaning given by paragraph 1(1);
 “a DVPO” has the meaning given by paragraph 2(1)(c);
 “P” has the meaning given by paragraph 1(2).
 (2) In calculating—
 (a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or
 (b) when the period of 48 hours mentioned in paragraph 4(3) ends,
 Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 are to be disregarded.
 (3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

Pilot schemes

- 10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.
 (2) Such an order may make different provision for different areas.
 (3) More than one order may be made under this paragraph.
 (4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 103.’

Minister of Justice

Amendment 20

New Schedule

After schedule 6 insert -

‘SCHEDULE 6B

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004

“SCHEDULE 6
 FEES

Firearm certificate

1. Grant or renewal of firearm certificate	£88
2. Variation by Chief Constable on application of holder (except as mentioned in paragraph 3)	£26
3. Variation by Chief Constable to substitute one firearm for another of the same calibre or type	£17
4. Duplicate firearm certificate	£14
5. Variation by a Registered Firearms Dealer	£12

Museum firearms licence

6. Grant of museum firearms licence by the Department of Justice	£125
7. Extension of museum firearms licence granted by the Department of Justice to additional premises	£75

Visitor’s firearm permit

8. Grant of visitor’s firearm permit (except where paragraph 8 applies)	£18
9. Grant of six or more visitor’s firearm permits (taken together) on a group application	£60

Firearms dealer’s certificate

10. Grant or renewal of firearms dealer’s certificate	£380
11. Duplicate firearms dealer’s certificate	£14

Firearms club

12. Grant or renewal of authorisation	£95
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Game fair permit

13. Grant of game fair permit	£15
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These fees will not be increased for a period of at least 5 years from the date of commencement.’’

*Mr Paul Frew
 Mr Edwin Poots
 Mr Patsy McGlone*

Amendment 21

New Schedule

After schedule 6 insert –

‘SCHEDULE 6C
SCHEDULE INSERTED AS SCHEDULE 9 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004
“SCHEDULE 9

Article 11.

BANDS

Band	Calibre
1. Small quarry air rifles	.177 - .25
2. Small quarry	.17 Mach 2
	.17 HMR
	.22 LR
	.22 WMR
3. Medium quarry Centre Fire	.17 Centre Fire
	.22 Hornet
	.222
	.204 Ruger
	.223/5.56
	.220 Swift
	.22/250
4. Large quarry Centre F	.243
	25/06
	6.5mm x 55/256
	7mm x 08
	.270
	7.62 x 51/.308
	30/06

Rules for Banded System

1. The banded system applies to firearms conditioned for dual use, eg. field use and for target use in a PSNI approved target club.
2. All handguns are excluded including personal protection weapons.
3. All muzzle loading and black powder firearms are excluded.
4. Any firearm which is “on-loan” can be exchanged under the banded system.
5. A person under a 6 month supervisory condition can still exchange a firearm for another firearm within the same band. The initial supervisory condition will remain in force until the remainder of 6 month supervisory period has been completed.
6. When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.

Any transactions outside of these rules must be carried out under the normal variation process.”’

*Mr Paul Frew
Mr Edwin Poots
Mr Patsy McGlone*

Amendment 22

Schedule 8, Page 140, Line 12

Leave out from beginning to end of line 13 on page 142 and insert -

The Magistrates’ Courts (Northern Ireland) Order 1981 (NI 26)	Article 31. In Article 32— (a) in paragraph (1)(b) the words “a copy of that notice together with” and the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”; (b) paragraph (3).
The Justice and Security (Northern Ireland) Act 2007 (c. 6)	Section 3.

Minister of Justice

Northern Ireland Assembly

Papers Presented to the Assembly on 16 June 2015

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
 - Water and Sewerage Services Bill (NIA Bill 51/11-16)
 - Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16)
 - Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
 - Department of Justice Records and Information Retention and Disposal Schedules (DCAL).
5. Assembly Reports
6. Statutory Rules
7. Written Ministerial Statements
8. Consultation Documents
 - Consultation on draft Waste Management (Amendment No.2) Regulations (Northern Ireland) 2015 (DOE).
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.

Stages in Consideration of Public Bills 17 June 2015

2011-2016 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
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15		
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15		
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15				
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15			
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15				
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15				
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15				
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	23.09.15					
Legal Complaints and regulation Bill 50/11-16	08.06.15	16.06.15	23.09.15					
Water and Sewerage Services Bill 51/11-16	16.06.15							
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15							
Budget (No. 2) Bill 53/11-16	16.06.15							

**2011-2016 Mandate
Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.06.15					
Ombudsman and Commissioner for complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

